

ROSEBURG CITY COUNCIL AGENDA – APRIL 8, 2019
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**
Beverly Cole Bob Cotterell Alison Eggers Linda Fisher-Fowler
Ashley Hicks Brian Prawitz Tom Ryan Andrea Zielinski
4. **Mayor Reports**
 - A. Special Recognition for Assistant Fire Chief Gonterman
 - B. Volunteer Recognition Month Proclamation
 - C. Arbor Day Proclamation
5. **Commission Reports/Council Ward Reports**
 - A. Public Works Commission Appointment – Patrick Lewandowski
6. **Audience Participation – See Information on the Reverse**
7. **Consent Agenda**
 - A. Minutes of Regular Meeting of March 25, 2019
 - B. Cancellation of May 27, 2019 Regular Meeting
 - C. 2019 OLCC License Renewal Endorsement
 - D. Corporate Hangar #19 Lease Assignment
8. **Ordinances**
 - A. Ordinance No. 3522 – Amend Roseburg Municipal Code Regarding Downtown Development District, Second Reading
 - B. Ordinance No. 3533 – Granting a Telecommunications Franchise to 8X8, Inc., First and Second Reading
9. **Resolutions**
 - A. Resolution 2019-04 – Appropriation Transfer for Fiscal Year 2018-19
10. **Department Items**
 - A. Riverfront Park Multi-Use Path Phase 2 Bid Award Recommendation
 - B. Local Bridge Program Grant Acceptance Authorization(s)
 - C. Special Exemption for Contracting Requirements Phase 3 Downtown Streetlighting Improvements
11. **Items from Mayor, City Council**
12. **Adjourn to Executive Session**

Informational

- A. Activity Report

Executive Session ORS 192.660(2)(e) – Negotiation Real Property Transactions

***** 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.

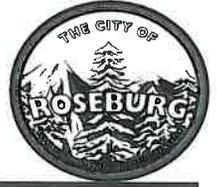
Thank you for attending our meeting – Please come again.

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.

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MAYORS REPORTS A
04/08/2019

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ASSISTANT FIRE CHIEF GONTERMAN SPECIAL RECOGNITION

Meeting Date: April 8, 2019
Department: Administration
www.cityofroseburg.org

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

BACKGROUND

As a 35-year veteran firefighter, Merrill Gonterman was used to encountering and responding to life threatening situations. He did not expect, however, to watch as his daughter Hannah fought for her life and that of her unborn baby in the spring of 2018. Hannah was pregnant when she was diagnosed with leukemia. As part of her chemotherapy treatments, she needed constant blood transfusions and received a total of 40 while she was an intensive care patient at OHSU. The blood and blood products she received played a major role in saving her and her son Jennson's lives.

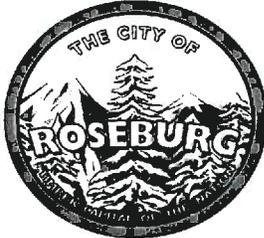
"It was just staggering to me, the amount of blood products one person can need" Merrill said. That stunning realization led Merrill to connect with his local Red Cross so he could learn how to give back. He joined the Red Cross as a board member of the Southwest Oregon Chapter. He then wanted to find a way to pay forward the kindness and generosity of the individuals who had donated the blood that saved his daughter and grandson's lives.

"When I went back to work, everyone was asking what they could do, and I said, "Give blood!" Merrill said. Through blood drives throughout Southern Oregon in 2018, 153 units of blood have been collected with more drives planned in 2019.

Merrill's personal goal is to surpass the 40 blood donations that saved Hannah and Jennson's lives.

I would like to take a moment to show the video produced by Red Cross to recognize Merrill's efforts and to personally recognize him at your regular meeting.

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**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**

RECOGNITION OF CITY VOLUNTEERS

Meeting Date: April 9, 2018	Agenda Section: Mayor Reports
Department: City Parks & Public Works	Staff Contact: Velorie Ligon
www.cityofrosburg.org	Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

In conjunction with "Volunteer Recognition Month," the City wishes to honor publicly those volunteers who have devoted their time and efforts for the betterment of the Roseburg community. These efforts range from commission service to Volunteers in Police Service to individuals and groups that plant flowers and trees in our parks or help as part of the 'Adopt-A-Trail' program – all providing invaluable and greatly appreciated contributions.

The following volunteers will be acknowledged in an advertisement with local news media:

COUNCIL/COMMISSION MEMBERS

City Council

- Larry Rich
- Linda Fisher-Fowler
- Alison Eggers
- Andrea Zielinski
- Tom Ryan
- Brian Prawitz
- Bob Cotterell
- Beverly Cole
- Ashley Hicks
- John McDonald
- Steve Kaser

Airport Commission

- David Morrison
- Daniel Sprague
- Frank Inman
- Clint Newell
- Robb Paul
- Chris Berquist

Parks & Recreation

- Kyle Bailey
- Robert Grubbs
- Leila Heislein
- Robert Walker
- Diana Wales
- Marsha LaVerne

Budget Committee

- Knut Torvik
- Hannah Duncan
- Ken Fazio
- Mike Baker
- Nick Marshall
- Bob Scott
- Patrice Sipos
- Bryan Sykes
- Jon Dyer

Planning Commission

- Ron Hughes
- Ronald Sperry
- Kerry Atherton
- Victoria Hawks
- Daniel Onchuck
- Shelby Osborn
- Charlie Allen
- Elias Minaise

Library

- Marcy Belzner
- Mandy Elder
- Francesca Guyer
- Laura Harvey
- Theresa Lundy
- Kelly Peter

Public Works

- Fred Dayton Jr
- Noel Groshong
- Ken Hoffine
- Stuart Liebowitz
- Nathan Reed
- John Seward
- Vernon Munion
- Roger Whitcomb

Historic Resources

- Bentley Gilbert
- Nicholas Lehrbach
- Marilyn Aller
- Lisa Gogal
- Stephanie Giles
- James Peterson

Economic Development

- Tim Allen
- Don Baglien
- Mickey Beach
- Misty Ross
- Hannah Duncan
- Angela Brown
- Michael Widmer
- Gary Leif
- Paul Zegers

VOLUNTEERS IN POLICE SERVICE

Suzanne Conner
Mary Russell
Doug Burbridge
Tayler Marlin
Shon Atterbury
Bernadette Stepney

CITY BEAUTIFICATION/PARKS ASSISTANCE

Stacey Crowe
Leila Heislein
Jeff & Shirley Woodcock
Trish Brennan
Randy Camp
Andrew Crandal

MOVIES IN THE PARK

Kyle Bailey
Mike & Janice Baker
Randy Ligon

ORGANIZATIONAL AND COMMUNITY SUPPORT

SORB - Open People Group
Roseburg Hometown 4th of July Fireworks
Source One Serenity
Umpqua Community College Upward Bound
Roseburg High School Freshman SLC Students
Umpqua Valley Audubon Society
Blue Zones Project Umpqua
Friends of Umpqua Valley Police K9 Programs
Umpqua Watersheds, Americorps Project
Troop 195 Chase Forsloff Eagle Scout Project

Small Planet Solutions
Bike Walk Roseburg
Umpqua Kennel Club
Umpqua Valley Chapter of NPSO
NeighborWorks Umpqua
DCPARC
Turningpoint Youth
SERVICE
S.E. Neighborhood Watch
South Umpqua Rural Community Partnership

LIBRARY SUPPORT

Anita Nettleton
Barbara Egli
Bettina Bloomberg
Brenda Weber
Capri Moore
Cindy Strahl
Coreen Harker
Corrie Sommerfeld
Dell Olson
Diana Young
Dianne Holborow
Dianne Muscarello
Francesca Guyer
Gary Dubois
Gaylene Lyda
Helen Laurence
Helen Thiessen
James Henry
Jayne Smith
Jeannie Pollock

Joan Seitz
Joy Garrelts
Karen Sickler
Kathleen Cartwright
Geneva "Kay" Rogers
LeaVa Eddings
Leslie Walker
Linda Bahr
Linda Tavenner
Lori Stevenson
Lynn Mathweg
Marcie Vega
Marcy Belzner
Maris Wilson
Mary Cornell
Mary Treece
Michele Cooper
Nancy Tague
Nicole Jaki
Pat Mehlhoff

Pat Sherman
Patricia Duerfeldt
Paul Sherman
Paula Nolet
Peggy Bennet
Robin Kladke
Rose Wattles
Sonja Reber
Stephen Wood
Steve Bahr
Sue Dobson
Summer McDaniel
Susan Massey
Susan Uravich
Tanveer Bokhari
Terry Garrelts
Tim Grisso
Andrea Batz
Earl Bates
Ward Deffebach

PROCLAMATION

CITY OF ROSEBURG, OREGON

VOLUNTEER RECOGNITION MONTH

WHEREAS: the utilization of volunteer services has become crucial in providing needed services to our community; and

WHEREAS: our citizens have graciously donated time and talent toward quality programs and services in all aspects of municipal operations; and

WHEREAS: the City of Roseburg wishes to recognize these individuals and organizations for their continued cooperation and to encourage the voluntary participation of others in this valuable service; and

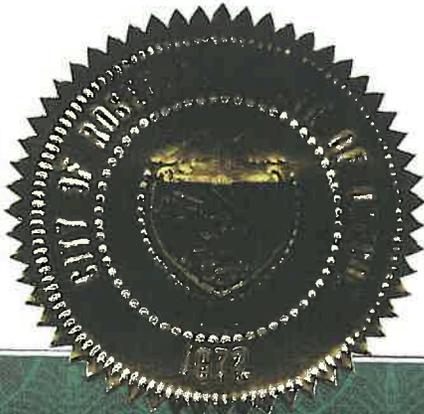
WHEREAS: the City of Roseburg wishes to recognize these individuals and organizations for their dedicated efforts toward developing a sense of community spirit through their service;

NOW, THEREFORE, I, Larry Rich, Mayor of the City of Roseburg, Oregon, do hereby proclaim the month of April 2019 as

VOLUNTEER RECOGNITION MONTH

and urge our citizens to recognize the endeavors made by our volunteers to enhance the quality of life in our community.

DATED this 8th day of April, 2019.



A handwritten signature in cursive script that reads "Larry Rich".

Larry Rich, Mayor

PROCLAMATION

CITY OF ROSEBURG, OREGON

ARBOR DAY

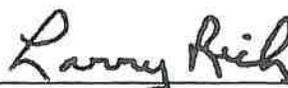
- WHEREAS:** In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and
- WHEREAS:** This special day, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and
- WHEREAS:** Arbor Day is now observed throughout the nation and the world; and
- WHEREAS:** Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife; and
- WHEREAS:** Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and
- WHEREAS:** Trees in our city increase property values, enhance the economic vitality of business areas and beautify our community; and
- WHEREAS:** In honor of Arbor Day, the City of Roseburg Parks department is teaming up with the Roseburg Public Library and the OSU Extension Service to host our annual Arbor Day celebration. The event will take place on April 30th from 2-4pm at the Roseburg Public Library. This free event will have knowledgeable speakers discussing topics such as dealing with storm-damaged trees, fire hazard prevention, and proper pruning techniques. After the presentations, there will be fun activities for kids and a prize drawing.

NOW, THEREFORE, I Larry Rich, Mayor of the City of Roseburg, Oregon, do hereby proclaim April 26, 2019, as

ARBOR DAY

and urge all citizens to celebrate this day and to plant trees to promote the well-being of this and future generations.

DATED this 8th day of April, 2019.



Larry Rich, Mayor



4/3/19

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



PUBLIC WORKS COMMISSION APPOINTMENT

Meeting Date: April 8, 2019	Agenda Section: Council Reports
Department: Administration	Staff Contact: Koree Tate
www.cityofroseburg.org	Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

There was a vacancy on the Public Works Commission after Mr. Reed resigned in February 2019.

BACKGROUND

A. Council Action History. n/a

B. Analysis.

The Municipal Code requires the current vacancy be filled by someone who resides in the city limits.

Since February 2019, Staff had advertised the availability of this Commission vacancy through the local news media and the City's website. An application has now been received from Mr. Patrick Lewandowski.

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

D. Timing Issues. It is recommended an appointment be confirmed as soon as practical.

RECOMMENDATION: Pursuant to the Municipal Code, Staff has not made a recommendation in regard to appointment as that responsibility lies with the Committee Chair and the Mayor.

ATTACHMENTS:

Attachment # 1 - Mr. Patrick Lewandowski's application for appointment.



CITY OF ROSEBURG COMMISSION APPLICATION

Application for Appointment to: **PUBLIC WORKS COMMISSION**

Planning Commission Public Hearings are held at 7:00 p.m. on the 1st Monday of each month in the Council Chambers of City Hall. This Commission reviews and takes action on land use and development projects based on the provisions of the City of Roseburg Land Use and Development Regulations.

Name: Lewandowski Patrick
Last First

Home Address: 1695 NE Ruby Ct 97470
Street Zip Code

Phone Number: 541-900-1447 Cell Phone: 661-373-1262

Email Address: Lewie47@sbcglobal.net

Occupation Retired /
Place of Employment

Business Address Phone

- Do you reside within the Roseburg city limits? Yes No
- Do you own property or a business within the City? Yes No
- How did you learn about this vacancy?
 Newspaper Social Media City Website Word of Mouth
 Other Please Specify:
- The Municipal Code requires a minimum attendance rate of 75% each calendar year.
 Can you meet this requirement? Yes No
- What experience/training do you have that qualifies you for this particular appointment and what specific contributions do you hope to make?
 Served as Chairman of the City of Torrance Environmental Quality Commission hearing Community issues affecting the city from oil drilling & capping, Mobil refinery to billboards, corporate and small business signage city wide to name a few. I've been recognized as a proven leader in the community and in my career - cogent and cogitative, creative in proposing alternative solutions to issues, comprehensive, influential for new ideas and decisive in decision making. I know the Rules of Order in conducting commission and social hearings.
 Over 30 years in sales & marketing management, sales & marketing strategies, product development, supervision, training and motivation of corporate and independent sales personnel. I can be a positive influence on the planning commission.

6. Please give a brief description of your involvement in community groups and activities.
Five (5) years on the City of Torrance, California Environmental Quality Commission (Appointed by the Torrance City Council and elected 4 consecutive 1-year terms as Chairman by the other six Commission members.

Five (5) years on the Board of Directors for Valencia South Valley Homeowners' Association - a 650 member active Homeowners' Association. I was elected as Board President 4 consecutive 1-year terms by the full Board of Directors after serving 1 year as Vice President. I was also Chairman of the HOA's (inaugural and 5 subsequent years) Annual Summer Gala for 650 families

7. Please list community topics of particular concern to you that relate to this appointment.

I am concerned about how the development and land use coincides and is compatible with the values of our city, its businesses and residents. I believe in identifying and resolving community and business concerns in city planning business amiably to all concerned parties. Use my experience to formulate with other commission members a cohesive city plan between the businesses, developers, residential communities and the City of Roseburg regarding land use and development and to making it a better place live, work and able to conduct business harmoniously.

8. Please list your reasons for wishing to be appointed.

My proven record of professionalism, leadership, creative ideas and achievements in my life and my career in the corporate environs, as a former small business owner and my community service experience, I can be of great assistance and positive influence on our city.

I want to share my abilities, skills, influence and leadership experience with the City of Roseburg, its residents and businesses as a Planning Commissioner member to make it a great place to live and conduct business through thoughtful city planning in land use and development.



Applicant Signature

1-25-19

Date

Return completed application to the City Administration Office, 900 SE Douglas, Roseburg, OR 97470 or e-mail to info@cityofroseburg.org.

If applicable, you will be advised when the City Council will conduct interviews of the applicants. Plan to be present to discuss your application with the Council. The Council will endeavor to make its selection at that meeting; however, it may wish to take more time to deliberate before making the appointment.

Information on this form is public information.

Thank you for your expression of interest in serving the community.

Note: City of Roseburg employees may not serve on an elected body.

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
March 25, 2019**

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on March 25, 2019 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon. Councilor Hicks led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Beverly Cole, Bob Cotterell, Linda Fisher-Fowler, Ashley Hicks, Brian Prawitz, Tom Ryan and Andrea Zielinski.

Absent: Councilor Alison Eggers

Others Present: City Manager Lance Colley, City Recorder Amy Sowa, City Prosecutor Jim Forrester, Human Resources Director John VanWinkle, Community Development Director Stuart Cowie, Police Captain Jeremy Sanders, Finance Director Ron Harker, Public Works Director Nikki Messenger, Library Director Kris Wiley, Management Assistant Koree Tate, Max Egener of the News Review and Kyle Bailey of KQEN.

CHILD ABUSE PREVENTION MONTH PROCLAMATION

Mayor Rich proclaimed the month of April 2019 as Child Abuse Prevention Month. Douglas Cares Director, Mike Nores, accepted the proclamation and provided statistics and information about the program. Douglas County was fortunate to have people who take an active role in the community. His program sees many kids and the numbers continue to increase with the ages getting younger. There are 1,000 counties in the US that work with over 375,000 children. In Oregon, there are 23 child abuse centers, but locally, they work with nine other agencies and will reassess over 700 children this year. He offered a tour and more information upon request.

COMMISSION/WARD REPORTS

Councilor Zielinski had a Historic Resource Review Commission Meeting where they approved a demolition permit application for the former Safeway building and a grant application for downtown area improvements.

Councilor Cotterell stated the Public Works Commission met and discussed the Water System SCADA Project that was on the agenda for approval.

Councilor Prawitz attended a MedCom meeting where discussion ensued about the impact from the snowstorm, issues reaching people and fees the County charges for dispatch services. He also had a Library Commission Meeting where the new Youth Services Librarian was introduced and they discussed the makerspace survey results.

CITY COUNCIL/STATE AGENCY INFORMATION DISCUSSION

Mr. Colley explained Staff was requested to provide Council with e-mails and correspondence related to issues surrounding the South Umpqua River and conversations with state agencies. The correspondence ultimately revolved around how the City might go about asking the State of Oregon to take over ownership of the river. The process suggested was to consider a navigability study, which if completed, could allow the State to obtain ownership to the normal

high water mark. The study and any conclusion would have no impact on the issues involved in the DEQ complaint, the Roseburg Municipal Code or enforcement of State and local laws. Staff contacted Department of State Lands (DSL) to review an e-mail from Mr. Kirk Jarvie to determine how information was presented and why Mr. Jarvie might suggest the course of action he did.

It appeared that Mr. Jarvie was providing information so the "City of Roseburg" had an idea what potential actions could be undertaken. Mr. Colley explained that Council had not requested the information, but that an individual had made the request. Councilor Ryan stated he was not interested in taking property from City owners to the high water mark, which could make it more difficult to handle current homeless issues.

Councilor Hicks explained her course of action regarding the complaint submittal, who she contacted and that she alerted Mayor Rich and Mr. Colley. She was in a pursuit of information as a citizen who had been handling river cleanups over the last seven years and had previously submitted complaints regarding pollutants. She wanted to understand waterway rights and hoped a navigability study would provide useful information to help keep the rivers clean and promote future economic growth. She wanted information to provide to the rest of Council for an informed discussion. In response to Councilor Cotterell, Councilor Hicks confirmed she made contact with the different agencies as a citizen and did not represent herself as a City Councilor.

Mayor Rich stated City Staff wanted confirmation on what to tell the State agencies that were contacted in regards to coming to the area for a navigability study. Councilor Fisher-Fowler said she did not want to proceed with a study at this time. In response to Councilor Prawitz, Councilor Hicks explained her initial complaint was to the DEQ about river pollution from transient camps. She also wanted the Department of State Lands to come and enforce river cleanup, but was told they did not have authority over the City for the Templin Beach Park area.

Councilor Prawitz, in his opinion, said rules, processes and conversations matter. He encouraged Councilors to contact each other when there is an idea and to have a conversation and determine if it needs added to an agenda. Councilor Ryan made a motion for City Staff to contact the State agencies and inform them Council did not want to proceed with a waterway navigability study. Motion was seconded by Councilor Fisher-Fowler and passed with the following vote: Councilors Cole, Cotterell, Fisher-Fowler, Prawitz, Ryan and Zielinski voted yes. Councilor Hicks voted no.

Councilor Hicks moved to get more information from the Governor's Office that was offered. The motion did not receive a second so it did not move forward for a vote.

AUDIENCE PARTICIPATION

Kalinna Alderman, 206 Wilene Court, explained the trash that goes into the river in the Roseburg area is seen near her home in Melrose. She would like to help with cleanup efforts and asked for information and guidance from Council regarding the next steps.

Mereta Brown, 1122 W Neill Avenue, shared her frustration regarding trash and transient activity near her home. She offered to help with cleanup efforts and asked for direction on what to do about the issues in Roseburg.

Pam Berman, 542 W Warren Court, asked Council to consider creating a task force or committee to help provide community support and guidance with the complex situation Roseburg faces regarding trash and homeless issues. Councilor Prawitz stated there was a group called HTAG (Homeless Transitions Action Group) that meets on Wednesday at the Dream Center. Councilor Zielinski added there was another group called Homeless Solutions in Douglas County and concurred that one of the biggest issues being faced was the homeless population and trash. She has compassion for those living on the street, but understood others who did not feel safe. Councilor Ryan said the City was open for suggestions and explained the importance of working on drug use, alcoholism and mental health issues.

Patricia Kolb, 333 S Comstock in Sutherlin, discussed how she overcame the obstacles of being homeless. She was fortunate to be provided with a hand up, respect, dignity, clothing and an address to use to begin searching for a job. She explained the importance of having enough trash cans and restrooms available and offered to help with cleanup efforts.

Sid Toleno, 3880 Hitchman Lane, said he was impressed with the work done by the City, but asked for notification of meetings if they involved property in the Charter Oaks area.

Alyssa McConnel, 1308 Old Pacific Hwy, Myrtle Creek, asked for more information regarding the downtown ordinance changes, how the grant projects were chosen, what was the intended use for the Willis House by NeighborWorks Umpqua and the type of changes the grant funds would provide.

Jeff Gardenhire, 1257 N Old Pacific Hwy, shared that homeless camps were also in the Myrtle Creek area along the riverbanks. He offered to help with cleanup efforts and suggested the City look at providing a clean place for people to camp with the rule of providing community service to help keep the area and town free of refuse.

David Reeck, 2090 NW Excello Drive, said he supported the project to add electric car charging stations in Roseburg.

Betsy Cunningham, 805 SE Stephens, provided a Housing for Umpqua brochure with information to help reduce homelessness by increasing access to income, housing and services. She asked Council to consider providing more bathrooms where people needed them and to provide more trash cans and sharps containers. She said Mr. Fieldman at UCAN confirmed they pay \$200.00 a month for each portable toilet. Mr. Colley explained the City provides funds to UCAN that helps pay for that service.

Councilor Hicks thanked those who came forward to discuss concerns and offer help with the river and trash issues. She encouraged others to provide complaints to DEQ and allow the process to take place and continue to work together as a community to collaborate and address homeless issues and refuse. Councilor Zielinski also thanked those who offered assistance

for cleanups. She would like to work together to find solutions. She requested Staff provide information to the Council about what the City is currently doing to address these concerns.

Councilor Prawitz reminded everyone that when illegal camping was previously discussed, they told citizens to call dispatch and if there was danger, call 911. He explained the City had a process and there had been movement and action, but they needed to follow rules and people's rights. He had success in his Ward when working with residents and ADAPT to clean up the riverbanks and clear brush and overgrowth. He asked citizens to contact the Councilor of their Ward if they had concerns.

Mayor Rich supported a discussion with Staff to review the idea of a committee or task force.

CONSENT AGENDA

Councilor Ryan moved to approve the following Consent Agenda items:

- A. Minutes of Special Meeting of March 11, 2019
- B. Minutes of Regular Meeting of March 11, 2019

The motion was seconded by Councilor Cotterell and approved with the following vote: Councilors Cole, Cotterell, Fisher-Fowler, Hicks, Prawitz, Ryan and Zielinski voted yes. No one voted no.

ORDINANCE NO. 3521 – AMENDMENTS TO THE ROSEBURG MUNICIPAL CODE REGARDING ASSESSMENT OF ABATEMENT COSTS, SECOND READING

Ms. Sowa read Ordinance No. 3521, entitled, "An Ordinance Adding Subsection 7.06.060 (F) To The Roseburg Municipal Code Regarding Assessment of Abatement Costs" for the second time. Councilor Ryan moved to adopted Ordinance 3521. Motion was seconded by Councilor Hicks. Roll call vote was taken and was approved with the following vote: Councilors Cole, Cotterell, Fisher-Fowler, Hicks, Prawitz, Ryan and Zielinski voted yes. No one voted no. Mayor Rich declared Ordinance No. 3521 as adopted.

ORDINANCE NO. 3522 – AMEND ROSEBURG MUNICIPAL CODE REGARDING DOWNTOWN DEVELOPMENT DISTRICT, FIRST READING

Mr. Colley reported the Downtown Development District was originally created to support economic development and provide a mechanism to levy ad valorem taxing authority for downtown parking. The taxes collected in this district were used to pay off the bond that was secured to build the downtown parking garage. That bond was paid in full a number of years ago, and in 2005, Council adopted ordinances removing the Downtown Development Board (Chapter 2.16) and the Downtown Development District Tax (Chapter 9.14).

The proposed ordinance removes reference to Chapter 2.16 and references to the Downtown Development District Board and Downtown Development Fund throughout the Code; changes the name of the Downtown Development District to the Downtown Parking District to better fit the purpose of the designation; and adds the term "its agent" to sections in the Code related to parking enforcement within the parking district. Because the City does not currently collect additional ad valorem taxes for downtown, this amendment would have no financial impact. Potential Code amendments would bring the Code up-to-date.

Councilor Hicks explained she did not advocate for additional taxes, but felt reinstatement of a Downtown Development District could be beneficial. She suggested using parking fees to help with economic development in the downtown area. Mr. Colley explained money received goes to the utilities for parking lots and striping and Council had previously chosen to eliminate the Board. If Councilor wanted to reinstate a Downtown District, that would be an option to consider. Mayor Rich said a discussion could be brought back, but during this time, the issue was only to remove the inconsistencies in the Municipal Code.

Council agreed to proceed with a first reading of the Ordinance. Ms. Sowa read Ordinance No. 3522, entitled, "An Ordinance Amending the Roseburg Municipal Code by Removing Chapter 3.08 "Downtown Development District"; Amending Section 3.14.010; Amending Section 8.02.070, 8.02.140, 8.04.005 Changing Downtown Development District to Downtown Parking District; and Amending Section 8.04.030," for the first time.

RESOLUTION NO. 2019-03 – NATIONAL PARK SERVICE HISTORIC REVITALIZATION SUBGRANT PROGRAM APPLICATION

Mr. Cowie advised the City of Roseburg, Downtown Roseburg Association, NeighborWorks Umpqua (NWU), and Umpqua Valley Arts Association (UVAA) have worked together and separately for many years toward improving our community. The City revitalized downtown with award winning street improvements, façade grants, and increased community policing. UVAA promotes arts for our citizens, school children to seniors, from its National Register listed building owned by the City. Downtown Roseburg Association promotes downtown as a Performing Main Street City. NWU works to educate low-income homeowners and renters of our area while promoting a unique identity and pride in our downtown area.

The DRA applied for a 2018 Oregon Main Street (OMS) Revitalization Grant to support rehabilitation and adaptive reuse of the Willis House, owned by NWU, to house and to expand Umpqua Community Property Management programs. Funding from the \$200,000.00 OMS grant will jump start the project to save this National Register treasure as well as provide a competitive match toward the NPS application, the first of an all-inclusive grant and locally funded effort to combine our partners' energies to strengthen Economic Development, Community Development, Culture, Main Street, Historic Preservation and Tourism within the Roseburg Downtown National Register District. No financial match is required to apply for the HRSP grant. The HRSP application must be submitted to NPS no later than April 1, 2019.

In response to Mayor Rich, Mr. Cowie confirmed the minimum grant award was \$100,000.00, but they applied for the full amount. In response to Councilor Hicks, Mr. Colley said the Willis House fencing would be removed as part of their renovation.

Councilor Zielinski moved to adopt Resolution No. 2019-03 authorizing and supporting a grant application to NPS Historic Revitalization Subgrant Program for historic preservation and economic development efforts within Roseburg Downtown National Register Historic District. Motion was seconded by Councilor Hicks and approved with the following vote: Councilors Cole, Cotterell, Fisher-Fowler, Hicks, Prawitz, Ryan and Zielinski voted yes. No one voted no.

PHASE 3 – WATER SYSTEM SCADA IMPROVEMENTS BID AWARD RECOMMENDATION

Ms. Messenger reported the City went through a qualifications based selection process and selected RH2 Engineering, Inc. to evaluate the existing Supervisory Control and Data Analysis (SCADA) system and provide a short-term and long-term strategy for upgrading and maintaining the City's system. The "City of Roseburg Telemetry Study" was completed in February of 2015 and includes a recommendation for a series of improvements that would allow the City to implement the entire SCADA water distribution and treatment conversion process in phases. Phase 1 of the Water System SCADA Improvements was implemented in 2017. It included engineering, SCADA communication design, a City-wide radio survey, SCADA software purchase, SCADA master controller design, and construction of a new radio communication system between Reservoirs 5, 6, & 7 and the water treatment plant.

Phase 2 of the Water System SCADA Improvements was implemented in 2018. It included engineering, SCADA communication design, control system installation and integration at seventeen water system facilities. Phase 2 included pump stations, reservoirs, and control valves.

Phase 3 includes the integration of the control system at the City's Winchester Water Treatment Plant and includes replacement of the existing water treatment plant automatic control system, installation of electrical, control system, and water quality monitoring equipment throughout the water treatment plant, installation of telemetry equipment and software at Joanne Pump Station and installation of radio system equipment, radio antenna masts, solar power system, pressure transmitters, & telemetry equipment and software at the Boyer Reservoir.

The FY 2018-19 Water Fund Capital budget includes \$1,300,000.00 for the SCADA project. To date, \$828,932.00 had been spent in the current fiscal year on various phases of the project. Councilor Cotterell moved to award the Phase 3 – Water System SCADA Improvements Project to the lowest bidder, Pacific Electrical Contractors, Inc. for \$535,610.00. Motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Cole, Cotterell, Fisher-Fowler, Hicks, Prawitz, Ryan and Zielinski voted yes. No one voted no.

PHASE 3 – WATER SYSTEM SCADA IMPROVEMENTS ENGINEERING TASK ORDER AUTHORIZATION

Ms. Messenger stated the City went through a qualifications based selection process and selected RH2 Engineering, Inc. to evaluate the existing SCADA system and provide a short-term and long-term strategy for upgrading and maintaining the City's system. The "City of Roseburg Telemetry Study" was completed in February of 2015 and includes a recommendation for a series of improvements that will allow the City to implement the entire conversion process in phases.

On December 14, 2015, Council awarded a Master Design Contract to RH2 Engineering, Inc. with the understanding that each task order would be negotiated based on the work being accomplished. This proposed task order includes services during construction and control system software development for the final phase of the SCADA project. This phase included adding new SCADA communication equipment to the Boyer Reservoir, Joanne Pump Station, Sunshine Park Repeater and Winchester Water Treatment Plant. Major project components for this task order included project management services, programmable logic controller (PLC),

operator interface (OI), and human machine interface (HMI) software development to control and monitor equipment at the sites, startup, testing, commissioning, and training of each new control system, HMI software, alarm notification system, and operations and maintenance (O&M) material and services during construction. The proposed cost of the task order was \$364,381.00.

Councilor Cotterell moved to authorize a task order for engineering services for Phase 3 of the Water System SCADA Improvements with RH2 Engineering, Inc. for an amount not to exceed \$364,381.00. Motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Cole, Cotterell, Fisher-Fowler, Hicks, Prawitz, Ryan and Zielinski voted yes. No one voted no.

FUNDING REQUEST – ELECTRIC VEHICLES/CHARGING STATION

Mr. Cowie reported the Pacific Power Electric Vehicle Charging Grant would enable the construction of eight charging ports, two at each identified location. The charging stations would provide a “Level 2” charging port that was capable of charging most electric vehicle models. Charge times will vary based on the battery included within the vehicle model. However, it was anticipated that tourists visiting the area would typically need to charge their vehicle for one to two hours in order to make their next reasonable charge point. Each charging station would include a usage monitoring system that will provide data concerning the amount of power being used for the City and Pacific Power to review. Funding for the request would come from the Hotel/Motel tax fund devoted to tourism activity currently in excess of \$300,000.00. The Pacific Power grant requires that the charging stations be constructed by December 31, 2019.

Mr. Reeck discussed how adding the charging stations would increase tourism and could be part of Travel Oregon’s electric charging station routing map. The Southern Oregon Arts and Byway provides charging locations that attracts people to different areas. In response to Councilor Cotterell, Mr. Cowie explained the City would pay for electricity used at the charging stations. Mr. Reeck compared the usage for a Chevy Bolt that has a 16kw battery and would take a couple hours to charge costing the City an average of \$1.46, comparable to the lights used in the downtown area. In response to Mayor Rich, Mr. Reeck said the same vehicle could travel 230 miles on a charge. Mr. Colley added the charging station locations were based on the walkability and proximity to other attractions such as shopping and restaurants.

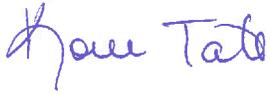
Councilor Ryan moved to authorize the use of \$25,000 as match to the Pacific Power grant in order to construct charging stations at four locations within the City of Roseburg. Motion was seconded by Councilor Prawitz and approved with the following vote: Councilors Cole, Cotterell, Fisher-Fowler, Hicks, Prawitz, Ryan and Zielinski voted yes. No one voted no.

ITEMS FROM MAYOR AND COUNCIL

Councilor Hicks provided information regarding broken streetlights on the Oak Street Bridge. Mr. Colley confirmed he received her message and the lights were under contract and would be fixed. Councilor Hicks stated she noticed water coming up through a section of the end of Micelli Street where patchwork had previously taken place. Mr. Colley said Staff would check the area.

ADJOURNMENT

The meeting adjourned at 9:00 p.m. to enter into an Executive Session, ORS 192.660(2)(a) regarding the City Manager hiring process.



Koree Tate
Management Assistant

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

JK
9/3/19

CONSENT AGENDA B
04/08/2019



May 27, 2019 - MEETING CANCELLATION

Meeting Date: April 8, 2019
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 May 27, 2019, City Council meeting falls on Memorial 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. 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 May 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 May 27, 2019, City Council meeting.

SUGGESTED MOTION

I MOVE TO CANCEL THE MAY 27, 2019 COUNCIL MEETING, RESERVING THE OPTION TO CALL A SPECIAL MEETING SHOULD THE NEED ARISE.

eye
4/3/19



**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**

ANNUAL RENEWAL OF ALL OLCC LICENSES

Meeting Date: April 8, 2019
Department: City Administration
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

All liquor licenses issued in the City of Roseburg are granted on an annual basis and must be renewed prior to July 1 of each year. Roseburg Municipal Code 9.12 requires a recommendation from Council as to whether or not the license renewals should be approved.

BACKGROUND

Attached hereto is a list of all current OLCC licensees in the City of Roseburg that may be seeking renewal prior to July 1, 2019. To manage the renewal process in a more cost-effective manner, each year the entire list is submitted to Council in April, rather than waiting to bring each application to Council as they are individually submitted.

- A. Council Action History.** Council typically recommends OLCC approval of all license renewals after they have been reviewed and approved by the Police Department.
- B. Analysis.** The Police Department has reviewed the list of licenses and has no objection to renewal of all licensees.
- C. Financial and/or Resource Considerations.** Each licensee will be required to pay a renewal fee of \$35.00.
- D. Timing Issues.** As noted, all current licenses will expire on June 30, 2019.

COUNCIL OPTIONS

Council may recommend that OLCC approve renewal on all applications as submitted, deny all applications or approve certain applications and deny others.

STAFF RECOMMENDATION

Staff recommends approval of renewal applications for all licensees.

SUGGESTED MOTION

"I MOVE TO RECOMMEND OLCC APPROVAL OF ALL 2019 RENEWAL APPLICATIONS RECEIVED FROM LICENSEES IN THE CITY OF ROSEBURG."

ATTACHMENTS

Attachment #1 - List of Current Licensees

Oregon Liquor Control Commission Licensee List - 2019

Renewal Fee

Per \$35.00

	Licensee	Local Location
1	1 AM Market	1931 NE Stephens Street
2	Abby's Pizza	1661 NE Stephens Street
3	Abby's Pizza	2585 Diamond Lake Boulevard
4	Albertson's Food Center #515	3013 NW Stewart Parkway
5	Alexander's Greek Cuisine	643 SE Jackson Street
6	Ami Japanese Restaurant	634 SE Cass Avenue
7	Anderson Market & Deli	1030 W Harvard Avenue
8	Applebee's Neighborhood Grill	2755 NE Edenbower Boulevard
9	Aroy, LLC	1350 NE Stephens Street Suite 24
10	ARS 537	2610 NW Edenbower Boulevard
11	Asia Garden	2405 NE Diamond Lake Boulevard
12	Associated Cellars & Grifts	444 NE Winchester Street
13	Backside Brewing, LLC	1640 NE Odell Avenue
14	Bangkok West	2521 W Harvard Avenue
15	Bi-Mart #609	1381 NW Garden Valley Boulevard
16	Big Bear Growler Station LLC	2587 W Harvard Avenue
17	Blac-n-Bleu, LLC	1700 Garden Valley Boulevard, Suite 101
18	Bob's Deli	1147 NE Stephens Street
19	Brix 527	527 SE Jackson Street
20	Brutke's Wagon Wheel	227 NW Garden Valley Boulevard
21	Burrito Vaquero Mexican Restaurant	850 Garden Valley Boulevard
22	Buy 2 011	1859 Diamond Lake Boulevard
23	Buy 2 013	334 W Harvard Avenue
24	Caddyshack Bar & Grill	1005 Stewart Parkway
25	Charley's BBQ	812 W Harvard Avenue
26	Chen's Family Dish House	968 NE Stephens Street
27	Chi's Garden Restaurant	1023 NE Stephens Street
28	Colony Market	1612 NE Keasey Street
29	Costco Wholesale #1073	4141 NE Stephens Street
30	Deathtrap Dressed to Kill	516 SE Jackson Street Ste. 102
31	Denny's #7743	350 W Harvard Avenue
32	Diamond Lake Market LLC	2976 Diamond Lake Boulevard
33	Dinos Ristorante Italiano	404 SE Jackson Street
34	Dollar General Store #19709	2141 NE Diamond Alek Blvd
35	Douglas County Farmers Co-op	3171 NE Stephens Street
36	Downtown Market LLC	741 SE Jackson Street

Licensee		Local Location
37	El Dorado Restaurant LLC	368 NE Winchester Street
38	Elk's Lodge #326 Roseburg	749 SE Jackson Street
39	Elmer's Breakfast Lunch Dinner	1440 NW Mulholland
40	Fast Stop Market Diamond Lake	2275-2285 NE Diamond Lake Boulevard
41	Fox Den Eatery	838 NW Garden Valley Boulevard
42	Fred Meyer #281	929 NW Garden Valley Boulevard
43	Garden Valley Liquor Store	780 Garden Valley Boulevard #84
44	Garden Valley Market	247 NW Garden Valley Boulevard
45	Gilberto's Mexican Restaurant	1347 NE Stephens Street
46	Grocery Outlet	930 W Harvard Avenue
47	Hampton Inn & Suites of Roseburg	1620 NW Mulholland
48	Idle Hour Tavern	216 NE Jackson Street
49	J&J Market #2	1532 SE Stephens Street
50	Jersey Lily Tavern	1430 NE Dee Street
51	Kodiak Bar & Grill	929 SE Stephens Street
52	Lee's Restaurant	2011 NE Stephens Street
53	Lil Pantry LLC	2611 NW Edenbower Boulevard
54	Linus Oakes	2665 Van Pelt Boulevard
55	Little Brothers Pub	428 SE Main Street
56	Loggers Tap House Inc.	2060 NW Stewart Parkway
57	Los Dos Amigos #6	1390 NE Stephens Street
58	Mariachi Loco Mexican Restaurant	647-649 SE Jackson Street
59	McMenamin's	700 SE Sheridan
60	North Forty Beer Company	435 SE Jackson Street
61	North Umpqua Video & Umpqua Wine Cellar	1370 NW Garden Valley Boulevard
62	Oak Market	711 SE Oak Street
63	Old Soul Pizza LLC	525 SE Main Street
64	Parkway Market 1	2980 NW Stewart Parkway
65	Paul O'Brien Winery	606 SE Stephens Street
66	Purple Parrot - Stewart Parkway	3001 NW Stewart Parkway, Suite 101
67	R Mart	2646 W Harvard Avenue
68	Red Robin	2200 NE Stewart Parkway
69	Renard's Deli	2230 NW Stewart Parkway A-3
70	Ridgeway Market	1800 NW Garden Valley Boulevard
71	Rite Aid #5380	1430 NW Garden Valley Boulevard
72	Rite Aid #5382	444 SE Stephens Street
73	Rodeo Family Inc.	1200 NW Garden Valley Boulevard
74	Roseburg Chevron Center	2625 NE Diamond Lake Boulevard
75	Roseburg Cinemas	1750 NW Hughwood
76	Roseburg Tobacco & Food Mart	2050 NE Stephens Street
77	Round Table Clubhouse - 236	2040 NW Stewart Parkway
78	Rumors	2686 NE Diamond Lake Boulevard

Licensee		Local Location
79	Safeway Stores #1666	1539 NE Stephens Street
80	Salud Brewery	723 SE Lane Avenue
81	Scoreboard Tavern	920 SE Stephens Street
82	7 Seven Thai Restaurant Inc.	764 NW Garden Valley Boulevard #101
83	Shari's of Roseburg #243	3030 NW Aviation Drive
84	Shazaam's	2421 W Harvard Avenue
85	Shazaam's #2	2441 W Harvard Avenue
86	Sherm's Thunderbird Market #4	2553 NW Stewart Parkway
87	Short Cut Market	508 NE Winchester Street
88	Si Casa Flores	780 NW Garden Valley Boulevard #44B
89	Sizzler Family Steak House #228	1156 NW Garden Valley Boulevard
90	South Gate Market & Deli Inc.	1967 SE Stephens Street
91	Stephens Arco AM PM	2530 NE Stephens Street
92	Stephens Market LLC	1458 SE Stephens Street
93	Tee Pee Tavern	1830 NE Stephens Street
94	TenDown Bowling & Entertainment	2400 Diamond Lake Boulevard
95	T-Mart	1515 W Harvard Avenue
96	Trella Vineyards	642 SE Jackson St
97	True Kitchen & Bar	629 SE Main Street
98	Two-Shy Brewing, LLC	1308 NW Park Street
99	Umpqua Golf Management	1005 NW Stewart Parkway
100	Vapor Krave LLC	250 NE Garden Valley Boulevard #3
101	Walgreens #12068	1377 NE Stephens Street
102	Walgreens #13819	1236 NW Garden Valley Boulevard
103	Walmart #2477	2125 NW Stewart Parkway
104	Wild Rose Bar & Grill	805 SE Stephens Street
105	Yellow Flamingo #2	177 NW Garden Valley Boulevard

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4/3/19

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Corporate Hangar #19 Lease Assignment

Meeting Date: April 8, 2019
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

The current owner of corporate hangar #19 has requested a lease assignment. The issue for the Council is whether to approve the assignment.

BACKGROUND

A. Council Action History. None

B. Analysis. Staff received a request from Carl Coffman to reassign the lease for corporate hangar space #19 from Tater Rental, LLC to Vehrs Vineyard LLC. The original lease for hangar #19 became effective on January 1, 2007. The initial term of the lease is for 20 years and six months. The initial term will be in effect until June 30, 2027. According to the Roseburg Municipal Code Section 3.22.160, any change to a lease that has a remaining term of over five years must be approved by the City Council after a recommendation from the Airport Commission.

C. Financial and/or Resource Considerations. None

D. Timing Issues. The affected parties have requested that the lease assignment be processed as quickly as practical in order to facilitate the closing on the sale of the hangar.

COUNCIL OPTIONS

The Council has the following options.

1. Approve the lease assignment from Tater Rental, LLC to Vehrs Vineyard LLC.; or
2. Request additional information; or
3. Deny the lease assignment.

STAFF RECOMMENDATION

Staff polled the Airport Commission regarding this lease assignment. The Commission recommended approving the lease assignment. Staff concurs with this recommendation.

SUGGESTED MOTION

I move to approve the lease assignment for corporate hangar #19 from Tater Rental, LLC to Vehrs Vineyard LLC.

ATTACHMENTS

None

4/3/19

ORDINANCE NO. 3522

AN ORDINANCE AMENDING THE ROSEBURG MUNICIPAL CODE BY REMOVING CHAPTER 3.08 "DOWNTOWN DEVELOPMENT DISTRICT"; AMENDING SECTION 3.14.010; AMENDING SECTION 8.02.070, 8.02.140, 8.04.005 CHANGING DOWNTOWN DEVELOPMENT DISTRICT TO DOWNTOWN PARKING DISTRICT; AND AMENDING SECTION 8.04.030

WHEREAS, On March 14, 2005, Council adopted Ordinance No. 3188, "An Ordinance Repealing Chapter 2.16 of the Roseburg Municipal Code and Abolishing the Downtown Development Board" and Ordinance No. 3189, "An Ordinance Repealing Chapter 9.14 of the Roseburg Municipal Code and Abolishing the Downtown Development District Tax"; and

WHEREAS, Sections in the Roseburg Municipal Code still reference Chapter 2.16 and the Downtown Development Board and Downtown Development Board; and

WHEREAS, the Downtown Development District includes most of the same area as the parking district and would be more appropriately designated the Downtown Parking District; and

WHEREAS, the City of Roseburg contracts for parking enforcement in the parking district downtown and should be noted within the Code.

THEREFORE, The Roseburg Municipal Code is hereby amended as follows:

SECTION 1. Chapter 3.08, "Downtown Development District" which currently includes information and reference to the Downtown Development Board and Downtown Development Fund, both of which were abolished in 2005, is hereby removed.

SECTION 2. Subsection 3.14.010 "Special fund established" is hereby amended as follows:

3.14.010 (A) There is established a special fund, designated as the "Off Street Parking Fund," to become effective July 1, 1970. All funds in the existing budgetary Off Street Parking Fund shall be transferred into the Off Street Parking Fund. All funds from parking meters and from rental or other revenues from off street parking facilities shall be deposited into the Off Street Parking Fund.

3.14.010 (B) All funds received and deposited in the Fund shall be used and expended to pay the operating costs of all parking facilities on or off street.

SECTION 3. Subsection 8.02.005 "Definitions" is hereby amended as follows:

8.02.005 - Definitions.

In addition to those definitions contained in the adopted sections of the Motor Vehicle Laws of Oregon, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

- A. "Bicycle" means every device propelled by human power upon which any person may ride, having two or more tandem wheels either of which is over twenty inches in diameter.
- B. "Bus stand" means a fixed area in the roadway adjacent to the curb to be occupied exclusively by buses for layovers in operating schedules or waiting for passengers.
- C. "Curb" means the extreme edge of the roadway.
- D. "Downtown Parking District" means that part of the City inside the area having boundaries on the north by Douglas Avenue, on the south by Lane Street, on the west by mid-block between Rose and Stephens Streets and on the east by mid-block between Main and Kane Streets; including the northwestern corner at SE Stephens Street and SE Cass Avenue, more particularly described as Tax Lot 12300.

SECTION 4. Subsection 8.02.070 "Limitation for historic structures" is hereby amended as follows:

8.02.070 Limitation for historic structures.

When installing parking meters in the public right-of-way, if the property abutting the public right-of-way appears on the National Register of Historic Places, the City Manager shall first notify the owner of the historic property and if the owner in writing objects to the installation and agrees to pay and faithfully pays the fees set by council resolution, parking meters shall not be installed immediately adjacent to the historic property. The minimum fee to be paid by an owner of such historic property located within the parking district, defined in Section 8.04.005, shall be equal to the fees and charges imposed on comparable property within the Downtown Parking District. Nothing in this Section shall limit the Council's authority to require the installation of parking meters upon appeal or otherwise.

SECTION 5. Subsection 8.02.110 (A)(1)(a) and (B) "Special parking permits" are hereby amended as follows:

8.02.110 (A)(1)(a) Disabled Person Parking Permit. Subject to the limitations under the following Paragraph (b), the permit allows its holder, or another person while transporting its holder to or from the parking location, to exercise the following privileges:

- i. Park a motor vehicle in any public parking zone restricted as to the length of time permitted therein without incurring penalties imposed for overtime parking in such zones;
- ii. Park a motor vehicle in any public parking zone with metered parking without being required to pay any parking meter fee; and

- iii. Park for an unlimited amount of time within the Downtown Parking District.

8.02.110 (B)(1) Delivery of Service Permits. The Police Chief or the City's agent may issue delivery or service permits to persons regularly using passenger-type vehicles for the delivery of service or delivery or pickup of merchandise. Upon proof of necessity, the Police Chief or the City's agent may also issue such permits for commercial-type vehicles, if such vehicles are performing an essential service. The fees for such a permit shall be set by Council resolution. No metered space shall be used by any permit holder for any continuous period of time longer than the time provided on the meter in question. Delivery and service permits may be used in the Downtown Parking District to allow parking for a maximum period of one hour. Delivery and service permits may also include a one-hour loading permit at the said fee for loading and unloading inside the Downtown Parking District established in Chapter 8.04.2. No person shall use a delivery or service permit for any purpose other than that authorized by the permit. Willful violation of these provisions will result in forfeiture of the permit and denial of future permits.

SECTION 6. Section 8.02.140 (A)(1) "Regulations relating to recreational-type devices or toy vehicles" is hereby amended as follows:

8.02.140 (A)(2) Any sidewalk within the Downtown Parking District as defined in Chapter 8.02 of this Code;

SECTION 7. Chapter 8.04 title and Section 8.04.005 "Definitions" are hereby amended as follows:

Chapter 8.04 PARKING IN DOWNTOWN PARKING DISTRICT

8.04.005 (C) "Primary area" means Downtown Parking District as defined in Chapter 8.02.

SECTION 8. Section 8.04.030 (A) and (C) are hereby amended as follows:

8.04.030 (A) By the 15th of January each year; and in case of a business, occupation, tenancy or profession being commenced within the primary and/or secondary areas, within ten days after the commencement:

1. An employer of a person employed part-time or full-time or as a contracted service provider in the primary and/or secondary areas shall furnish the City or its agent the full name of the employer, the employees, and the service providers and the vehicle license number of each vehicle they own;
2. A person self-employed part-time or full-time in the primary area and/or secondary area shall furnish the City or its agent their full name and the vehicle license number of each vehicle they own; and

3. A person(s) residing within the primary and/or secondary areas shall furnish the City or its agent their full name and the vehicle license number of each vehicle they own.

8.04.030 (C) The information required by this Section shall be supplied in a mode and on forms prescribed by the City or its agent.

SECTION 9. All other Sections, Subsections and Paragraphs of Chapter 3.14, 8.02 and 8.04 of the Roseburg Municipal Code shall remain in full force and effect as currently written.

**ADOPTED BY THE ROSEBURG CITY COUNCIL ON THIS 8th DAY OF
APRIL, 2019.**

APPROVED BY THE MAYOR ON THIS 8th DAY OF APRIL, 2019.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, CITY RECORDER

4/3/19

ORDINANCES B
04/08/2019



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO 8X8, INC.

Meeting Date: April 8, 2019
Department: City Recorder
www.cityofroseburg.org

Agenda Section: ORDINANCES
Staff Contact: Amy L. Sowa
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

The City has received an application for a telecommunication franchise from 8X8, Inc. located in San Jose, CA.

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 April 1, 2019. Service to Roseburg customers began on January 1, 2019. Therefore, the provider has requested that the franchise agreement be granted effective retroactively to January 1, 2019.

C. Financial and/or Resource Considerations. Under our definitions of telecommunications “provider” and telecommunication “service”, 8X8, Inc. is required to pay a franchise fee of 5% of the gross revenues derived from customers within the City. 8X8, Inc. has been making payments since January 2019.

D. Timing Issues. As noted above, 8X8, Inc. began serving Roseburg in January 1, 2019; therefore, the franchise needs to be made effective retroactively to that date. Such effective date will make the initial term of the franchise 3 years, with an expiration date of December 31, 2021. 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 April 8, 2019 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 8X8, Inc., effective January 1, 2019, after which the following motions would be appropriate:

04/08/2019

#1 *"I MOVE TO SUSPEND THE RULES AND PROCEED WITH SECOND READING OF ORDINANCE NO. 3523, GRANTING A TELECOMMUNICATIONS FRANCHISE TO 8X8, INC., EFFECTIVE RETROACTIVELY TO JANUARY 1, 2019."*

#2 *"I MOVE TO ADOPT ORDINANCE NO. 3523."*

ATTACHMENTS

Attachment #1 – Proposed Ordinance

cc: 8X8, Inc., 2125 O'Nel Drive, San Jose, CA 96131
Subject Franchise File

ORDINANCE NO. 3523

**AN ORDINANCE GRANTING A TELECOMMUNICATION FRANCHISE
TO 8X8, INC. EFFECTIVE
RETROACTIVELY ON JANUARY 1, 2019**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called “City”, hereby grants 8X8, Inc, 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 three years, retroactively beginning January 1, 2019 and ending December 31, 2021 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:

8X8, Inc.
ATTN: Ted Gonzales
2125 O'Nel Drive
San Jose, CA 95131
E-mail: regulatorytax@8X8.com
Phone: 669-247-5374

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: Ted Gonzales

Mailing Address: 2125 O'Nel Drive, San Jose, CA 95131

Telephone: 669-247-5374

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 April 1, 2019 and began serving Roseburg customers on January 1, 2019. The Roseburg City Council approved such request at its meeting on April 8, 2019; and hereby authorizes this Franchise to take effect retroactively on January 1, 2019 and expire on December 31, 2021, 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 APRIL 2019.

APPROVED BY THE MAYOR ON THIS 8TH DAY OF APRIL 2019.

MAYOR

Larry Rich

ATTEST:

Amy L. Sowa, City Recorder

(Franchisee's Acceptance on Following Page)

ORDINANCES B
ATTACHMENT #1

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO. _____. This Ordinance is hereby accepted by 8x8, Inc. on this ____ day of _____, 2019.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) **ss.**

County of _____)

This acceptance was signed before me on _____, 2019 by,
_____ as _____ of 8X8, Inc.

Notary Public for _____

Name: _____

My commission expires on: _____

.....
Acceptance received by City Recorder on _____, 2019.

Amy L. Sowa, City Recorder

ORDINANCE NO. 3523– 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.
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- 9.25.400 General indemnification.
- 9.25.410 Performance surety.
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- 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

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.

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:

- 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

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)

CR
4/3/19

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Appropriation Transfer for Fiscal Year 2018-19

Meeting Date: April 8, 2019
Department: Finance
www.cityofroseburg.org

Agenda Section: Department Action Items
Staff Contact: Ron Harker
Contact Telephone Number: 541-492-6710

ISSUE STATEMENT AND SUMMARY

There are four mid-year corrections that are required in order to provide adequate appropriation authority for: 1) city leadership transitional expenses, 2) repairs to the elevator in the downtown parking structure, 3) software expenses related to the rollout of the SCADA and Cartegraph upgrades, and 4) additional Obstruction Mitigation Project expenses as the Roseburg Regional Airport. In order to maintain compliance with Oregon Budget Law a resolution transferring contingency funds to the respective appropriation categories is required. Resolution No. 2019-04 is prepared to affect the necessary changes to the General, Off Street Parking, Water and Airport budgets to accommodate the requested changes.

BACKGROUND

A. Council Action History. No prior council action on these matters exist.

B. Analysis. There are four separate matters affecting four different city funds, (the General, Off Street Parking, Water and Airport funds) which need addressing; each matter is discussed separately below.

In the General Fund, ongoing activity addressing the change in city leadership in respect to the retirement and recruitment of a new City Manager is projected to exceed current appropriation authority. In order to provide sufficient appropriation authority to cover the projected requirements it is proposed to transfer \$20,000 from the General Fund contingency to the City Administration budget.

In the Off Street Parking Fund, recent vandalism to the elevator in the downtown parking structure has resulted in unanticipated expenses in the Materials and Services budget of the fund. In order to provide sufficient appropriation authority to cover the repairs it is proposed to transfer \$5,760 from the fund's contingency to the funds Materials and Services budget.

In the Water Fund's Administration Department, work on the SCADA and Cartegraph software upgrade projects has resulted in additional software costs. In order to provide sufficient appropriation authority to cover these projects it is proposed to transfer \$40,000 from the Water Fund's contingency to the Water Fund's Administration Department budget.

In the Airport Fund, additional expenses resulting from the Obstruction Mitigation Project at the Roseburg Regional Airport has arisen necessitating additional appropriation authority. It

is proposed to transfer \$75,000 from the Airport Contingency funds to the Airport Capital Outlay budget.

C. Financial and/or Resource Considerations. The four matters needing budgetary attention affect the City's financial condition differently; therefore, the finance impact of each is addressed separately below.

The impact of providing additional appropriation authority for the city leadership transitional costs is an immaterial 0.3% reduction of the projected General Fund ending fund balance.

The impact of providing additional appropriation authority for the elevator repairs at the downtown parking structure is an 11% reduction of the projected Off Street Parking ending fund balance.

The impact of providing additional appropriation authority for the software upgrades in the Water Fund is an immaterial 0.5% reduction of the projected Water Fund ending fund balance.

The impact of providing additional appropriation authority for the Obstruction Mitigation Project at the Roseburg Regional Airport is an 18.6% reduction of the projected Airport Fund ending balance. However, not recognized here is additional grant funding which will be tapped into to recover the majority of the cost.

D. Timing Issues. Oregon Budget Law requires that appropriation authority be established prior to the commitment or expenditure of resources. Currently work is moving forward in all funds and it is important to account for their activities within the city's budget. In order to maintain full compliance with Oregon Budget Law the City needs to ensure full appropriation authority for all known circumstances.

COUNCIL OPTIONS

- 1) Adopt the attached resolution as written; or
- 2) Adopt the attached resolution with modifications to the proposed figures; or
- 3) Request additional information.

STAFF RECOMMENDATION

Given the need to comply with Oregon budget law, it is staff's recommendation to adopt the attached resolution as written.

SUGGESTED MOTION

I move to adopt Resolution No. 2019-04 authorizing an appropriation transfer within the General Fund (Fund 100), Off Street Parking Fund (Fund 510), Water Fund (Fund 530) and the Airport Fund (Fund 520) for fiscal year 2018-19.

ATTACHMENTS

Attachment 1 Resolution No. 2019-04 entitled "A Resolution Authorizing a Budget Re-Appropriation for Fiscal Year 2018-19".

RESOLUTION NO. 2019 – 04

**A RESOLUTION AUTHORIZING A BUDGET RE-APPROPRIATION FOR
FISCAL YEAR 2018-19**

WHEREAS, the City of Roseburg, Oregon adopted a budget and appropriated funds for fiscal year 2018-19 by Resolution 2018-13; and

WHEREAS, city leadership transitional expenses resulting from the retirement of the current city manager and the recruitment expenses related to the hiring of his replacement is projected to cause a need for additional appropriation authority in the General Fund – Administration Department; and

WHEREAS, unanticipated repairs to the elevator in the downtown parking structure requires additional appropriation authority in the Off Street Parking Fund.; and

WHEREAS, software expenses related to the rollout of the SCADA and Cartegraph upgrade projects as well as increased banking fees require additional appropriation authority in the Water Administration Department; and

WHEREAS, to provide additional appropriation authority to fund expenses related to the Obstruction Mitigation Project at the Roseburg Regional Airport.

WHEREAS, ORS 294.463 allows appropriations to be transferred within a fund after the budget has been adopted; and

WHEREAS, the City's 2018-19 adopted budget appropriated operating contingencies within the General Fund and such budgeted contingencies shall be used for unanticipated expenditures; and

WHEREAS, the City's 2018-19 adopted budget appropriated operating contingencies within the Off Street Parking Fund and such budgeted contingencies shall be used for unanticipated expenditures; and

WHEREAS, the City's 2018-19 adopted budget appropriated operating contingencies within the Water Fund and such budgeted contingencies shall be used for unanticipated expenditures.

WHEREAS, the City's 2018-19 adopted budget appropriated operating contingencies within the Airport Fund and such budgeted contingencies shall be used for unanticipated expenditures.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:

RESOLUTIONS A
ATTACHMENT #1

Section 1. Resources and appropriations in the Fiscal Year 2018-19 budget shall be adjusted as follows:

	<u>Current</u>	<u>Amount</u>	<u>Amended</u>
General Fund (100)			
Resources			
Beginning Fund Balance	\$ 6,784,009	\$ -	\$ 6,784,009
Revenues	<u>\$ 22,532,395</u>	<u>\$ -</u>	<u>\$ 22,532,395</u>
Total Resources:	\$ 29,316,404	\$ -	\$ 29,316,404
Appropriations			
Administration Department	\$ 2,469,197	\$ 20,000	\$ 2,489,197
Contingency	\$ 900,000	\$ (20,000)	\$ 880,000
Other Requirements	<u>\$ 25,947,207</u>	<u>\$ -</u>	<u>\$ 25,947,207</u>
Total Appropriations:	\$ 29,316,404	\$ -	\$ 29,316,404

To provide appropriation authority for increased city leadership transitional expenses in the General Fund - Administration Department budget.

	<u>Current</u>	<u>Amount</u>	<u>Amended</u>
Off Street Parking Fund (510)			
Resources			
Beginning Fund Balance	\$ 40,817	\$ -	\$ 40,817
Revenues	<u>\$ 48,300</u>	<u>\$ -</u>	<u>\$ 48,300</u>
Total Resources:	\$ 89,117	\$ -	\$ 89,117
Appropriations			
Materials and Services	\$ 58,338	\$ 5,760	\$ 64,098
Operating Contingency	<u>\$ 30,779</u>	<u>\$ (5,760)</u>	<u>\$ 25,019</u>
Total Appropriations:	\$ 89,117	\$ -	\$ 89,117

To provide adequate appropriation authority to facilitate elevator repairs at the downtown parking structure.

	<u>Current</u>	<u>Amount</u>	<u>Amended</u>
Water Fund (530)			
Resources			
Beginning Fund Balance	\$ 6,552,883	\$ -	\$ 6,552,883
Revenues	<u>\$ 6,283,500</u>	<u>\$ -</u>	<u>\$ 6,283,500</u>
Total Resources:	\$ 12,836,383	\$ -	\$ 12,836,383

RESOLUTIONS A
ATTACHMENT #1

Appropriations			
Admin. - Materials & Services	\$ 1,470,826	\$ 40,000	\$ 1,510,826
Contingency	\$ 1,000,000	\$ (40,000)	\$ 960,000
Other Requirements	\$ 10,365,557	\$ -	\$ 10,365,557
Total Appropriations:	<u>\$ 12,836,383</u>	<u>\$ -</u>	<u>\$ 12,836,383</u>

To provide adequate appropriation authority to manage additional software expenses related to the rollout of the SCADA and Cartegraph upgrade projects.

	<u>Current</u>	<u>Amount</u>	<u>Amended</u>
Airport Fund (520)			
Resources			
Beginning Fund Balance	\$ 406,392	\$ -	\$ 406,392
Revenues	\$ 503,000	\$ -	\$ 503,000
Total Resources:	<u>\$ 909,392</u>	<u>\$ -</u>	<u>\$ 909,392</u>
Appropriations			
Capital Outlay	\$ 200,000	\$ 75,000	\$ 275,000
Contingency	\$ 399,336	\$ (75,000)	\$ 324,336
Other Requirements	\$ 310,056	\$ -	\$ 310,056
Total Appropriations:	<u>\$ 909,392</u>	<u>\$ -</u>	<u>\$ 909,392</u>

To provide adequate appropriation authority to fund expenses related to the Obstruction Mitigation Project at the Roseburg Regional Airport.

Section 2. The Finance Director is to make the proper adjustments to the budget.

Section 3. This resolution shall become effective immediately upon adoption by the Roseburg City Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 8TH DAY OF APRIL, 2019.**

Amy L. Sowa, City Recorder

J
4/3/19

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Riverfront Multi-Use Path Phase 2 Bid Award Recommendation

Meeting Date: April 8, 2019	Agenda Section: Department Items
Department: Public Works	Staff Contact: Nikki Messenger
www.cityofroseburg.org	Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The City received bids for the reconstruction of a section of the multi-use path in Riverfront Park. The issue for the Council is whether to award the construction contract.

BACKGROUND

A. Council Action History. On April 24, 2017 the Council authorized a grant application to the Oregon Parks and Recreation Department's Recreational Trails Program. On April 9, 2018 the Council awarded the construction project to the lowest responsible bidder. On June 11, 2018, the Council rescinded the award and rejected all bids. This was due to delays in obtaining a Notice to Proceed from the Oregon Parks and Recreation Department (OPRD).

B. Analysis. The Riverfront Park Multi-Use Path Renovation Phase 2 Project includes removing, replacing, and widening approximately 2,000 linear feet of multi-use path in Riverfront Park between the terminus of the 2017 path reconstruction, at the top of the hill near the entrance to the Oak grove, and the intersection of the path running north/south near Interstate 5. The new path will be reconstructed in the same alignment but widened to ten feet wide. The City received a grant for this project from the OPRD through their Recreational Trails Program (RTP).

The project was previously bid and awarded by City Council on April 23, 2018. However, the Notice to Proceed was delayed from OPRD due to archeological concerns over some minor realignment work. The City revised the plans to keep the newly widened path in the same location to avoid further expenses with archeological investigations. Due to this delay, the City decided to reject the bids and re-bid the work this spring.

The project was re-advertised on March 5th and bids were opened on March 26th, 2019. Six bids were received and are outlined below:

1. K&B Quality Excavating	\$129,398.15
2. LTM, Inc. dba Knife River	\$135,490.00
3. Black Pearl	\$138,258.00
4. Cradar Enterprises	\$145,997.00
5. Wildish Construction	\$165,830.00
6. R&G Excavating	\$214,370.00
<i>Engineer's Estimate</i>	<i>\$131,525.00</i>

C. Financial and/or Resource Considerations. To date, \$10,126 has been spent to perform the archeological study and to advertise this project. Of that, \$1,414 was spent in FY 18-19. The FY 2018-19 Bike Trail Fund budget includes \$150,000 for this project. This does not account for in-kind labor.

Total project costs are estimated below:

Archeologic Study	\$ 9,969
Construction	\$129,398
In-kind labor	\$ 9,000
Contingency	<u>\$ 9,705</u>
<i>Total</i>	<i>\$158,072</i>

Project funding is estimated as follows:

RTP Grant	\$111,304
In-Kind labor	\$ 9,000
Bike Trail Fund	<u>\$ 37,768</u>
<i>Total</i>	<i>\$158,072</i>

D. Timing Issues. If awarded, the contractor will have 60 days to complete the project once the Notice to Proceed is issued. It is anticipated the project will be completed in late June.

COUNCIL OPTIONS

The Council has the following options:

1. Award the contract to the lowest responsible bidder, K&B Quality Excavating for \$129,398.15; or
2. Request additional information; or
3. Reject all bids.

STAFF RECOMMENDATION

Money has been budgeted and is available to complete this project. The bids appear to be both responsive and responsible. The Parks Commission discussed this project at their April 3rd meeting. The Commission recommended awarding the project to the lowest responsible bidder, K&B Quality Excavating for \$129,398.15. Staff concurs with this recommendation.

SUGGESTED MOTION

I move to award the Riverfront Park Multi-Use Path Renovation Phase 2 Project to the lowest responsible bidder, K&B Quality Excavation, for \$129,398.15 upon expiration of the seven-day notice of intent to award period.

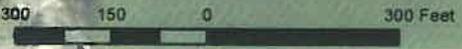
ATTACHMENTS

Map



Path to be renovated

Path renovated in 2017



4/13/19

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Local Bridge Program Grant Acceptance Authorization(s)

Meeting Date: April 8, 2019	Agenda Section: Department Items
Department: Public Works	Staff Contact: Nikki Messenger
www.cityofroseburg.org	Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The City recently received notification of award of two grants for bridge related projects. The issue for the Council is whether to authorize the acceptance of both grants.

BACKGROUND

A. Council Action History. None.

B. Analysis. The Oregon Department of Transportation (ODOT) administers the bridge program funded via the Federal Highway Administration (FHWA). Bridges are ranked based on their sufficiency and other relevant factors. The City applied for funding to replace two bridges during the current Local Bridge Program (LBP) grant cycle. The Stewart Park Drive Bridge is the green bridge over the South Umpqua River that serves Stewart Park and the south entrance to the Veterans' Administration campus. The Douglas Avenue bridge crosses Deer Creek and is located between Ramp Street and Rifle Range Road.

The Stewart Park Drive Bridge was constructed in 1946 and has a sufficiency rating of 16.1 (out of a possible 100) and is currently load rated at 12-14 tons. The City's fire apparatus weigh between 22 and 39 tons. During the scoping process, ODOT's consultant estimated the cost to replace versus rehabilitate the Stewart Park Drive Bridge. According to that estimate, replacement would cost approximately \$18 million and rehabilitation would cost approximately \$4.8 million. ODOT staff indicated there would be much stronger support for rehabilitation, and staff chose to pursue that option.

The Douglas Avenue Bridge was constructed in 1950 and has a sufficiency rating of 26.2 out of 100. The bridge is currently narrow, with no room for bike lanes or accessible sidewalks. This bridge is load rated at 14-32 tons, dependent upon the number of axles. ODOT's consultant estimated the replacement cost for this bridge at approximately \$8.2 million.

On March 28th, staff received notification that we had received two awards. One is for the rehabilitation of the Stewart Park Drive Bridge for \$4,782,203. The second is for design of the replacement bridge at Douglas Avenue. That award is for \$1.55 million. As such, staff is seeking the Council's authorization to accept these two awards.

C. Financial and/or Resource Considerations. Both of these projects will require a match of 10.27% from the City. For the Stewart Park Drive Bridge, that equates to \$491,132. This could be funded using Transportation Funds, including the City's Surface Transportation Program funding. For the design of the Deer Creek Bridge, the match would be \$159,185. This bridge is located within the new Urban Renewal area and could use Urban Renewal

and/or Transportation Funds. Both of these matches have been included in the adopted Five Year Capital Improvement Program.

D. Timing Issues. ODOT has requested acceptance of these two awards no later than May 15, 2019. The projects are approved to receive funding in federal fiscal years (FFY) 2022-2024. There is an option to begin design sooner, in FFY 2020.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize the acceptance of both grants;
2. Request additional information; or
3. Not accept one or both bridge grant awards.

STAFF RECOMMENDATION

Both of these bridges have very low sufficiency ratings. Without the Local Bridge Program, it would be financially unfeasible to accomplish this work. Match for both of these projects has been programmed in the adopted Five Year Capital Improvement Plan. Staff recommends that the Council authorize the acceptance of both of these grants.

SUGGESTED MOTION

I move to authorize staff to accept ODOT Local Bridge Program grants for the Stewart Park Drive and Douglas Avenue bridges.

ATTACHMENTS

None

Jc
4/13/19

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Special Exemption for Contracting Requirements Phase 3 Downtown Streetlighting Improvements

Meeting Date: April 8, 2019
Department: Public Works
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

In the recent past, when the City has bid electrical projects requiring performance and payment bonds, no bids were received. The issue for the Council is whether to allow a special exemption for this contract in an effort to increase bidder interest.

BACKGROUND

- A. **Council Action History.** On January 14, 2019, the Council adopted an updated Urban Renewal Chapter for the Five Year Capital Improvement Plan to include this project.
- B. **Analysis.** Staff has been working with a consultant to put together bidding documents for a project to install additional antique style LED streetlights downtown and to replace existing high pressure sodium fixtures with LED fixtures. Most of this work is accomplished by an electrical contractor. In the recent past, the City bid electrical work at the airport to install a Precision Approach Path Indicator (PAPI), and received no bids on the first round of bidding. After speaking with a local electrical contractor that has worked on the airport before, the consultant learned that electrical contractors typically work as sub-contractors and do not carry performance and payment bonding. The Council waived the bonding requirement for the PAPI project and the project went back out to bid. Two bids were received and the PAPI was constructed in 2018.

The City's contracting procedures are outlined in Roseburg Municipal Code (RMC) Section 3.06. Any public improvement project over \$50,000 requires formal bidding. The City's standard contract document for anything over \$50,000 includes the requirement for a bid bond and separate performance and payment bonds. The bid bond is ten percent of the bid amount. The performance and payment bonds are each equal to the bid amount.

RMC Section 3.06.010B(2) outlines one of the Council's powers as the local contract review board as follows: "Authority to approve the partial or complete waiver of the requirement for the delivery of a performance bond or payment bond for the construction of a public improvement other than in cases of emergencies". *The power to waive the requirement in the case of emergencies is outlined in a separate code section.*

If the project were to go to bid with the bonding requirement and no bids were received, it would be virtually impossible to re-bid the project and get it complete and the contractor paid prior to the expiration of the North Roseburg Urban Renewal area on September 30, 2019. As such, staff believes that Council should consider waiving the bonding requirements for this project.

C. Financial and/or Resource Considerations. The primary funding component for this project is the Urban Renewal Fund. As such, the funds must be expended by September 30, 2019.

D. Timing Issues. The project is scheduled to go to bid in early April, with an early May bid opening date. As such, a decision on the bonding requirement is needed as soon as practicable.

COUNCIL OPTIONS

The Council has the following options:

- 1) Authorize a special exemption for the project and waive the requirement for the performance and payment bonds;
- 2) Not authorize the special exemption and direct staff to bid the project with the standard requirements; or
- 3) Request additional information.

STAFF RECOMMENDATION

Given the importance of pursuing this project as quickly as practical, staff recommends that Council approve a special exemption and waive the requirements for performance and payment bonds for this project.

SUGGESTED MOTION

I move to approve a special exemption and waive the requirements for performance and payment bonds for the Phase 3 Downtown Streetlighting Improvements Project.

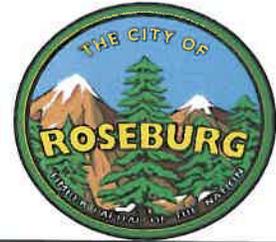
ATTACHMENTS

None

4/3/19

INFORMATIONAL A
04/08/2019

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ACTIVITY REPORT

Meeting Date: April 8, 2019
Department: Administration
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

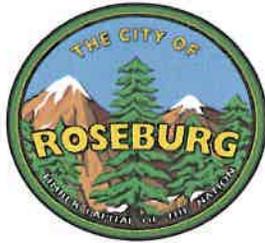
At each meeting I will provide the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your April 8, 2019, 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 Third Floor Conference Room
April 1, 2019 - 10:00 a.m.

1. Review April 8, 2019 City Council Meeting Agenda
2. Review Tentative Future Council Meeting Agendas
3. Documents/Grants Signing
 - a. Diva Dance Performance Permit – July 27, 2018
4. Department Items
 - a. Lanakila Peck – 5 year anniversary, PW Street Division



Agenda
Department Head Meeting
City Hall Third Floor Conference Room
March 26, 2019 - 10:00 a.m.

1. Review March 25, 2019 City Council Meeting Synopsis
2. Review April 8, 2019 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents/Grants Signing
5. Department Items

TENTATIVE FUTURE COUNCIL AGENDA

Unscheduled

- Airport Fees for Fire Agency Services
- RMC 5.04 Amendment - Water Rules and Regulations
- Umpqua Basin Urban Services Agreement

April 22, 2019

Consent Agenda

- A. Minutes of April 8, 2019

Department Items

- A. Authorization to Apply for OPRD Grant – Revamp Stewart Park Pavilion
- B. Roseburg Signal and Interconnect Improvements at Stewart Parkway and ARTS Project Bid Award Authorization
- C. Cow Creek Umpqua Tribe of Indians Easement

Informational

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

Urban Renewal Agency Board Meeting

Department Items

- A. ADAPT Compass – Mobile Crisis Agreement
- B. Intergovernmental Agreement – City and RUSA Regarding SDC Deferrals
- C. Intergovernmental Agreement – City and Urban Renewal Agency Regarding SDC Deferrals
- D. Roseburg Signal and Interconnect Improvements at Stewart Parkway and ARTS Project Bid Award Authorization

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

Department Items

- A. Downtown Street Lighting Improvements, Phase 3 Project

Informational

- A. Activity Report

Urban Renewal Agency Board

Consent Agenda

- A. Minutes of April 22, 2019 Meeting

Resolutions

- A. Resolution No. UR-19-04 – Property Tax Exemption for UCAN Properties at 928 and 932 SE Pine Street

Department Items

- A. Stewart Parkway Pavement Rehabilitation Project
- B. Downtown Street Lighting Improvements, Phase 3 Project

June 10, 2019

Mayor Reports

- A. Camp Millennium Week Proclamation

Consent Agenda

- A. Minutes of May 13, 2019

Public Hearing

- A. Resolution No. 2019- ____ - Supplemental Budget Appropriation
- B. 2019-2020 Budget Adoption – Resolution No. 2019- ____
- C. Pine Street Waterfront Overlay

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
- B. Cancellation of November 11, 2019 Meeting

Informational

- A. Activity Report

October 14, 2019

Consent Agenda

- A. Minutes of September 23, 2019

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

November 25, 2019

Consent Agenda

- A. Minutes of October 28, 2019

Informational

- A. Activity Report

Executive Session

- A. Municipal Court Judge Annual Performance Evaluation

December 9, 2019

Mayor Reports

- A. Municipal Judge Compensation

Consent Agenda

- A. Minutes of November 25, 2019

Informational

- A. Activity Report

December 23, 2019

Consent Agenda

- A. Minutes of December 9, 2019

Informational

- A. Activity Report

January 13, 2020

Mayor Reports

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

Commission Reports/Council Ward Reports

- A. Election of Council President

B. Planning Commission Appointments

Consent

A. Minutes of December 23, 2019

Informational

A. Activity Report

January 27, 2020

Consent

A. Minutes of January 13, 2020

Informational

A. Activity Report

February 10, 2020

Special Presentation

A. CAFR Review – Auditor Jeff Cooley

B. Quarterly Report – Quarter Ended December 31, 2019

C. 2020-2021 Budget Calendar

Consent

A. Minutes of January 27, 2020

Informational

A. Activity Report

February 24, 2020

Consent

A. Minutes of February 10, 2020

Informational

A. Activity Report

March 9, 2020

Consent

A. Minutes of February 24, 2020

Informational

A. Activity Report

March 23, 2020

Consent

A. Minutes of March 9, 2020

Informational

A. Activity Report

April 13, 2020

Mayor Report

A. Volunteer Recognition Month Proclamation

B. Arbor Day Proclamation

Consent

A. Minutes of March 23, 2020 Meeting

B. Cancellation of May 25, 2020 Regular Meeting

C. 2020 OLCC License Renewal Endorsement

Informational

A. Activity Report

April 27, 2020

Consent Agenda

- A. Minutes of April 13, 2020

Informational

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

Friday March 29, 2019

Good Friday afternoon everyone. Thank you all for your hard work as we move forward with a number of opportunities that went to Council at recent meetings. We are moving forward with an Intergovernmental Agreement with RUSA to provide the SDC housing incentive program within our Diamond Lake Urban Renewal District and we will provide an additional agreement between the City and the URD. Since the URD and City of Roseburg are separate legal entities, the City will need to execute an agreement with the URD to allow for SDC buy downs for our SDC payments as well. We will also bring Council a City/URD IGA to allow the City to upfront some infrastructure design and construction costs for future URD projects with the potential to repay the City at a future date when Tax Increment Financing revenue becomes available. There will be little excess TIF money available in the first few years of URD, so prefunding projects on the City's part will be essential to jump starting projects.



On the jump-start note, we received great news this week from the Oregon Department of Transportation relating to two future bridge projects in our community, one of which is in our new URD. Please find attached notices that Nikki received from ODOT relating to two very important bridge projects. The first project relates to the renovation and preservation of the green VA Bridge over the South Umpqua River just north of Fir Grove.



The current "scoping" estimate for this project is almost \$4.8 million with a local required match of 10.27%. Our matching portion could come from our Transportation Fund or we could utilize our allocation of STP allocations to provide the match. This bridge has the lowest sufficiency rating in our system and we are reliant on State or Federal funding to help complete these high cost priority projects.

The second letter provided notice of approval to begin design services related to the Douglas Avenue at Deer Creek Bridge. This project also requires a 10.27% local match with a current design cost estimate of \$1.55 million. At a recent meeting, Council authorized staff to proceed with the preliminary design of Douglas Avenue just east of the Deer Creek Bridge. This financial commitment will allow us to move forward with the bridge design in addition to the road design and may lead to a future construction project award through the same program. The road and bridge projects are included in the Urban Renewal capital improvement plan and are high priority projects. Matching funds for the design and eventual construction could come from STP, Transportation Fund or Urban Renewal Capital Projects funding. Both of these award offers will come to the Council for approval at your next meeting.

We had a kickoff meeting with ECONorthwest today relating to the allied health college economic assessment process and we are ramping up efforts to move forward with a legislative ask. In the near future, we will need to have either an early Monday special meeting or a separate meeting to discuss how the City may support the establishment of the college in Roseburg. Once a site is established we can consider participation in items like infrastructure, on and offsite improvements and other economic and community development opportunities. Current options are west of the freeway in our existing Urban Renewal Area, but the URA 30 year term expires in September and funding from that source will no longer be available. As soon as a few decisions are made regarding site and ownership, we can have a Council discussion about our opportunities for continued involvement.

I hope some of you had an opportunity to enjoy a little time off during spring break and we look forward to seeing you all soon.



Oregon

Kate Brown, Governor

Department of Transportation

Technical Leadership Center
ODOT Bridge Section MS #4
4040 Fairview Industrial Dr. SE
Salem, OR 97302

3/27/2019

FILE CODE:

900 SE Douglas Ave.
Roseburg, OR
97470

Attention: Nikki Messenger, Public Works Director
City of Roseburg

RE: Federal Local Bridge Project Selection Results

Bridge Number: 26T05
Bridge Name: Stewart Park Road, South Umpqua River
Award Amount: \$4,782,203 (Includes 10.27% local match)

Dear Ms. Messenger

I am pleased to announce that the above project has been approved by the Local Agency Bridge Selection Committee for Local Bridge Program (LBP) funding. Your project was approved to receive funding in federal fiscal years 2022 through 2024.

We are offering to start design in 2020 by coordinating with region Area Manager listed below. Your agency may proceed with the project upon completion of the design regardless of the year it is programmed. The ability to advance projects is limited by fund availability.

Please confirm that you accept the LBP award by email to corey.r.withroe@odot.state.or.us with a cc to rachelle.l.nelson@odot.state.or.us. If you would like to be part of the accelerated schedule for your project and start the design in 2020, we will need to know upon the acceptance of the award. Your confirmation of the award is due no later than 5/15/2019.

The ODOT Area Manager and contact information for this project is:

Art Anderson
Arthur.H.ANDERSON@odot.state.or.us
541-774-6353



Oregon
Kate Brown, Governor

Department of Transportation
Technical Leadership Center
ODOT Bridge Section MS #4
4040 Fairview Industrial Dr. SE
Salem, OR 97302

3/27/2019

FILE CODE:

900 SE Douglas Ave.
Roseburg, OR
97470

Attention: Nikki Messenger, Public Works Director
City of Roseburg

RE: Federal Local Bridge Project Selection Results

Bridge Number: 26T03
Bridge Name: Douglas Avenue, Deer Creek
Award Amount: \$1,550,000 (Includes 10.27% local match)

Dear Ms. Messenger

I am pleased to announce that the above project has been approved **for Preliminary Engineering Only** by the Local Agency Bridge Selection Committee for Local Bridge Program (LBP) funding. Your project was approved to receive funding in federal fiscal years 2022 through 2024.

We are offering to start design in 2020 by coordinating with region Area Manager listed below. Your agency may proceed with the project upon completion of the design regardless of the year it is programmed. The ability to advance projects is limited by fund availability.

Please confirm that you accept the LBP award by email to corey.r.withroe@odot.state.or.us with a cc to rachelle.l.nelson@odot.state.or.us. If you would like to be part of the accelerated schedule for your project and start the design in 2020, we will need to know upon the acceptance of the award. Your confirmation of the award is due no later than 5/15/2019.

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541-774-6353