

ROSEBURG CITY COUNCIL AGENDA – AUGUST 13, 2018
City Council Chambers, City Hall
900 S. E. Douglas Avenue, Roseburg, OR 97470



7:00 p.m. - Regular Meeting

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

Alison Eggers	Linda Fisher-Fowler	Ashley Hicks	Steve Kaser
John McDonald	Brian Prawitz	Tom Ryan	Andrea Zielinski
4. **Mayor Reports**
5. **Commission Reports/Council Ward Reports**
6. **Audience Participation – See Information on the Reverse**
7. **Consent Agenda**
 - A. Minutes of Regular Meeting of July 23, 2018
 - B. OLCC New Outlet Applicant – Le Petit Café at 410 SE Jackson Street
 - C. OLCC Change of Owner Applicant – Blac-N-Bleu Bistro at 1700 Garden Valley Boulevard, Suite 101 & 102
8. **Public Hearing**
 - A. Sale of Public Property – 1247 NE Walnut Street
9. **Ordinances**
 - A. Ordinance No. 3504 – Proposed Regulations for Vehicle for Hire Services, Second Reading
 - B. Ordinance No. 3505 – Telecommunication Franchise to Affiliated Technology Solutions, LLC, First and Second Reading/Adoption
10. **Resolutions**
 - A. Resolution No. 2018-18 – Adding Fees for Transportation Network Operators and Drivers
11. **Department Items**
 - A. Library Renovation Funding
 - B. Downtown Improvements Phase 2 – Change Order Authorization – Additional Waterline Work, 17UR04
12. **Informational**
 - A. Activity Report
13. **Items from Mayor, City Council**
14. **Adjournment**
15. **Executive Session ORS 192.660(2)(i) – City Manager Quarterly Evaluation**

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

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

AUDIENCE PARTICIPATION INFORMATION

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

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

TIME LIMITATIONS

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

CITIZEN PARTICIPATION – AGENDA ITEMS

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

CITIZEN PARTICIPATION – NON-AGENDA ITEMS

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

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

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

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

Thank you for attending our meeting – Please come again.

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

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
July 23, 2018**

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on July 23, 2018 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon. Councilor Ryan led the Pledge of Allegiance.

ROLL CALL

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

Absent: Alison Eggers, John McDonald and Andrea Zielinski.

Others present: City Manager Lance Colley, City Recorder Amy Sowa, City Attorney Bruce Coalwell, Public Works Director Nikki Messenger, Fire Chief Gary Garrisi, Community Development Director Stuart Cowie, Police Chief Gary Klopfenstein, Library Director Kris Wiley, Management Assistant Koree Tate, Municipal Court Judge Jason Mahan and Carisa Cegavske of the News Review.

MAYOR REPORTS

Mayor Rich asked Council to alert Ms. Sowa if anyone needs to be absent for an upcoming meeting.

Mayor Rich announced the Downtown Roseburg Association had hired a new director. Mr. Colley introduced Ms. Susie Johnston-Forte who said she looked forward to working with the City.

COMMISSION REPORTS/COUNCIL WARD REPORTS

Councilor Prawitz shared he attended a MedCom Board meeting and held a Library Commission Meeting. The Library Commission discussed policy development, e-book options and two new employment opportunities that are available on the City website. Councilor Ryan attended an Umpqua Economic Development Partnership Meeting that mainly discussed the Fourth of July and food truck competition event summary.

CONSENT AGENDA

Councilor Ryan moved to approve the following Consent Agenda Items:

A. Minutes of Regular Meeting of July 9, 2018

B. OLCC Change of Owner Applicant – RMM Clubhouse, LLC – 1005 Stewart Parkway

Motion was seconded by Councilor Hicks and carried unanimously.

ORDINANCE NO. 3504 – PROPOSED REGULATIONS FOR VEHICLE FOR HIRE SERVICES, FIRST READING

Ms. Sowa reported the proposed regulations for vehicle for hire services were previously discussed to amend the Municipal Code to allow TNC and taxi companies to operate in the City. Ms. Sowa reviewed the suggested changes based on the recommendation of Council. In response to Councilors Prawitz and Ryan, Ms. Sowa confirmed the ordinance will repeal the Municipal Code Chapter and replace it to allow both types of services. Councilor Kaser added he was unsure if the fees were fair, but felt they could be reviewed after a year to assess. Ms. Sowa explained the fees were comparable to other cities and the operator's fee for Uber was comparable to current taxi fees. Councilor Prawitz asked if other cities were following Uber

requirements regarding inspections. Ms. Sowa stated the City of Eugene was the only one requiring safety inspections similar to what Roseburg is proposing. In response to Prawitz, Ms. Sowa confirmed drivers will obtain a permit similar to taxi drivers and will not be provided a separate sticker to place on their vehicle. As no one else wished to speak, Council directed Ms. Sowa to proceed with a first reading.

Ms. Sowa read Ordinance No. 3504, entitled: "An Ordinance Repealing Roseburg Municipal Code Chapter 9.08 Entitled "Taxicab and Limousine Services" and Replacing it with New Chapter 9.08 Entitled "Vehicle for Hire Services"" for the first time.

ORDINANCE NO. 3503 – PROPOSED CITY VOTERS’ PAMPHLET, SECOND READING,

Council had previously reviewed a proposal to amend the Roseburg Municipal Code to allow the City to create a City Voters’ Pamphlet, and a resolution authorizing the City Recorder to draft a policy and procedures to allow City of Roseburg candidates to submit information to be included in an Online Voters’ Pamphlet.

Ms. Sowa read Ordinance No. 3503, entitled: "An Ordinance Amending Section 2.02.005 "Definitions", Adding Section 2.02.075 "Local Voters’ Pamphlet", and Amending Section 2.06.005 "Definitions" of the Roseburg Municipal Code Establishing a Process for Creating a Voters’ Pamphlet" for the second time. Councilor Ryan moved to adopt Ordinance No. 3503. Motion was seconded by Councilor Hicks. Roll call vote was taken and motion carried unanimously. Mayor Rich declared the adoption of Ordinance No. 3503.

RESOLUTION NO. 2018-16 – A RESOLUTION ADOPTING THE CITY OF ROSEBURG VOTERS’ PAMPHLET POLICY

Ms. Sowa reported Council had directed staff to make minor changes to the previously proposed policy. Councilor Ryan moved to adopt Resolution No. 2018-16. Motion was seconded by Councilor Prawitz and unanimously approved.

RESOLUTION NO. 2018-17 – A RESOLUTION ADDING FEES FOR SUBMISSIONS TO A CITY OF ROSEBURG VOTERS’ PAMPHLET

Ms. Sowa stated it was previously recommended that Council set a fee for submittals to the City Voters’ Pamphlet of \$25 to help offset staff costs. This fee would be required for any candidate submitting their information, or anyone submitting an argument in favor or in opposition to a local measure. Councilor Ryan moved to adopt Resolution No. 2018-17. Motion was seconded by Councilor Kaser and unanimously approved.

ELECTRONIC VOTERS’ PAMPHLET

With the adoption of the Voters’ Pamphlet Ordinance and Resolutions, Councilor Ryan moved to authorize the City Recorder to prepare and make available an electronic Voters’ Pamphlet titled, "City of Roseburg Election Information." Motion was seconded by Councilor Hicks and unanimously approved.

LEAGUE OF OREGON CITIES LEGISLATIVE PRIORITIES

Mr. Colley reported the League of Oregon Cities (LOC) previously discussed and provided Council with a list of legislative priorities to review and provide input to the LOC Board of Directors as it prepares to adopt the League’s 2019 legislative agenda. Ms. Sowa compiled results from the Mayor and Councilors prioritizing the LOC legislative topics. Mr. Colley asked

for Council approval to include Qualification Based Selection (QBS) to the list of top priorities for the City. QBS is a specific method of selecting consultants for a design or construction project that requires the services of a qualified engineer, architect or land surveyor. If there are two or more candidates that are equally qualified, the City would be able to seek information as to their scope and fee before bringing to Council.

Councilor Ryan shared he would like to have more leeway for transient lodging taxes. Councilor Kaser expressed concern regarding right-of-way franchise fee authority and thought PERS and Property Tax Reform would mostly likely be included by LOC, so he was comfortable choosing four other options to send. Councilor Hicks added it was her impression that Roseburg was to submit their top priorities, therefore she did not want to assume certain topics would automatically be included. In response to Councilor Hicks, Mr. Colley explained the Safe Routes to School funding match was based on a program with the Oregon Department of Transportation. City Public Works Staff is currently reviewing the program for the newly adopted Urban Renewal Plan and the City will have a local match. That process does not, however, have anything to do with the process for the LOC priorities. In response to Councilor Fisher-Fowler, Mr. Colley explained annexation flexibility applied to older communities and Council had previously determined that when criteria are met, the City will annex new properties.

Councilor Prawitz expressed his opinion that Mental Health Investment and Permanent Supportive Housing Investment were high priorities for Roseburg. Councilor Hicks reminded Council the Supportive Housing Investment was currently in line with Council Goals. After a brief discussion, Mayor Rich directed Staff to include PERS Reform, Property Tax Reform, Permanent Supportive Housing Investment and Qualification Based Selection as the top four priorities and elected to forego submitting four lowest priorities.

EDC FUNDING RECOMMENDATION – VISITOR SERVICES EVALUATION

Mr. Cowie stated the Chamber of Commerce has provided Visitor Services for many years and has provided the City with a written extension of the current contract for an additional five years. The contract outlines the terms and conditions of the contract and does not allow the City to modify the contract. There has not been contractual language that requires independent analysis of the performance of the contract and staff and the Economic Development Commission (EDC) agree that an evaluation should take place. To modify the contract, it would require notice of termination in accordance with section 3.8 and development of a new contract for visitor services. This could be done through negotiation or a request for proposal or both.

In performance of the contract the Chamber has agreed to focus its efforts on four main areas. These areas include: Outreach Marketing, Visitor Services, Group Travel Service & Support, and Industry Support. As stated within the contract the Chamber should determine its annual work plan, goals and objectives with regard to these four primary areas considering industry trends and local needs and opportunities. As a part of the contract, the City pays a percentage that comes from transient occupancy tax. The Chamber receives a significant portion of that funding for tourism. In 2012, the amount paid was \$399,000.00 and the next amount to be paid will be over \$600,000.00.

Results from the study should help to provide insight surrounding the effectiveness of the Chamber in providing the four areas of work, with an emphasis on Outreach Marketing efforts and how the City should proceed with the contract. Current activities include print and broadcast media advertising, creation and distribution of printed promotional material, digital and social media and attending trade shows. Staff would also reach out to other established local, regional and statewide travel groups to determine the level of outreach, membership and cooperation they have received through our local visitor services program. The \$20,000.00 used to fund this study would come from the Restrictive Fund, which is currently in excess of \$300,000.00. Although, the Economic Development Commission did not have a quorum for a meeting, those present supported the study and felt the use of funding was appropriate. Councilor Ryan expressed interest in seeking information to determine if the City is receiving the best services for money spent. In response to Councilor Fisher-Fowler, Mr. Colley explained the \$20,000.00 request was to allow an independent contractor to obtain appropriate data to provide to Council at a future work session. Mayor Rich commented the growth rate for payment seemed impressive and he was interested in knowing how Roseburg compares to other cities in Oregon.

Mr. Cowie added the Chamber presentation each year lacks comparisons which makes it difficult to know the effectiveness of their contract. Councilor Kaser shared he had spent time trying to determine if Roseburg was better than other cities and could not find appropriate information to justify that claim. In response to Councilor Hicks, Mr. Colley explained the study would provide tangible information to Council to be used for a request for proposal, working with Travel Oregon and reviewing other models that could work.

Councilor Prawitz stated there was a lot of good information to analyze and he hoped the information would show the local Chamber is effective. Councilor Hicks thanked Mr. Colley for bringing this conversation forward and wanted to make sure this was taken care of in a timely manner. Councilor Kaser moved to direct staff to expend up to \$20,000.00 to provide for an independent evaluation of the effectiveness of the current Visitor Services Contract. Motion was seconded by Councilor Ryan and approved unanimously.

FIRE STATION 2 SEIMIC REHABILITATION CONTRACT AMENDMENT – CONSTRUCTION 17GR13

Ms. Messenger explained the City went through a proposal process to select a contractor to perform the CM/GC services for the two seismic projects. Based on this selection process, the Council awarded a master CM/GC contract. The CM/GC master contract utilizes amendments to authorize phases of work. These amendments are similar to task orders the City utilizes with other types of master contracts.

Staff from the Public Works and Fire Departments have been working closely with the design engineer, architect and CM/GC contractor to develop plans for the Station 2 upgrades. Final plans were provided to the CM/GC contractor in mid-June. The contractor publicly advertised and competitively bid the subcontract work. On July 13th, the contractor delivered a Guaranteed Maximum Price (GMP) for the work outlined in the plans.

The work involves improving the structural integrity of the existing building to meet current seismic codes. This generally includes improving the structural support between the foundation, walls and roof. As part of the project, the entire roof will be replaced and a new

internal shear wall will be added. Other improvements include remodeling the kitchen, converting the single bathroom into two separate bathrooms, replacing the windows, modifications to the entrance and limited aesthetic improvements to the building's exterior. The City has received a grant through the Oregon Business Development Department for \$792,220.00 to construct this project. Due to the timing of the project occurring over two fiscal years, a budget adjustment will be necessary to allocate the funding into the correct fiscal year. In response to Councilor Ryan, Chief Garrisi explained there will be separate sleeping quarters in Fire Station No. 2.

Councilor Kaser moved to authorize Amendment #2 to the contract with Vitus Construction, Inc. for CM/GC services for Fire Station 2 Seismic Rehabilitation Project for \$665,449.00. Motion was seconded by Councilor Ryan and unanimously approved.

MUNICIPAL COURT QUARTERLY REPORT

Judge Mahan provided a report on the Municipal Court's case volume and program revenues. After the fourth quarter of the 2017-18 fiscal year, the total court revenues increased by 13.3%, fines and collections increased by 11.6%, court cost revenues increased by 51.5% and court appointed attorney revenues increased by 60%. The increase in court appointed attorney revenues is attributable to the increase of reimbursement to the City of Roseburg for court appointed attorney fees in the amount of \$150,000.00. Judge Mahan was pleased to see collective revenue had increased and, fines were up, but noted the largest problem was the low compliance rate. He had been working with Finance and Municipal Court staff to determine new ideas to increase the compliance rate.

Councilor Hicks asked Judge Mahan to discuss his suggestions to obtain a higher compliancy rate. Judge Mahan suggested working with the State of Oregon to have the option of taking tax returns. Another option is to hold someone in contempt to appear in court or violation proceeding, but explained that was not always cost effective. Many cases deal with mental health or housing issues, so it is difficult to collect funds from people experiencing those circumstances. In response to Councilor Kaser, Judge Mahan explained the total number of cases increased because of more Police enforcement. He saw many citations for criminal trespass, prohibited camping and drinking in public. Councilor Hicks wanted to know how the Judge works with the Parole and Probation Department for repeat offenders. Judge Mahan explained that was a different system and was not part of Municipal Court. If someone appears with multiple offenses, he looks at what belongs to Municipal Court and other charges are then taken to County Circuit Court. He does not have authority to call the Department of Probation, but stated the City Prosecutor could assist for specialty cases. Councilor Hicks thanked Judge Mahan for his time and explanation and hoped to see the different government agencies working together for the best interest of the individual.

Councilor Prawitz wanted to know if repeat offenders were provided some leniency if they proved to seek help. Judge Mahan did confirm if someone can provide documentation showing they are undergoing treatment or a class then yes, there are exceptions, but he cannot send offenders to drug or mental health court. In response to Mayor Rich, Judge Mahan explained he is able to see thirty or more cases in a work day. Judge Mahan responded to Councilor Hicks he would be interested in having a list of organizations that can provide assistance to those in need. Mr. Colley shared the Local Public Safety Coordinating Council had created a list of providers for post incarceration. Councilor Hicks added she would like the City to

consider the idea of a community service group to provide the option of trading their court fines for community service. Mayor Rich said that could be something to consider and think about.

ITEMS FROM MAYOR, COUNCIL AND CITY MANAGER

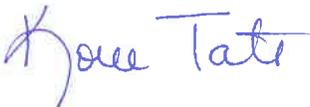
Councilor Hicks reported that while in the downtown area, she noticed debris, cigarette butts, people loitering with open containers in front of the Elk's Lodge and that Eagle's Park did not appear as well kept. She had also received citizen complaints from residents of Kohlhagen apartments regarding people loitering around the building while smoking or trying to enter the building.

RECESS

The meeting recessed at 8:30 p.m. in order for the Council to meet in Executive Session under authority of ORS 192.660(2)(d) – Labor Negotiations.

RECONVENE AND ADJOURNMENT

The meeting reconvened at 8:40 p.m., at which time Mayor Rich adjourned the meeting.



Koree Tate
Management Assistant

Handwritten signature and date: 8/7/18

**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**



**OLCC APPLICATION – NEW OUTLET
Le Petit Café – 410 SE Jackson Street**

Meeting Date: August 13, 2018
Department: City Manager's Office
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

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

BACKGROUND

OLCC has received an application from Carol Arnett with Le Petit Cafe located at 410 SE Jackson Street as a new outlet granted for "Limited On-Premises Sales."

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

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Staff recommends Council approval of the application as submitted.

SUGGESTED MOTION

"I MOVE TO RECOMMEND APPROVAL OF THE OLCC NEW OUTLET APPLICATION FOR LE PETIT CAFE AT 410 SE JACKON STREET IN ROSEBURG, OREGON.

ATTACHMENTS

A. Subject Application

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



LIQUOR LICENSE APPLICATION

<p>LICENSE FEE: Do not include the license fee with the application (the license fee will be collected at a later time).</p> <p>APPLICATION: Application is being made for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Brewery <input type="checkbox"/> Brewery-Public House <input type="checkbox"/> Distillery <input type="checkbox"/> Full On-Premises, Commercial <input type="checkbox"/> Full On-Premises, Caterer <input type="checkbox"/> Full On-Premises, Passenger Carrier <input type="checkbox"/> Full On-Premises, Other Public Location <input type="checkbox"/> Full On-Premises, Nonprofit Private Club <input type="checkbox"/> Full On-Premises, For-Profit Private Club <input type="checkbox"/> Grower Sales Privilege <input checked="" type="checkbox"/> Limited On-Premises <input type="checkbox"/> Off-Premises <input type="checkbox"/> Off-Premises with Fuel Pumps <input type="checkbox"/> Warehouse <input type="checkbox"/> Wholesale Malt Beverage & Wine (WMBW) <input type="checkbox"/> Winery 	<p style="text-align: center;">CITY AND COUNTY USE ONLY</p> <p>Date application received <u>01/3/18</u></p> <p>Name of City or County <u>Roseburg</u></p> <p>Recommends this license be <input type="checkbox"/> Granted <input type="checkbox"/> Denied</p> <p>By _____</p> <p>Date _____</p> <hr/> <p style="text-align: center;">OLCC USE</p> <p>Application received by <u>(OLCC)</u></p> <p>Date <u>07/30/18</u></p> <p>License Action: <u>New Outlet</u></p>
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1. LEGAL ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license:			
Applicant #1 <u>Carol Annott LLC</u>	Applicant #2 _____	Applicant #3 _____	Applicant #4 _____
2. Trade Name of the Business (the name customers will see): <u>Le Petit Cafe</u>			
3. Business Location: Number and Street: <u>410 SE Jackson St</u>			
City <u>Roseburg</u>	County <u>Tau las</u>	ZIP <u>97470</u>	
4. Is the business at this location currently licensed by the OLCC? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Mailing Address (where the OLCC will send your mail): <u>410 SE Jackson St</u>			
PO Box, Number, Street, Rural Route			
City <u>Roseburg</u>	State <u>OR</u>	ZIP <u>97219</u>	
6. Phone Number of the Business Location: <u>541-900-1224</u>			
7. Contact Person for this Application: <u>Carol Annott</u>			
Name		Phone Number <u>503-522-9120</u>	
Mailing Address, City, State, ZIP <u>222 SW Florida St Portland OR 97219</u>			
Email <u>jewelsgr@yahoo.com</u>			
I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the licensed premises.			
Signature of Applicant #1 <u>Carol Annott</u>	Signature of Applicant #2 <u>Carrie Smith</u>		
Signature of Applicant #3 _____	Signature of Applicant #4 _____		

AG 18

8/7/18

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



OLCC APPLICATION – CHANGE OF OWNER Blac-N-Bleu Bistro – 1700 Garden Valley Boulevard, Suite 101 & 102

Meeting Date: August 13, 2018
Department: City Manager’s Office
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

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

BACKGROUND

OLCC has received an application from Kristen Koens and Todd Koens with Blac-N-Bleu Bistro located at 1700 Garden Valley Boulevard, Suite 101 & 102 as a change of owner granted for “Full On-Premises, Commercial.”

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

COUNCIL OPTIONS

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

STAFF RECOMMENDATION

Staff recommends Council approval of the application as submitted.

SUGGESTED MOTION

"I MOVE TO RECOMMEND APPROVAL OF THE OLCC CHANGE OF OWNER APPLICATION FOR BLAC-N-BLEU BISTRO AT 1700 GARDEN VALLEY BOULEVARD, SUITE 101 & 102 ROSEBURG, OREGON.

ATTACHMENTS

A. Subject Application

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



LIQUOR LICENSE APPLICATION

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

APPLICATION: Application is being made for:

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

CITY AND COUNTY USE ONLY

Date application received 8/6/2018

Name of City or County City of Roseburg

Recommends this license be Granted Denied

By _____

Date _____

OLCC USE

Application received by OK

Date 05/30/18

License Action: C/O-EC/TN

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

Applicant #1

K & T Koens LLC

Applicant #2

Applicant #3

Applicant #4

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

Blac-N-Blew Bistro

3. Business Location: Number and Street

City Roseburg

1700 Garden Valley Blvd ^{ste 101 & 102}

County Douglas

ZIP 97471

4. Is the business at this location currently licensed by the OLCC? Yes No

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

PO Box, Number, Street, Rural Route

City Winchester

State OR

ZIP 97495

6. Phone Number of the Business Location: 541-391-4949

7. Contact Person for this Application:

Name TODD D KOENS

Phone Number 541-671-1185

Mailing Address, City, State, ZIP

251 Winchester Creek Ave. Winchester OR 97495

Email +tloens67@gmail.com

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

Signature of Applicant #1

Signature of Applicant #2

Signature of Applicant #3

Signature of Applicant #4

Je
8/7/18

ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY

PUBLIC HEARING ON THE SALE OF REAL PROPERTY
WALNUT PROPERTIES



Meeting Date: August 13, 2018
Department: City Manager
www.cityofroseburg.org

Agenda Section: Public Hearing
Staff Contact: Lance Colley
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Pursuant to RMC 3.20.020, the Council will be conducting a public hearing on the proposed sale of the City's undivided interest in real property located at 1247 N.E. Walnut. The property consists of a paved parking lot which was part of our original land purchase which then consisted of a tow yard and business immediately east of this lot. The property in question is now, and has been utilized as tenant parking for the adjacent property and cannot be used as a separate lot.

BACKGROUND

A. Property History

- The properties, including this undivided interest, were acquired in 2002 and 2003 for economic development. The purpose was to provide parking for employees of Dell Computers, formerly located in the North Roseburg Shopping Center.
- In February 2005, the property owner requested the City deed this interest to the co-owner without compensation. No agreement to provide the deed was entered into at the time.
- With Dell's departure from the community, the property was no longer needed and was declared surplus to the City's needs. The undeveloped lots were formally declared surplus September 24, 2007. The improved lots were surplussed on February 11, 2013.
- In April 2016, Council accepted an offer from Convey-Keystone to acquire the previously surplussed property immediately east of this property.

B. Analysis. Property owner, Adrienne Walnut Rental Property, LLC would like to acquire the City's undivided interest in tax lot 2800 for \$3,500. While the City's cost, through Urban Renewal, was significantly higher than \$3,500, the compensation was part of a larger "condemnation" process and was designed primarily to acquire the title to the adjoining properties which were then used to provide employee parking for economic development purposes.

Since the acquisition by the City, the co-owner has improved the parking lot to provide employee parking for their adjoining building in accordance with the City's land use and development regulations and City code. Adrienne Walnut Rental Property, LLC has retained exclusive use of the parking lot property to meet its parking requirements and has paid 100% of the taxes on the lot, approximately \$600 per year since 2003. The City has not used the

property nor does the City have any use for the property. In my conversation with the owner's representative, I suggested that the \$3,500 was the minimum I would request Council approve, and I do support relinquishing our interest in the property for that amount.

Con-Vey Keystone, Inc., which recently acquired the easterly adjoining property and constructed new space to expand its business, has made an offer to acquire the property at 1217 and 1227 N.E. Walnut as well as this property outlined previously as 1247 N.E. Walnut. The sale is contingent on the seller being able to provide clear title to the property, which can only be accomplished by acquiring the undivided interest from the City of Roseburg.

The sale of our interest in the property to Adrienne Walnut Rental Property, LLC will allow them to complete the sale of property to Convey-Keystone which will allow them to continue to expand their foot print in Roseburg and continue to expand their employment base.

C. Financial and/or Resource Considerations. If the offer is accepted, the funds could be dedicated to the Facilities Fund which is utilized for acquisition and maintenance of all City facilities. The amount, \$3,500 is not a material amount for this budget, but the Urban Renewal Fund expires at the end of fiscal 2018-19 and the Facilities Fund will continue into the future.

D. Timing Issues. The proposed sale from Adrienne to Convey-Keystone is scheduled to close in mid-August, subject to clearing the title to Tax Lot 2800. Staff would like to accommodate this transaction.

COUNCIL OPTIONS

Under the authority of RMC 3.20.020(A) the Council, in its sole discretion, has the following options at the conclusion of the public hearing:

1. Accept the offer received on the property; or
2. Direct that a counter offer be made to the person submitting the offer; or
3. Reject the offer received and direct that the interest in the property not be sold;

As required by ORS 221.725 and the Municipal Code, notice of the proposed sale and a public hearing thereon was published in The News-Review on August 7, 2018. Should a competing offer be presented prior to or during the public hearing, the City Council would have the following additional options:

1. Proceed to accept the offer; or
2. Direct the City Manager to negotiate with all interested parties. In that event, should a higher offer be received and appropriate earnest money filed, the new offer will need to be published in the News Review and another public hearing conducted at a subsequent City Council meeting.

STAFF RECOMMENDATION

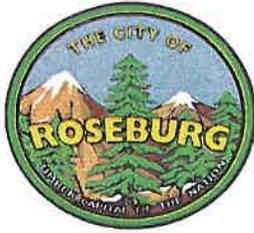
Should no other offers be forthcoming, Staff recommends the City Council accept the purchase offer.

SUGGESTED MOTION

1. "I MOVE TO ACCEPT THE OFFER OF \$3,500.00 FROM ADRIENNE WALNUT RENTAL PROPERTY, LLC FOR UNDIVIDED INTEREST IN PROPERTY LOCATED AT 1247 WALNUT AVENUE FURTHER IDENTIFIED AS TOWNSHIP 27, RANGE 06W, SECTION 13 QUARTER AD LOT 2800."

ATTACHMENTS

- #1 - Public Hearing Notice
- #2 - Aerial Photo
- #3 - Property Map



**CITY OF ROSEBURG NOTICE OF PROPOSED SALE AGREEMENT FOR
PROPERTY TAX LOT #T27-06W-13AD-02800
AND PUBLIC HEARING RELATED THERETO**

NOTICE IS HEREBY GIVEN, that the City of Roseburg has received a notice of intent to purchase the real property located at 1247 NE Walnut Street, adjoining Con-Vey Keystone, Inc. The City currently has a one-half undivided interest in the property which is considered to be surplus to the needs of the City and is legally identified as Township 27 Range 6W Section 13 Quarter AD Lot 02800.

The property is currently being used for parking for the adjoining property/business, Con-Vey Keystone, Inc. Due to the size (0.11 acre) and location of the property, the most practical use of the property to which the City holds a one-half undivided interest is a parking lot or other use by the adjoining property.

A public hearing to consider the sale of this property will be held on Monday, August 13, 2018 at 7:00 p.m. in the City Hall Council Chambers, 900 SE Douglas in Roseburg. Public comments regarding the proposed sale and the offer being considered will be heard prior to the Council accepting a final offer.

Anyone desiring more information regarding the property subject to this notice, or subsequent public hearing related thereto, may contact City Recorder Amy L. Sowa by calling 541-492-6866.

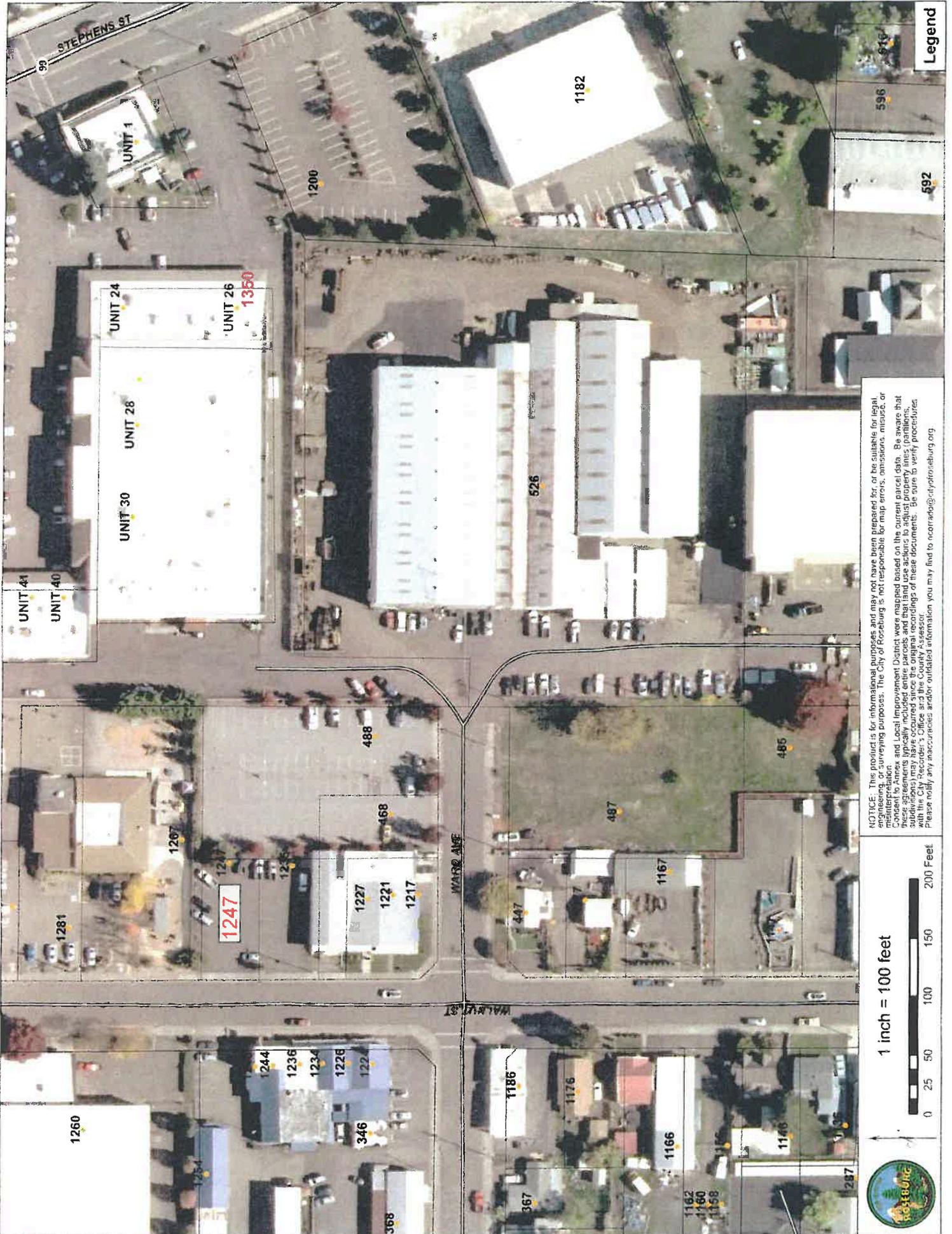


Amy L. Sowa, City Recorder

Posted on the City's website and at City Hall on July 31, 2018. Published in the News Review on August 6, 2018.

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

Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470 (Phone: 541-492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation.



NOTICE: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. The City of Roseburg is not responsible for map errors, omissions, misuses, or misinterpretations. Consent to Annex and Local Improvement District were mapped based on the current parcel data. Be aware that these agreements typically included entire parcels and that land use actions to adjust property lines (partitions, subdivisions) may have occurred since the original recordings of these documents. Be sure to verify procedures with the City Recorder's Office and the City Assessor. Please notify any inaccuracies and/or outdated information you may find to nccorrb@cityofroseburg.org

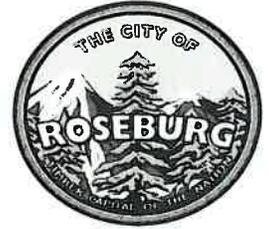
1 inch = 100 feet



ajs

8/17/18

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ORDINANCE REPLACING CHAPTER 9.08 - VEHICLE FOR HIRE SERVICES

Meeting Date: August 13, 2018

Agenda Section: Ordinances

Department: Administration

Staff Contact: Amy L. Sowa, City Recorder

www.cityofroseburg.org

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY: Council has discussed the proposed ordinance regulating vehicle for hire services during several Council meetings. This ordinance will allow transportation network companies (TNC) such as Uber and Lyft to operate in Roseburg, while allowing traditional taxi service to continue to operate as well.

BACKGROUND

A. Council Action History.

- March 26, 2018: Council directed staff to prepare an ordinance that would allow TNCs to operate in Roseburg along with traditional taxi operators. The ordinance was to be based primarily on the ordinances that had been recently adopted by Medford, Corvallis, Redmond, Salem and most recently Eugene.
- April 16, 2018: Staff presented a draft ordinance to Council during a Special Meeting. After review and hearing testimony on the draft ordinance, Council determined they would continue their review and provide comments to staff over the course of the following week.
- The draft ordinance was further reviewed by the City Attorney who proposed some minor corrections and clarifications.
- June 22, 2018: City Manager Lance Colley, City Attorney Bruce Coalwell and City Recorder Amy Sowa held a conference call with Jon Isaacs, a representative of Uber, to discuss the proposed ordinance.
- June 22, 2018: The City Recorder updated the draft ordinance with the change to the age of the vehicle. This ordinance was then emailed to Mr. Isaacs at Uber for final comments.
- July 9, 2018: Council discussed the comments submitted by Council members and asked that the proposed ordinance come back to Council for a first reading with the minor changes outlined below.
- July 23, 2018: A first reading was held on the proposed ordinance.

B. Analysis. Over the course of the discussions to amend the Roseburg Municipal Code to allow all vehicles for hire, including TNCs, to operate within the city, Staff and Council have taken into consideration the input and testimony from local taxi companies, Uber representatives and Oregon AFL-CIO, as well as input from the full City Council.

C. Financial/Resource Considerations. Fees for TNC drivers will be presented separately by resolution.

D. Timing Considerations. Uber has indicated an interest in serving the citizens of the City of Roseburg. If Council adopts the ordinance upon second reading, Uber and other Transportation Network Companies (TNCs) could start operating in Roseburg this fall.

STAFF RECOMMENDATION/COUNCIL OPTIONS: Council can conduct a second reading and adopt the proposed ordinance, or choose not to move forward.

SUGGESTED MOTION: *ADOPT ORDINANCE NO. 3504*

ATTACHMENTS: #1 – Ordinance No. 3504

cc: Uber, Inc.; Sunshine Taxi; Elite Taxi; Oregon AFL-CIO; Subject File

ORDINANCE NO. 3504

**AN ORDINANCE REPEALING ROSEBURG MUNICIPAL CODE CHAPTER 9.08, ENTITLED
“TAXICAB AND LIMOUSINE SERVICES” AND REPLACING IT WITH NEW CHAPTER 9.08
ENTITLED “VEHICLE FOR HIRE SERVICES”**

SECTION 1. Roseburg Municipal Code Chapter 9.08, entitled “*Taxicab and Limousine Services*” is hereby repealed in its entirety and replaced with a new Chapter 9.08, entitled “*Vehicle For Hire Services*” to read as follows:

**RMC CHAPTER 9.08
VEHICLE FOR HIRE SERVICES**

Sections:

9.08.005	Definitions
9.08.010	Purpose
9.08.020	Vehicle for Hire Operator’s License Required
9.08.030	Application for Operator’s License
9.08.040	Term of Operator’s License
9.08.050	Operator’s License Fee
9.08.060	Transfer of Operator’s License
9.08.070	Vehicle for Hire Driver’s Permit Required
9.08.080	Application for Driver’s Permit
9.08.090	Term and Fee for Driver’s Permit
9.08.100	Standards of Issuance for Driver’s Permit
9.08.110	Insurance Requirements
9.08.120	Operational Requirements
9.08.130	Registered Agent Required
9.08.130	Charges for Vehicle for Hire Services
9.08.140	Audit
9.08.150	Indemnification
9.08.160	Denial, Suspension and Revocation

9.08.005 Definitions. As used in this Chapter, unless the context clearly indicates otherwise, the following words and phrases shall mean:

“**Digital Dispatch System**” is an internet-based software application, website, platform or interface that allows for the solicitation, arrangement or provision of vehicle for hire services and the display of rates, calculation of fares or acceptance of payment for vehicle for hire services.

“**Driver**” is any individual person who drives a vehicle for hire within the City.

“**Employee**” is any person employed for remuneration or under any contract of hire, written or oral, express or implied, including independent contractors. All persons who drive vehicles for hire, including any person who has an ownership interest in the company, shall be considered employees of the vehicle for hire company for purposes of this Chapter.

“Key Personnel” is any owner, officer, manager, employee or agent of the licensee who exercises management or supervisory authority.

“Licensee” is the holder of an operator’s license as described in this Chapter.

“Limousine” is any luxury motor vehicle which has a total length of twenty feet or more or a seating capacity of more than six but less than ten passengers, which carries passengers for hire, whose journey has originated in the City and where the destination and route may be controlled by the passenger and the fare is calculated on the basis on an hourly rate.

“Operator” or “Owner” is any person engaged in the business of furnishing vehicle for hire services or operating a vehicle for hire company, whether upon contract or by offering such service to the public generally. A driver who is an employee of an operator does not him/herself become a separate operator solely because of such employment relationship.

“Operator’s License” is a license issued to an operator pursuant to this Chapter.

“Person” means and includes any individual natural person, partnership, corporation, unincorporated association, or other entity.

“Taxi” or “Taxicab” is any motor vehicle for hire, other than a limousine or a transportation network vehicle which carries passengers for hire, whose journey has originated in the City, the destination is controlled by the passenger and the fare is calculated on the basis of any combination of an initial fee, distance traveled and delays.

“Taxi Company” is a business operating one or more vehicles for hire, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, leased, or owned by individual members of an entity. Taxi companies do not include Transportation Network Companies.

“Transportation Network” is one or more drivers working as independent contractors or employees and utilizing a digital dispatch system and personal motor vehicles in the provision of transportation services.

“Transportation Network Company” or “TNC” is a company that operates or facilitates a transportation network using an Internet-enabled technology application service, website or system to connect passengers to TNC affiliated drivers who provide prearranged rides in TNC vehicles for hire.

“Transportation Network Vehicle” or “TNV” is any personal motor vehicle which is used as a vehicle for hire and is part of a transportation network.

“Vehicle for Hire” is any motor vehicle used for the ground transportation of passengers for compensation within the City, including taxis and transportation network vehicles. The following vehicles shall not be considered as vehicles for hire for the purposes of this Chapter: limousines as defined by this Chapter; regularly scheduled buses; bona fide state-approved buses engaged in charter service with a seating capacity of more than twenty persons; vans and mini-buses which carry passengers for hire and have a seating capacity of more than seven passengers; courtesy vehicles

operated by vehicle repair businesses, hotels, motels, or residential facilities without charge to the user; ambulances licensed under State law; specially equipped vehicles used exclusively to transport wheelchair-bound passengers and their attendants; and non-motorized vehicles such as horse-drawn buggies.

“Vehicle for Hire Company” is a business engaged in furnishing or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a taxi company or a transportation network company.

“Vehicle for Hire Driver” is any person who carries on the vocation of driving a vehicle for hire.

“Vehicle for Hire Services” shall mean motor vehicle transportation services provided by a TNC, taxi or vehicle for hire company.

9.08.010 Purpose. It is the purpose of this Chapter to require persons operating vehicles for hire to do so in a safe, fair and efficient manner. The vehicle for hire industry should be allowed to operate without unnecessary restraint, but because the provision of such services constitutes an essential part of the City’s transportation system and because transportation fundamentally affects the City’s well-being and that of its citizens, some regulation is necessary to ensure the public safety is protected, the public need provided for and the public convenience promoted. The provisions contained in this Chapter should be applied and enforced in such a manner as to require the vehicle for hire industry to regulate itself, under City supervision, to promote innovation and adaptation to changing needs, and respond to the economics of the marketplace, so long as the public interest is served thereby.

Nothing in this Chapter is intended or shall be construed to create any liability on the part of the City or its employees for any injury or damage related to any provision of this Chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter.

9.08.020 Vehicle for Hire Operator’s License Required. No person shall own or operate a vehicle for hire company or provide vehicle for hire services within the City without first obtaining an operator’s license as required by this Chapter. An application for a vehicle for hire operator’s license shall be filed with the City Recorder on a form provided by the City. The City may issue a license to an operator if the operator certifies that it is in compliance with, and will continue to comply with, all requirements of this Chapter, including but not limited to driver and insurance requirements, operating standards and any other Code requirements. The City may include conditions, restrictions or special provisions in the license, including but not limited to conditions related to routes, times of operation, lighting, alternative requirements or means of meeting requirements, if, in the sole discretion of the City, the applicant’s vehicles or operations warrant conditions, restrictions or special provisions.

9.08.030 Application for Operator’s License.

A. An application for an original operator's license shall be filed with the City Recorder on a form provided by the City, verified under penalty of perjury, accompanied by a nonrefundable application investigation fee in an amount set by Council resolution and contain the following:

1. The name, date and place of birth, driver's license number and residence address of the operator of the proposed vehicle for hire company and any of the company's key personnel;

2. The company name under which the vehicle for hire service shall operate;
3. A statement whether the operator of the proposed vehicle for hire company, or any key personnel of the company, have ever:
 - a. Been convicted of any felony, misdemeanor or violation of any federal or state law or municipal ordinance (other than minor traffic and parking offenses), the nature of the offense and the punishment or penalty assessed;
 - b. Had a business license or bond denied, revoked or suspended and, if so, a description of the reason for such revocation or suspension.
4. The rates applicant proposes to charge for vehicle for hire service;
5. Such other relevant information as the City Recorder may deem necessary for the proper protection of the public.

B. Each licensed vehicle for hire operator shall maintain accurate, current records for each vehicle for hire driver employed by, contracting with, or otherwise affiliated with the company, including all drivers accessing the business's digital network to operate within the City. The records shall include the driver's name, date of birth, address, driver's license information, motor vehicle registration and proof of automobile insurance. Operators shall provide a person in compliance with this Section written confirmation of compliance. Both the operator and each driver must submit a copy of such confirmation of compliance with their application for a vehicle for hire operator's license or a vehicle for hire driver's permit.

C. An operator must revoke a driver's authority to operate as a driver for their vehicle for hire company and inform the City if it finds at any time that the standards set forth in this Chapter are no longer being met by the driver.

D. Each licensed vehicle for hire operator shall continue to keep the information provided in its application current, and shall inform the City Recorder of any changes within ten days of the occurrence.

9.08.040 Term of Operator's License. An operator's license shall be issued for a term of one year, or any portion thereof if the application is received after January 1 of any calendar year. All operator licenses shall expire on December 31st of the year issued. If a licensee intends to continue to operate in the next following license year, not less than thirty days prior to the license expiration date, licensee shall complete a license renewal application and submit the annual license fee as described in Section 9.08.050, to the City Recorder.

9.08.050 Operator's License Fee. The annual license fee for an operator's license shall be as set by Council resolution and shall be paid before an original license is issued and thereafter on or before January 1st of each year before a renewal license shall be issued. If the initial operator's license is issued on or after July 1st, the fee shall be reduced by one-half for the initial license year.

9.08.060 Transfer of Operator's License. No operator's license may be sold, assigned, mortgaged or otherwise transferred without the consent of the City Recorder. Such transfer shall be subject to the same terms, conditions and requirements as the application for the original license.

9.08.070 Vehicle for Hire Driver's Permit Required. No person shall drive a vehicle for hire within the City without first obtaining a vehicle for hire driver's permit issued pursuant to this Chapter.

9.08.080 Application for Driver's Permit. Application for a vehicle for hire driver's permit shall be made to the City Recorder on a form provided by the City and accompanied by the payment of a nonrefundable original application investigation fee as set by Council resolution. Upon approval of the application, the annual license fee as set by Council resolution must be paid before the license is granted. Applicants shall provide the following:

1. The applicant's name, date and place of birth, driver's license number and residence address;
2. The name of the TNC, taxi or vehicle for hire company under which the driver shall provide vehicle for hire services;
3. A statement whether the applicant has ever been convicted of any felony, misdemeanor or violation of any federal or state law or municipal ordinance (other than minor traffic and parking offenses), the nature of the offense and the punishment or penalty assessed;
4. Satisfactory proof that the applicant is at least 21 years of age and possesses the appropriate valid Oregon driver's license;
5. Satisfactory proof that the applicant has a current vehicle registration as well as current automobile liability insurance that meets the requirements of this Chapter and state law; and
6. Proof from a certified mechanic that the vehicle has been inspected and passes a safety test.
7. Such other relevant information as the City Recorder may deem necessary for the proper protection of the public.

9.08.090 Term and Fee for Driver's Permit. Each person approved to be a vehicle for hire, TNC or taxi driver under this Chapter shall pay an annual permit fee as set by Council resolution. All permits shall expire on December 31st of the year issued. If the original permit is issued on or after July 1st, the permit fee may be reduced by one-half the annual fee for the initial permit year. If permittee intends to continue to operate as a vehicle for hire driver during the next following permit year, not less than 30 days prior to the permit expiration date, permittee shall complete a permit renewal application and pay the annual permit fee as described in Section 9.08.090.

9.08.100 Standards for Issuance of Driver's Permit. The City Recorder shall review each application to determine the applicant's fitness to obtain a TNC, taxi or vehicle for hire driver's permit. Among the factors which may be considered are:

1. Applicant's prior criminal history;
2. Prior traffic violations by the applicant and prior violations of municipal regulations of the City or other municipalities governing vehicle for hire services;
3. The applicant's driving safety record; and
4. Any other relevant factor which the City Recorder may deem necessary.

9.08.110 Insurance Requirements.

A. General Coverage. Every vehicle for hire operator and driver licensed under this Chapter shall maintain continuous, uninterrupted insurance coverage as described herein, for the duration of the license and any operations within the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company is a violation of this Chapter. Operators shall secure and maintain commercial general liability insurance with limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating within the City. For all insurance required by this Chapter, operators shall provide certificates of insurance naming the City, its officers, agents and employees as additional

insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires or has any reduction in coverage. Insurance requirements of this Chapter shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon. The insurance limits for operators are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon, other statutory changes or other changes deemed necessary by the City during the term of the operator's license. The adequacy of insurance coverage is subject to the review and approval of the City. Upon request or as part of an application, all TNC, taxi and vehicle for hire operators shall provide the City proof of current, valid insurance covering the affiliated TNC, taxi and vehicle for hire company, and any vehicles and drivers associated with the company

B. Insurance for Taxi Operators. Taxi operators licensed under this Chapter shall secure and maintain commercial automobile liability insurance, with a combined single limit of not less than \$1 million per occurrence for claims arising out of, but not limited to, bodily injury and property damage on all vehicles owned by the taxi operator but driven by a vehicle for hire driver.

C. Insurance Limits During Service Periods for TNC or Vehicle for Hire Operators. Service periods for operators providing vehicle for hire or TNC services shall be defined as follows:

- 1. Period 1:** The TNC or vehicle for hire driver has logged into the operator's digital dispatch system app or is otherwise connected to the operator's digital network, but has not yet accepted a request for a ride from a passenger (when the app is open and the driver is waiting for a match).
- 2. Period 2:** A passenger match has been accepted, but the passenger is not yet picked up (the driver is on the way to pick up the passenger).
- 3. Period 3:** The passenger is in the vehicle.

D. Insurance for TNC or Vehicle for Hire Operators. All TNC or vehicle for hire operators licensed under this Chapter shall secure and maintain the following automobile liability insurance:

- 1.** Primary insurance coverage during Period 1, as defined in the above Subsection 9.08.110(C), with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury, and \$25,000 for property damage, plus any other state compulsory coverage.
- 2.** Primary coverage during Periods 2 and 3, as defined in the above Subsection 9.08.110(C), with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident.
- 3.** The required automobile liability insurance shall specifically recognize the driver's provision of TNC or vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.

E. Insurance for TNC or Vehicle for Hire Drivers. TNC or vehicle for hire drivers shall be responsible for maintaining all personal automobile liability insurance as required by State law.

9.08.120 Operational Requirements.

A. All vehicles operating for a TNC, vehicle for hire or taxi company shall be no more than fifteen years old and maintained in a clean, sanitary, safe and mechanically sound condition and shall be clearly marked with the TNC, taxi or vehicle for hire's company name or logo. Vehicles operating for a taxi company shall include the company name or logo, phone number and a vehicle identification

number in plain sight. No vehicle may display the words “taxi”, “taxicab” or “cab”, or attempt to appear as a taxi unless such vehicle is directly affiliated with a taxi company licensed under this Chapter. Vehicles operated solely for TNC or vehicle for hire companies shall be clearly marked as operating for the TNC or vehicle for hire company, although any vehicle marking requirements imposed by a TNC or vehicle for hire company may apply. The signage identifying a TNC or vehicle for hire must be clearly visible from the front and rear of the vehicle from a distance of 20 feet and shall be placed on the interior or exterior of the vehicle body. No vehicle shall be operated as a TNC vehicle or vehicle for hire unless affiliated with a TNC or vehicle for hire company licensed by this Chapter. The TNC’s or vehicle for hire’s software application or website shall display for the passenger the make, model and license plate number of the TNC vehicle or vehicle for hire.

B. Vehicle for Hire drivers shall report a change of vehicle to the City within 30 days.

C. TNCs and vehicle for hire companies shall maintain records of all trips made by all drivers for at least one year from the date of the trip. The data may be aggregated or anonymized, and shall at a minimum include the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration and passenger wait times from a driver’s acceptance of a request for passenger pick-up. The City may require a TNC or vehicle for hire company to enter a data sharing agreement in order to receive a license.

D. All operators licensed under this Chapter shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or affiliated with the company while providing vehicle for hire services. All operators shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violation of this policy. An operator shall immediately suspend a driver upon receipt of a passenger complaint alleging violation of the zero tolerance policy for at least the duration of the investigation of the complaint.

E. Operators must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices and must comply with all applicable requirements of the Americans with Disabilities Act.

F. Unless otherwise directed by the passenger, all vehicle for hire drivers employed or contracted to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger to the destination safely and expeditiously.

G. It shall be unlawful for any TNC, vehicle for hire or taxi driver to smoke in the presence of any passenger without the consent of such passenger. It shall at all times be unlawful for any person to smoke in a vehicle for hire if oxygen tanks or other devices containing inflammable materials are present in the vehicle.

H. All taxi meters shall be inspected and tested for accuracy by the taxi or vehicle for hire company at least once every six months.

9.08.130 Registered Agent Required. TNC and vehicle for hire companies must maintain a registered agent for service of process in the State of Oregon. The name, telephone number, physical

address, electronic mail address of the registered agent shall be provided as part of the operator's license application. The company shall notify the City in writing of any changes regarding its registered agent.

9.08.140 Charges for Vehicle for Hire Services.

A. All charges for vehicle for hire services shall be calculated and displayed by a taximeter or digital dispatch system. When charges are to be displayed by a taximeter, the taximeter shall be placed in the vehicle for hire so that the reading dial showing the amount to be charged is illuminated and readily discernable to passengers.

B. No taximeter or digital dispatch system shall be operated in a manner so as to cause any charge to be registered thereon except during the time while the vehicle for hire is engaged by a passenger.

C. No passenger shall be carried in a vehicle for hire unless the taximeter or digital dispatch system is in operation, whether or not the trip is entirely within or partially outside the boundaries of the City. The taximeter or digital display system shall be in continuous operation during the entire time that a passenger is being transported for compensation.

D. A TNC, taxi or vehicle for hire company may impose a specialized charge to carry extra passengers or to deliver goods or other items so long as such specialized charge is clearly calculated and displayed before any service is provided.

9.08.150 Audit. The City may audit operators licensed under this Chapter up to three times per calendar year for compliance with this Chapter. Upon request, an operator shall provide the City a sample of records for up to thirty (30) drivers affiliated with the operator that have operated in the thirty (30) days preceding the audit. An audit shall occur at a time and location designated by the City. In addition to an audit, the City may require an operator to produce records related to an investigation of a specific allegation of a violation of the Chapter or other applicable law, or to evaluate a complaint. Production of records for an investigation or to evaluate a complaint does not count toward the three-time-per-year auditing limit.

9.08.160 Indemnification.

A. All operators and drivers issued a license or permit under this Chapter shall agree to pay all damages and penalties the City may legally be required to pay as a result of granting such license or permit and shall agree to defend and indemnify the City against all claims resulting from the granting of such license or permit. These damages or penalties shall include, but not be limited to, damages arising out of the operation or maintenance of a vehicle used to provide vehicle for hire services pursuant to this Chapter whether or not any act or omission complained of is authorized or prohibited by the Chapter.

B. By its application and the granting of an operator's license under this Chapter, the operator agrees to pay all necessary and reasonable expenses incurred by the City in defending itself under this Section, including, but not limited to, reasonable attorney's fees.

9.08.170 Denial, Suspension and Revocation.

A. Operator's License. In addition to the grounds in Chapter 9.100, the City Recorder may deny an application for an operator's license or suspend or revoke an operator's license upon finding that:

1. The application, operator or key personnel fails to meet the requirements of this Chapter or is doing business in violation of this Chapter or applicable federal, state, county or City law;
2. The applicant, operator or key personnel has provided false or misleading material or information or has omitted disclosure of a material fact on the application or related materials or on the applicant's business records.
3. The applicant's, operator's or key personnel's past or present violation of law or ordinance presents a reasonable doubt about the applicant's or operator's ability to provide TNC, taxi or vehicle for hire services without endangering property or the public health and safety.
4. The information supplied in the application does not indicate that the applicant or key personnel has the experience, knowledge or ability to provide the services required under this Chapter.

B. Driver's Permit. In addition to the grounds in Chapter 9.100, the City Recorder may deny an applicant for a TNC, taxi or vehicle for hire permit, or suspend or revoke the driver's permit if the Recorder determines the applicant to be unfit based upon the factors in Section 9.08.100 or if the permittee is convicted of a violation of this Chapter or similar regulations of another municipality or of any state statute involving the operation of a motor vehicle; or if the City Recorder has reasonable grounds to believe that the permittee would endanger life or property while operating a motor vehicle.

C. Recorder's Decision and Applicant's, Licensee's or Permittee's Right. The City Recorder's decision to deny an application, to suspend or revoke a license or permit and the rights of an applicant, licensee or permittee shall be governed by this Chapter and Chapter 9.100.

D. Summary Suspension. In addition to the grounds in Chapter 9.100, the City Recorder may summarily suspend an operator's license if any vehicle used to provide TNC, taxi or vehicle for hire services under the licensee's business operates without the insurance required by Section 9.08.110 of this Chapter.

SECTION 2. Applicability to Existing Licenses and Permits. Any individual currently possessing a taxi operator's license, taxi vehicle permit or taxi driver's permit issued under the provisions of Chapter 9.08 as previously in effect prior to the effective date of this ordinance may continue operating under the standards and conditions in place prior to the effective date of this ordinance, and is exempt from new Chapter 9.08 "Vehicle for Hire Services" until January 1, 2019; unless the licensee or permittee wishes to apply under new Chapter 9.08 at an earlier date. All taxi operator licenses, vehicle and driver permits issued prior to the effective date of this ordinance shall expire automatically on December 31, 2018.

ADOPTED BY THE CITY COUNCIL ON THIS _____ DAY OF _____, 2018.

APPROVED BY THE MAYOR ON THIS _____ DAY OF _____, 2018.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, CITY RECORDER

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ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO AFFILIATED TECHNOLOGY SOLUTIONS, LLC

Meeting Date: August 13, 2018

Agenda Section: Ordinances

Department: City Recorder

Staff Contact: Amy L. Sowa

www.cityofroseburg.org

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

The City has received an application for a telecommunication franchise from Affiliated Technology Solutions, LLC located in Longwood, FL.

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 July 31, 2018. Service to Roseburg customers began on July 1, 2017; therefore the provider has requested that the franchise agreement be granted effective retroactively to July 1, 2017.

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

D. Timing Issues. As noted above, Affiliated Technology Solutions, LLC began serving Roseburg in July 1, 2017; therefore the franchise needs to be made effective retroactively to that date. Such effective date will make the initial term of the franchise 2 years and 5 months, with an expiration date of December 31, 2019. 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 August 13, 2018 meeting in order to avoid further delay in granting the franchise.

SUGGESTED MOTION If Council concurs with Staff's recommendation, Council will need to request first reading of the ordinance granting a

08/13/2018

telecommunications franchise to Affiliated Technology Solutions, LLC effective July 1, 2017, after which the following motions would be appropriate:

#1 *"I MOVE TO SUSPEND THE RULES AND PROCEED WITH SECOND READING OF ORDINANCE NO. 3505, GRANTING A TELECOMMUNICATIONS FRANCHISE TO AFFILIATED TECHNOLOGY SOLUTIONS, LLC, EFFECTIVE RETROACTIVELY TO JULY 1, 2017."*

#2 *"I MOVE TO ADOPT ORDINANCE NO. 3505."*

ATTACHMENTS Proposed Ordinance

cc: Affiliated Technology Solutions, LLC, 242 Rangeline Rd, Longwood, FL 32750
 Subject Franchise File

ORDINANCE NO. 3505

**AN ORDINANCE GRANTING A TELECOMMUNICATION FRANCHISE
TO AFFILIATED TECHNOLOGY SOLUTIONS, LLC EFFECTIVE RETROACTIVELY
ON JULY 1, 2017**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called “City”, hereby grants Affiliated Technology Solutions, LLC., hereinafter called “Franchisee”, the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of two years and five months, retroactively beginning July 1, 2017 and ending December 31, 2019 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:

Affiliated Technology Solutions, LLC
ATTN: Mark Lammert
242 Rangeline Rd
Longwood, FL 32750
E-mail: affiliatedtech@csilongwood.com
Phone: 678-648-4371

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: Mark Lammert
Mailing Address: 242 Rangeline Rd, Longwood, FL 32750
Telephone: 407-260-1011

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 July 31, 2018, but began serving Roseburg customers on July 1, 2017. The Roseburg City Council approved such request at its meeting on August 13, 2018; and hereby authorizes this Franchise to take effect retroactively on July 1, 2017 and expire on December 31, 2019, 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 13th DAY OF AUGUST, 2018.

APPROVED BY THE MAYOR ON THIS 13th DAY OF AUGUST, 2018.

MAYOR

Larry Rich

ATTEST:

Amy L. Sowa, City Recorder

(Franchisee's Acceptance on Following Page)

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO. 3505. This Ordinance is hereby accepted by Affiliated Technology Solutions, LLC on this ____ day of _____, 2018.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) ss.

County of _____)

This acceptance was signed before me on _____, 2018 by, _____ as _____ of Affiliated Technology Solutions, LLC.

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

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

Amy L. Sowa, City Recorder

ORDINANCE NO. 3505 – EXHIBIT "A"

ROSEBURG MUNICIPAL CODE CHAPTER 9.25 - TELECOMMUNICATIONS PROVIDERS

Sections:

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

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

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

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

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

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

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

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

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

"Emergency" has the meaning provided in ORS 401.025.

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

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

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

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

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

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

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

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

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

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

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

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

"Telecommunications System" see "Telecommunication facilities" above.

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

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

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

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

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

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

9.25.020 Jurisdiction and management of the public way.

- A. The City has jurisdiction and exercises regulatory management over the public way whether the City has a fee, easement or other legal interest in the public way and whether the legal interest was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
 - B. No person may occupy or encroach on a public way or other City property without the permission of the City. The City grants permission to use public way by franchises and permits.
 - C. The City retains the right and privilege to cut or move any telecommunications facilities located within the public way as the City may determine to be necessary, appropriate or useful in response to a public health or safety emergency.
- (Ord. 3063 § 2, 2000)

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

9.25.040 Overview of franchise requirements.

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

**ROSEBURG CITY COUNCIL
AGENDA ITEM SUMMARY**

AKS

CE
8/7/18

RESOLUTIONS A
08/13/2018



PROPOSED LICENSING FEES FOR VEHICLE FOR HIRE SERVICES

Meeting Date: August 13, 2018
Department: Administration
www.cityofroseburg.org

Agenda Section: Resolutions
Staff Contact: Amy L. Sowa, City Recorder
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY: Council directed staff to draft an ordinance that would allow transportation network companies (TNC) such as Uber and Lyft to operate in Roseburg, while allowing traditional taxi service to continue to operate as well. Upon adoption of that ordinance, application fees for TNCs must be adopted.

BACKGROUND

A. Council Action History.

- March 26, 2018: Council directed staff to prepare an ordinance that would allow TNCs to operate in Roseburg along with traditional taxi operators.
- April 16, 2018: Staff presented a draft ordinance to Council during a Special Meeting. After review and hearing testimony on the draft ordinance, Council determined they would continue their review and provide comments to staff over the course of the following week.
- The draft ordinance was further reviewed by the City Attorney who proposed some minor corrections and clarifications.
- June 22, 2018: City Manager Lance Colley, City Attorney Bruce Coalwell and City Recorder Amy Sowa held a conference call with Jon Isaacs, a representative of Uber, to discuss the proposed ordinance.
- June 22, 2018: The City Recorder updated the draft ordinance with the change to the age of the vehicle. This ordinance was then emailed to Mr. Isaacs at Uber for final comments.
- July 9, 2018: Council discussed the comments submitted by Council members and asked that the proposed ordinance come back for a first reading with the minor suggested changes.
- July 23, 2018: A first reading was held on the proposed ordinance.

B. Analysis. Over the course of the discussions to amend the Roseburg Municipal Code to allow all vehicles for hire, including TNCs, to operate within the city, one of the goals has been to treat all vehicle for hire companies equally when possible. The proposed application fees for TNCs are comparable to current Taxi operator and driver application fees.

C. Financial/Resource Considerations. Fees for TNC drivers need to be adopted to allow the City to begin processing applications.

D. Timing Considerations. Upon adoption of the proposed ordinance replacing Chapter 9.08, the code amendments will go into effect after 30 days. In order to process applications for all vehicle for hire companies at that time, appropriate fees need to be adopted.

STAFF RECOMMENDATION/COUNCIL OPTIONS: Council can consider adopting the proposed resolution with fees for TNCs, or choose not to move forward.

SUGGESTED MOTION: *ADOPT RESOLUTION 2018-18*

ATTACHMENTS: #1 – Resolution Setting Fees for Transportation Network Companies (TNCs).

cc: Uber, Inc.; Sunshine Taxi; Elite Taxi; Oregon AFL-CIO; Chrono File

RESOLUTION NO. 2018-18

**A RESOLUTION ADDING FEES FOR TRANSPORTATION NETWORK
OPERATORS AND DRIVERS**

WHEREAS, On August 13, 2018, the Roseburg City Council adopted an ordinance repealing Roseburg Municipal Code Chapter 9.08, Entitled "Taxicab and Limousine Services" and replacing it with new Chapter 9.08 entitled "Vehicle for Hire Services"; and

WHEREAS, Council directed staff to set fees for Transportation Network operators and drivers that would be comparable to those of taxi drivers within the City of Roseburg.

IT IS HEREBY RESOLVED by the City Council of the City of Roseburg, that Resolution No. 92-13 adopted by the City Council on August 24, 1992, is amended as follows:

Section 1: The following fees will be added to the City of Roseburg Fee Schedule under Business Permits/Licenses:

Transportation Network:

Driver's Permit (<i>annual</i>)	20.00
On or after 7/1	10.00
Original Application Investigation Charge	30.00
Operator's License (<i>annual</i>)	480.00
On or after 7/1	240.00
Original Application Investigation Charge	200.00

Section 2. This resolution shall become effective immediately upon adoption by the Roseburg City Council on August 13, 2018.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 13th DAY OF AUGUST, 2018.**

Amy L. Sowa, City Recorder

LC
8/18/18



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

Library Renovation Funding Additive Alternate- Library Carpet 18PW06

Meeting Date: August 13, 2018
Department: City Manager
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Lance Colley
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Staff has been working with Douglas ESD, Pivot Architects and Vitus Construction to determine the costs and timelines for renovation of the Library and ESD administrative portions of the facility. The City has received the contractor's Guaranteed Maximum Price (GMP) for the Library Renovation Project. The issue for the Council is whether to authorize a contract amendment to proceed with the construction phase of the project.

BACKGROUND

A. Council Action History. The Council has a lengthy history to get to this point. Only those items related to the actual construction project have been summarized below.

- On February 26, 2018 the Council authorized a contract with Pivot Architecture to design the project.
- On April 23, 2018 the Council awarded the CM/GC project to Vitus Construction.
- On June 11, 2018, the Council authorized an amendment to the CM/GC contract to purchase the "long lead" items.
- On July 9, 2018 Council awarded Amendment #3 to the CM/GC contract to Vitus Construction for the base Guaranteed Maximum price.

B. Analysis. Staff has been working closely with the Douglas ESD, the architect and the CM/GC contractor to develop plans for the Library building upgrades. Final plans were provided to the CM/GC contractor in late May. The contractor publicly advertised and competitively bid the subcontract work. The contractor has submitted the Guaranteed Maximum Price (GMP) for completing the proposed work. The GMP is similar to a formal bid and would be the basis for the proposed contract amendment.

B. Financial and/or Resource Considerations. The total GMP, including both the library and ESD responsibilities is \$1,526,167. This includes the long lead items that were captured as part of the second amendment to the contract. The total project costs (*not including ESD only costs*) are outlined below:

	Cost	City Portion
Construction		
CM/GC Preconstruction Phase (1)*	\$ 2,000	
CM/GC long lead package (2)	\$ 340,135	
CM/GC Construction balance (3)	\$1,184,032	
Construction subtotal	\$1,526,167	\$567,753
Other		
Design	\$170,850	\$ 85,425
Construction Management	\$ 45,000	\$ 22,500
Contingency	\$ 98,000	\$ 49,000
Fees, permits, AV equip., security	\$ 57,572	\$ 28,786
Incentive deducts (est.)	\$ -8,200	\$ (4,100)
Furniture, Data (library)	<u>\$ 25,850</u>	<u>\$ 25,850</u>
Subtotal	\$405,472	\$207,461
Total	\$1,923,552	\$775,214

**Estimated actual cost (lower than contract amendment #1)*

To date the City has received financial commitments in the approximate amount of \$745,000 which slightly exceeds the base bid above for the Library, excluding the contingency amount (\$775,214-\$49,000 = \$726,214). As part of the original scope and pricing, Vitus Construction provided PIVOT, Architects with an additive alternate cost to complete the carpet in the "collection" area of the Library. The additive alternate for carpet and installation is approximately \$65,000, excluding relocating books and stacks that would need to be done to accommodate the carpet replacement. Staff at the City and Douglas ESD will continue to pursue additional library funding over the next sixty days. I am confident that we will receive some additional funding but it is not guaranteed.

We have now secured 100% of the estimated Library cost and our portion of the common area funding per the updated Guaranteed Maximum Price presented above exclusive of the additive alternate for carpet. I would like to ask Council to commit to the additional funding necessary to complete the project while staff continues to identify funding sources. Our potential commitment would consist of less than 10% of the cost of the Library renovation and our portion of the common area plus the carpet cost. This commitment would require a budget amendment to transfer additional funds from the General Fund to the Facilities Fund.

There will be additional costs associated with furnishings and equipment that will be paid directly by the ESD. The FY 2018-19 Facilities Fund budget includes \$1,900,000 for the project with grants and inter-agency revenues as the funding sources. Much of the original design cost was expended in 2017-18 and some direct costs will be provided by the ESD and will not impact the City Facilities Fund budget.

C. Timing Issues. The ESD has provided the City with its required deposit in accordance with the Cooperative Funding Agreement and we have secured commitments for \$745,000 through grants and donations. Staff is preparing a supplemental budget for your August 27, 2018 meeting to amend the Facilities Fund budget due to timing issues related to the construction of the seismic rehabilitation

projects. At budget time in early 2018, we anticipated the seismic projects would begin in May, so the project costs were split between last fiscal year and this fiscal year. Design and construction negotiations took longer than originally anticipated, so a portion of the design cost and 100% of the seismic rehab costs will now occur in fiscal year 2018-19.

Staff would like Council direction to include an increase in the transfer from General Fund to the Facilities Fund of up to \$100,000 to complete the additional work at the Library. I don't anticipate needing the entire amount, but we would like to amend the CM/GC contract to include the additional carpet, and we currently do not have the budget authority to accommodate the amendment.

COUNCIL OPTIONS

The Council has the following options:

1. Direct staff to include \$100,000 in additional General Fund transfer to the Facilities Fund; or
2. Request additional information; or
3. Not authorize the additional transfer.

STAFF RECOMMENDATION

Staff recommends the Council direct staff to include \$100,000 in additional General Fund transfer to the Facilities Fund in the upcoming supplemental budget. If Council directs staff to include the transfer in the supplemental budget, staff will also bring a contract amendment to your August 27th meeting authorizing the additional carpet purchase.

SUGGESTED MOTION

I move to direct staff to include \$100,000 in additional General Fund transfer to the Facilities Fund for the Library Renovation Project in the supplemental budget recommendation scheduled for public hearing on August 27, 2018.

ATTACHMENTS

None

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8/13/18



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

Downtown Improvements Phase 2 Change Order Authorization - Additional Waterline Work 17UR04

Meeting Date: August 13, 2018	Agenda Section: Department Items
Department: Public Works	Staff Contact: Nikki Messenger
www.cityofroseburg.org	Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

During construction of the second phase of the Downtown Improvements, a water line that was not scheduled for replacement was discovered to be in very poor condition. The issue for Council is whether to authorize a change order to replace the line as part of the project.

BACKGROUND

A. Council Action History. On November 13, 2017, acting as the Urban Renewal Board, authorized an engineering contract for the design of the project. On April 23, 2018, Council and the Urban Renewal Board awarded both the construction contract and the construction administration contract for the project.

B. Analysis. In 2015, the first phase of the downtown improvements was constructed. These included improvements on Jackson, Main, Rose and Kane between Oak and Washington. The intent of the second phase is to carry similar improvements south from Oak to Lane Avenue. Construction began in May and includes the installation of two raised themed intersections, ADA ramps, street lighting and various amenities. Utility work included the replacement of sanitary sewer, storm sewer, and water lines under the new intersections and in areas that were known to be problematic.

While performing the water line improvements the contractor was required to make tie-ins to the existing 4 inch water line in Cass Avenue between Jackson and Rose Streets. This line was not originally designated for replacement. Once the line was exposed, it was discovered to be leaking, badly deteriorated and in danger of major failure. A proposal request was issued for the replacement of approximately 200 feet of 4 inch line with new 8 inch ductile iron line.

C. Financial and/or Resource Considerations. The FY 18-19 budget includes the following amounts in each of the identified funds.

FY 18-19	Budgeted
Urban Renewal	\$ 1,400,000
Storm Drainage	\$ 200,000
Water	\$ 175,000
Sidewalk (ADA)	\$ 200,000
RUSA (Estimated)	\$ 172,000
Total Project FY 18-19	\$ 2,147,000

The estimated construction cost with contingency was \$2,127,649. The contractor has provided a price of \$57,368 to install the new 8 inch line, replace the service connections, make the necessary connections at Jackson and Rose Streets, and perform surface restoration. i.e. Engineering has reviewed the costs and found them to be reasonable. Additional funding to complete the proposed water line work is available in the Water Fund.

D. Timing Issues. The work has not been completed. To fit this work within the contractor's existing schedule, staff needs authorization as soon as practical.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize a change order to the contract for \$57,368 and increase the overall project funding to \$2.2 million to complete the additional water line work;
2. Direct staff to not proceed with waterline replacement as part of the project.

STAFF RECOMMENDATION

The work is necessary and will have to be performed by City staff or advertised for bid at a future date if it is not constructed as part of this project. In staff's opinion, the best solution is to replace the failing pipe now and minimize future disruption to streets and businesses in the area. The contractor is onsite and the work can be performed more efficiently now. If the project were to be designed and bid separately, there would be additional costs associated with traffic control, mobilization and other overhead that would likely make it cost more later. The Water Capital Outlay Fund includes \$2.46 million for projects in FY 2018-19. Funding is available to complete the work now.

Staff recommends that the Council authorize a change order for \$57,368 in order to complete this work now. The Public Works Commission will discuss this item at their August 9th meeting. Staff will report the results of that discussion at the Council meeting.

SUGGESTED MOTION

I move to authorize a change order to the Downtown Improvements Phase 2 construction contract for \$57,368 for additional water line work on Cass Avenue.

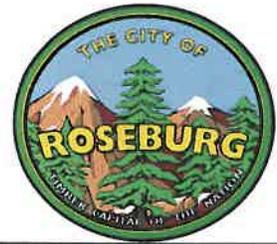
ATTACHMENTS

None

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8/13/18

INFORMATIONAL A
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ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ACTIVITY REPORT

Meeting Date: August 13, 2018
Department: City Manager
www.cityofroseburg.org

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

ISSUE STATEMENT AND SUMMARY

At each meeting I will provide the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your August 13, 2018, meeting, I provide the following items:

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



Agenda
Department Head Meeting
July 24, 2018 - 10:00 a.m.

1. Review July 23, 2018 City Council Meeting Synopsis
2. Review August 13, 2018 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents/Grants Signing
 - Permits:
 - Outdoor Event – Downtown Roseburg Street Faire September 9th
5. Department Items
 - A. Tuesday Meetings – Alternate Meeting Locations Discussion



Agenda
Department Head Meeting
August 6, 2018 - 10:00 a.m.

1. Review August 13, 2018 City Council Meeting Agenda
2. Review Tentative Future Council Meeting Agendas
3. Documents/Grants Signing
 - Permits:
 - Outdoor Event – Umpqua Economic Development Partnership Great Umpqua Outdoor Days on September 1st
 - Salud Car Show – 723 SE Lane on August 11th
4. Department Items
 - a. Distracted Driving Law
 - b. Trespassing from Public Facilities
5. Employee August Anniversary (service pins already distributed):
 - a. Dan Knott – 20 years with Police Department
 - b. Pat Christian – 10 years with Custodial

TENTATIVE FUTURE COUNCIL AGENDA

Unscheduled

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

August 27, 2018

Consent Agenda

- A. Minutes of August 13, 2018

Public Hearing

- A. Comprehensive Plan Map Amendment
- B. Proposed Supplemental Budget for Facilities Fund

Ordinance

- A. Dangerous Building Update
- B. Foreclosure Possession Update

Resolution

- A. Amending Airport Fees for Fire Agency Service

Department Items

- A. FAA Grant Application Authorization

Informational

- A. Activity Report

September 10, 2018

Council Reports

- A. Implementation of Annual City Manager Performance Evaluation

Consent Agenda

- A. Minutes of August 27, 2018

Ordinance

- A. Transient Occupancy Tax Amendment – RMC 9.16.010

Department Items

- A. Downtown Roseburg Association Annual Report

Informational

- A. Activity Report

September 24, 2018

Possible Work Study – Urban Growth Boundary Swap

Consent Agenda

- A. Minutes of September 10, 2018

Informational

- A. Activity Report

October 8, 2018

Consent Agenda

- A. Minutes of September 24, 2018

Informational

- A. Activity Report

October 22, 2018

Consent Agenda

- A. Minutes of October 8, 2018
- B. Cancel December 24, 2018 Meeting

Informational

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

November 12, 2018

Consent Agenda

- A. Minutes of October 27, 2018

Informational

- A. Activity Report

Executive Session

- A. City Manager Annual Performance Evaluation

November 26, 2018

Consent Agenda

- A. Minutes of November 12, 2018

Informational

- A. Activity Report

Executive Session

- A. Municipal Judge Evaluation

December 10, 2018

Consent Agenda

- A. Minutes of November 26, 2018

Informational

- A. Activity Report

January 14, 2019

Mayor Reports

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

Council Reports

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

Consent Agenda

- A. Minutes of December 10, 2018

Informational

- A. Activity Report

January 28, 2019

Consent Agenda

- A. Minutes of January 14, 2019

Department Items

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

Informational

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

February 11, 2019

Special Presentation

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

Consent Agenda

- A. Minutes of January 28, 2019

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

February 25, 2019

Consent Agenda

- A. Minutes of February 11, 2019

Informational

- A. Activity Report

March 11, 2019

Consent Agenda

- A. Minutes of February 25, 2019

Informational

- A. Activity Report

March 25, 2019

Mayor Report

- A. Child Abuse Prevention Month Proclamation

Consent Agenda

- A. Minutes of March 11, 2019

Informational

- A. Activity Report

April 8, 2019

Mayor Report

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

Consent Agenda

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

Informational

- A. Activity Report

April 22, 2019

Consent Agenda

- A. Minutes of April 8, 2019

Informational

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

May 13, 2019

Consent Agenda

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

Informational

- A. Activity Report

June 10, 2019

Mayor Reports

- A. Camp Millennium Week Proclamation

Consent Agenda

- A. Minutes of May 13, 2019

Public Hearing

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

Informational

- A. Activity Report

June 24, 2018

Consent Agenda

- A. Minutes of June 10, 2019

Informational

- A. Activity Report

July 8, 2019

Consent Agenda

- A. Minutes of June 24, 2019

Informational

- A. Activity Report

July 22, 2019

Consent Agenda

- A. Minutes of July 8, 2019

Department Items

- A. Municipal Court Update

Informational

- A. Activity Report
- B. Financial Quarterly Report

August 12, 2019

Consent Agenda

- A. Minutes of July 22, 2019

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

Friday July 20, 2018

Good Friday afternoon everyone. I would like to start this message off with kudos to our Community Development Staff, in particular, Teresa Clemons on our recent notification from ISO that our flood plain Community Service rating has dropped from level 8 to level 7. This rating increase will positively impact those in our community who require flood insurance, now allowing insurers to provide a 15% discount. This is a rigorous process that directly benefits our citizens living along waterways in the City, so is an important component of land use regulatory and monitoring process. Again, job well done!

As I am sure you are all aware, there are wildfires burning in every corner of the state and around the western US. There are a number of fires burning to our south in Douglas County and multiple fires burning east of the mountains and in the gorge. There are currently over 200,000 acres burning between northern California and Oregon's north border and it will just be a matter of time before our department is called on to help. Last year, we responded to four major fire areas, two in Douglas County and two in California. We are once again prepared to help, subject to local needs and our ability to continue to provide a high level of service to our citizens in Roseburg. To review fire information near Roseburg or in Oregon, you can go online to the Incident Information System website with this link: <https://inciweb.nwcg.gov/incident/5940>.

The following press release gives you an indication of the severity of this early fire season in Oregon:

SUBSTATION FIRE NOW NUMBER ONE FIRE IN THE NATION; ADDITIONAL RESOURCES ADDED

News Release from **Oregon State Fire Marshal**

Posted on FlashAlert: July 19th, 2018 6:53 PM

MORO, OR – Day 3 of the Substation Fire brought high winds, with gusts up to 35-40 mph, making it a challenging day for firefighters.

The winds gave way to growth at the south end of the fire, near Deschutes river canyon, impacting both agricultural and wildland areas. Significant air assets continue to be used throughout the incident, in addition to dozers that helped firefighters make progress towards containment.

The Substation Fire is now considered the number one fire in the nation. Additional resources arrived Thursday afternoon in the form of a Pacific Northwest incident management team. These 60 team members add greater depth to the operational forces currently employed on the fire and will assist in managing all aspects of the fire. The additional resources complement the 217 firefighters, who represent 73 fire agencies across the state, currently assigned to the fire.

The Oregon National Guard has been activated to assist the Oregon Department of Forestry with wildfire suppression efforts following Governor Kate Brown's statewide wildfire emergency declaration on July 18, 2018. These assets include two CH-47 Chinook helicopters and two HH-60M Black Hawk helicopters equipped with Bambi water buckets.

Other air tankers known as "Super Scoopers" and "Fire Bosses" that can drop hundreds and thousands of gallons of water continue to be used, as well as single-engine air tankers that can disperse fire retardant. Aircraft in this fuel type are very useful; they can provide heavy drops on canyon ridges and precision attacks in steeper terrain.

Evacuation levels have been very fluid. Law enforcement and fire officials appreciate the community's understanding and responsiveness regarding evacuations. Fire officials are working closely with the Wasco County Sheriff's Office and Sherman County Sheriff's Office to continually evaluate the risk to communities. Level 3 ("Go") evacuations continue to be in place for Moro and Grass Valley. The communities of Wasco and Kent remain under Level 2 evacuation. Area residents are urged to heed local emergency notifications as well as check the local sheriff's office Facebook page and the Substation Fire Facebook page (www.facebook.com/substationfire2018) for updates.



(Photos from Substation Fire 2018 Facebook Site)

I had an opportunity to address the evening Rotary group on Tuesday this week and as always, it was a pleasure to be able to talk with such supportive community members. Since the Mayor also invited a couple of other department heads to chat with Rotary over the coming months, I primarily talked about our new Urban Renewal District and a little about the City and the recent transition we have gone through with many of the retirements that have taken place. I left them with a final comment that while we said goodbye to many long-term veteran dedicated employees, our City is in great hands. We have an extremely dedicated City Council and our leadership team is second to none. Thank you Council and thank you Department Heads. I really believe there are great things to come!

Have a good weekend everyone!

Friday August 3, 2018

Good Friday afternoon everyone! The summer is flying by and the project work is progressing nicely. You should all be getting your downtown project updates every week or two, but we have a number of other projects that Public Works is currently delivering. Much of the sidewalk work has been completed at the Edenbower/Stewart Parkway intersection and we are awaiting signal installation and some asphalt work to complete that project. Black Street sidewalk work is continuing and much of the underground utility work has been completed. Completing the street section will follow in a few weeks. The grind overlay project will be starting soon. The project as listed on the website is as follows-

2018 Pavement Management Project - Overlays:

The following streets are scheduled for grind/inlay projects this summer:

- * Edenbower Boulevard - Renann to 100' south of Stewart Parkway
- * Renann Street - Edenbower to Stewart Parkway
- * Valley View Drive - Stewart Parkway to Keasey
- * Stewart Parkway - short section south of Valley View

The other component of our program, slurry sealing, was completed this week. That project included a number of streets listed below as well as a brief description of the asphalt treatment.

Pavement Management Project - Slurry Seals:

A slurry seal is a very thin layer of aggregate with an asphalt emulsifier applied to a paved surface. Slurry seals are used primarily as preventative maintenance to prolong the life of the paved surface. This project is scheduled to begin sometime in late July. Notifications will be made to affected property owners at least 48 hours prior to the work beginning. The following streets are scheduled for slurry seals as part of this project.

Andrea Street	Delridge Avenue to Sunberry Drive
Avery Street	Witherspoon Avenue to Loma Vista
Berdine Street	Harvard Avenue to Sharp Avenue
Center Street	Harvard Avenue to Sharp Avenue
Delridge Avenue	Andrea Street to Troost Street
Hickory Street	Harvard Avenue to Sharp Avenue
Indianola Street	Luellen Drive to Jay Avenue
Jay Avenue	Luellen Drive to Broccoli Drive
Loma Vista Drive	Troost To Parkdale Avenue
Lorraine Avenue	Luellen Drive to Broccoli Drive

Luellen Drive Harvard Avenue to West End
Rachael Avenue Almira Street to Keasey Street
Sherwood Avenue Hazel Street to West End
Sherwood Avenue Center Street to Hazel Street

Staff continues to work on Library fundraising while the renovation project has begun. We received additional support over the last two weeks from two funders totaling an additional \$140,000. This brings our total external funding commitments up to \$745,500, or 100% of the base construction estimate excluding the contingency amount. We requested one significant additive alternate when the pricing was requested - carpet in the collection area. The estimate for this additional work is approximately \$65,000, and additional work to move books and shelving would likely add another \$10,000 or so. I will be placing a department item on your August 13th agenda to discuss whether Council will consider a budget adjustment to transfer up to \$100,000 from the General Fund to the Facilities Fund to guarantee completion of the project with the additive alternate. Staff will continue to try and identify additional grants and donations in hopes that our commitment will be less than \$100,000. More to follow at your next meeting.



Please help us welcome new employee Randy Babbitt to our team, as the new Battalion Chief with the Fire Department. Randy studied Fire Technology at Santa Ana College and is currently enrolled at Columbia Southern University working on his B.S. in Fire Administration. He has held several fire positions including Firefighter, Fire Apparatus Engineer, and most recently Fire Captain. In addition he also worked as an instructor at Advanced Extrication Tech, Santa Anna College Fire Academy, Fresno Training Symposium, and Firehouse World. Randy is relocating from California to Roseburg and his experience and defined fire skills will be a great addition to our team. Please help us in welcoming Randy to the City.

We are beginning to hear some positive news on the multi-family housing development front and hope to have some specific news to pass on in the next week or two. We will keep you posted as "potential" turns into permit applications or public announcements. Have a great weekend everyone!