

CITY OF GRANTS PASS  
MEETING AGENDA  
January 20, 2016  
6 p.m. City Council Meeting  
Council Chambers - 101 N.W. "A" Street

MAYOR: Darin Fowler

CITY COUNCIL MEMBERS:

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

Invocation

Flag Salute

Roll Call

Swear in 2 Police Officers: Timothy Claffey and Matthew Torassa

Proclamation – Child Trafficking Awareness Month

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

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

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

2. **PUBLIC HEARING**
  - a. Public Hearing – Poata Poata taxi driver's permit application (appeal).  
**Pgs. 1-14**
3. **CONSENT AGENDA** (Items included are of such routine nature or without controversy so that they may be approved with a single action).  
**\*Indicates short Staff presentation and Council comment.**

- a. Resolution adopting a nondiscrimination policy. **Pgs. 15-24**
- b. Resolution authorizing the City Manager to enter into a contract for Property Acquisition/Negotiation services with Donald Rubenstein. **Pgs. 25-28**
- c. Motion approving the Findings of Facts for the Development Code Text Amendment Subdivision Final Plat & PUD Final Plan Article 17, Lots/creation of Lots, Article 18, PUD, Schedule 2-1, Application Procedures, Article 3, Development Permit Procedures. **Pgs. 29-34**
- d. Motion approving the minutes of the City Council meeting of January 6, 2016. **Pgs. 35-38**
- e. Motion acknowledging the minutes of the Urban Tree Advisory Committee meeting of November 9, 2015. **Pgs. 39-42**
- f. Motion acknowledging the minutes of the Parks Advisory Board meeting of November 19, 2015. **Pgs. 43-48**

4. COUNCIL ACTION

- a. Ordinance amending Municipal Code Section 4.05.240 and clarifying Tourism-Related Facility definition. **Pgs. 49-54**

5. MATTERS FROM MAYOR, COUNCIL AND STAFF

- a. Appoint one member to the Urban Tree Advisory Committee. **Pgs. 55-57**
- b. Committee Liaison reports.

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

None anticipated

7. ADJOURN

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

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**SUBJECT AND SUMMARY:**

Poata Poata applied for a taxi driver's permit. He did not meet the requirements of City Code and the permit was recommended for denial by Bill Landis, Public Safety Director and the denial was also recommended by City Manager Aaron Cubic.

He desires to appeal the decision and have the Council over-ride Grants Pass Municipal Code Section 4.16.070(A)(8)(g) and allow him to obtain permit to drive a taxi.

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**RELATIONSHIP TO COUNCIL GOALS:**

This supports Council's goal of **LEADERSHIP** and **CITIZENS SAFETY** by following a clear and consistent process for issuing taxi driver permits.

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**BACKGROUND:**

Poata Poata has submitted an application for a taxi cab driver's permit. The driver's permit is for the purpose of driving taxi for a company (Afleet Taxi). Mr. Poata's application, relevant code provisions, and Public Safety's recommendations for denial are included. Mr. Poata's taxi application, Exhibit 'A' and his letter of appeal and endorsement from counselor, Exhibit 'B' are also included as attachments.

**I. DRIVER'S PERMIT**

The procedure following staff recommendation for denial of a driver's permit is established by GPMC 4.16.085. Section 4.16.070 Licenses and Permits – Ineligible Persons identifies the process and minimum requirements necessary to be granted a license. The background check revealed that Mr. Poata is not eligible to receive a taxi driver's permit. The Public Safety Director has recommended DENIAL of the driver's permit. Mr. Poata fails to comply with Sections 4.16.070(8)(g).

**4.16.085 Driver's Permit - Hearings.**

- A. The Public Safety Director, based on the criteria listed in 4.16.070, shall make a written recommendation to the City Manager of "denial" or "no position."
- B. If the Public Safety Director recommends denial, the City Manager shall set the matter before the Council for a public hearing at a regularly scheduled meeting. (Ord. 5189, 2003)

**A. CRITERIA FOR DRIVER'S PERMIT**

- 1. **GPMC 4.16.085(E):** At the staff level, there is no discretion permitted. Staff may not approve, or recommend approval, of a permit when the applicant fails to meet the standards in Section 4.16.070. *The council has the discretion to issue the permit, despite the applicant's failure to meet Section 4.16.070, if the applicant demonstrates that the public health, safety, and welfare will not be placed at risk or adversely affected by*

Staff Report (continued):

*granting the permit.* Applicant must demonstrate that he meets that standard by “clear and convincing evidence.” “Clear and convincing evidence” is a legal standard meaning evidence establishing that the truth of the facts asserted is highly probable. *In re Johnson*, 300 Or 52, 55 (1985). Therefore, for the applicant to qualify for the license, Council would have to find that it is “highly probable” that he would not endanger the public health, safety, or welfare.

2. **GPMC 4.16.090(A):** In determining whether to approve an application for a driver’s permit, the City Manager and Council shall take into consideration the factors set forth in 4.16.085 and shall also consider the character, experience, criminal history, and financial responsibility of the applicant as well as any background or other information which the Public Safety Department deems necessary or useful to the City Manager or Council in making its decision.

**STAFF FINDING:** Mr. Poata’s criminal history appears to be limited to a conviction for Assault IV (misdemeanor) in July 2015. The Code standards in 4.16.070 prohibit staff approval of the application based on the misdemeanor person crime within 5 years. That is the sole reason for staff denial. Staff is not given any other discretion.

Mr. Poata has submitted a letter on his behalf and a letter from an anger management counselor that endorses Mr. Poata.

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COST IMPLICATION:

None.

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ALTERNATIVES:

- Council can choose deny the permit; or
- Council can find that the public health, safety, and welfare are not adversely affected and grant the permit.

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RECOMMENDED ACTION:

Staff offers no recommendation.

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POTENTIAL MOTION:

I move to grant (or deny) the driver’s permit.

EXHIBIT A

TO DPS 12/14

DEC 11 2015

TAXI/LIMOUSINE/MEDICAL TRANSPORT DRIVER APPLICATION

Please fill out this application completely. Incomplete applications will not be accepted. If necessary, use additional sheets of paper to fully answer the questions and attach to this application.



COPY

Name: Wata Wata

First Middle Last

Company you plan to work for: AFleet Taxi

Are you currently driving a taxi/shuttle? No

Have you driven for another company in the past year: \_\_\_\_\_

Check One: EMPLOYEE:  OWNER:

SSN: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Weight: \_\_\_\_\_

Height: 5 1 Oregon Driver's License #: \_\_\_\_\_ Expiration: \_\_\_\_\_

Telephone Number \_\_\_\_\_ Alternate Telephone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street Address/PO Box Apt/Suite

GRANTS PASS OR 97527

City State Zip Code

Home Address: SAME AS ABOVE

Street Address Apt/Suite

City State Zip Code

Employment History-Last 10 Years (Business names only)

<u>STAR Automotive</u>	<u>August 2015 - Oct 2015</u>
<u>FIST STUDENT</u>	<u>Nov 2007 - July 2015</u>
<u>Creative Landscapes</u>	<u>JAN 2007 - Aug 2007</u>
<u>Kaus Crafts</u>	<u>July 2006 - May 2007</u>
<u>Mountain Alley</u>	<u>Feb 2005 - June 2006</u>



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Poata Poata  
1935 Hamilton Ln  
Grants Pass, OR 97527

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 Addressee
- B. Received by (Printed Name)  Date of Delivery
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

Attm: Teresa

2. Article Number 7008 0150 0000 7944 7404  
(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-A4-1540

3. Service Type
- Certified Mail
  - Registered
  - Insured Mail
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

DATE PRODUCED  
12/07/15

DRIVER AND MOTOR VEHICLE SERVICES  
89630

PAGE 1

LIC NO.7485723 NAME:POATA, POATA DOB 09/27/75  
ADD:1935 HAMILTON LN RESTRICT M  
GRANTS PASS OR 975270000  
EXPIRES 09/27/21 LIC TYPE - B 1ST LIC 02/16/05  
ENDORSE -PS CDL - YES POLICY - MR032317

\*\* DRIVING RECORD ENTRIES AND STATUS AS OF 12/07/15\*\*

ISS 02/16/05 INT EXP: 00/00/00 MAILED: 00/00/00  
DUP 11/19/07 STICKER  
ISS 11/21/07 INT EXP: 12/21/07 MAILED: 00/00/00  
ISS 12/11/07 INT EXP: 01/10/08 MAILED: 00/00/00  
CDL 12/11/07 BB5 063 271 011  
ISS 01/04/08 INT EXP: 02/03/08 MAILED: 00/00/00 REISSUE  
RISS 01/04/08  
DUP 09/21/09 STICKER  
DUP 09/21/09 NON ISSUE  
DUP 01/12/10 STICKER  
DUP 01/12/10 NON ISSUE  
ACC 01/29/11 1P 17-77  
CONV 01/29/11 02/22/11 F OBEY TCD C-JOSEP 060609 VB  
CDL  
DUP 06/04/12 STICKER  
DUP 06/04/12 NON ISSUE  
ISS 09/20/13 INT EXP: 10/20/13 MAILED: 09/24/13  
CDL 09/20/13 JB1 063 260 040  
DUP 10/30/13 STICKER  
ACC 06/20/14 1P 17-447  
DUP 10/01/14 STICKER  
CONTINUED

MAIL TO:

POATA, POATA  
1935 HAMILTON LN  
GRANTS PASS OR 97527

*Lana Sibley*



DATE PRODUCED  
12/07/15

DRIVER AND MOTOR VEHICLE SERVICES  
89630

PAGE 2

LIC NO.7485723

NAME:POATA, POATA  
ADD:1935 HAMILTON LN  
GRANTS PASS

OR

DOB 09/27/75  
RESTRICT M  
975270000  
1ST LIC 02/16/05

EXPIRES 09/27/21  
ENDORSE -PS

LIC TYPE - B  
CDL - YES POLICY - MR032317

\*\* DRIVING RECORD ENTRIES AND STATUS AS OF 12/07/15\*\*

I, THE UNDERSIGNED, BEING DULY APPOINTED AND HAVING WITHIN MY CUSTODY THE RECORDS OF DRIVER AND MOTOR VEHICLE SERVICES, DEPARTMENT OF TRANSPORTATION, STATE OF OREGON, HEREBY CERTIFY THAT THE FOREGOING DRIVING RECORD COPY IS A CORRECT TRANSCRIPT OF THE SPECIFIED DATA CONTAINED WITHIN THE DATA PROCESSING DEVICE OR COMPUTER.

SIGNED UNDER THE SEAL OF THE DEPARTMENT THIS 7TH DAY OF DECEMBER, 2015

MANAGER, CUSTOMER SERVICES

BY

*Lana Gilbey*



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Poata Poata  
1935 Hamilton Ln  
Grants Pass, OR 97527**

2. Article Number  
(Transfer from service label)

Attn: Teresa

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*x [Signature]*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Mahala Sorek* | *1-2-06*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7008 0150 0000 7944 7404

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

7008 0150 0000 7944 7404

<b>U.S. Postal Service</b>	
<b>CERTIFIED MAIL - RECEIPT</b>	
<small>(Domestic Mail Only; No Insurance Coverage Provided)</small>	
<small>For delivery information, visit our website at www.usps.com</small>	
OFFICIAL USE	
Postage	\$ <i>1.485</i>
Certified Fee	<i>3.45</i>
Return Receipt Fee (Endorsement Required)	<i>2.85</i>
Restricted Delivery Fee (Endorsement Required)	<i>6.735</i>
Total Postage	
Sent To Street, Apt. # or PO Box # City, State, Z	
<b>Poata Poata Afleet Taxi Cab Company 1935 Hamilton Ln Grants Pass, OR 97527</b>	
Postmark Here 	

**Driving History – Traffic Tickets and Traffic Crime Convictions**

Please provide information below for any traffic crimes you have been convicted of in the last 10 years, even if you believe they will no longer appear on your record. This includes any traffic tickets you've paid/found guilty of for violations including but not limited to: Speeding, careless driving, DUUI, Running a Red Light. If none, please write "None" below.

I have read and understand



Initial

<u>Traffic Crime/Violation Description</u>	<u>Approximate Date and location</u>

**Driving History – Restrictions and Suspensions**

Please list details for any suspensions or restrictions (i.e. only able to drive to and from work) to your driver's license within the last 10 years, even if you believe they will no longer appear on your record. Reasons for suspensions include but are not limited to: DUUI, Unreported Accident, Diversion, and Driver Improvement (excessive citations). If none, please write "None" below.

I have read and understand



Initial

<u>Restrictions/Suspension Reason</u>	<u>Dates of Restrictions/Suspension</u>

**Criminal History**

Please list details for all criminal convictions within the last 10 years, even if you believe they will no longer appear on your record. List any Felony Convictions you have ever received, regardless of when they occurred. This includes being issued a citation and released. Criminal convictions include, but are not limited to: Theft, Assault, Possession of a Controlled Substance, and Menacing. If none, please write "None" below.

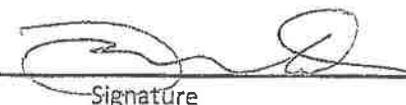
I have read and understand



Initial

<u>Crime Description</u>	<u>Date of Conviction</u>
Assault IV misdemeanor	July 2015

I certify that the information provided is correct. I understand that knowingly providing false information on this application may result in a denied application.



Signature

Date

Under Penalty of Perjury, I hereby swear, the information set forth in this application is true.

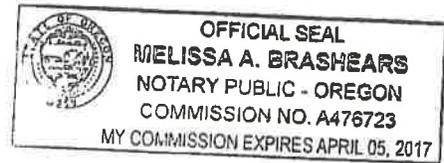
Applicant's Signature [Handwritten Signature]

STATE OF OREGON ) ss.  
County of Josephine )

This application was acknowledged before me on the

date of December 11, 2015 by Poata Poata  
as an applicant.

IN WITNESS WHEREOF I hereunto set my hand and seal on this same date.



Notary Public for Oregon

Notary's Signature [Handwritten Signature]

For Office Use Only:

Public Safety Director Recommendation:

No Position \_\_\_\_\_ Date \_\_\_\_\_

Signature

Denial \_\_\_\_\_ Date 12-30-15

Signature

City Manager Recommendation:

Approval \_\_\_\_\_ Date \_\_\_\_\_

Signature

Denial \_\_\_\_\_ Date 01/04/16

Signature

For Office Use Only:

Check list - New/Renew Driver

- Complete Application
- Photos Taken
- Driver's License Copy
- Notarized
- Fingerprints (new)
- Funds Received
- To State (new)
- To PS
- To City Manager
- Make license
- Notify Driver

Date Sent	<u>12/14/15</u>	Date Received	<u>12/30/15</u>
Date Sent	<u>12/14</u>	Date Received	<u>12/30</u>
Date Sent	<u>12/30</u>	Date Received	<u>1/4/16</u>

**OREGON** CLASS B

Expire 2023

POATA, POATA

DOB 09-27-1975 Issue Date 09-20-2013

Endorsements	Sex	First Licensed
PS	M	02-16-2005
Restrictions	Height	Weight
M	5'11"	260

Expires: 09/27/2021 License  
POATA, POATA

ANIS PASS OR 7597



**Grants Pass Municipal Code 4.16.070**

(Check mark indicates compliance with requirements)

Applicant: Poata Poata

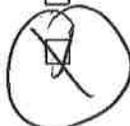
Date: 12/30/15

- The applicant must be twenty-one years of age or older; and
- Possess a valid Oregon motor vehicle operator's license; and
- Has not been declared a habitual traffic offender as designated by the Department of Motor Vehicles at any time; and
- Has not been determined to be "at fault" by an investigating officer in three or more vehicle crashes within the past five years; and
- Has not been convicted of more than five traffic citations within the past three years; and
- Has not been "Warned" for traffic violations more than five times in the preceding 12 months or has not been warned for any traffic violations within the preceding 6 months. Note: Multiple "Warnings" for equipment violations for the same equipment violation within a 72-hour period will be considered as a single warning; and
- Does not have a pending citation or a conviction for violating Grants Pass Municipal Code 4.16.020 in the past 3 years; and

Has not been convicted of any of the following crimes or any similar crimes in any degree:

- (a) Any felony crime committed against another person (ORS 163 & OAR 213-003-0001)
- (b) Any person who is a registered sex offender
- (c) Any felony crime involving use of a weapon
- (d) Any felony property crime (ORS 164) within ten (10) years of the date of the application
- (e) Any traffic crime within five (5) years of the date of the application
- (f) Any drug crime within five (5) years of the date of the application
- (g) Any misdemeanor person crime (ORS 163 & OAR 213-003-0001) within five (5) years of the application date
- (h) Any misdemeanor property crime (ORS 164) within five (5) years of the date of the application
- (i) Any misdemeanor crimes against public order (ORS 166) within two (2) years of the date of the application
- Did not knowingly make any false statement in the application for the license.

This applicant **MEETS** the requirements set forth in Grants Pass Municipal Code 4.16.070



This applicant **DOES NOT** meet the requirements set forth in municipal code for the following reasons:

CONTACTED BY PHONE AND LEFT MESSAGE TELLING  
HIM ABOUT DENIAL. 12-30-15 10:34 P. [Signature]

Reapply on: 7-2020

Review completed by: D. WARD/32777

# City of Grants Pass

December 31, 2015

Poata Poata  
1935 Hamilton Ln  
Grants Pass, OR 97527



Dear Poata Poata:

Upon review of your Taxi/Limousine Driver Application, The City has denied your license to operate a taxicab in the City of Grants Pass. Per the City Municipal Code, you have 14 days from the date of this letter to file an appeal with Council (4.16.370). The appeal shall be in writing and filed with the City Manager who shall set the matter for a public hearing before Council not more than 28 days after the date of denial. At the public hearing you have the burden of showing by clear and convincing evidence that public health, safety, and welfare will not be placed at risk or adversely affected by the granting of a driver's permit (Ord. 5189, 2003; Ord.5358 17, 2003; 5430 2, 2008). The Council will also consider your character, experience, criminal history, and financial responsibility as well as any background or other information which the Public Safety Department deems necessary or useful to the City Manager or Council in making its decision.

If you do not pursue an appeal process, per Municipal Code a person whose permit is denied or revoked may reapply after six months (4.16.070(9B)). Please feel free to contact me at (541) 450-6039 if you have any questions.

Sincerely,

Customer Service Office  
Finance Division

From:  
Poata Poata  
1935 Hamilton Lane  
Grants Pass, OR 97527  
(541)441-1850

January 7, 2016

To:  
City of Grants Pass  
101 NW A Street  
Grants Pass, OR 97526

Dear City Council,

Re: Denial for Taxi/ Limousine Driver Permit

I am writing to appeal the City of Grants Pass's decision of denial for a Taxi/ Limousine Driving Permit. I pose no risk to public health, safety or welfare. I have a valid Oregon driver class B driver license with passenger endorsement and have a clean driving record. I completed 26 weeks of MATVA and was considered successfully treated by my case worker Mollie Robertson at DHS Child Welfare. I am also in aftercare with Lynette Milligan where I am being shown how to integrate all the skills and knowledge I gained in MATVA and Parenting classes.

I am a husband of 11 years to my wife and have 4 children with her. I do not drink alcohol or use drugs of any kind. I was approved under the Taxi company insurance and was all ready to start work when this denial was given. I have been unable to obtain other employment even though I have sent out numerous applications and resumes. In my past employment I was a bus driver of the school district and also trained others. During that time of employment I never had any accidents or issues with students or parents. I am a hard worker and just want the opportunity to provide for my family.

Thank you,

Poata Poata

**Integrated Treatment Services**  
*Working together to increase individual integrity,  
enhance healthy home environments and create a safer community.*

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Lynette J. Milligan, M.S., C.C.T., N.C.C., Q.M.H.P.  
NPI 1134472863

Phone: (541) 761-0530  
[integratedtxservices@gmail.com](mailto:integratedtxservices@gmail.com)

Office: 10 N. Central #202  
Medford, OR 97501  
Mail Address: P.O. Box 676  
Selma, OR 97538

To Whom It May Concern,

This letter has been written to recommend Mr. Poata Poata for employment purposes. Mr. Poata was referred to my treatment program for Aftercare after successfully participating in Men's Alternatives To Violence and Anger (MATVA). After being charged for disciplining his oldest son too roughly, Mr. Poata sought treatment in a proactive manner before the case even went to court, he was not court mandated to engage in that program, nor was he obliged to do so by the Department of Human Services – Child Protective Services. Mr. Poata was convicted of a minor assault that was in reference to disciplining his oldest son in a manner that was consistent with his own cultural upbringing, but is considered excessive in our society. He decided of his own volition to seek education and treatment so that he could learn to discipline his children in a calm but firm manner.

Mr. Poata participated in the MATVA treatment program for 26 weeks and was successfully released from the program by the caseworker at Child Protective Services. He was referred to my program to help him integrate the skills and knowledge gained in the MATVA program with proactive parenting techniques. Mr. Poata has engaged in my services in an eager and positive manner and often expresses gratitude for information and education he has received during his treatment process. Mr. Poata's wife and children have all expressed their belief that he has learned a great deal and has changed his approach to parenting a great deal.

It is my opinion that Mr. Poata does not present an adverse risk to the safety and/or wellbeing of the people of this community and that he has learned skills that will enhance his ability to deal with the various types of situations that could occur on the job or in the community. It is my understanding that Mr. Poata is a very diligent and hard-working employee who always seeks to go the extra mile for his employer. I would highly recommend him for employment.

If there are any questions regarding this recommendation please do not hesitate to contact me at the above number.

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*Lynette J. Milligan, M.S., C.C.T., N.C.C., Q.M.H.P.*

Electronically Signed

01-05-16

Dated

Item: Resolution adopting a nondiscrimination policy.

Date: January 20, 2016

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SUBJECT AND SUMMARY:

This resolution will adopt a formal nondiscrimination policy consistent with Title VI of the Civil Rights Act of 1964.

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RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goal of providing shared **LEADERSHIP** between Council and the community by adopting a nondiscrimination policy.

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CALL TO ACTION SCHEDULE:

Call to action schedule: January 20, 2016

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BACKGROUND:

The City is a subrecipient of Federal Transit Administration (FTA) funds from the Oregon Department of Transportation Public Transit Division (PTD). As a recipient of FTA (and other federal) funding, the City may not discriminate against any person based on factors which include, but are not limited to, race, ethnicity, age, disability status, or gender, as found in Title VI of the 1964 Civil Rights Act, which states

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

As a subrecipient of funds, the City Council must adopt a nondiscrimination policy that is submitted to PTD. However, since the City is not a direct provider of transit service, and instead contracts for service with Josephine Community Transit, PTD will permit the City to adopt a streamlined Title VI program. The policy does not include many affirmative actions that the City must take; rather, it sets up a nondiscrimination policy and complaint process in the event an allegation of discrimination arises. The proposed policy has been reviewed by PTD and meets their requirements. The complete Title VI program will consist of the proposed policy as approved by Council, the City's Limited English Proficiency plan, adopted in 2013, and copies of the City's public notice announcing the policy.

Staff Report (continued):

COST IMPLICATION:

No additional costs are associated with this action.

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ALTERNATIVES:

The Council does not have to adopt the proposed policy. If the policy is not adopted, the City will no longer be eligible to receive funds from the FTA. Simply not adopting the policy does not absolve the City from liability under Title VI of the 1964 Civil Rights Act.

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RECOMMENDED ACTION:

It is recommended the Council adopt the policy.

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POTENTIAL MOTION:

I move to adopt the resolution adopting a nondiscrimination policy.

**RESOLUTION NO.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS  
ADOPTING A NONDISCRIMINATION POLICY.**

**WHEREAS:**

1. Receipt of federal funds requires compliance with numerous federal regulations, including the 1964 Civil Rights Act; and
2. The City of Grants Pass is a subrecipient of Federal Transit Administration funding from the Oregon Department of Transportation Public Transit Division; and
3. As a subrecipient of Federal Transit Administration funds, the City of Grants Pass must prepare and adopt a nondiscrimination policy consistent with Title VI of the 1964 Civil Rights Act ; and
4. Having a complete and up-to-date nondiscrimination policy outlining the City's process for responding to complaints of discrimination will help ensure compliance with Title VI, required for all sources of Federal funding, is achieved.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Grants Pass that:

**Section 1:** It is the policy of the Council not to discriminate against any person on the basis of race, ethnicity, age, disability status, or gender in the provision of any City program or activity.

**Section 2:** The City Manager is hereby directed to draft an administrative policy which will reinforce this policy through specific compliance and complaint procedures. The attached draft reflects the Council's policy statement; however, changes by the Manager necessary to implement the policy may be made in the future without additional Council consent.

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

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 20<sup>th</sup> day of January 2016.

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

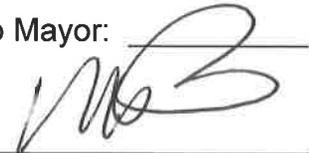
\_\_\_\_\_  
Darin Fowler, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Frerk, City Recorder

Date submitted to Mayor: \_\_\_\_\_

Approved as to Form, Mark Bartholomew, City Attorney \_\_\_\_\_



Effective: January 20, 2016

Chapter 1  
General

Administration

Policy 1-17

Nondiscrimination under Title VI of the Civil Rights Act of 1964

The purpose of this policy is to set forth the City's policy on compliance with Title VI of the Civil Rights Act of 1964, as set forth in 49 CFR Part 21.

Statement of Policy

No person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any City program or activity.

Specific Discriminatory Actions Prohibited

- A. The City of Grants Pass, its officers, agents, employees, and volunteers may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin:
- 1) Deny a person any service or other benefit provided by the City;
  - 2) Provide any service or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the City program;
  - 3) Subject a person to segregation or separate treatment in any matter related to the receipt of any service or benefit provided by the City;
  - 4) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or other benefit provided by the City;
  - 5) Treat a person differently from others in determining whether the person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that persons must meet in order to be provided any service or other benefit provided by the City;
  - 6) Deny a person an opportunity to participate in a City program through the provision of services or otherwise or afford the person an opportunity to do so which is different from that afforded others under the program; or
  - 7) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of a City program.

- B. In determining the site or location of any City facilities or programs, the City may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, color, or national origin.
- C. Any person who is, or seeks to be, a patron of any public bus or vehicle shall be given the same access, seating, and other treatment with regard to the use of such bus or vehicle as other persons without regard to their race, color, or national origin. No person shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation services furnished by the City or its designee on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to transit routes, quality of stations serving different routes, and location of routes may not be determined on the basis of a person's race, color, or national origin.
- D. No person who is, or seeks to be, an employee of the City shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin. The City shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees).

### Assurances

Every application for Federal financial assistance to which 49 CFR Part 21 applies shall contain or be accompanied by an assurance that the program will be conducted in compliance with all requirements of Title VI of the Civil Rights Act of 1964. City program managers shall submit annual assurances to the appropriate agency.

### Compliance

- A. Compliance reports. If required by Federal granting agencies, City program managers shall maintain complete and accurate compliance records and submit them to the appropriate Federal agency as required in grant agreements. Unless otherwise required by the particular grant, said compliance records shall include:
  - 1) Racial and ethnic data showing the extent to which members of minority groups are beneficiaries of City programs receiving Federal financial assistance.
  - 2) A list of any active investigations conducted by any federal agencies, including the date of the investigation, a summary of the allegation, the status of the investigation, and any action taken by the City in response

to the investigation.

- 3) A list of any lawsuits or complaints against the City that allege discrimination on the basis of race, color, or national origin, including the date the lawsuit or complaint was filed, a summary of the allegations, the status of the lawsuit or complaint, and actions taken by the City in responses to the lawsuit or complaint.
- B. Subrecipients. If the City extends Federal financial assistance to any subrecipient, each subrecipient shall submit such compliance reports to the City as necessary to enable the City to carry out its obligations under this policy.
  - C. Access to Information. The City and all subrecipients shall permit access by the appropriate federal agency and its agents, during normal business hours, to its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this policy. If any information required by the City or a subrecipient is in the exclusive possession of any other agency, institution, or person, and such agency, institution, or person fails or refuses to furnish this information, then the City or subrecipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.
  - D. Information to Public. The City shall provide notices and information to the public to apprise them of the protections against discrimination assured under Title VI of the Civil Rights Act of 1964.
    - 1) Transit Program: The City contracts with Josephine County Transit to provide transit service within the city limits. Josephine County Transit, as a direct recipient of federal funds, and thus responsible for compliance with Title VI of the Civil Rights Act of 1964, makes available such information to the public on the County web site, on signs posted on all buses and in the Transit Program office, and on bus schedules and brochures.
    - 2) Other Programs: The City shall make available to the public on its website Title VI compliance information.

#### Meaningful Access to Limited English Proficient (LEP) Persons

The City Council adopted a Limited English Proficiency Plan with Resolution 6056 on April 3, 2013, which is hereby adopted and incorporated into this Policy by reference. The City shall provide meaningful access and information about the City's programs and services for individuals who are Limited English Proficient (LEP) as required under Title VI of the Civil Rights Act of 1964.

- A. Transit Program: Aforementioned, the City purchases transit service from Josephine County Transit. The County Transit Program provides, in accordance with its approved Title VI policy, assistance for persons who are

Limited English Proficient as follows:

- 1) The Josephine County Transit's web site, bus schedules, and brochures shall be available in English and in Spanish.
  - 2) All transit drivers and dispatchers shall carry "Basic Spanish for Transit Employees" from the Colorado DOT, and shall refer to this as needed.
  - 3) The Josephine County Transit Program Manager shall conduct public outreach activities to ensure that Limited English Proficient riders have access to services as well as information they may need. If the Transit Program Manager identifies language groups other than Spanish who need assistance in their language, then the Transit Program Manager shall arrange to provide appropriate instructions, in their language, on how to use the public transit system and any other information needed.
- B. Other Programs: The City shall provide assistance for persons who are Limited English Proficient as provided in the 2013 LEP Plan.

#### Responsible Parties

Program Managers, Department Directors, Executive Staff, and Elected Officials shall:

- A. Ensure that there are no barriers to service or accommodation that would prevent public usage or access to City programs and services;
- B. Train subordinates as to what constitutes discrimination and barriers to access;
- C. Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination;
- D. Notify the Title VI Complaint Coordinator, in writing, of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

#### Complaints and Appeal Process

- A. Title VI Complaint Coordinator: The Title VI Complaint Coordinator for any transit-related complaints shall be the Josephine County Transit Program Supervisor. For any other City programs, the City names the following positions, current incumbents and their successors, as responsible for Title VI complaints in the areas identified below:
  1. *For Issues of Employment, Hiring and Employment Conditions*, the responsible position is the Human Resources Director.
  2. *For Issues of Compliance of Municipal Facilities*, the responsible position is the Assistant City Manager.

3. *For Issues of Compliance of Public Rights of Way*, the responsible position is the Public Works Director.
  4. *For Issues of Compliance in new development, construction, and public accommodations as defined in the law*, the responsible position is the Parks & Community Development Director.
  5. *For issues of Compliance in the provision of City utilities*, the responsible position is the Finance Director.
  6. *For issues of Compliance in the provision of public safety services*, the responsible position is the Public Safety Director.
- B. Time Limitations: Complaints must be filed within 180 days of alleged discrimination.
- C. Contents of Complaint: Complaints should contain:
- 1) Name, address, telephone number of person making the complaint;
  - 2) A statement of what happened, when, and where;
  - 3) Names of any witnesses;
  - 4) A statement of the desired result or outcome.
- D. Filing of Complaint. Complaints may be filed by either employees or by members of the public.
- 1) By Employees: Employees may take complaints from members of the public. Employees shall then forward the complaint to the Title VI Complaint Coordinator, who shall process and assist in responding to the Complaint.
  - 2) By Members of the Public: Any person who feels that he or she has been discriminated against, or whose accommodation request or access to programs or services has been denied, may file a complaint with the appropriate Program manager by mailing or submitting a written complaint to the Program manager, or by telephoning or emailing the appropriate department, division or program.
    - a. Transit: Complaints may made to:
 

Scott Chancey, Transit Program Supervisor  
201 River Heights Way  
Grants Pass, OR 97527  
(541) 474-5441  
[schancey@co.josephine.or.us](mailto:schancey@co.josephine.or.us)
    - b. Other City Programs: Complaints may be made to:

Grants Pass City Recorder  
101 NW 'A' Street  
Grants Pass, OR 97526  
(541) 450-6000

E. Investigation: Any complaints related to services provided by Josephine County Transit shall follow the investigation process set forth in applicable County policies. Responsible City directors, with the assistance of the City Attorney, shall investigate the complaint and shall make a written determination as to whether discrimination occurred or access was denied. The investigation of the complaint shall include, but not be limited to, details of the specific incident, frequency and dates of occurrences, and names and information of any witnesses. In all matters except those of employment, the investigative process for those complaining or raising issues concerning discrimination under Title VI of the Civil Rights Act of 1964, the following process shall be followed:

Step 1: The complaining party shall provide a written statement of the complaint to the City Recorder, who will forward the complaint to the named responsible City director. Within 10 working days, the responsible director shall provide written response of the City's position on compliance, plan for correction, rejection of the assertion, or similar action.

Step 2: Should the party not be satisfied with the determination of the responsible director, a written statement identifying the complaint and the positions taken by the City, along with any further assertions or facts, shall be filed with the City Attorney. The City Attorney shall have 10 working days to review the actions proposed, and shall make an independent determination on the merits of the complaint. Written findings of determinations will be provided to the responsible director, the City Manager, and the complainant.

Step 3: Should the party complaining remain dissatisfied with the City's response to the filed complaints, a written statement may be filed with the City Manager. The Manager shall have 10 days to make a final determination of the actions that will be taken by the City, with a written statement provided to the complainant, responsible director, and the City Attorney. The decision of the City Manager shall be the final determination of the City of Grants Pass for purposes of external review.

Following the complaint process described, any party remaining aggrieved may seek redress in the appropriate legal forum. For purposes of this policy, the time limits established shall be met if correspondence is postmarked within the time periods identified. Should time limits not be met by the grieving party, the matter shall be considered settled in the manner determined by the City representative involved in the latest completed step of the process. Should

any City party fail to meet the time constraints, the grievance may be elevated by the grieving party to the next step in the process. Should the City Manager fail to respond, the last position stated by a City representative in a preceding step shall be the final determination of the City. Time limits in this process may be extended by the mutual written consent of all parties to the complaint.

- F. Resolution of Complaint: The complainant shall be notified of the resolution. The written report shall be confidential. The resolution of the complaint shall be public record. The resolution of the complaint shall be in accordance with one of the following:
- 1) Sustained Complaints: If the complaint is substantiated, this policy prohibiting discrimination shall be reviewed with the appropriate employee. Appropriate disciplinary action and/or training shall be taken in accordance with appropriate disciplinary procedures.
  - 2) Unsustained Complaints: If there is insufficient evidence to either prove or disprove the allegations, the complainant shall be informed of the reasons for this disposition.
  - 3) Unfounded Complaint: If it is determined that an act reported pursuant to this policy did not in fact occur, a finding of unfounded shall be made.
  - 4) Exonerated Complaints: If it is determined that an act reported pursuant to this policy did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.
- G. The rights provided under this policy are not exclusive and are in addition to any other rights and remedies provided by law. The right of a complainant to a prompt and equitable resolution of the complaint shall not be impaired by the pursuit of other remedies, such as filing a complaint with the appropriate federal agency, or the filing of a suit in state or federal court. The use of this procedure is not a prerequisite to the pursuit of other remedies.

#### General Provisions

- A. If any provision of this policy violates state or federal law, including but not limited to Title VI of the Civil Rights Act of 1964, 49 CFR Section 21, ORS 244.175, or ORS 659A.309, as amended, such state or federal law shall control.
- B. Employees shall contact their supervisor or the City Recorder if there are any questions as to the application of this policy.

\_\_\_\_\_  
Aaron K. Cubic, City Manager

Approved as to Form, Mark Bartholomew, City Attorney

\_\_\_\_\_  
Date



Resolution authorizing the City Manager to enter into a contract for Property Acquisition/Negotiation services with Donald

Item: Rubenstein.

Date: January 20, 2016

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SUBJECT AND SUMMARY:

The City is involved in many property transactions and has need of someone with experience and qualifications to assist with these transactions. The City buys and sells real property, acquires rights of way, easements, temporary rights and access related to City business. This action would provide for these services through contract.

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RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goal of **LEADERSHIP** by effectively securing and managing property interests and transactions of the City.

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CALL TO ACTION SCHEDULE:

The need for property services is both current and ongoing. Call to action schedule: January 20, 2016.

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BACKGROUND:

The City has addressed its need to manage the acquisition of properties and property interests in a variety of ways. The City has used the services of the City Attorney, the City Manager, employees from Engineering and/or Project Managers, an employee specifically dedicated to providing land acquisition services, and most recently through the use of a services contract.

The City needs to buy and sell property and acquire certain property interests such as rights of way and easements in order to carry out the business of the City. There are frequently special requirement and/or regulations associated with these activities.

The City issued a Request for Proposal to secure the services of a skilled and experienced person or firm to assist the City with property transactions. Two responses were received by the City; one proposal from Epic Land Solutions, Inc. and the other from Donald Rubenstein, Real Property Consulting.

Epic Land Solutions, Inc. focused their proposal on their expertise involving right of way acquisition projects associated with large capital projects involving state and federal funds. Their reference to a local presence was assured through the association with the engineering firm of Harper Houf Peterson & Righellis (HHPR).

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ITEM: 3.b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PROPERTY ACQUISITION/NEGOTIATION SERVICES WITH DONALD RUBENSTEIN.

Staff Report (continued):

Donald Rubenstein has been working with the City for approximately four years assisting with property acquisitions and negotiations. He has worked successfully with staff and Grants Pass citizens in a wide range of property transactions. Along with his proven history as an excellent communicator and negotiator, his local presence and knowledge of the City's needs and activities best match the needs of the City at this time.

The fee schedule quoted by Mr. Rubenstein, at an hourly billing rate of \$105.00 per hour is also significantly less than the rates quoted by Epic Land Solutions, Inc. (Project Manager – average of \$152.42 per hour; Assistant Project Manager – average of \$101.45; with Principal and Advisor rates exceeding the rates for the Project Manager) The services and proposal submitted by Donald Rubenstein, Real Property Consulting are expected to best meet the needs of the City for the proposed contract period of one year with options to renew for an additional three one-year periods.

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COST IMPLICATION:

Revenue Source: Project based.  
Approximately \$75,600 for the first one-year period (estimate of 60 hours per month).

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ALTERNATIVES:

Award the contract to Donald Rubenstein;  
Award the contract to Epic Land Solutions, Inc;  
Take no action at this time.

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RECOMMENDED ACTION:

It is recommended Council approve the resolution authorizing the City Manager to enter into a contract with Donald Rubenstein, Real Property Consulting.

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POTENTIAL MOTION:

I move to adopt the resolution authorizing the City Manager to enter into a contract with Donald Rubenstein for property acquisition / negotiation services.

**RESOLUTION NO.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PROPERTY ACQUISITION / NEGOTIATION SERVICES WITH DONALD RUBENSTEIN.**

**WHEREAS:**

1. The City has demand for property acquisition services; and
2. The City requested proposals and qualifications from firms or people with expertise and experience in land acquisition and negotiation; and
3. After reviewing the proposals, the services of Donald Rubenstein, Real Property Consulting appear to best match the needs of the City at this time; and
4. The City of Grants Pass has budgeted sufficient funds to pay for property acquisition services.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Grants Pass that the City Manager is authorized to enter into a contract with Donald Rubenstein for a one-year period with options to renew for an additional three one-year periods upon mutually agreeable terms.

**EFFECTIVE DATE** of this Resolution shall be immediate upon the passage and signature by the Mayor in accord with the Grants Pass City Charter.

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 20<sup>th</sup> day of January 2016.

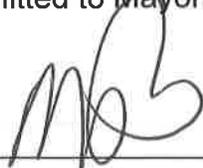
**SUBMITTED** to and \_\_\_\_\_ by the Mayor of the City of Grants Pass, Oregon, this \_\_\_\_ day of January, 2016 to be effective on the date indicated as adopted by the City Council.

\_\_\_\_\_  
Darin Fowler, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Frerk, City Recorder

Date submitted to Mayor: \_\_\_\_\_

Approved as to Form, Mark Bartholomew, City Attorney  \_\_\_\_\_



**CITY OF GRANTS PASS  
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT**

**DEVELOPMENT CODE TEXT AMENDMENT  
SUBDIVISION FINAL PLAT & PUD FINAL PLAN  
ARTICLE 17 ~ LOTS/CREATION OF LOTS  
ARTICLE 18 ~ PUD  
SCHEDULE 2-1 ~ APPLICATION PROCEDURES  
ARTICLE 3 ~ DEVELOPMENT PERMIT PROCEDURE**

**FINDINGS OF FACT – CITY COUNCIL**

<b>Procedure Type:</b>	Type IV: Planning Commission Recommendation and City Council Decision
<b>Project Number:</b>	15-40500003
<b>Project Type:</b>	Development Code Text Amendment
<b>Applicant:</b>	City of Grants Pass
<b>Planner Assigned:</b>	Justin Gindlesperger
<b>Application Received:</b>	October 13, 2015
<b>Application Complete:</b>	October 16, 2015
<b>Date of Staff Report:</b>	December 2, 2015
<b>Date of UAPC Hearing:</b>	December 9, 2015
<b>Date of UAPC Findings of Fact:</b>	December 9, 2015
<b>Date of City Council Staff Report:</b>	December 23, 2015
<b>Date of City Council Hearing:</b>	January 6, 2016
<b>Date of City Council Findings of Fact:</b>	January 20, 2016

**I. PROPOSAL:**

Development Code Text Amendment to provide administrative review and approval for Subdivision Final Plat and PUD Final Plan that substantially conforms to Tentative Plan and Preliminary Plan.

**II. AUTHORITY AND CRITERIA:**

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

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

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

**III. APPEAL PROCEDURE:**

Section 10.060 provides the City Council's final decision to be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

**IV. PROCEDURE:**

- A. An application for the Comprehensive Plan Map and Zone Map Amendment was submitted and deemed complete on October 13, 2015 and deemed complete on October 16, 2015. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment and the December 9, 2015 public hearing was mailed to the Oregon Department of Land Conservation and Development on October 23, 2015, in accordance with ORS 197.610 and OAR Chapter 660, Division 18.
- C. Public notice of the December 9, 2015 public hearing was published in the newspapers on December 2, 2015, in accordance with Sections 2.053 and 2.063 of the Development Code.
- D. At the December 9, 2015 public hearing, the Planning Commission made a recommendation in support of the request.
- E. The Planning Commission signed the Findings of Fact on December 9, 2015.
- F. Public notice of the January 6, 2016 City Council public hearing was published in the newspapers on December 30, 2015, in accordance with Sections 2.053 and 2.063 of the Development Code.
- G. On January 6, 2016, the City Council held a public hearing to consider the request. A roll call vote was taken during the public hearing and the City Council voted to approve the request.

**V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit "A" and incorporated herein.
  - 1. Planning Commission Findings of Fact
    - A. UAPC Staff Report
      - 1. Mark up text for Article 2, Schedule 2-1
      - 2. Mark up text for Article 3
      - 3. Mark up text for Article 17:
        - a. Section 17.420
        - b. Section 17.415
        - c. Section 17.516

4. Mark up text for Article 18:
  - a. Sections 18.034 & 18.040
  - b. Section 18.060

B. Minutes from December 9, 2015 UAPC Hearing

C. PowerPoint Presentation

- B. The minutes of the public hearing held by the City Council on January 6, 2016, are attached as Exhibit "B" and incorporated herein.
- C. The PowerPoint Presentation given by staff at the January 6, 2016, public hearing is attached as Exhibit "C" and incorporated herein.

## VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

The procedure for Subdivision Final Plat and PUD Final Plan requires a Type I-C, Director's Decision with Comment Period, procedure prior to recording and development. The Oregon Revised Statutes do not classify the approval of a final plat or final plan as a "land use decision" or a "limited land use decision." For any final plat or final plan that substantially conforms to the approved tentative plan, the proposed amendment does not require a notice or comment period. Approval is recognized with the Director's signature on the final plat that is recorded.

The amendment also provides direction for final plats/plans that exhibit changes from the approved tentatives. Minor changes will follow the Type I-C procedure, and final plats/plans that exhibit major changes will proceed through the same procedure as the approved tentative plan.

Changes to the approval procedure also require changes in Schedule 2-1, Application Types, in Article 2 to identify the proper procedure type for final plat and final plan approvals. The expiration and extension of the land use approval and development in Article 3 will identify the process and timing for tentative plans, final plats/plans and development permits.

Section 17.516 is included as a clean up amendment to change the numbering for consistency with the rest of the Development Code. This change will not affect the way the Development Code is administered.

## VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

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

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

**Response: Satisfied.** The proposed amendments are consistent with the purpose of Article 17 and Article 18. For any Subdivision Final Plat or PUD Final Plan that

substantially conforms to the approved tentative plans, the proposal will provide administrative review and approval procedure. The amendment also provides direction for final plats/plans that exhibit changes from the approved tentatives. Minor changes will follow the Type I-C procedure, and final plats/plans that exhibit major changes will proceed through the same procedure as the approved tentative plan.

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

**Response: Satisfied.** The proposed text amendments will streamline the process for any Final Plat or Final Plan that substantially conforms to the approved tentative plan and includes a process for plans that propose modifications. These changes will not substantially change the code and the revised Sections will remain consistent with other provisions of the code.

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

**Response: Satisfied.** The proposed changes are consistent with Element 13, Land Use, of the Comprehensive Plan. The proposed amendments attempt to streamline the review process and provide procedures for land use actions that are clear, objective and non-arbitrary, pursuant to 13.4.2 and 13.4.3 of the Comprehensive Plan.

#### **Most Effective Alternative**

The alternative to approving the proposal is to retain the existing process for review and approval of Subdivision Final Plat and PUD Final Plan. The proposed amendments more effectively carry out the goals and policies stated above.

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

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

### **VIII. DECISION AND SUMMARY:**

The City Council **APPROVED** the Development Code Text Amendment to provide administrative review and approval for Subdivision Final Plat and PUD Final Plan that substantially conforms to Tentative Plan and Preliminary Plan.

The vote was 8-0 with Councilors DeYoung, Lindsay, Lovelace, Riker, Hannum, Roler, Bouteller and Goodwin in favor and none opposed.

**IX. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this 20th day of January, 2016.**

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**Darin Fowler, Mayor**

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



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

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

Presentation: GFOA Budget Award and North Middle School Lego Robotics Team

Elect Council President: Councilor Lindsay moved and Councilor Goodwin seconded to elect Councilor DeYoung as Council President and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

1. PUBLIC COMMENT:

2. PUBLIC HEARING:

Quasi-judicial Hearing

- a. Ordinance vacating the common property lines between tax lots 2230, 2231, 2232, 2233, 2234, 2235, 2236 & 2237 of map number 36-05-20-DC.

#### ORDINANCE NO. 16-5667

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

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

Councilor Lindsay moved that the ordinance be adopted. The motion was seconded by Councilor Lovelace. Mayor Fowler asked if the ordinance should be adopted,

signified by roll call vote as follows: Bouteller – yes, DeYoung – yes, Goodwin – yes, Hannum – yes, Lindsay – yes, Lovelace – yes, Riker – yes, Roler – abstain. The ordinance was adopted.

### Legislative

- b. Ordinance amending Article 17 and Article 18 regarding the review and approval for subdivision final plats and PUD final plans.

#### ORDINANCE NO. 16-5668

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

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

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

### 3. CONSENT AGENDA:

- a. Resolution approving the street closure ‘B’ Street for the March for Life event.

#### RESOLUTION NO. 16-6392

Councilor DeYoung moved and Councilor Lindsay seconded that Resolution 16-6392 be adopted and the vote resulted as follows: “Ayes”: Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. “Nays”: None. Abstain: None. Absent: None. The resolution is adopted.

- b. Resolution designating responsible parties for ensuring compliance with the National Environmental Policy Act.

#### RESOLUTION NO. 16-6393

Councilor DeYoung moved and Councilor Lindsay seconded that Resolution 16-6393 be adopted and the vote resulted as follows: “Ayes”: Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. “Nays”: None. Abstain: None. Absent: None. The resolution is adopted.

- c. Resolution authorizing the City Manager to enter into a contract for the Lincoln Road Half Street Improvements, a local government improvement project; Project No. TR6075.

RESOLUTION NO. 16-6394

Councilor DeYoung moved and Councilor Lindsay seconded that Resolution 16-6394 be adopted and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The resolution is adopted.

- d. Motion acknowledging the receipt of the monthly and quarterly financial reports for quarter ended June 2015.

Councilor DeYoung moved and Councilor Lindsay seconded that the monthly and quarterly financial reports for quarter ended June 2015 be approved and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- e. Motion acknowledging the System Development Charge Annual Report for fiscal 2015.

Councilor DeYoung moved and Councilor Lindsay seconded that the System Development Charge Annual Report for fiscal 2015 be approved and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- f. Motion approving the findings of fact Development Code Text Amendment Commercial Eating/Drinking Establishments, Social Services Facility and Transient Quarters 12 ~ Zoning Districts Schedule 12-2 ~ Permitted Uses and Site Plan Review Procedures Article 30 ~ Definitions.

Councilor DeYoung moved and Councilor Lindsay seconded that the findings of fact Development Code Text Amendment Commercial Eating/Drinking Establishments, Social Services Facility and Transient Quarters 12 ~ Zoning Districts Schedule 12-2 ~ Permitted Uses and Site Plan Review Procedures Article 30 ~ Definitions be approved and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- g. Motion approving the minutes of the City Council meeting of December 16, 2015.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the City Council meeting of December 16, 2015 be approved and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- h. Motion acknowledging the minutes of the Urban Area Planning Commission meeting of November 24, 2015.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Urban Area Planning Commission meeting of November 24, 2015 be approved and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- i. Motion acknowledging the minutes of the PAVE meeting of October 1, 2015.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the PAVE meeting of October 1, 2015 be approved and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- j. Motion acknowledging the minutes of the Parks Advisory Board meeting of October 15, 2015.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Parks Advisory Board meeting of October 15, 2015 be approved and the vote resulted as follows: "Ayes": Bouteller, DeYoung, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

4. MATTERS FROM MAYOR, COUNCIL AND STAFF:

- a. Committee liaison reports.

5. EXECUTIVE SESSION: None

6. ADJOURN:

There being no further business to come before the Council, Mayor Fowler adjourned the meeting at 7:26 p.m.

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

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City Recorder

**GRANTS PASS URBAN TREE ADVISORY COMMITTEE**  
**Meeting Minutes – November 9, 2015 at 7:00 PM**  
**Courtyard Conference Room**

**Committee Members:**

Dave Russell (Chair)  
James Love – arrived late  
Dan McBerty – absent  
William Reinert  
Clifford Ostermeier  
Stormy Ballenger - absent  
Michael Holzinger  
*Vacant Position*

**City/Staff Liaisons:**

Steve Radda (Parks)  
Dan DeYoung (City Council) - absent

**Guests:**

Jules Rogers - *Courier*

Dave announced Michael Holzinger as the new Committee member and shared that Cynthia and Chip did not renew their positions. Bill asked about how they were contacted (i.e. phone and other ways). Dave stated they'd been contacted by the City as anyone else would have been per normal protocol. Bill stated they were also notified by phone.

- I. **Business - Continuing**
  - A. **Approval of Minutes from October 12, 2015**

**MOTION/VOTE**

**Committee Member Love moved and it was seconded to approve the minutes from the October 12, 2015 meeting. The vote resulted as follows: "AYES": Committee Members Russell, Love, Reinert, and Ostermeier. "NAYS": None. Abstain: Committee Member Holzinger. Absent: Committee Members McBerty and Ballenger. The motion passed.**

- II. **Business - New**
  - A. **Announcements - none**
  - B. **Elect New Vice Chair**
    - Dave nominated Jim to be vice chair - Jim accepted
    - The vote took place and the Aye votes carried the nomination
    - James Love was elected as vice chair
  - C. **Event Calendar Review**
    - Dave and Cliff gave a recap of the Fall Tree Walk
    - Dave and/or another Committee member will need to attend Council goal setting
    - Committee December dinner? – will City support it? Steve needs to know what they want for dinner (discussed later)
  - D. **Updates**
    - Membership updates (see above)

#### **E. Nominations for Significant Tree/Landscape**

- Cliff – (landscape) parking lot at 202 Redwood Ave (or corner of West Park and Redwood Hwy, parking lot, first right, after crossing bridge, headed south) plenty of parking and still good canopy, near appliance center and fitness center, unsure if this one can be nominated because it is a City owned lot
- Dave asked about any new landscapes – Steve said it will be awhile before any new landscapes are ready for nomination
- Steve passed around pictures/descriptions of trees for Committee to look at.
- James suggested nominating the Cedras Deodara and the Elm

\*\*\* Bill asked about up-lighting and why it isn't being used in the spaces where trees will be at Winco – James shared they likely don't want to spend money on accent lighting

#### **F. Parking Lot Tree Standards**

- Dave gave update – new planner in Parks & Community Development Department is doing some work on parking lot tree standards

#### **G. Goal Setting**

- Update for new members - Committee's opinion is the single most important thing they are working on now is parking lot standards/canopy – working with City to rewrite articles of code and create an ordinance that requires new developments to have more shade/canopy.
- Dave suggested approving the three goals discussed at last meeting:
  1. Continue with parking lot standards/canopy
  2. Update significant tree list – then potentially create significant tree list map of entire city (could include the Fall Color Driving Tour map)
  3. Create a tree walk map (like Riverside's) for Reinhart to be ready in time for next year's Fall Tree Walk

\*\*\* Michael brought up tree maintenance around town and height requirement on street overhang – Dave shared it is an endless project to keep up with tree maintenance and Parks works on it and there are challenges with privately owned trees

\*\*\* Bill (or Cliff?) brought up the issue again of City turning over sidewalk and planter strip area to homeowners as their responsibility to maintain

#### **MOTION/VOTE**

**Committee Member Love moved and it was seconded to approve their three final goals as stated above (point II-G). The vote resulted as follows: "AYES": Committee Members Russell, Love, Reinert, Ostermeier, and Holzinger. "NAYS": None. Abstain: None. Absent: Committee Members McBerty and Ballenger. The motion passed.**

#### **H. Strategic Plan**

- Steps to implement 3 goals:

1. Parking Lot Standards - need a planner to work with Committee
2. Significant Tree List – need staff to work with Committee on creating a map, GIS links, etc.
3. Tree Walk Map – did not discuss

**I. Comments**

- Staff Report (Steve) –
- Parks Department dealing with fallen leaves for next couple months
- Will be finalizing new Significant Tree/Landscape awards
- Jeff working on tree purchasing program – should be ready for next meeting and up on website soon
- Christmas Dinner – Jeff/Steve need to know day, time, caterer, etc. – decided on Wild River Pizza/Salad, at City Hall, at December 14<sup>th</sup> meeting, start the meeting earlier (at 6pm).
- Jules was glad to hear about the tree canopy issues, that is what she was interested in, Dave gave her a little more background/info on the topic.

**Next Meeting: December 14, 2015**

These minutes were prepared by contracted minute taker, Becca Quimby.



**GRANTS PASS PARKS ADVISORY BOARD**  
**Public Forum**  
**Meeting Minutes – November 19, 2015 at 3:30 PM**  
**City Manager’s Conference Room**

**Members in Attendance:**

Dick Matti (Chair)  
Cliff Kuhlman (Vice Chair)  
Jan Battersby  
Gary Still  
Marian Szewc – arrived late  
Robert Cartmell  
Rick Chapman  
Bill Reinert

**City/Staff/Council Liaisons:**

Lora Glover (Parks & Community Development Director)  
Dan DeYoung (City Council Liaison)

**I. Business – Continuing**

**A. Approval of Minutes: October 15, 2015**

**MOTION/VOTE**

**Board Member Cartmell moved and Board Member Still seconded to approve the minutes as presented from the October 15, 2015 meeting. The vote resulted as follows: “AYES”:**  
**Board Members Matti, Kuhlman, Battersby, Still, Cartmell, Chapman, and Reinert.**  
**“NAYS”:** None. **Abstain:** None. **Absent:** Board Member Szewc (arrived after vote).  
**The motion passed.**

**II. Business – New**

**A. Active Club Presentation**

- Lora gave brief introduction – James Lowe, as the representative, will be presenting options/ideas Active Club has for Riverside Park. She gave the reminder that the grant money was designated specifically for renovation in Riverside Park.
- James Lowe described current Active Club set-up at Boatnik, they have been putting on Boatnik for 50+ years, set up a VIP tent which is very expensive to do each year
- Would like to build a pavilion (reminiscent of the bandstand that used to be there)
- Commissioned ZCS Engineering to work on concept taking into account all issues i.e. flooding, sewer lines, other regulations, etc.
- Stakeholders such as Duck Derby and Concerts in the Park have been included in discussions about ideas for a pavilion to benefit not only Active Club, but other organizations that put on activities in park and the general public - it would be a nice overlook that could be rented out.
- Other groups such as Public Safety have also been included in discussions to ensure structure is safe and to prevent transient draw and the neighbors across river have been contacted.
- Asking permission to move forward with project and begin discussions with City Council.
- Active Club was the original initiator for the \$500,000 request for something to this nature. That is why it was tied to Riverside Park. Will be asking Council to grant

them the funds and they will use 501-C3 status to stretch the money. Funding is not available until July 2016, project still in planning stage.

- There are 2 conceptual drawings: 1) a wood structure, and 2) an inverted truss. They like the wood structure for its aesthetics. The inverted truss is better for sound, but has a more modern look.
- Will run power to the area and will look into running cable in. Could potentially show movies in the park if a nice screen is added. Could be a great venue for different organizations and the public to utilize and enjoy.
- Dimensions would be about 60' x 30', but the grading in front would let them put scaffolding out in front allowing water to pass through (necessary when building in floodway/floodplain).
- Would incorporate granite rocks already there. Two non-native Maple trees would need to be removed.
- **Questions -**
  - Accommodate Concerts in the Park? – Yes, *elevated to go out toward grass area in front, asphalt could be dancing area, vendors on both sides, river as the backdrop, plenty of power for lights, speakers, etc.*
  - Money allotted for additional surveillance, cameras, lights, etc. to help with transient issues? – Yes, *have included Public Safety in discussions, there would be 2 cameras and LED lights. It would be constructed so water could flow underneath but would not allow transient access. Also, there are some concerns from neighbors across river about too much noise so that would be handled as well.*
  - Estimated cost? – *approximately \$500,000-\$750,000. Will be able to use buttress walls instead of driving pile, may look at pre-cast panels for stage with 4" poured-in-place deck over top. Have applied to Rotary Duck Derby as a project and have solicited in-kind donations to stretch funds.*
  - How much was applied for with Duck Derby? – *approximately \$150,000.*
  - Why so little amount? – *would have to double check exact amount*
  - Any planned City partnership? – *after today the next step would be going to City staff and Council. Have to get the \$500,000 first.*
  - Estimate of annual maintenance? – *not at this time*
  - Would the City be doing the maintenance? – Yes, *similar to Reinhart, the non-profit builds it then gifts it to the City*
  - Construction timeframe? – *summer and fall of 2016*
  - Deadline to use grant funds? – No
  - How many people could attend Concerts in the Park with this new configuration? – *as many or more*
  - How will this affect Back to the 50's? – *they have been included in discussions, they could have a parade of cars in front and hand out trophies and other interactions such as that. Duck Derby and Corvette Club could use*

*it similarly. Could also see it being used by the Church of the Valley, but haven't contacted them yet.*

- Does it meet State/Federal regs to build structure on river? – Yes, *that is why water has to pass underneath it, will need a no-rise study, it has to be made out of specific materials, etc. There are many regulations and that is why ZCS was hired.*
- Entire structure is permanent? – *30' x 60' structure will stay permanently. There will be terracing out in front where the Active Club will put out their stage (will not be up in winter). Oak and Pine tree to take some hits and protect structure from flooding.*
- Have there been any funds contribution offers from other organizations such as Concerts in the Park or Back to the 50s? – *have not gone that far yet*
- Lora shared City's idea of making this a larger project –
  - Funds available through Isaac Walton Building. Maybe this is the time to do a community center by the rebuilt gazebo.
  - It could be used during Boatnik, by Church of the Valley, or for other community events.
  - Other possibilities include redeveloping additional parking on the west side and a splash pad by playground – ideas to get community feedback on.
  - Staff wanted to ensure the other large events were included in this project and that it worked for everyone – the more people that can use it the better.
  - What else can the park be used for – master plan has been met but it can be further enhanced. Parks plan goal is to focus on social events and so this is a great opportunity to meet several different needs.
- **Suggestions/Ideas from Community–**
  - **Colene Martin** (Chamber) – likes many aspects of the proposal, concerned proposed area is much smaller than the current Concerts in the Park area line-of-sight is important, smaller space/trees will deaden the sound. Staff responded there is the possibility of removing selected trees to open up the area.
  - **Jan Battersby** (Parks Board)– asked how many square feet would be taken from the park by the community center and parking. Lora replied they planned to use existing parking and the building would be 2500-3000 sq. ft., single story.
  - **Jason VanDussen** (Concerts in Park MC) – gave Concerts in Park statistics, concerts are continually growing, new proposed space would be too small, would definitely need trees removed, great option for other organizations/events
  - **Jon Bowen** (Experience GP) – likes the current ideas, stressed importance of acoustics, brought up concept of how it could help in accommodating more tourism (people traveling between bigger cities)
  - **Kathy Simmons** (Back to 50's chair) – pleased with current proposition and how it will help the car show. Hope is whatever happens it won't take away from area cars park in during event. Interested in participating in any way they can with the other groups.

- **Dan DeYoung** (City Council) – has been announcer for Back to 50s, the move of event location to under trees was beneficial for Back to 50's, more visibility from 7<sup>th</sup> Street, more spectator participation, etc. This will be a balancing act as different groups need different locations for different reasons.
  - **Amy Little** (business owner) – spectator viewpoint, people like dancing in the grass (barefoot, with their little kids), concern about dance area moved to pavement. Likes idea of community center, could it tie in with Jon Bowen and Welcome Center to cater to out of town guests attending events in park?
  - **Unknown Speaker** (Duck Derby rep) – in support of proposal, it would be convenient to have a full-time stand down in that area, concern about trying to cram too much into too small of an area, feels it would be a good project for Duck Derby to participate, but Rotary Club presidents would have final say
  - **Denny Miller** (Concerts in Park sound guy) – does sound for a living all around the state, main concern is the trees, new speaker development is all about line-of-sight (prevents speakers from being stacked and blocking audience view of stage). Likes the proposed sight, but unsure it would work for Concerts in Park because the number of trees in that sight would block 20% of audience visual to stage and affect the sound.
- Lora explained the dialogue will remain open, City staff will welcome additional comments/suggestions/ideas.
  - In December Parks Board will wrap up their goals to present to City Council and then Council will work on their goal session in mid January.

#### **MOTION**

**Board Member Still moved and Board Member Battersby seconded to consider and vote on the Active Club pavilion and the City community center as separate topics.**

#### **Discussion on Motion**

- Gary - unsure that is best location for a community center, explore topic of combining community center and welcome center further, master plan doesn't allow for a community center in Riverside which may require master plan revision, would like to see Active Club pavilion project move ahead, if two are tied together it may delay one or the other.
- Bob - summary about past community center attempts, importance of community centers, how they can tie in with Parks services, location in Riverside the City has in mind is an ideal spot.

#### **VOTE**

**The vote resulted as follows: "AYES": 8. "NAYS": 0. Abstain: 0. Absent: None.  
The motion passed.**

#### **MOTION**

**Board Member Still moved and Board Member Chapman seconded to approve the project concept the Active Club presented (favoring the timber frame construction) using the \$500,000 grant as the primary funding.**

#### **Discussion on Motion**

- Bob - would like to see additional space because there is so much more that could be done with it if it was larger
- Lora reminded board about the sewer main, flood hazards, etc. and keeping it smaller to keep cost down.

#### **VOTE**

**The motion passed.**

#### **MOTION**

**Board Member Still moved and Board Member Cartmell seconded to make a recommendation to City Council to direct staff to look into the feasibility of a community center in Riverside Park.**

#### **Discussion on Motion**

- Is that a task for staff? – yes. Is it a recommendation to Council to direct staff to do that? – yes.
- Only at Riverside Park? – yes for now, but could ask staff to look for other locations
- Appropriate to include in goals for next year.

#### **Amended MOTION/VOTE**

**Board Member Still moved and Board Member Battersby seconded to make a recommendation to City Council to direct staff to look into the feasibility of a community center in Riverside Park or any other appropriate location. The vote resulted as follows:**

**The motion passed.**

- The topic was brought up of additional improvements that may be needed in the park (tree removal, additional parking, plant more lawn, etc.). She felt those things should not be paid for by the \$500,000 grant so should they be considered and incorporated in the “ask”?
- Lora replied they will work through those things as it is taken to City Council – what impacts are expected and what would be needed to remedy those impacts. How they are paid for will depend on how much the Council decides to contribute in partnership.

#### **Future Parks Projects – Goal Setting**

- Board asked what future Parks projects might need to be completed that the Board should include in their goals for Council
- Lora responded with the following: continue partnership with School Dist. 7 and developing Hillcrest Park (walking trails, dog fencing, etc.). Also some smaller/less expensive projects such as: sunscreens over play areas, and additional fencing on some of the smaller playgrounds.
- Lora will have this list sent out to Board members for their confirmation.

**III. Next meeting:** December 10, 2015 at 3:30 PM in the City Manager’s Conference Room

These minutes were prepared by contracted minute taker, Becca Quimby.



SUBJECT AND SUMMARY:

This ordinance amends the City Municipal Code to clarify the allowable use, per state law, of transient room tax net proceeds that are legally restricted for use in Tourism-Related Facilities.

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RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goal of **LEADERSHIP** and **TOURISM AND CULTURAL OPPORTUNITIES** by providing the maximum amount of financial flexibility in the use of Transient Room Tax revenues to promote Tourism within current state legal restrictions.

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CALL TO ACTION SCHEDULE:

Call to action schedule: N/A

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BACKGROUND:

Under current State Law, Grants Pass must use a certain percentage of its transient room tax net funds for Tourism promotion activities (30%), and a certain percentage of the transient room tax net funds for "Tourism-related facilities" (approximately 15.6%).

Currently, City municipal code restricts the 15.6% tourism-related facility portion for use in the acquisition and development of park property. Parks are the largest and most common "tourism-related facility" that the City uses to accommodate tourist activities, however in the future a more broad definition of the proper use of these funds built into municipal code would provide the City with the maximum amount of financial flexibility in the use of these funds.

ORS 320 states that a "Tourism-related facility" means:

- (a) A conference center, convention center or visitor information center; and
- (b) Other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

Therefore, this proposed ordinance amendment simply adds "**other tourism-related facilities**" as an allowable use of these funds in addition to the acquisition and development of park property.

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COST IMPLICATION:

There is no cost implication for this action.

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ITEM: 4.a. ORDINANCE AMENDING MUNICIPAL CODE SECTION 4.05.240 AND CLARIFYING TOURISM-RELATED FACILITY DEFINITION.

Staff Report (continued):

ALTERNATIVES:

Council can choose to enact the ordinance as proposed; or  
Council can amend the ordinance; or  
Council can choose to not enact the ordinance.

---

RECOMMENDED ACTION:

It is recommended that Council adopt the ordinance amendment as presented.

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POTENTIAL MOTION:

I move to adopt the ordinance clarifying the Tourism-Related Facility definition within the allowable uses of the Grants Pass Transient Room Tax program.

## CHAPTER 4.05

## TRANSIENT ROOM TAX

4.05.240 Disposition and Use of Transient Room Tax Fund

All revenues received from the transient room tax shall be deposited into the Transient Room Tax Fund.

A. Effective January 1, 2001 when the Transient Room Tax rate is 8% the net funds available shall be distributed as follows:

1. Of the first 87.5% of such funds receipted, they shall be subsequently transferred from the Transient Room Tax Fund to the City General Fund for 20% funding to Public Safety, 20% funding to Parks Maintenance, and 30% funding to the Tourism program. The remaining 30% of the first 87.5% shall be transferred from the Transient Room Tax Fund to the City General Fund for promoting the City's economic development and downtown area program activities.
2. Of the remaining 12.5% of Transient Room Tax receipts, 30% shall be subsequently transferred to the Tourism program and 70% shall be transferred to the Lands and Building fund for the acquisition and development of park property or **other tourism-related facilities**.

B. Effective January 1, 2002 when the Transient Room Tax rate is 9% the net funds available shall be distributed as follows:

1. Of the first 77.8% of such funds receipted, 80% shall be subsequently transferred from the Transient Room Tax Fund to the City General Fund for 25% funding to Public Safety, 25% funding to Parks Maintenance, and 30% funding to the Tourism program. The remaining 20% of the first 77.8% shall be transferred from the Transient Room Tax Fund to the City General Fund for promoting the City's economic development and downtown area program activities.
2. Of the remaining 22.2% of Transient Room Tax receipts, 30% shall be subsequently transferred to the Tourism program and 70% shall be transferred to the Lands and Building fund for the acquisition and development of park property or **other tourism-related facilities**.

**ORDINANCE NO.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING MUNICIPAL CODE SECTION 4.05.240 AND CLARIFYING TOURISM-RELATED FACILITY DEFINITION.**

**WHEREAS:**

1. Grants Pass Municipal Code, Section 4.05.240 governs the disposition and use of the net funds provided by the City's Transient Room Tax program; and
2. ORS 320 defines a "Tourism-related facility" as a conference center, convention center or visitor information center or other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities; and
3. The disposition of the City's net funds from transient room taxes required to be allocated to "Tourism-related facilities" has traditionally been used for the acquisition or development of park property, but under state law may also be allowed for use in developing other "Tourism-related facilities."

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

**Section 1.** Title 4, Chapter 4.05 Transient Room Tax, of the Grants Pass Municipal Code, Section 4.04.240 Disposition and Use of Transient Room Tax Fund, is hereby amended as shown in Exhibit 'A' which is attached to and incorporated herein.

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 20<sup>th</sup> day of January, 2016.

**AYES:**

**NAYS:**

**ABSTAIN:**

**ABSENT:**

**SUBMITTED** to and \_\_\_\_\_ by the Mayor of the City of Grants Pass, Oregon, this \_\_\_\_ day of January, 2016.

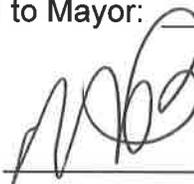
\_\_\_\_\_  
Darin Fowler, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Frerk, City Recorder

Date submitted to Mayor: \_\_\_\_\_

Approved as to Form, Mark Bartholomew, City Attorney



## CHAPTER 4.05

## TRANSIENT ROOM TAX

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B. Effective January 1, 2002 when the Transient Room Tax rate is 9% the net funds available shall be distributed as follows:

1. Of the first 77.8% of such funds receipted, 80% shall be subsequently transferred from the Transient Room Tax Fund to the City General Fund for 25% funding to Public Safety, 25% funding to Parks Maintenance, and 30% funding to the Tourism program. The remaining 20% of the first 77.8% shall be transferred from the Transient Room Tax Fund to the City General Fund for promoting the City's economic development and downtown area program activities.
2. Of the remaining 22.2% of Transient Room Tax receipts, 30% shall be subsequently transferred to the Tourism program and 70% shall be transferred to the Lands and Building fund for the acquisition and development of park property or other tourism-related facilities.





#### 4.a. Appointment to the Urban Tree Advisory Committee

There is one opening for this Committee and one applicant has applied for this position.

Willow Burnett-DePew





## City of Grants Pass

### City Committee / Commission Appointment Questionnaire

**Statement of your reasons for desiring to serve:** Please write a brief narrative describing your interest, qualifications and what you hope to accomplish in this position. Please include your skills, experience, and knowledge that you would contribute in this position. (Please feel free to use an additional sheet of paper or attach a cover letter, resume, or other helpful information).

I am willing to participate in the Committee process as a way to improve urban tree management. I am a lifetime gardener and "tree-hugger" with a healthy attitude about practical and aesthetic balance. I look forward to serving as a sounding board for community improvement.

**Statement of any relevant concerns or goals to be achieved while serving on this position:**

- I do not have e-mail, etc. so will need phone or other communication.
- My main goal is to sample city committee work and see how I fit in.

What do you think are the most critical issues facing this local government in the next three years?

- 1) Public Safety
- 2) Public participation in constructive government
- 3) Transparency in government process

Are there some things about the City of Grants Pass that you have a special interest in?

- Community outreach, festivals, etc.
- Community dialogue about our town