

**Central Point
City Hall
541-664-3321**

City Council

Mayor
Hank Williams

Ward I
Bruce Dingler

Ward II
Kelly Geiger

Ward III
Ellie George

Ward IV
Allen Broderick

At Large
David Douglas
Rick Samuelson

Administration
Chris Clayton, City
Manager
Deanna Casey, City
Recorder

**Community
Development**
Tom Humphrey,
Director

Finance
Bev Adams, Director

Human Resources
Barb Robson, Director

**Parks and Public
Works**
Matt Samitore,
Director
Jennifer Boardman,
Manager

Police
Kris Allison Chief

**CITY OF CENTRAL POINT
City Council Meeting Agenda
July 25, 2013**

Next Res. 1372
Next Ord. No. 1973

- I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PUBLIC APPEARANCES - *This time is reserved for citizens to comment on items that are not on the agenda.***
- V. SPECIAL PRESENTATION**
 - Fire District 3 Quarterly Update
- VI. CONSENT AGENDA**

- Page 1 - 8 A. Approval of July 27, 2013 Council Minutes
9 B. Approval of Street Closures for D.A.R.E. Cruise

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS

- 11 - 18 A. Public Hearing and First Reading – Ordinance Regarding Grey Court Right-of-Way Vacation (Humphrey)
- 20 - 25 B. First Reading – Ordinance Amending Section 3.20 Regarding Liquor Licenses (Clayton)
- 27 - 32 C. First Reading – Ordinance Deleting Chapter 3.04 Punchboard Tax of the Central Point Municipal Code (Clayton)
- 34 - 39 D. First Reading – Ordinance Deleting Chapter 3.08 Entertainment Device Tax of the Central Point Municipal Code (Clayton)

- 41 - 50 E. Resolution No. _____, Recommending Adoption of an Intergovernmental Agreement Between the City of Central Point and the City of Medford for Fleet Maintenance, Repair, Fuel Purchase, and Equipment Rental (Clayton)

IX. BUSINESS

- 52 A. Planning Commission Report (Humphrey)

X. MAYOR'S REPORT

XI. CITY MANAGER'S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION – ORS 192.660(2)(d) Labor Negotiations

The City Council may adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XV. ADJOURNMENT

Consent Agenda

CITY OF CENTRAL POINT
City Council Meeting Minutes
June 27, 2013

I. REGULAR MEETING CALLED TO ORDER

Council President Bruce Dingle called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

- III. ROLL CALL:** Mayor: Hank Williams, Excused.
Council Members: Bruce Dingler, Kelly Geiger, Rick Samuelson, David Douglas, and Ellie George were present. Allen Broderick was excused.

City Manager Chris Clayton; City Attorney Paul Nolte; Police Chief Kris Allison; Community Development Director Tom Humphrey; Human Resource Director Barb Robson; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES

Kay Harrison, City Representative to Jackson County Fair Board Mrs. Harrison presented the Fair Board report. They were pleased with the attendance at the rodeo this year. There was a good turn out and this continues to be a good event for the Expo and Central Point. They are currently working on the Red, White, and Boom for the 4th of July and then on to the Jackson County Fair. There will be changes this year for the fair trying to make it successful. She enjoys being the city representative but they have changed their meeting times and can no longer attend. Kelly Geiger stated that he is the Council Representative.

V. SPECIAL PRESENTATION

City Manager Chris Clayton recognized City Attorney Paul Nolte. Mr. Nolte is retiring from municipal service and this is his last meeting as our City Attorney. He was presented a special City of Central Point glass plate and thanked for all his service to the City.

V. CONSENT AGENDA

- A. Approval of June 13, 2013 City Council Minutes
- B. Cancellation of July 11, 2013 Council Meeting
- C. Acceptance of the Annual Safety Committee Report

Kelly Geiger made a motion to approve the consent agenda as presented. David Douglas seconded. Roll call: Bruce Dingler, yes; David Douglas, yes; Kelly Geiger, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA - None

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Ordinance No. 1973, An Ordinance Updating and Adopting the Central Point Comprehensive Plan Economic Element

Community Development Director Tom Humphrey stated that this is a second reading of an ordinance updating the Comprehensive Plan. This is a pre-requisite to expanding the UGB and demonstrating the need for additional industrial lands.

The City Council and Planning Commission have conducted public hearings on this topic. There have been no recommended changes to the proposed plan. Comments from the public meetings have been incorporated into the final draft of the Economic Element.

Ellie George made a motion to approve Ordinance No. 1973, Updating and Adopting the Central Point Comprehensive Plan Economic Element. Rick Samuelson seconded. Roll call: Bruce Dingler, yes; David Douglas, yes; Kelly Geiger, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

B. Resolution No. 1368, Adopting General Procedures for Fiscal Year 2013-2014.

City Manager Chris Clayton explained that the proposed resolution is an annual item brought before the Council as a house keeping issue. The General Procedures resolution appoints specific individuals or firms to represent the city in the capacity of City Attorney, City Engineer, City Auditor, Municipal Judge, and Insurance Agent of Record. This resolution also establishes and regulates council expenses; designation of depository; authority to keep, invest, transfer and expend funds; accounting principles; interfund and overhead fees; outstanding checks; capital acquisition; summons, complaints, and tort claim notices.

The retirement of City Attorney Paul Notle has prompted the appointment of Sydnee Dreyer, and the Municipal Court consolidation with Jackson County designates Joe Charter as Municipal Court Judge. The city insurance agent has been bought by Brown and Brown; and the City Engineer has changed to Jeff Ballard dba RH2.

Rick Samuelson made a motion to approve Resolution No. 1368, Adopting General Procedures for Fiscal Year 2013-2014 with the recommended changes. Ellie George seconded. Roll call: Bruce Dingler, yes; David Douglas, yes; Kelly Geiger, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

C. Resolution No. 1369, Revising the Classification Pay Plan

Human Resources Director Barb Robson presented the revised Classification Pay Plan. Staff is currently in negotiations with the Police Bargaining unit, the pay plan does not include any changes to the Police information.

Part A of the pay plan has been increased by a 1.6% cost of living increase pursuant to the contract ratified in September 2012. The list of classification titles has been updated to reflect current positions.

Part B of the plan is unchanged. The city will return with a revised pay plan when negotiations are settled if necessary.

Part C of the plan is for exempt, non-bargaining unit, management positions. There are no changes in salary range amounts. The plan does reflect changes in positions by adding the Building Division Manager, removing the Assistant City Manager, and changing the IT Manager position to IT Director.

Council asked for more clarification on the change for the IT Manager to Director. Mrs. Robson stated that the changes are to better clarify the position. The IT Manager originally reported to the Assistant City Manager, he now is a direct report to the City Manager and supervises another employee.

David Douglas made a motion to approve Resolution No. 1369, Revising the Classification Pay Plan. Ellie George seconded. Roll call: Bruce Dingler, yes; David Douglas, yes; Kelly Geiger, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

D. Resolution No. 1370, Extending Workers' Compensation Coverage to Volunteers for the City of Central Point

Mrs. Robson stated this continues the current practice of providing workers' compensation coverage for city volunteers, with the exception of special event volunteers who are covered under a separate policy.

Rick Samuelson made a motion to approve Resolution No. 1370, Extending Workers' Compensation Coverage to Volunteers for the City of Central Point. Ellie George seconded. Roll call: Bruce Dingler, yes; David Douglas, yes; Kelly Geiger, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

E. Resolution No. 1371, A Resolution Adopting the East Pine Street Corridor Refinement Plan Dated January 2013 with the preferred alternative: Enhanced Four-Lane East Pine Street in the City of Central Point.

Council President Dingler recommended postponing this item until the August 8, 2013 Council meeting when all members should be present. Several Council Members objected to removing the item from the agenda and would like to discuss it tonight. There is no guarantee that all council members will be present at the August meeting.

Community Development Director Tom Humphrey stated that the city hired transportation consultants to evaluate ways to make Central Point's Downtown more safe and attractive while preserving Pine Street's transportation function. Streetscape Design Alternatives allowed decision makers to visualize what the changes could look like without actually making the improvements. An estimate of the cost associated with the improvements was also provided for the discussion.

The intention has been to use the outcome of this analysis to provide direction for the City's Urban Renewal efforts. Street improvements will be a component of a larger plan that is tied to economic revitalization involving public investment in infrastructure, private investment in property, the right combination of businesses, more effective market, etc.

The plan recommends 4 lanes and wider sidewalks in order to meet minimum conditions for a Main Street design which is a combination of safety features and amenities. Parking will be eliminated along the business district only where a bus stop would be located, a Second Street Plaza, and dedicated turn lanes on side streets. Bulb outs are recommended at 3rd Street, 5th Street, and 6th Street to improve pedestrian visibility and crossing. Ornamental street lights are recommended to match those already in place between Front Street and 1st Street.

Mr. Clayton stated that even if the resolution is approved tonight there will be plenty of opportunity for Council and public input at the design phase. There will be a shared bike/car lane in each direction.

Mr. Dingler stated that he would like the resolution to be voted on in August. Mr. Clayton explained if the resolution was approved tonight it only adopts the overall plan and the design aspect could still be discussed at a later date.

Ellie George made a motion to approve Resolution No. 1371, A Resolution Adopting the East Pine Street Corridor Refinement Plan Dated January 2013 with the preferred alternative: Enhanced Four-Lane East Pine Street in the City of Central Point. Kelly Geiger seconded. Roll call: Bruce Dingler, no; David Douglas, yes; Kelly Geiger, yes; Ellie George, yes; and Rick Samuelson, yes. Motion passed.

VIII. BUSINESS

A. Clarification of 332 N. Second Street

Parks and Public Works Director Matt Samitore explained that in May the City Council asked the Municipal Court to dismiss the derelict property issue associated with 332 N. Second Street as the property was listed with a realtor and a qualifying offer to purchase the property was accepted. The intent of the buyer at that time was to demolish the house and rebuild. That buyer has backed out of the purchase but there is another offer on the table. The potential buyer would like to refurbish the house and not demolish. Staff was concerned that the

Council intent was to have the house demolished and this offer would be in violation of the dismissed derelict structure resolution.

Patricia Curtin, John L Scott Realtor

Ms. Curtin is representing the buyer. They would like to work with the city on the property clean up. They plan to start with the outside of the building to improve the property. The first improvements would be to paint and make the property acceptable. They do intend to work with the building department on permits. She will also recommend that the City Building Inspector be allowed to do an initial inspection and report back to the city.

The Council was in agreement that refurbishing the house would be acceptable as long as there were improvements are done in a timely manner. Council directed staff to have the Building Official do a full inspection and provide a report to the Council at the July 25, 2013 meeting. At that time the Council will decide if the derelict structure process should start over in order to encourage the new owners to fix the property.

IX. MAYOR'S REPORT – No Mayor's Report

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that

- Senate Bill 822 addressing PERS rates has passed. Our rates will be reduced for a couple of years helping the general fund carry over.
- He has received word from the County Administrator that the outlying Libraries will be closing in 2014 with the Medford branch closing in 2015 because of lack of available funding. He is in discussion with the County regarding optional uses for the vacant library.
- The July 11, 2013 Council meeting was cancelled with the approval of the consent agenda. There will be a Study Session on July 15, a Development Commission meeting and Council Meeting on July 25th.
- He will be at the OCCMA Conference in Bend the week of July 8th.
- Staff is working on the Sidewalk Café amendments to the Code allowing seating on the sidewalk and the ability to serve alcohol with restrictions.
- Dairy Queen has withdrawn their land use application; they feel there is not enough traffic in that location.
- The Municipal Court will be at the County Court room starting July 1st.
- Sydnee Dreyer will be our new City Attorney, she is present tonight. We are sorry to see Mr. Nolte retire but confident Mrs. Dreyer will be a good addition to the City.

XI. COUNCIL REPORTS

Council President Bruce Dingler asked what the next steps would be for the E. Pine Street Refinement Program. Mr. Clayton explained that staff will proceed with the plan that was just adopted. After funding is acquired there will be time for public comment and specific design items. This plan will overlap into the Urban Renewal Plan.

Council Member Ellie George had no report.

Council Member David Douglas reported that he attended the Battle of the Bones and it was a great event. He is currently working with City Staff on the Freedom Run and the 4th of July events.

Council Member Rick Samuelson reported that he attended the Battle of the Bones event and had a great time. It is a great event for the City. He also attended an RVCOG meeting where they discussed the Medford Water Commission on a Regional level.

Council Member Kelly Geiger stated that he attended the Battle of the Bones and it was very well organized and orderly. This is great exposure for the City and all who attend have a good time. He also attended the SOREDI Annual Dinner on the Rogue.

XII. DEPARTMENT REPORTS

Human Resource Director Barb Robson reported that she has been working with the Department Directors on moving employees around and filling empty positions.

Parks and Public Works Director Matt Samitore reported that:

- The Battle of the Bones went well. He thanked the Council for their support of the event.
- There will be discussions regarding the second and third options for a community center with Dennis Richardson.
- The Front Street improvements are on schedule and should be complete soon.

Police Chief Kris Allison reported that the Battle of the Bones event went well. There were no issues of significance. Staff is getting ready for the 4th of July events. Community Service Officer Derreck Moore has been working on Neighborhood Watch meetings around town.

Community Development Director Tom Humphrey reported that:

- Staff is working on the sidewalk cafe additions to the code book which would allow for serving alcohol when associated with a family type restaurant.
- The big tent at the Grange Co-op is for a temporary sale event.
- The City will be presenting a gift basket and check to the Quarter Horse Association tomorrow if any Council Members would like join him and Mr. Clayton.
- There will be a Planning Commission meeting in July and August to discuss several Ordinance amendments.

XIII. EXECUTIVE SESSION – ORS 192.660 (2)(d) Labor Negotiations

Kelly Geiger made a motion to adjourn into executive session under ORS 192.660 (2)(d) Labor Negotiations. Ellie George seconded. Roll call: Bruce Dinger, yes; David Douglas, yes; Kelly Geiger, yes; Ellie George, yes; and Rick Samuelson, yes. Motion approved.

Council went into Executive Session at 8:45 to discuss the Police Department Labor Negotiations. They returned to regular session at 9:06 p.m. no action was taken.

XIV. ADJOURNMENT

Rick Samuelson moved to adjourn, Kelly Geiger seconded, all said "aye" and the Council Meeting was adjourned at 9:10 p.m.

The foregoing minutes of the June 27, 2013, Council meeting were approved by the City Council at its meeting of July 25, 2013.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder



Central Point Police
155 South Second Street
Central Point, OR 97502
(541) 664-5578
(541) 664-2705 (fax)
police@centralpointoregon.gov

Memo

To: Central Point City Council
From: Police Office Manager Bobbie Pomeroy
Date: 06/25/2013
Re: Close down E. Pine St from Hwy 99 to N. 10th St

Central Point City Council,

Greetings, I am writing this memo to request your permission in closing down East Pine St. from Hwy 99 to North 10th St. between 1700 and 2200 hrs. on Saturday August 3rd, 2013 for the 15th annual D.A.R.E to CRUISE fundraiser. The request to close down E. Pine St., during this time period is to consider the safety of the cruise participants and spectators. Thank you.

Sincerely,

Bobbie Pomeroy

Ordinance

Gray Court Vacation



STAFF REPORT
July 25, 2013

AGENDA ITEM: File No. 06060-2

Public Hearing to consider an ordinance vacating a portion of a public right-of-way in a cul de sac bulb in favor of a fire district approved hammerhead located in a PUD Subdivision known as Gray Court and adjacent to Tax Lot 1514 on Jackson County Assessor's Map 372W11A.

Applicant: City of Central Point

STAFF SOURCE:

Tom Humphrey AICP, Community Development Director

BACKGROUND:

The Gray Court PUD Subdivision was approved by the City in 2008 and infrastructure improvements were installed in preparation of new housing construction. Changes in the economy delayed the actual housing construction, the property changed hands and the new owner recently received approval from the Planning Commission to construct smaller two-story single family *attached* homes and provide additional parking by using unnecessary space in the cul-de-sac. The fire district reviewed and approved preliminary plans to incorporate a turnaround as part of a new parking lot for the development. The PUD was amended by the Planning Commission on July 2nd with the condition that the right-of-way for the cul-de-sac could be vacated by the City Council in favor of a parking lot and a turnaround.

At their June 27th meeting, the Central Point City Council approved Resolution #1367 (Attachment "A") setting a public hearing and initiating proceedings to vacate the street right-of-way. The public hearing was set for July 25, 2013.

ISSUES:

In consideration of this item there is only one issue worth noting:

1. In accordance with ORS 271.130, the City just make a determination whether or not the right-of-way vacation will result in a substantial effect on property values. If it is determined that the vacation will have a substantial effect on property market value, then all of the abutting property owners must consent to the vacation. If however, it is determined that the vacation will not substantially affect the market value of property, then consents from abutting property owners are not required. In Attachment "B", findings have been prepared supporting a determination of no substantial effect on property market values.

ATTACHMENTS:

Attachment A – Council Resolution No. 1367, A resolution setting a public hearing and initiating proceedings to vacate public right-of-way in a cul-de-sac bulb in favor of an alternative turnaround.

Attachment B – Community Development Department Findings

Attachment C – Ordinance No. _____, An Ordinance Vacating a Portion of Public Right-of-Way in a cul-de-sac located in the Grey Court PUD Subdivision.

ACTION:

Open public hearing and consider proposed vacation, close public hearing and move to second reading.

RECOMMENDATION:

Direct Staff to schedule the second reading for the next regularly scheduled City Council meeting (August 8, 2013) to approve the vacation ordinance.

RESOLUTION NO. 1367

A RESOLUTION SETTING A PUBLIC HEARING AND INITIATING PROCEEDINGS TO VACATE A PUBLIC RIGHT OF WAY CUL DE SAC BULB IN FAVOR OF A FIRE DISTRICT APPROVED HAMMERHEAD LOCATED IN A PUD SUBDIVISION KNOWN AS GRAY COURT AND ADJACENT TO TAX LOT 1514 ON JACKSON COUNTY ASSESSOR'S MAP 372W11A IN THE CITY OF CENTRAL POINT

RECITALS:

- A. The Central Point City Council (the "Council") is authorized under ORS 271.130 to initiate vacation proceedings for any public street without a petition or consent of property owners; and
- B. It is the intent of the Council to initiate a vacation of a public right of way cul de sac bulb in favor of an alternative, fire department approved hammerhead located in a PUD Subdivision known as Gray Court, adjacent to Tax Lot 1514 as specifically described in attached Exhibit "A" and "B"; and
- C. The Council's action to initiate the above described vacation will be accomplished in accordance with all applicable provisions of ORS 271.130; and

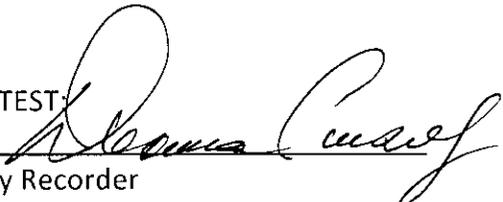
The City of Central Point resolves as follows:

Section 1: The City Council of the City of Central Point, Oregon that a public hearing is set for July 25th 2013 at 7:00 p.m. in the Central Point Council Chambers, City Hall, 140 South Third Street, Central Point, Oregon to receive public testimony regarding the vacation and to make a determination regarding same. Notice of said public hearing shall be provided in accordance with ORS 271.110.

Passed by the Council and signed by me in authentication of its passage this 13th day of June, 2013.



Mayor Hank Williams

ATTEST: 

City Recorder

Resolution No. 1367
06132013

Planning Department Findings
Applicant: City of Central Point
Purpose: Gray Court Cul-de-sac Right-Of-Way Vacation
File No. 06060-2

INTRODUCTION

In the matter of approving a right-of-way (ROW) vacation for a portion of the Gray Court cul-de-sac. The right-of-way vacation is located in the R-3 Multiple Family Residential zoning district. The street area to be vacated is a sixty (60) foot deep by 105 foot wide portion of Gray Court cul-de-sac, located in the Gray Court PUD Subdivision on Jackson County Assessor's Map 372W11A.

Consideration of a vacation is subject to the criteria set forth in Oregon Revised Statute 271.130(1) as follows:

1. **ORS 271.130(1).** The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.

Finding: By Resolution No. 1367, the City Council initiated vacation of the property described above.

Conclusion: The City is authorized to initiate the vacation per ORS 271.130.

2. **ORS 271.130(1).** No street area will be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages.

Finding: The vacation will not affect access to the property or the use of the abutting property as permitted by the City of Central Point Municipal Code. In all cases, property values of all abutting properties will not decrease in value as a result of the vacation.

Conclusion: Based on the above findings that the proposed vacation will not substantially affect the market values of the abutting property, it is determined that the proposed vacation is in compliance with ORS Section 271.130(1), and that consent from all abutting property owners is not necessary.

3. **ORS 271.130(1).** No street area will be vacated if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing.

Finding: No objections, written or otherwise, to the vacation were received.

Conclusion: Based on the finding, there is no objection to the vacation of the street. Notice will be advertised in the local newspaper and posted on the Vacation site as per ORS 271.110 prior to public hearings before the Central Point

City Council. It is determined that the proposed vacation is in compliance with Section 271.130(1).

4. **ORS 271.140.** Title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side.

Finding: Title to the vacated right-of-way will be distributed to the appropriate abutting properties in accordance with ORS 271.140. Legal descriptions have been prepared distributing the vacated area per ORS 271.140.

Conclusion: Distribution of the proposed vacated area will be completed in accordance with ORS 271.140.

5. **City of Central Point Transportation System Plan.**

Findings: Based on the City's current Transportation System Plan, Gray Court is designated as a Local Street. The right-of-way vacation will result in the street being converted from a cul-de-sac to a parking and turn around area to serve the Gray Court PUD Subdivision.

Conclusion: The proposed vacation does not alter, or otherwise affect, the street classification or circulation of Gray Court and is therefore consistent with the City's TSP.

6. **City of Central Point Public Works Standards.**

Findings: The right-of-way vacation will result in the elimination of a cul-de-sac in favor of a fire district approved hammer-head turn around.

Conclusion: The proposed vacation results in a right-of-way width consistent with the City's Public Works Standard for a local street and turn around options.

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY IN A CUL-DE-SAC LOCATED IN THE GRAY COURT PUD SUBDIVISION

WHEREAS, the City has determined that a portion of a cul-de-sac on Gray Court (the "Vacation") can be substituted with a private turnaround, is not required for public access and as such is no longer an asset to the City's street system; and

WHEREAS, in accordance with ORS 271.130 the Central Point City Council, on June 13, 2013 approved Resolution 1367 initiating the Vacation on its own motion; and

WHEREAS, on July 25, 2013 the City Council held a duly noticed public hearing in accordance with ORS 271.110 to consider the Vacation.

NOW THEREFORE; The people of the City of Central Point, Oregon, do ordain that after full and due consideration of the record as set forth in the Staff Report and the evidence presented at the public hearing, finds that the Vacation as legally described in Exhibits "A" and "B" is hereby approved subject to the following:

- 1. Public Easements.** There is hereby reserved to the City of Central Point and all applicable public utility agencies an easement over the vacated street for purposes of installation, maintenance, repair, and replacement of utilities, including the right to access the property for those purposes.

Passed by the Council and signed by me in authentication of its passage this ____ day of _____, 2013.

Mayor Hank Williams

ATTEST:

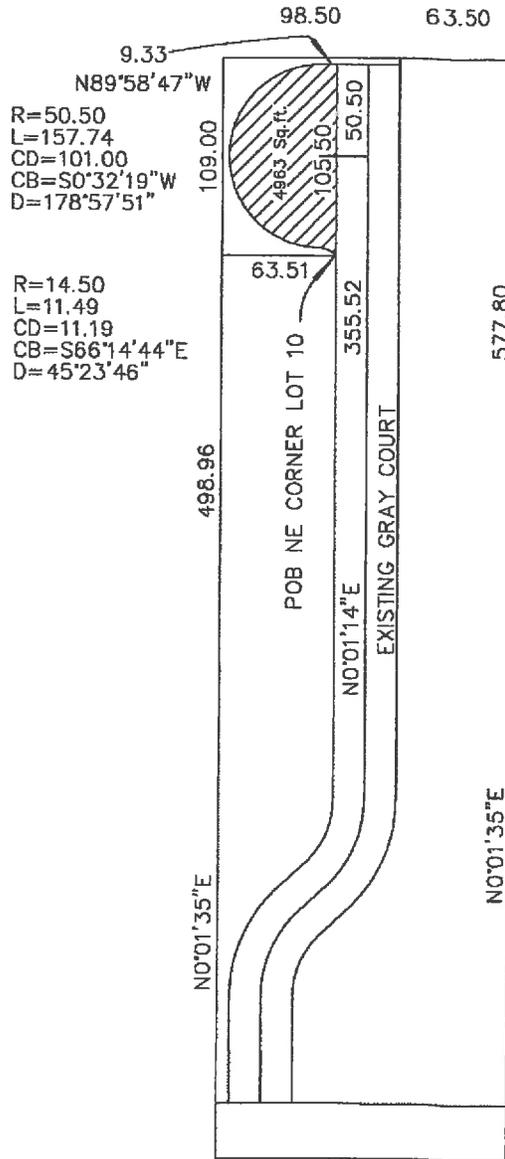
City Recorder

Approved by me this _____ day of _____, 2013.

Mayor Hank Williams

1 - Ordinance No. _____ (07252013)

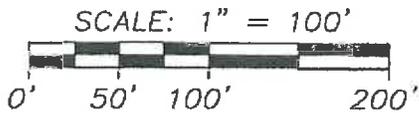
EXHIBIT " A "



R=50.50
L=157.74
CD=101.00
CB=S0°32'19"W
D=178°57'51"

R=14.50
L=11.49
CD=11.19
CB=S66°14'44"E
D=45°23'46"

 AREA TO BE VACATED



Prepared by:
FARBER & SONS, INC.
dba FARBER SURVEYING
431 Oak Street
Central Point, Oregon 97502
(541) 664-5599

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1985
HERBERT A. FARBER
2189

DATE: May 14, 2013
JOB NO. 2025-13

RENEWAL DATE 12-31-13

central point\gray court\microsurvey\vacation exhibit\dwg

EXHIBIT "B"

Property Description

Scott Rosendahl

Portion of Gray Court a public street, to be vacated

Beginning at a 5/8 inch iron pin marking the northeast corner of Lot 10, Gray Court as recorded in Volume 34, Page 36 of the Plat Records, in Jackson County, Oregon; thence North $0^{\circ}01'15''$ East, 105.50 feet to the north boundary of Gray Court, a Public Street; thence North $89^{\circ}58'47''$ West, along said boundary, 9.33 feet to a 5/8 inch iron pin; thence along the arc of a curve to the left having a radius of 50.50 feet, a central angle of $178^{\circ}57'51''$, a distance of 157.74 feet (the long chord of which bears South $0^{\circ}32'19''$ West, 101.00 feet) to a 5/8 inch iron pin; thence along the arc of a curve the right having a radius of 14.50 feet, a central angle of $45^{\circ}23'46''$, a distance of 11.49 feet (the long chord of which bears South $66^{\circ}14'44''$ East, 11.19 feet to the Point of Beginning.

Prepared By: Farber and Sons Inc
Farber Surveying
431 Oak Street
Central Point, OR 97502
(541) 664-5599

Date: May 14, 2013

Ordinance

Amending Section 3.20 Regarding Liquor License



STAFF REPORT

July 25, 2013

AGENDA ITEM: Ordinance Amending Section 3.20 Regarding Liquor Licenses

Consideration of an Ordinance to updated the Central Point Municipal Code regarding the Liquor License process.

STAFF SOURCE:

Chris Clayton, City Manager/Deanna Casey, City Recorder

BACKGROUND:

The City’s process for approval or denial of an Oregon Liquor Control Commission (OLCC) license was created in 1984. The original code does not include a process for refusal of a license, or an appeal process if a license application is denied by the Council. Furthermore, there is no statement indicating a background check will be conducted on new, or change of owner, applications. Including an appeal procedure and making applicants aware that a background check will be conducted during the application approval process is necessary.

In updating the code, the fee structure will be removed from the code and adopted by Council Resolution at the second reading. This will be consistent with other City fees. The recommended fee structure is below:

Application type:	Current Fee:	Proposed Fee:
Initial License	\$25.00	\$100.00
Change in Ownership	\$25.00	\$75.00
Annual Renewal	\$15.00	\$35.00
Temporary License	\$15.00	\$10.00

The proposed fee amounts are recommended by the State of Oregon. Furthermore, proposed revisions would subject both initial applicants, and change in ownership applicants to a police department background check. Annual renewals and temporary license applications are currently reviewed and, unless there have been issues/concerns associated with a particular license, approved by the city recorder. The recommended fees are in line with both the City of Medford and the City of Ashland.

Annual license renewals are processed in coordination between the Finance Department and City Recorder. This review period allows staff an opportunity to eliminate any licenses/applicants that are not currently operating within the city. If there have been no concerns related to license renewal applicants, the city simply reviews and processes the list of renewal applications provided by the State.

Temporary applications are approved administratively by the City Recorder. Temporary applications are usually single day permits for breweries or wineries at special events such as a wedding, the Rogue Creamery cheese festival, and tasting events. If there have been no historical issues with a temporary license applicant, the City Recorder approves the temporary application. However, if there have been problems with a specific applicant, a background check will be done by the police department. This fee was reduced because these temporary applications do not take much time for staff to review and approve.

FISCAL IMPACTS:

The City generally receives one or two new applications a year. (\$150 annual increase)

There are currently 21 businesses on the OLCC renewal list for 2013. (\$420 increase in renewal fees)

FINDINGS:

1. CPMC Chapter 3.20 is out dated and needs to be updated with information regarding police department background checks and options for appeals to the Council for denial recommendations.
2. Fees are slowly being removed from the Code book and approved by resolution for easier tracking and updating.
3. The City Recorder approves temporary applications and forwards new applications to appropriate departments as needed for recommendations. Once a recommendation is received for new or change of owner applications, a staff report is prepared for Council consent agenda.

ATTACHMENTS:

Ordinance Amending Chapter 3.20 regarding Liquor Licenses.

RECOMMENDATION:

Move to Second Reading an Ordinance Amending Chapter 3.20 regarding Liquor Licenses.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 3.20
REGARDING LIQUOR LICENSES

Recitals: Words ~~lined through~~ are to be deleted and words **in bold** are added.

- A. The purpose of this chapter is to establish the principal criteria which shall be considered by the city council in making recommendations to the Oregon Liquor Control Commission (O.L.C.C.) concerning the granting, denying, modifying or renewing of all liquor licenses within the city; and to establish fees and a process, pursuant to ORS 471.210(4) to be utilized for the investigation of such license applications.
- B. The city has been removing all established fees from the municipal code book and setting them by council resolution. This Ordinance removes the Liquor License Fee from the Municipal Code.

THE CITY OF CENTRAL POINT RESOLVES AS FOLLOWS:

Section 1. Chapter 3.20 Liquor Licenses of the Central Point Municipal Code is amended to read:

Chapter 3.20
Liquor Licenses

Sections:

- 3.20.010 Application
- 3.20.020 Recommendation for approval of license.
- 3.20.030 Recommendation for refusal of license
- 3.20.040 Fees
- 3.20.050 Temporary License**
- 3.20.055 Appeal Process**

3.20.010 Application

Any person, firm or corporation requesting a liquor license through the Oregon Liquor Control Commission (OLCC) shall present the completed license application forms prescribed by the state. An OLCC Personal History form shall be completed for each person named on the all initial and new ownership license applications.

All initial and **change of ownership** ~~renewal~~ applications for a liquor license submitted to the city shall be reviewed **by the city council** and a

recommendation for approval or denial forwarded to the Oregon Liquor Control Commission.

All new and change of ownership applications will be reviewed by the Police Department and other departments as needed. Upon recommendation from those departments the city recorder will prepare a report for city council review. All initial and change in ownership applications will be subject to a back ground check.

3.20.020 Recommendation for approval of license.

Recommendations for approval of an initial or change in ownership liquor license shall be made by the city council. Once an initial or change in ownership application has been approved by the city council, the approval shall remain in effect until such time that it is revoked by the city council.

If the city council recommends approval of the ~~Upon an~~ application and the payment of the fee hereinafter required **has been paid for renewal, the city recorder is authorized to certify to the Oregon Liquor Control Commission the ~~continued~~ approval of the applicant. (Ord. 1509 §1(part), 1984).**

3.20.030 Recommendation for refusal of license.

The council may make an unfavorable or conditionally favorable recommendation to the OLCC on an application if any of the following apply:

- 1. The applicant has a record of violations of state alcoholic liquor law;**
- 2. The applicant has a record of use of controlled substances or excessive use of alcoholic beverages;**
- 3. The applicant has a record of violations of criminal law or ordinances connected in time, place and manner with a liquor establishment or which demonstrate a disregard for law;**
- 4. The applicant has maintained or allowed to exist an establishment which creates or is a public nuisance, or other violation of the city ordinances or federal or state law, which causes, permits or suffers disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other locational problems, in the proximity of such establishment;**

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5. The applicant has not maintained the premises in accordance with the building, fire and life safety codes of the city and the state;
6. The applicant seeks licensing of premises which would not be consistent with city land use designations;
7. The applicant has demonstrated an unwillingness or inability to cooperate with the city or neighbors to resolve driving under the influence of liquor concerns or community disputes related to a licensed establishment; or
8. There is any other specific reason consistent with the purposes of these provisions which the city council concludes warrants an adverse recommendation to the OLCC based upon public health, safety, welfare, convenience or necessity.

If the city manager council makes a preliminary determination that a request for a liquor license should not be approved, the applicant shall be provided an opportunity for **public** hearing before the city council. After such hearing, the city council may recommend to approve or refuse the application. A recommendation to refuse a license shall include reasonable grounds for such recommendation.

3.20.040 Fees.

A fee shall be paid to the city at such time that an applicant submits a request for a license recommendation. ~~as follows:~~ **Fees for such services shall be established by resolution of the city council.**

- ~~A. An initial license, twenty-five dollars;~~
- ~~B. A change in ownership license, twenty-five dollars;~~
- ~~C. A renewal or temporary license, fifteen dollars.~~ (Ord. 1509 §1(part), 1984).

3.20.050 Temporary license.

The city recorder is authorized to approve applications for temporary OLCC licenses such as special events, special beer and special wine licenses. Such applications may be processed administratively after the fee established by the council has been paid. The city recorder may make an unfavorable recommendation to the OLCC if any of the criteria located in CPMC 3.20.030 is determined to exist in regards to the application.

3.20.055 Appeal Process

In the event the council or city recorder issues a recommendation of denial to OLCC, the applicant shall first be notified in writing. The notification shall include the reason(s) for denial. An appeal before the city council

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must be requested in writing to the city manager within 10 days of receiving the notice. The applicant shall have the right to be heard and to present witnesses and evidence to refute the reasons given for the denial.

Section 2. This ordinance will be effective 30 days after the second reading by the city council.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 20____.

Mayor Hank Williams

ATTEST:

City Recorder

Pg. 4 Ordinance No. _____ (____/____/____)

Ordinance

Deleting Chapter 3.04 Punchboard Tax



STAFF REPORT

July 25, 2013

AGENDA ITEM: First Reading of an Ordinance Deleting Chapter 3.04 Punchboard Tax

Consideration of an Ordinance to Delete Chapter 3.04 regarding a Punchboard Tax in the City of Central Point.

STAFF SOURCE:

Chris Clayton, City Manager/Deanna Casey, City Recorder

BACKGROUND:

CPMC Chapter 3.04 regarding a Punchboard Tax is obsolete and was discontinued when the Oregon State Legislature approved the state wide lottery system in 1984.

What is a Punchboard?

Punchboards were originally used in the 18th century for gambling purposes. A local tavern owner would construct a game board out of wood, drill small holes in it, and fill each hole with a small paper ticket or game piece. The holes were then typically covered with paper or foil. After a patron bought a chance at the punchboard, they would puncture one of the covered openings with a nail and retrieve the hidden ticket/game piece. If the game piece contained a winning number, the patron won the prize

Chapter 3.04 of the Central Point Municipal Code defines a punchboard as follows:

“Punchboards” means all boards, question and answer boards, trade stimulators or other devices from or upon which for a consideration, any person is permitted to select by punching, tearing off a seal or otherwise, a number, name, question or problem which entitles such person, if answered or solved, to receive money, merchandise or other prize or reward by reason of the player’s knowledge or ability; and which such board, question and answer board, trade stimulator or other device is not prohibited by or in violation of or operated or played or permitted to be operated or played in any manner contrary to or in violation of the laws of the state relating to lotteries or gambling.

FISCAL IMPACTS:

There are no fiscal impacts to the city by deleting this chapter from the Central Point Municipal Code. We currently do not collect this tax because punchboards are obsolete.

ATTACHMENTS:

Ordinance Deleting Chapter 3.04 Punchboard Tax of the Central Point Municipal Code

RECOMMENDATION:

Move to second reading an Ordinance Deleting Chapter 3.04 Punchboard Tax of the Central Point Municipal Code.

ORDINANCE NO. _____

AN ORDINANCE DELETING CHAPTER 3.04 PUNCHBOARD TAX OF
THE CENTRAL POINT MUNICIPAL CODE

Recitals:

A. Chapter 3.04 of the Central Point Municipal Code was created in 1948 to regulate the growing popularity of the use of Punchboards.

B. "Punchboards" in relation to this Ordinance are out dated and no longer used or monitored by the city for taxing or regulating purposes.

C. Words ~~lined through~~ are to be deleted and words **in bold** are added

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

Section 1. Chapter 3.04 of the Central Point Municipal Code is deleted in its entirety:

Chapter 3.04
PUNCHBOARD TAX

Sections:

~~3.04.010—Definitions.~~

~~3.04.020—Punchboard wholesalers' tax.~~

~~3.04.030—Operator's tax.~~

~~3.04.040—Tax year designated.~~

~~3.04.050—Unlawful acts.~~

~~3.04.060—Tax receipt—Issuance and display.~~

~~3.04.070—Tax payment not authorization.~~

~~3.04.080—Play by minor prohibited.~~

~~3.04.090—Use without tax payment prohibited.~~

3.04.010 Definitions.

~~As the terms are used in this chapter:~~

A. "Operator" means any person, partnership, firm or corporation who or which shall at or in any premises within the city have in his or its possession or under its control any punchboard for the purpose of permitting the same to be played or operated by any person.

B. "Punchboards" means all boards, question and answer boards, trade stimulators or other devices from or upon which for a consideration, any person

~~is permitted to select by punching, tearing off a seal or otherwise, a number, name, question or problem which entitles such person, if answered or solved, to receive money, merchandise or other prize or reward by reason of the player's knowledge or ability; and which such board, question and answer board, trade stimulator or other device is not prohibited by or in violation of or operated or played or permitted to be operated or played in any manner contrary to or in violation of the laws of the state relating to lotteries or gambling.~~

~~C. "Punchboard wholesalers" means all persons, partnerships, firms and corporations who shall within the city sell or offer to sell any punchboard. (Ord. 272 §1, 1948).~~

~~3.04.020 Punchboard wholesalers' tax.~~

~~A tax is levied on all punchboard wholesalers as follows:~~

~~A. Upon all punchboard wholesalers only selling boards upon which the prize or reward for selecting punches or otherwise is paid solely in merchandise (herein called merchandise boards) and the cost of any selection does not exceed ten cents, fifteen dollars annually;~~

~~B. Upon all punchboard wholesalers selling punchboards upon which the prize or reward for selecting punches or otherwise is paid other than in merchandise or both, three hundred dollars annually;~~

~~C. In addition to the taxes above levied, a tax is levied on each punchboard wholesaler for each punchboard sold by any such wholesaler as follows:~~

~~1. Merchandise boards, one dollar and fifty cents each;~~

~~2. Punchboards other than merchandise boards:~~

~~a. Where the price per punch does not exceed ten cents, two dollars and fifty cents each.~~

~~b. Where the price per punch or choice exceeds ten cents, three dollars and fifty cents each. (Ord. 272 §2, 1948).~~

~~3.04.030 Operator's tax.~~

~~There is levied upon each operator as herein defined an annual tax in the sum of twenty dollars. (Ord. 1391 §2, 1980; Ord. 272 §3, 1948).~~

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3.04.040 Tax year designated.

~~Annual tax hereinbefore referred to means the tax year commencing on July 1st in each year and ending at midnight on June 30th of the following year. (Ord. 272 §4, 1948).~~

3.04.050 Unlawful acts.

~~A. It is unlawful for any person, partnership, firm, or corporation to sell or offer to sell at wholesale any punchboard unless and except such person, partnership, firm or corporation has paid the annual tax herein provided for and the additional tax herein provided to be paid upon and for each punchboard sold as hereinbefore set forth.~~

~~B. It is unlawful for any person, partnership, firm or corporation to have in its or his possession within the city any punchboard for play or selection therefrom by any person unless and except such person, partnership, firm or corporation has paid the annual operator's tax herein provided for and the tax on such punchboard has been paid and the receipt of the city therefor attached or affixed on such board. (Ord. 272 §5, 1948).~~

3.04.060 Tax receipt--Issuance and display.

~~A. The annual tax or operators and punchboard wholesalers shall be paid to the recorder of the city and a receipt therefor issued which shall state the tax year for which such receipt is issued, to whom it is issued and the location of the taxpayer, and such receipt shall be displayed in a conspicuous place at the place of business of the taxpayer.~~

~~B. Wholesalers' additional taxes on punchboards shall be paid to the recorder, and his receipt therefor affixed on each punchboard for which a tax is paid. (Ord. 272 §6, 1948).~~

3.04.070 Tax payment not authorization.

~~The payment of any tax herein provided for shall not be deemed to or construed to be the permission or license of the city or any of its officers to any person to have, sell, or offer for play or selection or permit to be played any punchboard prohibited by the laws of the state or ordinances of the city or which is contrary to or in violation thereof, or permit, license or authorize the use or play of any punchboard in any unlawful or prohibited manner. (Ord. 272 §7, 1948).~~

3.04.080 Play by minor prohibited.

~~It is unlawful for any operator to permit any minor to select any punch or chance on any punchboard under his control. (Ord. 272 §8, 1948).~~

~~3.04.090 Use without tax payment prohibited.~~

~~It is unlawful for any person as agent or employee of any person, partnership, firm or corporation to have in his custody or possession or to sell or offer to sell or permit any person to play or select punches on any punchboard at any premises or for any business for which a tax is herein required to be paid, unless and except the appropriate tax or taxes are paid therefor as herein provided. (Ord. 272 §10, 1948).~~

Section 3. This ordinance will be effective 30 days after the second reading by the City Council.

Passed by the Council and signed by me in authentication of its passage this ____ day of _____, 20__.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance

Deleting Chapter 3.08 Entertainment Device Tax



**STAFF REPORT
July 25, 2013**

AGENDA ITEM: First Reading of an Ordinance Deleting Chapter 3.08 Entertainment Device Tax

Consideration of an Ordinance to Delete Chapter 3.08 Entertainment Device Tax.

STAFF SOURCE:

Chris Clayton, City Manager/Deanna Casey, City Recorder

BACKGROUND:

Chapter 3.08 of the Central Point Municipal Code historically regulated and taxed the use of “Entertainment Devices” within the City of Central Point. Chapter 3.08 defines “Entertainment Devices” as follows:

1. “Amusement device” means a coin or token operated mechanical, electronic, mechanical-electronic or nonmechanical device which is designed for the amusement of the player or operator and is complete in itself, having as its purpose the production or creation of a game of skill, amusement, entertainment, or test of strength, whether or not any motivating force involved is furnished by the player or the device.
2. “Music device” means any and all devices which render, cause to sound or release music or provide visual entertainment where the same may be heard or seen by one or more public patrons. Any separate loudspeaker, phonograph, juke box or television outlet from which such music or visual picture emits shall be construed to be a separate “music device” as herein defined; except where the music or visual picture emits from more than one speaker or outlet transmitting from the same mechanism, the several outlets or speakers in each place of business shall be collectively considered one such “music device.”
3. “Entertainment device” shall not include devices used exclusively for the purpose of selling tangible personal property, such as cold drinks, tobacco products, candies, postage stamps, or other merchandise; or services such as pay telephones, parking meters, money change machines, gas and electric meters, and other distribution of public service.

The City does not currently collect this tax. Furthermore, once the Oregon State Legislature approved the implementation, regulation, and taxation, of the Oregon Lottery system in 1984, this section of code became irrelevant and obsolete.

FISCAL IMPACTS:

There are no fiscal impacts to the city by deleting this chapter from the Central Point Municipal Code. We currently do not collect the tax associated with this section of municipal code.

ATTACHMENTS:

Ordinance Deleting Chapter 3.08 Entertainment Device Tax of the Central Point Municipal Code

RECOMMENDATION:

Move to second reading an Ordinance Deleting Chapter 3.08 Entertainment Device Tax of the Central Point Municipal Code.

ORDINANCE NO. _____

AN ORDINANCE DELETING CHAPTER 3.08 ENTERTAINMENT
DEVICE TAX OF
THE CENTRAL POINT MUNICIPAL CODE

Recitals:

A. Chapter 3.08 of the Central Point Municipal Code was created in 1989 to regulate the growing popularity of the use of entertainment devices.

B. "Entertainment Device" in relation to this Ordinance is in regards to coin operated mechanical, electronic devices which are designated for the amusement of the player or operator. This chapter covers amusement devices, music devices and entertainment devices.

C. The city no longer requires the registration of entertainment devices for the purpose of an Entertainment Device Tax.

C. Words ~~lined through~~ are to be deleted and words **in bold** are added

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

Section 1. Chapter 3.08 of the Central Point Municipal Code is deleted in its entirety:

~~Chapter 3.08~~
~~ENTERTAINMENT DEVICE TAX¹~~

Sections:

~~[3.08.010](#) Definitions.~~

~~[3.08.020](#) Entertainment device tax.~~

~~[3.08.030](#) Display or operation without securing tax sticker.~~

~~[3.08.040](#) Tax sticker duration.~~

~~[3.08.050](#) Issuance of tax sticker.~~

~~[3.08.060](#) Posting of tax sticker.~~

~~[3.08.070](#) Transfer or assignment of tax sticker.~~

~~[3.08.080](#) Penalties.~~

~~3.08.010 Definitions.~~

~~A. Entertainment Device.~~

~~1. "Amusement device" means a coin or token operated mechanical, electronic, mechanical-electronic or nonmechanical device which is~~

~~designed for the amusement of the player or operator and is complete in itself, having as its purpose the production or creation of a game of skill, amusement, entertainment, or test of strength, whether or not any motivating force involved is furnished by the player or the device.~~

~~2. "Music device" means any and all devices which render, cause to sound or release music or provide visual entertainment where the same may be heard or seen by one or more public patrons. Any separate loudspeaker, phonograph, juke box or television outlet from which such music or visual picture emits shall be construed to be a separate "music device" as herein defined; except where the music or visual picture emits from more than one speaker or outlet transmitting from the same mechanism, the several outlets or speakers in each place of business shall be collectively considered one such "music device."~~

~~3. "Entertainment device" shall not include devices used exclusively for the purpose of selling tangible personal property, such as cold drinks, tobacco products, candies, postage stamps, or other merchandise; or services such as pay telephones, parking meters, money change machines, gas and electric meters, and other distribution of public service.~~

~~B. "Display or operate" means the display of any entertainment device for use by the public or the operation by the public of such device and shall include those entertainment devices which are displayed or operated by or for the use of members of any private club, lodge, fraternal society or other like organization whose membership is limited to a portion of the public. (Ord. 1619(part), 1989).~~

~~3.08.020 Entertainment device tax.~~

~~A. There is hereby imposed on entertainment devices taxed under this chapter an annual tax as follows:~~

~~1. Amusement devices as defined hereinabove shall pay an annual tax of fifty dollars.~~

~~2. Music devices as defined hereinabove shall pay an annual tax of twenty-five dollars.~~

~~B. The tax herein imposed shall be for each device tax year, from October 1st through September 30th of each year, but may be prorated on a quarterly basis, which quarterly periods shall begin on the first day of October, January, April, and July of each year. An application received during any quarter shall be required to pay the tax only from the beginning of said quarter to the end of the~~

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~~device tax year. There shall be no refund of any tax for discontinuation of use during a device tax year. (Ord. 1777 §1, 1997; Ord. 1619 (part), 1989).~~

~~3.08.030 Display or operation without securing tax sticker.~~

~~A. No person shall display or operate any entertainment device without first obtaining an entertainment device tax sticker for each device on the premises; provided, however, that such stickers shall be transferable to any replacement machine.~~

~~B. If the premises upon which such devices are located are owned and managed by a corporation, it shall be the responsibility of the person managing the local business to obtain the tax sticker; in other cases, it shall be the responsibility of the owner to do so. (Ord. 1619 (part), 1989).~~

~~3.08.040 Tax sticker duration.~~

~~A tax sticker shall be valid from the date of issuance to the following June 30th. (Ord. 1619 (part), 1989).~~

~~3.08.050 Issuance of tax sticker.~~

~~A. Upon receipt of the annual tax for each machine to be displayed or operated, the city manager shall issue an entertainment device tax sticker for each device for which the tax has been paid.~~

~~B. In the event the manager or owner of premises upon which entertainment devices are displayed or operated desires to increase the total number of devices on the premises, the city manager shall issue additional tax stickers covering the additional numbers of devices upon receipt of the additional tax due for said devices. (Ord. 1969 §1, 2013; Ord. 1619 (part), 1989).~~

~~3.08.060 Posting of tax sticker.~~

~~At all times after the issuance of a tax sticker, the tax sticker shall be affixed to the current city business license which shall be posted in a conspicuous place and available for inspection by officers and employees of the city. (Ord. 1619 (part), 1989).~~

~~3.08.070 Transfer or assignment of tax sticker.~~

~~The tax sticker issued hereunder may be transferred or assigned to a new owner or operator upon satisfactory evidence that the business license for the operation of said business has been similarly transferred. (Ord. 1619(part), 1989).~~

~~3.08.080 Penalties.~~

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~~Any person violating any provision of this chapter shall, upon conviction, be punishable in accordance with the general penalty ordinances of the city. (Ord. 1619(part), 1989).~~

Section 2. This ordinance will be effective 30 days after the second reading by the City Council.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 20____.

Mayor Hank Williams

ATTEST:

City Recorder

Pg. 4 Ordinance No. _____ (___/___/___)

Resolution

IGA for Fleet Maintenance, Repair, Fuel Purchase, and Equipment Rental



ADMINISTRATION DEPARTMENT

140 South 3rd Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

STAFF REPORT
July 25th, 2013

AGENDA ITEM: Intergovernmental Agreement with the City of Medford for the purpose of fleet maintenance, repair, fuel purchase, and equipment rental

Consideration of Resolution No. _____ Recommending: (1) adoption of an Intergovernmental agreement between the City of Central Point and the City of Medford. (2) Adoption of the cost savings associated with fleet contract services being provided by the City of Medford via an inter-governmental agreement

STAFF SOURCE:

Chris Clayton, City Manager

BACKGROUND/SYNOPSIS:

Pursuant to ORS Chapter 190, entitled “INTERGOVERNMENTAL COOPERATION”, the City of Central Point is authorized to jointly provide for the performance of a function or activity in cooperation with a “unit of local government” that includes the City of Medford. By acceptance of this Agreement, the parties certify that they meet the above criteria for eligibility for such intergovernmental cooperation.

In an effort to reduce costs during the 2011/2012 fiscal cycle, the City of Central Point began contracting fleet maintenance services with the City of Medford. In addition to the attached intergovernmental agreement, the City reduced costs by eliminating a full-time fleet maintenance technician position. The attached intergovernmental agreement contains minor revisions when compared with the original version, however, the purpose and primary provisions established by the agreement have remained principally unaltered.

FISCAL IMPACT:

Prior to the 2011/2012 fiscal cycle, the City of Central Point completed most fleet maintenance services “in-house” which required a full-time fleet maintenance technician. The direct and indirect costs associated with staffing this position in 2010/2011 equaled \$68,136.78. During the 2012/2013 fiscal cycle the City of Central Point contracted with the City of Medford for fleet maintenance services at a cost of \$21,820.38. The net saving of \$46,316.40 encourages the continuation of the attached intergovernmental agreement.

ATTACHMENTS:

1. Resolution adopting an inter-governmental agreement between the City of Medford and City of Central Point for the purposes of contracting fleet maintenance, repair, fuel purchase, and equipment rental.
2. Inter-governmental agreement between the City of Central Point and the City of Medford.

RECOMMENDATION:

Approve Resolution No. _____ (1) Adopting an inter-governmental agreement between the City of Central Point and the City of Medford. (2) Authorize the City Manager and Mayor to execute the attached intergovernmental agreement.

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING ADOPTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CENTRAL POINT AND THE CITY OF MEDFORD FOR FLEET MAINTENANCE, REPAIR, FUEL PURCHASE, AND EQUIPMENT RENTAL

RECITALS:

- A. Oregon Revised Statute Chapter 190 authorizes the City of Central Point to reduce costs and produce public benefit through the use of intergovernmental cooperation.
- B. The City of Central Point and the City of Medford deem it to be to their mutual advantage and to be in the best interest of their respective constituencies to enter into this Intergovernmental Agreement for the purpose of the City of Medford to provide fleet maintenance contract services for the City of Central Point.

The City of Central Point resolves:

Section 1. The attached intergovernmental agreement between the City of Medford and the City of Central Point for the provision of fleet maintenance contract services is approved.

Section 2. Upon approval of this agreement by the City of Medford, the attached intergovernmental agreement shall govern fleet maintenance contract services between the two agencies from August 1st, 2013 to July 31st, 2014.

The Mayor and City Manager of Central Point are authorized to sign the attached agreement on behalf of the City of Central Point.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2013.

Mayor Hank Williams

ATTEST:

City Recorder

**INTERGOVERNMENTAL AGREEMENT
CITY OF MEDFORD
AND
CITY OF CENTRAL POINT
FOR
FLEET MAINTENANCE, REPAIR, FUEL PURCHASES, AND EQUIPMENT RENTAL**

Pursuant to ORS Chapter 190, entitled “INTERGOVERNMENTAL COOPERATION”, the City of Medford (Medford) is authorized to jointly provide for the performance of a function or activity in cooperation with a “unit of local government” that includes the City of Central Point (Central Point). By acceptance of this Agreement, the parties certify that they meet the above criteria for eligibility for such intergovernmental cooperation.

Pursuant to ORS 190.030, any unit of local government, consolidated department, intergovernmental entity or administrative officers designated herein to perform specified functions or activities is vested with all powers, rights and duties relating to those functions and activities that are vested by law in each separate party to the Agreement, its officers and agencies. THIS AGREEMENT, made this ____ day of _____, 2013, by and between the City of Medford by and through its Public Works Department (Medford), and the City of Central Point.

WHEREAS, **Central Point** desires **Medford** to render certain materials and services hereinafter described in connection with Vehicle Maintenance, Fuel Sales, Equipment Rental and Repair Services and;

WHEREAS, Medford is qualified and agreeable to render the aforesaid materials and services;

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual promises hereinafter expressed the parties hereto do mutually agree as follows:

Article 1. Designation of Representatives

For the purpose of effectively scheduling and providing requested services the parties to this agreement will each designate a representative to act as a primary contact person and a secondary contact person (contact person) within their respective departments.

The Central Point contact person will coordinate all Central Point vehicle services. Typically the contact person will request services, ensure that vehicles are delivered to the Medford fleet services facility as scheduled, and act as liaison between Central Point and Medford.

The Medford contact person will coordinate all vehicle related services provided by Medford. Typically the contact person will receive all service requests, schedule requested services, ensure that vehicles are completed on time, and act as liaison between Medford and Central Point.

All correspondence, requests for service, notifications, coordination, etc. between the parties shall be directed to the parties' respective contact person. Recognizing that both primary contact persons may be off work at various times, the parties to this agreement will name a secondary contact person within their respective departments. The secondary contact person will assume the responsibilities of the primary contact person in the event of their absence.

Notwithstanding any of the above Central Point may request vehicle repair services at any time and Medford may authorize performance of said repairs by any reasonable mode of communication including telephone, text, fax, e-mail, or otherwise.

Contact persons are designated as follows:

Central Point

Primary - Max Woody 423-1321

Secondary – Wade Becker 664-7606

Medford

Primary – Grant Cory / 774-2628

Secondary – Charles Longmire / 774-2629

Either party may change their designated contact person(s) by notifying the other party by phone or by E-mail during normal business hours.

Article 2. Central Point Fleet Covered by this Agreement

The vehicles and equipment that are covered by this agreement will include all City of Central Point owned vehicles and equipment. Vehicles and equipment may be added or deleted from the Central Point equipment list upon mutual agreement by the parties to this agreement. Requests to add or delete a vehicle from the list may be generated by either party and shall be requested in writing to the other party. Medford agrees to delete any vehicle that Central Point requests to be deleted. Medford agrees to add any vehicle that Central Point requests unless they determine, at their sole discretion, that they do not have the staff, expertise, specialized equipment, or other capability required to provide an acceptable level of service.

Article 3. Scope of Services

3.1 Preventive Maintenance (PM) Services.

Medford will provide two levels of PM service depending on the use of the vehicle. PM services can be separated by PM for automotive and PM for medium and heavy equipment if required.

PM services will be billed in accordance with Medford Fleet Services shop rates determined at the time of repair.

If any items are found to be defective or in need of additional service while performing the inspections included in the PM service, authorization for said repairs will be requested in accordance with **Article 3.3.1 Repair Authorization**.

Any such corrective repairs will be performed under a separate job order and will be billed at the hourly shop rate as determined at the time of repair.

3.1.1 PM Schedule. Central Point vehicles and equipment will be scheduled for PM services based on the vehicle manufacturer's recommendations for service duty or a mutually determined recommendation upon

completion of a PM service, Medford will affix appropriate inspection and certification stickers to vehicles and maintain maintenance records.

3.1.2 Other Mandatory Inspections. Medford will ensure compliance with all other Federal and State required vehicle inspections and certifications including speedometer calibrations, lift truck certifications, OSHA inspections, aerial device, CNG tank certifications, diesel engine inspections, etc. Medford and Central Point agree to jointly develop a list of the required inspections and to verify that any new vehicles added to Central Point's vehicle and equipment fleet are added to the inspections.

Coordination of mandatory inspection services will be billed at the hourly shop rate in accordance with the hourly shop rate as determined at the time of repair.

3.2 Tires

3.2.1 Replacement Tire Services. Medford will provide the services to replace worn, damaged, or defective tires as requested by Central Point, or as determined during a PM inspection. Tires that are found to be in need of replacement during a PM inspection will be changed at the discretion of Medford with prior authorization of Central Point.

3.2.2 Roadside Tire Assistance. Central Point will be responsible for roadside tire changing for its automobiles and light trucks. Medford personnel **will not** be dispatched to provide this service.

3.3 Repair Priorities. Emergency response vehicles (Code-Lights and Siren equipped vehicles) are the **first priority** under this agreement.

Medford recognizes that priorities can change on a daily basis depending on emergency situations, work priorities and the availability of back up units. At least once every three months, Medford primary contact person will discuss repair priorities with the Central Point primary contact person and adjust priorities accordingly.

3.3.1 Repair Authorization. Central Point hereby grants pre-approval for all repairs estimated up to and including \$500.00. Medford is authorized to proceed with such repairs at their discretion without contacting the Central Point primary contact person.

Medford shall contact Central Point prior to commencing any work on any repair estimated to cost more than \$500.00. Medford will not proceed with such repairs until authorized to do so by Central Point.

Central Point will communicate a decision on repair authorization to Medford within 24 hours of receiving an estimate of repairs, whether verbal, written, electronic or otherwise.

3.3.2 Repair Services. Repair services will be provided as required to keep the Central Point fleet within manufacturer's specifications and in a state of readiness. Typical repair services may include but are not limited to:

1. All repairs due to normal wear and operation of the vehicle.
2. All minor component repair or replacement, such as electrical systems, heating and cooling systems, and exhaust systems.
3. All major component repair or replacement, such as engines and transmissions, and drive train components due to normal wear and operation of the vehicle.
4. Modifications of vehicles or additional equipment requested after the vehicle has been placed into service beyond the standard complement of equipment provided by the manufacturer.
5. Any other repair service requested.

Repair services will be billed at the hourly shop rate as determined at the time of repair.

3.3.3 Vehicle Delivery/Pickup. Central Point agrees to deliver and pick up vehicles that are to be serviced by Medford to the service location noted in **Article 3.4** below.

3.3.4 Roadside Service. Medford will provide roadside services for vehicles that break down. The decision to dispatch a field mechanic will be based on a Medford estimate of the severity of the repair problem and the level of effort required to return the vehicle to service. In general, Medford will provide roadside service when repairs can be clearly diagnosed over the phone or radio and can be handled in less than one hour. Vehicles that require more complex diagnosis or repairs may be towed to a sublet facility to be repaired.

Roadside services will be billed at the hourly shop rate as determined at the time of repair.

Medford does not provide towing services. All towing service charges will be evaluated on a case by case occurrence and will be billed accordingly.

3.3.5 After Hours and Weekend Services. Medford will provide after hours and weekend services as required to support emergency operations on an emergency basis. Service calls should be limited to significant problems that have uncomplicated solutions. Examples include vehicles that will not start and vehicles that become stranded in traffic. Services should be requested by calling the primary or secondary contacts.

After hours and weekend services will be billed at the hourly shop **overtime** rate (3 hrs minimum) as determined at the time of repair.

3.4 Service Location and Hours of Operation. Services will be performed at the City of Medford Service Center, 821 N. Columbus Ave, Medford, OR 97501. The fleet maintenance facility is located in building B. Normal hours of operation for the vehicle maintenance facility are 7:00 AM to 3:30 PM Monday thru Friday.

Article 4. Warranty

4.1 Manufacturers Warranty. Repairs that are determined to be covered by manufacturer’s warranty may be repaired on-site or sent to an outside factory authorized warranty vendor. Medford will work with the Warranty vendor and Central Point to determine the repair procedure. Vehicle delivery and pickup will be charged as hours worked.

4.2 PUBLIC WORKS Warranty.

EXCEPT AS EXPRESSLY PROVIDED HEREIN, MEDFORD MAKES NO WARRANTY ON THE SERVICES PROVIDED HEREIN.

If a vehicle experiences a re-occurrence of the same problem that the vehicle received service for, Medford will correct the problem and will provide the following warranties for work that is performed by Medford:

1. PM Services – No Warranty.
2. Safety Checks – No Warranty.
3. Replacement Tire Services- Tire warranty as provided by the tire manufacturer for police duty service, no parts warranty by Medford. Workmanship – 30 days or 1000 miles, which ever occurs first.
4. Accident Repairs – Warranty as provided by outside vendor. No warranty by Medford.
5. Repairs – Parts and Workmanship, 90 days or 4000 miles which ever occurs first.

Article 5. Data to be Furnished

5.1 Fleet Management Information System (FMIS)

Medford has implemented a computer system to manage vehicle maintenance operations. This system provides equipment life cycle cost information, shop productivity data, preventive maintenance scheduling, warranty tracking, and other operational information. Medford will use this system to manage vehicle repair and maintenance operations for Central Point.

Article 6. Time of Performance

The terms of this agreement shall become in effect upon the final signature of the parties and shall be in effect until June 30, 2019. This agreement may be extended for two successive two year periods. The Medford Public Works Director is authorized to execute the contract extensions provide herein.

Article 6.1 Contract Extensions

This agreement maybe extended upon mutual agreement of Medford and Central Point in two year increments for up to an additional four years. Shop rates and charges are subject to change on July 1st, 2013 and every two years thereafter.

Article 7. Compensation

Central Point shall compensate Medford in accordance with the Schedule of Rates and Charges set forth in Exhibit B. All charges will be billed directly to the Central Point by the Fleet Management Information System.

Article 8. Changes

Either party to this agreement may from time to time request changes in the scope of the agreement as set forth herein. Such changes, including any increase or decrease in the amount of compensation to Medford, shall be mutually agreed upon by and between the parties hereto and shall be incorporated as written amendments to this Agreement.

Notwithstanding the above, the Medford Public Works director is authorized to approve any fee changes which will not result in an estimated revenue or expense that exceeds \$50,000 in one fiscal year.

This Agreement contains the entire agreement between the parties hereto and supersedes any and all prior express and/or implied statements, negotiations and/or agreements between the parties, either oral or written.

Article 9. Disputes

If at anytime, a disagreement or problem should arise concerning the operation of this agreement, the parties agree that such items be resolved at the Division level. If the appropriate Central Point primary contact person and the Medford primary contact person are unable to resolve the problem within 30 days, the matter should then go to the Medford Director of Public Works for resolution.

Article 10. Transfer of Interest

Neither party shall assign or transfer any interest in or duty under this agreement without the written consent of the other party, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented in writing.

Article 11. Termination

Either party may request termination of this agreement for any reason with 60 days written notice to the other party.

Approved:
Central Point

Approved:
Medford

By: _____

By: _____

Date: _____

Date: _____

Exhibit B- Schedule of Rates and Charges

Labor Rate \$78.50 per hour.

Overtime Rate.....	\$117.50 per hour
Minor Parts (individual part cost less than \$2000.00).....	Cost + 10%
Parts over \$2000.00.....	Direct purchase or \$200.00
PM Service- Emergency Equipment Light Duty (1.5 hrs).....	\$117.50 + parts
PM Service–Emergency Equipment Medium Duty Vehicles (2.0 hrs).....	\$157.00 + parts
PM Service-Emergency Equipment Heavy Duty Vehicles (3.0 hrs).....	\$235.50+ parts
PM Service–Non-Emergency Equipment (1.0 hrs)	\$78.50 + parts
Lube Oil and Filter only (non Heavy Duty Vehicles).....	\$23.55 + parts
Outside Vendor Services.....	Cost + 10%

Business

**Planning Commission
Report**



PLANNING DEPARTMENT MEMORANDUM

Date: July 25, 2013
To: Honorable Mayor & Central Point City Council
From: Tom Humphrey AICP, Community Development Director
Subject: Planning Commission Report

The following items were presented by staff and discussed by the Planning Commission at a regularly scheduled meeting on July 2, 2013.

- A. **Public Hearing to consider a Proposed Amendment to the Gray Court Planned Unit Development (PUD) Subdivision submitted by Scott Rosendahl and located in the R-3, Multiple-Family Zoning District – File No. 06060-2.** The proposal involves a major modification to the final development plan approved by the City in 2008. The new design changes the building height and architectural style as well as increases the rear yard setback. Off-street parking has been added to accommodate visitors to the development. The Planning Commission determined that the modification was an improvement to the previously approved development plan and that findings could be made to approve the modification. There were no objections to the proposal and the Commission approved the proposal contingent upon the City Council's vacation of a cul-de-sac that would facilitate both visitor parking and a fire district approved turn around.
- B. **Discussion of Proposed Changes to CPMC, Chapter 12 – Trees.** The Planning Commission was presented with various text changes to Chapter 12 that are designed to streamline the process of removing "nuisance trees" and/or "hazard trees" located on private property. The new language would also include a list trees that are preferable for use in the city. The Commission wants to continue in their role as the Tree Board but thinks that a lot of the decisions that have to be made relative to nuisance or hazards can be delegated to the City arborist and public works staff. The recommended approval of the code changes
- C. **Under miscellaneous items, the Commission was informed that a new Walgreen's store was being processed by the Department as a Type II application.** Commission members expressed their desire that staff make sure the building and development fit into the artisan corridor theme, work out architectural design, landscaping and vehicular access. Staff emphasized the importance of striking a balance between the City's vision and the potential for increased commercial influence and revenue creation.