

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

City Council

Mayor
Hank Williams

Ward I
Bruce Dingler

Ward II
Michael Quilty

Ward III
Brandon Thueson

Ward IV
Allen Broderick

At Large
Rick Samuelson
Tanea Browning

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
October 8, 2015**

Next Res. 1434
Next Ord. 2017

- I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. PUBLIC APPEARANCES – *Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization.***

V. SPECIAL PRESENTATION

VI. CONSENT AGENDA

- Page 2 - 9 A. Approval of September 10, 2015 Council Minutes
- 10 - 12 B. Approval of OLCC Application for Change of Ownership
for Jack Rabbit Convenience Store

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS

- 14 - 23 A. Ordinance No. _____, An Ordinance Amending the
Transportation System Plan (TSP) of the Central Point
Comprehensive Plan to Incorporate by Reference the
Interchange Area Management Plans (IAMPS) for I-5
Exits 33 and 35 (Humphrey)
- 25 - 30 B. Public Hearing – First Reading for an Ordinance
Amending Chapter 3.30 Marijuana and Marijuana
Infused Product Tax (Clayton)
- 32 - 35 C. Resolution No. _____, Adopting a Policy Allowing
the City of Central Point to Seek Reimbursement from
Law Enforcement Agencies who Hire Central Point
Police Officers within the First Thirty-six Months after
Training (Allison)

- 37 - 42 D. Resolution No. _____, Authorizing the City Manager to Enter Into an Agreement with Talbot, Korvola & Warwick, LLP for Hotel/Motel Tax Audit Services (Adams)

IX. BUSINESS

- 44 - 45 A. Approval of Street Closure for Community Christmas Parade on December 5, 2015.

- B. Planning Commission Report (Humphrey)

- 47 - 50 C. Business License Discussion (Clayton)

X. MAYOR'S REPORT

XI. CITY MANAGER'S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION

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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.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
September 10, 2015**

I. REGULAR MEETING CALLED TO ORDER

Mayor Williams called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL: Mayor: Hank Williams
Council Members: Bruce Dingler, Allen Broderick, Brandon Thueson, Tanea Browning, Rick Samuelson, and Mike Quilty were present.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Chief Kris Allison; Community Development Director Tom Humphrey; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES

Eric Dittmer and Lee Lull, Representatives for Southern Oregon Climate Action Now.

Mr. Dittmer and Mrs. Lull gave a brief summary of a two day conference regarding disturbing climate trends. They are reaching out to key agencies that may be able to help with what we are facing here in the Rogue Valley. The warm weather is causing the crop types to change to warm weather crops and away from the normal Oregon weather type crops. They provided information on how to register for the conference and endorsing the cause.

V. SPECIAL PRESENTATION

Police Chief Kris Allison swore in new officers Anthony Grieve and Petter Bilden. She explained a change in command structure and swore in Captain David Croft, and Lieutenants Randy Clark and Chad Griffin.

V. CONSENT AGENDA

A. Approval of August 27, 2015 City Council Minutes

Mike Quilty moved to approve the Consent Agenda as presented. Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Allen Broderick, yes; Tanea Browning, yes; Brandon Thueson, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA - None

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. **Ordinance No. 2015, An Ordinance Amending Title 6 Animals to Allow Bee Keeping within the City Limits**

Community Development Director Tom Humphrey explained that during the first reading and public hearing City Staff introduced amendments to Title 6 – Animals which will allow the keeping of bee hives within the city limits. There were no recommended changes to the ordinance at the first reading. Most comments from citizens have been in favor of this change, some have suggested that we are being too strict.

The language developed is consistent with similar programs in Medford and Ashland. We would require that Bee Keepers register their hives with the City.

Rick Samuelson moved to approve Ordinance No. 2015, An Ordinance Amending Title 6 Animals to Allow Bee Keeping within the City Limits. Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Allen Broderick, yes; Tanea Browning, yes; Brandon Thueson, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

B. **Ordinance No. 2016, An Ordinance Amending Section 8.04.090 to Allow Bee Keeping within the City Limits.**

Mr. Humphrey stated that Section 8.04.090 declares beekeeping as a public nuisance. If we are going to allow beekeeping in the city this section of our code should be amended. The recommended changes will eliminate the public nuisance declaration when permitted in accordance with bee keeping requirements in Section 6.05.020. There were no recommended changes at the first reading of this Ordinance.

Mike Quilty moved to approve Ordinance No. 2016, An Ordinance Amending Section 8.04.090 to Allow Bee Keeping within the City Limits. Brandon Thueson Seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Allen Broderick, yes; Tanea Browning, yes; Brandon Thueson, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

C. **First Reading – An Ordinance Amending the Transportation System Plan (TSP) of the Central Point Comprehensive Plan to Incorporate by Reference the Interchange Area Management Plans (IAMPS) for I-5 Exits 33 and 35.**

Mr. Humphrey explained that the proposed amendment would acknowledge collaborative transportation planning work done by the state to protect the operation of interchanges at I-5 Exits 33 and 35. The City Council passed a Resolution in 2014 to approve the Seven Oaks Interchange Area Management Plan and directed staff to amend the TSP as soon as possible to include projects, policies and development standards.

The State has completed the Exit 33 plan at Pine Street and is asking that the City adopt it prior to being adopted by the Oregon Transportation Commission in October. Both plans can be adopted by the City by formally amending the TSP which is part of the City's Comprehensive Plan. This amendment is not intended to be a wholesale change since the TSP was updated in 2008. Once the TSP is amended some special conditions in the TOD District zoning code will be removed. The language was a self-imposed trip cap the City agreed to when it adopted the Eastside TOD. The Department of Land Conservation and Development and ODOT have both been notified of this amendment. The Planning Commission reviewed this in September and recommended approval.

Major amendments are legislative policy decisions that establish by law, general policies and regulations for future land use decisions, such as revisions to the zoning and land division ordinance that have widespread and significant impact beyond the immediate area.

The development and preparation of the IAMPs for both interchanges used local land use plans and policies as the framework for projecting transportation demand and subsequent improvements to mitigate the impacts of that demand. Citizen participation was invited through the creation of a Project Focus Group made up of property owners, business managers, real estate and banking representatives.

The development and preparation of the IAMPs for both interchanges were collaborations between Central Point, Jackson County, RVCOG, ODOT and its consultants. In the case of Exit 33, a Technical Advisory Committee and a Project Focus Group were also formed. These plans will serve as a guide for future improvements.

Mayor Williams opened the Public Hearing. No one came forward and the Public Hearing was closed.

Mike Quilty moved to second reading An Ordinance Amending the Transportation System Plan (TSP) of the Central Point Comprehensive Plan to Incorporate by Reference the Interchange Area Management Plans (IAMPs) for I-5 Exits 33 and 35. Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Allen Broderick, yes; Tanea Browning, yes; Brandon Thueson, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

VIII. BUSINESS

A. Planning Commission Report

Community Development Director Tom Humphrey presented the Planning Commission Report for September 1, 2015:

- The Commission considered a Class C variance request to reduce the rear yard and special stream setback on two legally platted lots in order to

build two single family residences in the LMR-Low Mix Residential Zone. The Commission considered the applicant's request in light of what are considered difficult variance criteria. After considerable discussion, they determined that granting a variance 1) would not be materially detrimental to the purposes of the code; 2) would alleviate a hardship to development peculiar to the lot size, shape and topography of this property; 3) would permit reasonable economic use of the land; 4) would not adversely affect physical and natural systems; 5) alleviated a condition that was not a self-imposed hardship, and 6) was the minimum necessary to relieve the hardship. The Commission unanimously approved the variance with conditions intended to reinforce the above criteria.

There was some concern from the Council to make sure that future property owners know about the variance. The City could map property that is in the same type of situation. When a title search is completed on a property it would show the special circumstances the building was approved.

- The Commission continued a public hearing to consider a Transit Oriented Development (TOD) preliminary master plan on 18.91 acres in the Eastside TOD District. The project site is located east of Gebhard Road and north of Beebe Road. The project site is within the LMR-Low mix residential and MMR-Medium Mix zoning districts. The Commission continued the public hearing that was opened in July. Given the untimely receipt of new information, neither staff nor the applicant were able to provide further answers to three major issues including 1) the Gebhard Road alignment 2) Soil contamination in the proposed park site and 3) shallow well impact and mitigation. The Commission received comment from property owners and then continued the hearing for another month.
- The Commission continued the consideration of a tentative partition plan to create three parcels in the LMR-Low Mix Residential and MMR-Medium Mix Residential zoning districts within the eastside TOD district. This application was continued to the October meeting to coincide with their action on the Master Plan.
- The Commission was presented with a Major Amendment that is limited in scope and adopts IAMPs 33 and 35 by reference. The City is taking this action ahead of the Oregon Transportation Commission who intends to adopt the IAMP in October. The Commission unanimously recommended in favor of the changes and directed staff to proceed to the City Council.

B. Medford Water Commission Briefing

City Manager Chris Clayton updated the Council on the Medford Water Commission's (MWC) cost of service rate analysis. In July the MWC recommended a 41% increase to the "Other Cities" customer group. The "Cities" group hired their own consultants to review the Water Commission cost of service analysis and the results of the independent review were presented to the MWC both in writing and at a rate workshop in August. The MWC responded to the review with a revised study that has changed the increase significantly. The final revision is still being worked on but it looks like our increase will be a 10% to 15% increase rather than the original 41%.

The "Cities" group is concerned with several items still:

1. MWC is asking the cities to be responsible for about 2% of all their leaks. We don't agree with this because we only have a few water meters between their lines and ours. We do not believe that we should pay for unaccounted for water that occurs on their side of those meters.
2. We are working with the commission on peak day capacity. This item can be very technical. We are asking them to use two years and two months to average out the peak day capacity.
3. Item 5C Control Equipment. They are asking us to help replace their control equipment. We feel that the equipment in question is only used for inside customers and the other cities should not be responsible for maintenance or replacement of this equipment.
4. Item 5I is considered other expenses. It was discovered that these expenses are PERS costs for their employees. We are not sure that the other cities should be responsible for their PERS.
5. Item 6D Reservoirs. This item is misclassified and it was agreed that the reservoirs should be assigned to peak hour and not peak day. We have asked them to review this issue again. The other cities have all been required by contract to provide their own reservoirs for use during peak hours.
6. Item 6G Account 328 is the annex building that the commission is housed in. They are charging us for this building. This item should be reviewed further it is a tangible asset and we are not convinced that the other cities should be paying for the program. We would also like to request a physical count of Account 369.
7. Item 7A charged us for contributed assets, they removed those and have made some concessions in our favor.

The Medford City Council will have a work session on the rate study. We all know that Council members do not like to raise the rates on their customers so this could be another issue that the other Cities need to consider in the final rate increase. The city representatives will continue to attend meetings regarding the rate study and update the Council when appropriate.

No action was requested for this item.

C. Involuntary Annexation Discussion

Mr. Clayton stated that in the northeastern portion of Central Point, two "island" properties currently exist that share a boarder with Don Jones Park. One of the properties, 185 Vilas Road, is a blighted property with significant code enforcement/public safety concerns, which would be more appropriately addressed if the property were annexed into city limits. These concerns are frequently reported from area residents who are frustrated by the city's current inability to address property-related nuisances. The neighboring property 225 Vilas Road, is also an "island" property, but remains in reasonable condition. Unfortunately Jackson County's code enforcement policies tend to be far more lenient when compared with Central Point's and so far, the county has been

unwilling to require abatement of the nuisances. Gaining jurisdictional authority is essential to the city having the ability to abate current nuisance concerns. The second property poses no current nuisance related concerns at this time, but it does receive city services.

In the past council has discussed blanket annexations of all islands within the city. At this time staff is only concerned with starting the process for these specific addresses. Staff would like the approval of the council to begin the annexation process.

City Attorney Sydnee Dreyer explained the process for forced annexation according to the state of Oregon.

- A property must be found to be entirely surrounded by City limits to be subject to the provisions.
- The City may annex the property after holding at least one public hearing on the subject for which notice has been mailed to each record owner of property proposed for annexation. The annexation could be subject to referendum.
- The City must specify an effective date for the annexation that is not less than 3 nor more than 10 years from the date of the approval of the annexation. If the property is sold during the period of delayed annexation, the property becomes part of the city immediately upon transfer of ownership.

Community Development Director Tom Humphrey would like to see these two properties annexed at this time. He is not in favor of a blanket annexation of all islands within the city. He would like to provide a spreadsheet of costs to the city for each property that is forced annexed. The Community Development Department has not budgeted the funds to force annex property this year. There are several costs associated with annexation that a property owner would normally be required to pay.

Council directed staff to proceed with the forced annexation of these two properties.

IX. MAYOR'S REPORT

Mayor Williams reported that he attended the Medford Water Commission meeting and a work Session. Central Point has taken the lead in confronting the Commission regarding the rates for "other cities".

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- 477 and 495 Beebe Road has become a chronic nuisance and may be coming before the council next month. These are two properties that Code Enforcement is actively working on.
- 75 Bush Street is also coming back on our radar. They have started to accumulate junk on the property again.

- There is also a property behind Abby's Pizza that we are working on regarding nuisance issues.
- They are continuing to talk with Costco representatives and working on the plans for the new building in Central Point.

XI. COUNCIL REPORTS

Council Member Mike Quilty reported that:

- Everyone is really looking forward to the new CNG Station in White City.
- The STIP money this year will be designated for non-travel road projects. There are several projects that the city could qualify for and should send in grant applications.

Council Member Brandon Thueson reported that he attended a Bear Creek Greenway meeting. They are looking for volunteers to help clean up the greenway. There are several projects coming up to fix trip hazards, fog and crack sealing, and new signs.

Council Member Rick Samuelson reported that he will be attending the class regarding the Bootcamp. He sees good things happening because of this program.

Council Member Tanea Browning reported that:

- She attended the SOREDI Breakfast and tour for local business and workforce. There were two stops in Central Point. It was nice to hear about the positive things happening in town.
- She attended the Chamber Mixer at the Expo.
- She was contacted by Channel 12 news. We now have our own beat reporter.

Council Members Bruce Dingle and Allen Broderick had no reports.

XII. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore reported that:

- There are a couple of dangerous trees in town. Our tree Ordinance states that we may take down trees if they are dangerous to the public. These specific trees were damaged in recent storms and the property is owned by the bank. We have not had any luck trying to get them to take the trees down. If the city is forced to remove the trees we will put a lien on the property for the cost of removing them.
- There will be a Parks and Recreation meeting on September 22, 2015 to talk about the Vietnam Memorial Wall. There are a lot of concerns from the residents in Central Point East.
- There are concerns about the park property that is designated in the White Hawk Subdivision. This property has soil contamination and the city does not want to take it without a proper plan for mitigation.

Police Chief Kris Allison:

- Presented the Council with Swag Bags that will be given out to kids at the Open House on Saturday.
- Encouraged the Council Members to attend the baseball game on September 26th.
- Provided a Bereavement Resource Booklet that Detective Wojack created for officers to hand out to grieving families. This is a great tool for them when they have lost a loved one. It has information about what is available in the area for support.
- Updated the Council on leadership sessions happening in the Police Department this week.

City Attorney Sydnee Dreyer stated that there will be a Southern Oregon Planners Conference at the Commons in September.

XIII. EXECUTIVE SESSION - None

XIV. ADJOURNMENT

Mike Quilty moved to adjourn, Brandon Thueson seconded, all said “aye” and the Council Meeting was adjourned at 9:06 p.m.

The foregoing minutes of the September 10, 2015, Council meeting were approved by the City Council at its meeting of October 8, 2015.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

Staff Report



Administration Department

Chris Clayton, City Manager
Deanna Casey, City Recorder

TO: Honorable Mayor and City Council
FROM: Deanna Casey, City Recorder
SUBJECT: OLCC change of Ownership Application for Jack Rabbit Convenience, LLC
DATE: October 8, 2015

The City of Central Point has received a change of ownership OLCC Application. The Convenience Store attached to the Chevron at I5 Exit 33 is changing ownership. The OLCC Application is attached.

The Police Department has completed a background check and everything seems to be in order.

RECOMMENDED MOTION:

Approve the Consent agenda as presented.



155 South Second Street • Central Point, OR 97502

Kristine Allison

Ph: (541) 664-5578 • Fax: (541) 664-2705 • www.centralpointoregon.gov

Chief

September 22, 2015

Re: OLCC Liquor License Application

A background check has been completed on the OLCC Liquor License Application for the Jack Rabbit Convenience, LLC to be located at 1510 E Pine Street in Central Point Oregon. The completed background was done and approved on the following individual:

King, George L.

The background was approved and completed on this date,

A handwritten signature in black ink that reads "Dave Croft". The signature is written in a cursive, flowing style.

Captain Dave Croft

"Dedicated To Service, Committed To Excellence"



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

RECEIVED

SEP 19 2015

Application is being made for:

LICENSE TYPES

Full On-Premises Sales (\$402.60/yr)

Commercial Establishment

Caterer

Passenger Carrier

Other Public Location

Private Club

Limited On-Premises Sales (\$202.60/yr)

Off-Premises Sales (\$100/yr)
 with Fuel Pumps

Brewery Public House (\$252.60)

Winery (\$250/yr)

Other: _____

ACTIONS

Change Ownership

New Outlet

Greater Privilege

Additional Privilege

Other CITN

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

Limited Partnership Corporation Limited Liability Company Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission: _____
(name of city or county)

recommends that this license be:

Granted Denied

By: _____ (signature) _____ (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 9/15/15

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

JACK RABBIT CONVENIENCE, LLC _____

_____ _____

2. Trade Name (dba): Jack Rabbit Convenience

3. Business Location: 1510 E Pine St Central Point Oregon 97502
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 1509 Clara Ave Grants Pass Oregon 97527
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-664-4218 _____
(phone) (fax)

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

7. If yes to whom: Calvin Oil Company, Inc Type of License: off-Premises with Fuel Pump

8. Former Business Name: CENTRAL POINT CHEVRON

9. Will you have a manager? Yes No Name: GEORGE KING
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? City of Central Point
(name of city or county)

11. Contact person for this application: George King 541-426-0687
(name) (phone number(s))
1509 Clara Ave Grants Pass OR 97527 meaking21@gmail.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

[Signature] Date 9-3-2015 _____ Date _____

_____ Date _____ _____ Date _____

PAVED: 9/15/15
POSTED: N/A

Ordinance

Second Reading of Amendments to the TSP



STAFF REPORT

October 8, 2015

AGENDA ITEM: File No. 15019

Second Reading to Consider an Amendment to the Comprehensive Plan, Transportation System Plan (TSP) to incorporate the Interchange Area Management Plans (IAMPs) for I-5 Exits 33 and 35.

Applicant: City of Central Point.

STAFF SOURCE:

Tom Humphrey AICP , Community Development Director

BACKGROUND:

The adoption of the proposed Amendment would acknowledge collaborative transportation planning work done by the state to protect the operation of its interchanges at I-5 Exits 33 and 35. The City Council passed a Resolution (No. 1396) in May 2014 to approve the Seven Oaks Interchange Area Management Plan (IAMP-35) and directed staff to amend the TSP as soon as possible to include its projects, policies and development standards.

In the meantime the State completed the IAMP for I-5 Exit 33 at Pine Street and has asked that the City adopt it prior to being adopted by the Oregon Transportation Commission (OTC) in October . Both IAMPs can be adopted by the City by formally amending the TSP which is part of the City's Comprehensive Plan. This amendment is not intended to be a wholesale change since the TSP was updated in December 2008. The IAMPs are referenced in the TSP and selected goals, policies and project lists have been revised. It should be noted that once the TSP is amended some special conditions in the TOD District (Section 17.65.025.A) of the zoning code will be removed. The language was a self-imposed trip cap the City agreed to when it adopted the Eastside TOD. The Department of Land Conservation and Development (DLCD) and ODOT have both been notified of this amendment. The Planning Commission reviewed this amendment at their meeting on September 1, 2015 and then recommended City Council approval.

ISSUES:

Proposed amendments to the comprehensive plan, including urban growth boundary amendments, are categorized as either major or minor amendments as defined in Section 17.10.300. Staff has determined that this action is a Major amendment. Major amendments are legislative policy decisions that establish by law general policies and regulations for future land use decisions, such as revisions to the zoning and land division ordinance that have widespread and significant impact beyond the immediate area.

The IAMPs that are being incorporated by reference into the City's TSP are each predicated upon land use, population and employment assumptions that are established in land use, zoning and/or conceptual plans. The Management Strategies and Actions listed in the IAMPs are expected to be used by the City and are understood to be policies that the City will follow. You will note that some policy statements are being added or amended in Attachment A. There are also projects being added and/or amended in Tables 7.4 and 7.6 of the same attachment. Proposals for major revisions are processed as a Type IV procedure per Section 17.05.500. The final approval authority is the city council after review and recommendation by the planning commission.

A recommendation or a decision to approve or to deny an application for an amendment to the comprehensive plan is based on written findings and conclusions that address the following criteria:

- A. Approval of the request is consistent with the applicable statewide planning goals;
- B. Approval of the request is consistent with the Central Point comprehensive plan; and
- C. The amendment complies with OAR 660-012-0060 of the Transportation Planning Rule.

The development and preparation of the IAMPs for both interchanges used local land use plans and policies as the framework for projecting transportation demand and subsequent improvements to mitigate the impacts of that demand. Citizen involvement was invited and encouraged through the creation of a Project Focus Group made up of property owners, business managers, real estate and banking representatives.

FINDING: Pursuant to OAR 660-12-006(1)(a-c) and (2)(a-d), the amendment to the City’s acknowledged Comprehensive Plan and land use regulations is consistent with the identified function, capacity and levels of service of local and regional transportation facilities and with Oregon Statewide Planning Goals #1, #2 and #12 – Citizen Involvement, Land Use and Transportation respectively.

Central Point and Jackson County followed policies and procedure in their Urban Growth Boundary Management Agreement when providing ODOT with the land use assumptions used for IAMP 35. ODOT, Jackson County EXPO, RVCOC and DLCD were involved in formulating the land use assumptions for IAMP 33.

FINDING: Pursuant to ORS 197.040(2)(e) and OAR 660-030-0060, the City has coordinated its planning efforts with the State to assure compliance with goals and compatibility with City and County Comprehensive Plans and with OAR 660-12-0015 to assure consistency with the State and Regional TSP.

The development and preparation of the Interchange Area Management Plans (IAMPs) for both interchanges were collaborations between Central Point, Jackson County, RVCOC, ODOT and its consultants. In the case of Exit 33, a Technical Advisory Committee and a Project Focus Group were also formed.

FINDING: Pursuant to OAR 660-12, this amendment has been prepared in compliance with Oregon state adopted rules governing preparation and coordination of transportation system plans which are collectively referred to as the Transportation Planning Rule.

In an effort to assist the City Council in its second review of this amendment, staff has limited attachments to an ordinance with excerpts from the TSP chapters that should be amended (Attachment A). Copies of the IAMPs are available upon request as well as the technical memoranda recommending code and plan amendments written by ODOT consultants. If there are members of the City Council who would like to review this information, staff can provide web links, or digital and hard copies for your use.

ATTACHMENTS:

Attachment “A” – Ordinance No. ___ An Ordinance Amending The Transportation System Plan (TSP) of the Central Point Comprehensive Plan to Incorporate By Reference the Interchange Area Management Plans (Iamps) for I-5 Exits 33 And 35.

ACTION:

Consider the second reading of the proposed amendments to the TSP, and 1) approve the ordinance; 2) approve the ordinance with revisions; 3) deny the proposal.

RECOMMENDATION:

Discuss ordinance proposal and forward ordinance and amendments to a second reading. Approve Ordinance No. ____ An Ordinance Amending The Transportation System Plan (TSP) of the Central Point Comprehensive Plan to Incorporate By Reference the Interchange Area Management Plans (Iamps) for I-5 Exits 33 And 35.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN (TSP) OF THE CENTRAL POINT COMPREHENSIVE PLAN TO INCORPORATE BY REFERENCE THE INTERCHANGE AREA MANAGEMENT PLANS (IAMPS) FOR I-5 EXITS 33 AND 35.

Recitals:

- A. Words ~~lined through~~ are to be deleted and words **in bold** are added.
- B. The City of Central Point (City) is authorized under Oregon Revised Statute (ORS) Chapter 197 to prepare, adopt and revise comprehensive plans and implementing ordinances consistent with the Statewide Land Use Planning Goals.
- C. The City has coordinated its planning efforts with the State in accordance with ORS 197.040(2)(e) and OAR 660-030-0060 to assure compliance with goals and compatibility with City Comprehensive Plans.
- D. Pursuant to the requirements set forth in CPMC Chapter 17.96.100 Comprehensive Plan and Urban Growth Boundary Amendments – Purpose and Chapter 17.05.500, Type IV Review Procedures, the City has initiated an application and conducted the following duly advertised public hearings to consider the proposed amendment:
 - a) Planning Commission hearing on September 1, 2015
 - b) City Council hearings on September 10, 2015 and October 8, 2015.

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

Section 1. Amendments to TSP Chapter 2 – Plan Compliance to read:

2.6. Other Plans

Over the course of the past **ten** years, the City has completed three significant transportation studies for Hwy. 99, East Pine Street, and the Twin Oaks Transit Oriented Development district. **The City has worked with ODOT more recently to complete Interchange Area Management Plans for I-5 Exits 33 and 35.** The findings and recommendations from these ~~two~~ plans have been reviewed and incorporated in this TSP. The following is a brief description of each study and its relationship to the TSP.

- 2.6.1. Highway 99 Corridor Plan** – This plan was prepared in 2005 for the purpose of identifying improvements to Hwy. 99 consistent with commercial revitalization of the Hwy. 99 corridor through Central

Point. The findings and recommendations of the Highway 99 Corridor Plan have been incorporated in this TSP.

2.6.2. East Pine Street Transportation Plan – This plan was prepared in 2004 by JRH Transportation Engineering. The purpose of this plan was to provide an assessment of the future transportation infrastructure of the East Pine Street corridor area to accommodate regional and local traffic growth. The plan forecast traffic growth through the year 2023 and recommended improvements necessary to maintain an acceptable level of service. The findings and recommendations of the East Pine Street Transportation Plan have been updated and incorporated in this TSP.

2.6.3. Central Point Transit Oriented Development Traffic Impact Study – This study was completed in August 2000 by JRH Transportation Engineers to evaluate the traffic impacts of Central Points Transit Oriented District. The findings and recommendations have been incorporated in this Plan.

2.6.4. I-5 Interchange 33 (Central Point) Interchange Area Management Plan – This plan was completed in June 2015 by David Evans and Associates to evaluate, maintain and improve freeway performance and safety at Central Point’s southern interchange, improving system efficiency and management before adding capacity. This document is being adopted by reference into the Central Point TSP.

2.6.5. I-5 Interchange 35 (Seven Oaks) Interchange Area Management Plan - This plan was completed in September 2013 by David Evans and Associates to evaluate, maintain and improve freeway performance and safety at Central Point’s northern interchange, improving system efficiency and management before adding capacity. This document is being adopted by reference into the Central Point TSP.

2.7. Conclusion

The TSP as presented in this document is found to be consistent with all applicable federal, state, regional and local transportation plans. It is the City’s intent, throughout the duration of this TSP, to continue monitoring and managing the TSP as necessary to maintain compliance with federal, state, regional, and local transportation system plans and changing transportation and land use needs.

Section 2. Amendments to TSP Chapter 5 – Transportation Management to read:

5.4. Access Management (AM)

5.4.1. Access Management Planning

In recognition of the value of access management, the City of Central Point has prepared access management plans and standards for its arterial and collector street system.

- **Access Management Plan for Front Street (Highway 99)/Pine Street.** This plan was prepared in 2003 to identify access management strategies for the section of Highway 99 generally defined as Front Street. The Plan also included the section of Pine Street from Haskell Street to First Street. Both short-term and long-term access strategies were developed. The findings and recommendations of the Access Management Plan for Front Street (Highway 99)/Pine Street Plan are incorporated in this TSP by reference.
- **Central Point Highway 99 Corridor Plan.** This plan was prepared in 2005 and addressed the land use and transportation needs of Highway 99 as a major transportation corridor. This plan differed from the 2003 Access Management Plan for Front Street (Highway 99)/Pine Street Plan only to the extent that its purpose was broader in scope, including roadway geometry options, bicycle and pedestrian systems, urban design solutions, etc. The access management recommendations in both plans are consistent for the section of Highway 99 referred to as Front Street. The findings and recommendations of the Central Point Highway 99 Corridor Plan are incorporated in this TSP by reference.
- **IAMP for I-5 Exit 33 (Central Point).** The plan was prepared in 2015 to identify improvements for I-5 Exit 33 that can be implemented over time to maximize the function of the existing interchange and address the long-term needs of the Central Point and Rogue Valley communities. The IAMP includes the Access Management Plan that includes access management techniques and objectives for the IAMP study area. The findings and recommendations of the Access Management Plan for IAMP 33 are incorporated in this TSP by reference.

5.6. Transportation Management Goals, Objectives and Policies

GOAL 5.1: TO MAXIMIZE, THROUGH TRANSPORTATION SYSTEM MANAGEMENT TECHNIQUES, THE EFFICIENCY, SAFETY, AND CAPACITY OF THE CITY'S EXISTING TRANSPORTATION FACILITIES AND SERVICES.

Policy 5.1.1. The City shall make every effort to maintain mobility standards that result in a minimum level of service (LOS) “D.” The City defines LOS D as the equivalent to a volume-capacity ratio of 0.9.

Policy 5.1.2. The City shall facilitate implementation of bus bays by RVTD on transit routes as a means of facilitating traffic flow during peak travel periods. The feasibility, location and design of bus bays shall be developed in consultation between the City and RVTD.

Policy 5.1.3. The City shall implement the TSM strategies presented in the IAMP for I-5 Exit 33 (Central Point).

GOAL 5.2: TO EMPLOY ACCESS MANAGEMENT STRATEGIES TO ENSURE SAFE AND EFFICIENT ROADWAYS CONSISTENT WITH THEIR DESIGNATED FUNCTION.

Policy 5.2.1. The City shall prepare, adopt, and maintain, either within the zoning ordinance or the Public Works Standards and Details manual, access management standards based on best practices.

*Policy 5.2.2. The City shall implement the access management strategies presented in the Access Management Plan for Front Street (Highway 99)/Pine Street, and the Central Point Highway 99 Corridor Plan, **I-5 Exit 35 IAMP and I-5 Exit 33 IAMP.***

Section 3. Amendments to TSP Chapter 7 – Street System, 2008-2030 to read:

7.1 INTRODUCTION

The City of Central Point’s street system contains over sixty miles of roadways serving a variety of functions ranging from local streets, collectors and arterials providing a broad range of transportation services for the City’s residential, commercial, and industrial needs. Within in this system there are thirty-five key intersections, which by the year 2030, these intersections and their related street segments will require both modernization and extension to accommodate the City’s projected growth as discussed in Chapter 3. In anticipation of this growing demand the City has completed the ~~four~~ **seven** major traffic studies. These studies and their objectives are:

1. **Central Point Transit Oriented Development Traffic Impact Study**, JRH Engineers, Planners & Project Managers, August 1, 2000.
2. **Central Point Highway 99 Corridor Plan**, OTAK/DKS Associates, 2005.
3. **East Pine Street Transportation Plan**, Central Point, Oregon, JRH Transportation Engineering, July 2004. Most of the City’s vacant land is

served by E. Pine Street, a major arterial. The City recognizes the impact of development on the service level of E. Pine Street and commissioned a traffic study to evaluate future growth impacts and mitigation options.

4. **City of Central Point Transportation Plan, Existing & Future Conditions Technical Traffic Report**, JRH Transportation Engineering, June 30, 2007. In preparation of this TSP the City commissioned a more comprehensive traffic analysis that took into consideration prior findings of prior traffic studies.
5. **Gebhard Road Intersection, Traffic Impact Analysis**, JRH Transportation Engineering, June 2015. The information in this report confirms that construction of the Gebhard Road – East Pine Street intersection will not adversely affect traffic along East Pine Street between Hamrick Road and the Interstate 5 Ramps.
6. **I-5 Interchange 33 (Central Point) Interchange Area Management Plan**, David Evans and Associates, June 2015. The City recognizes the impact of development on the service level of ODOT's interchanges and is committed to working collaboratively with the state to protect and preserve its regional facilities. This document revisits the East Pine Street Transportation Plan from July 2004 using more current land use information resulting from the Regional Plan.
7. **I-5 Interchange 35 (Seven Oaks) Interchange Area Management Plan**, David Evans and Associates, September 2013. The City recognizes the impact of development on the service level of ODOT's interchanges and is committed to working collaboratively with the state to protect and preserve its regional facilities. This document uses more current land use information resulting from the Regional Plan and the creation of an Urban Reserve Area (URA) at Tolo.

7.4. Streets Goals, Objectives and Policies

GOAL 7.1: PROVIDE A COMPREHENSIVE STREET SYSTEM THAT SERVES THE PRESENT AND FUTURE MOBILITY AND TRAVEL NEEDS OF THE CENTRAL POINT URBAN AREA, INCLUDING PROVISIONS FOR BICYCLE AND PEDESTRIAN FACILITIES.

Policy 7.1.17. The City shall provide a minimum maintenance level for those street improvements that have received state financial assistance to assure the continued benefit of the street improvements to the state highway system and maximize the longevity of the capital investments.

Table 7.4 Transportation Projects, 2008-2030

Ref. No.	Project Location	Improv. Category	Project Description
236	East Pine Street; Bear Creek Bridge to Peninger Road	Pb <u>minor</u>	Widen for turn lanes, bike lanes, add sidewalks and third lane Widen to accommodate a third westbound through travel lane that will feed into the existing right-turn lane at I-5 northbound on-ramp. Add sidewalks where missing.
<u>256</u>	<u>East Pine Street between 9th Street and I-5 Southbound Ramp Terminal</u>	<u>b</u>	<u>Restripe eastbound travel lanes to improve bike lane transitions.</u>
220	Gebhard Rd.: UGB to Beebe Rd. East Pine Street and signalization of intersection at East Pine Street	uu	Realign, widen to 2 & 3 lanes , bike lanes, parking , sidewalks, urban upgrade and extend to East Pine Street and signalization (collector standards).

Table 7.6 City of Central Point Transportation Projects, 2008-2030

Ref. No.	Project Location	Improv. Category	Project Description
916	I-5 & E. Pine St., SB Off-Ramp <u>Southbound Ramp Terminal</u>	major	Extend and channelize southbound off ramp <u>Add second westbound left-turn lane on E. Pine St. and a second receiving lane on the southbound on ramp.</u>

917	I-5 Central Point Interchange (Exit 33)	major	Interchange reconfiguration.
917	I-5 & E. Pine St. NB <u>Northbound</u> <u>Ramp Terminal</u>	major	Northbound off-ramp & eastbound capacity improvements
<u>918</u>	<u>E. Pine St. south side</u> <u>between ramp</u> <u>terminals</u>	p	<u>Add 5-to 6-ft. sidewalk.</u>

Section 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to “code”, “article”, “section”, “chapter”, or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

Section 5. Effective Date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

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

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance

First Reading Marijuana Tax Amendments



STAFF REPORT

October 8, 2015

AGENDA ITEM: Ordinance No. _ An ordinance amending Chapter 3.30 – marijuana and marijuana-infused product tax.

STAFF SOURCE:

Chris Clayton, City Manager
Sydnee Dreyer, City Attorney

BACKGROUND/SYNOPSIS:

In November 1998, Oregon voters approved the Oregon Medical Marijuana Act (OMMA) which allowed medical use and possession of marijuana. In 2013 the legislature approved House Bill 3460 amending the OMMA to allow medical marijuana dispensaries. In August of 2014, the City adopted Ordinance No. 1992, adopting a tax of 5% on sales of medical and 10% recreational marijuana codified as Chapter 3.30 to the Central Point Municipal Code. In September 2014, the City further amended Chapter 3.30 to provide for the city council’s ability to adjust the marijuana tax rate in the future. Future adjustment of the rate was deemed necessary if public safety costs/impacts are not completely mitigated by the initial rates established in Chapter 3.30. The revision set a ceiling of twenty-five percent (25%) and allowed future adjustment by city council resolution. In November 2014, following the city’s adoption of a marijuana tax, Oregon voters approved Measure 91 (M91) legalizing recreational marijuana including growth, processing, delivery and sale of recreational marijuana and personal possession/growth of such marijuana.

Subsequent to adoption of Chapter 3.30 imposing a tax on marijuana and medical marijuana, the legislature adopted House Bill 3400 (HB 3400) further amending the OMMA and M91. Pursuant to HB 3400, local government may not impose a tax higher than 3% on marijuana and medical marijuana sales. Such a local tax is to be referred to the voters at a general election.

Consistent with HB 3400, the city attorney recommends reducing the current tax rate to 3% without adjustment to the potential for future rate increases. Further a savings clause has been added to provide that if any portion of the ordinance is deemed in conflict with federal or state law, the ordinance will be construed as if that inconsistent provision did not exist. As the tax already exists, it is not recommended that the City repeal this tax. However, it is the City’s intent to adopt an ordinance for the next statewide general election the question of whether to tax marijuana sales.

FISCAL IMPACT:

M91 provides for a state-wide taxing structure on the sale of legalized/medical marijuana; however, it does so in the following manner:

Section #33

A tax is imposed on the privilege of engaging in business as a marijuana producer at the rate of:

*\$35 dollars per ounce of all marijuana flowers;
\$10 dollars per ounce on all marijuana leaves; and
\$5 dollar for every immature plant.*

The taxes collected under this section would be placed in the Oregon Marijuana Account and would be distributed as follows:

*Forty percent shall be transferred to the Common School Fund
Twenty percent shall be transferred to the Mental Health Alcoholism and Drug Services Account
Fifteen percent shall be transferred to the State Police Account
Ten percent shall be transferred to cities based on population
Ten percent shall be transferred to counties
5 percent shall be transferred to Oregon Health Authority.*

City Revenue: There is no precise way of predicting whether a medical marijuana dispensary or licensed recreational uses will develop in the City. Furthermore, predicting the tax revenue generated by the development of such uses is equally inaccurate, although it is apparent that Central Point's share of 10% will likely be insufficient to address the impacts to Central Point.

City Expenditures: Similar to alcohol, the legalization of marijuana will likely impact the costs associated with providing adequate public safety. At a minimum, new programs will need to be developed for prevention/education and treatment. These new program costs will be in addition to the necessary training required for our public safety officers.

ATTACHMENTS:

1. Ordinance amending chapter 3.30 of the Central Point Municipal Code marijuana and marijuana-infused product tax.

RECOMMENDATION:

1. The proposed ordinance is consistent with previous efforts of the City Council to create a disincentive to the establishment of medical marijuana dispensaries and recreational licensed uses within Central Point.
2. Though less than the previous ordinance, the proposed ordinance will continue to create the opportunity to provide general fund revenue and offset the public safety costs/impacts associated with the legalization and sales of marijuana
3. The City's strategic plan emphasizes a proactive city government that adopts policies aligning with the community's values.
4. Central Point citizen surveys conducted in 2011 & 2013 identify public safety as the highest priority for citizens of Central Point.
5. The proposed ordinance renders the tax consistent with the rate permitted under HB 3400

City Staff Recommendation:

City staff is recommending adoption of the attached ordinance amendments.

PUBLIC HEARING REQUIRED:

Yes

SUGGESTED MOTION:

I move to second reading an ordinance amending Central Point Municipal Code Chapter 3.30 marijuana infused product tax.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 3.30 MARIJUANA
AND MARIJUANA INFUSED PRODUCT TAX**

RECITALS:

- A. In November 1998, Oregon voters approved the Oregon Medical Marijuana Act (OMMA) which allowed medical use and possession of marijuana, and in 2013 the Oregon legislature approved House Bill 3460 amending the OMMA to allow medical marijuana dispensaries (collectively “OMMA”); and
- B. in November 2014, Oregon voters approved Measure 91 (M. 91) legalizing personal possession, growth, processing, delivery and sale of nonmedical marijuana; and
- C. Effective June 30th, 2015 the Oregon legislature adopted House Bill 3400 amending the Oregon Medical Marijuana Act (“OMMA”) and Measure 91 (“M91”); and
- D. The City of Central Point is a home-rule Municipal corporation; and
- E. Section 4 of the Central Point Charter provides: “The City shall have all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.”; and
- F. Words ~~lined through~~ in the following ordinance are to be deleted and words **in bold** are added.

The people of the City of Central Point do ordain as follows:

Section 1. Section 3.30.030 Levy of Tax is hereby amended to read as follows:

**Chapter 3.30
MARIJUANA AND MARIJUANA INFUSED PRODUCT TAX**

3.30.030 Levy of tax

3.30.030 Levy of tax.

A. There is hereby levied and shall be paid a tax by every seller exercising the taxable privilege of selling marijuana, **medical marijuana** and marijuana-infused products as defined in this chapter.

B. The amount of tax levied is as follows:

1. **Three percent of the gross sale amount paid to the seller for medical marijuana sold under the Oregon Medical Marijuana Program and/or recreational marijuana.** ~~Five percent of the gross sale amount paid to the seller by a registry identification cardholder.~~

2. ~~Ten percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.~~

~~3. Upon city council resolution, the amount of the tax levied may be increased up to twenty-five percent of the gross sale amount paid to the seller by a registry identification cardholder.~~

4. **3.** Upon city council resolution, the amount of the tax levied may be increased up to twenty-five percent of the gross sale amount paid to the seller by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.

C. The purchaser shall pay the tax to the seller at the time of the purchase or sale of marijuana

SECTION 2. Section 3.30.140 is here by created to read as follows:

3.30.140 Savings Clause

3.30.140 Savings Clause

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance; it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid, is valid.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to “code”, “article”, “section”, “chapter”, or other word, and the sections of this Ordinance may be renumbered, or

re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross references and any typographical errors.

SECTION 4. Effective Date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2015.

Mayor Hank Williams

ATTEST:

City Recorder

Resolution

**Police Department
Reimbursement
Policy**



STAFF REPORT

October 8, 2015

AGENDA ITEM:

Presented is a new policy that would allow the City of Central Point to recover training expenses incurred by the Police Department for training new officers that leave voluntary to another police agency within 36 months of completing field training.

STAFF SOURCE:

Kristine Allison, Chief of Police

BACKGROUND/SYNOPSIS:

This attached policy would allow the City of Central Point to be reimbursed by other Oregon Law Enforcement Agencies for our cost to training the officer within 36 months of hiring. This will act as a disincentive for larger agencies that are recruiting our officers out of the Basic Police Academy and not having to financially incur the expense of training. This policy will be effective for officers who begin field training after October 15, 2015.

FISCAL IMPACT:

Financial Incentive for the City of Central Point

ATTACHMENTS:

Policy: Reimbursement for Training of Police Officers

RECOMMENDATION:

To approve with a resolution the approval of City Policy: Reimbursement of Training of Police Officers.

PUBLIC HEARING REQUIRED:

No

SUGGESTED MOTION:

A motion approving a resolution to seek Reimbursement for Training of Police Officers adopted in City policy.

RESOLUTION NO. _____

ADOPTING A POLICY ALLOWING THE CITY OF CENTRAL POINT TO SEEK REIMBURSEMENT FROM LAW ENFORCEMENT AGENCIES WHO HIRE CENTRAL POINT POLICE OFFICERS WITHIN THE FIRST THIRTY SIX MONTHS AFTER TRAINING.

RECITALS:

- A. To make a motion approving a resolution to seek reimbursement for training of Police Officers adopted in City Policy.

The City of Central Point resolves:

Section 1.

This attached policy would allow the City of Central Point to be reimbursed by other Oregon Law Enforcement Agencies for our cost to training the officer within 36 months of hiring. This will act as a disincentive for larger agencies that are recruiting our officers out of the Basic Police Academy and not having to financially incur the expense of training. This policy will be effective for officers who begin field training after October 15, 2015.

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

Mayor Hank Williams

ATTEST:

City Recorder

Policy: Reimbursement for Training of Police Officers

Purpose

To establish requirements related to reimbursement for training costs associated with Oregon Department of Public Safety Standards and Training (DPSST), Field Training Evaluation Program (FTEP), and certification for specified positions as allowed and pursuant to Oregon Revised Statute (ORS) 181.695.

ORS 181.695 requires a government agency that hires an employee who voluntarily leaves employment of the original employing governmental agency to reimburse the original employing governmental agency for certain costs incurred by training the employee.

Definition

“Police Officer” has the meaning given that term in ORS 181.610. Per ORS 181.610 “Police officer” means an officer, member or employee of a law enforcement unit who is employed full-time as a peace officer commissioned by a city.

“Training costs” means training expenses paid for by the City of Central Point that include the cost of salary and benefits paid to an employee during training, the cost of salary and benefits paid to another employee to cover the workload of an employee in training, and the cost of initial training courses required for employment.

Policy

The City of Central Point shall seek reimbursement of “training costs” from another government agency that hires a former police officer who left employment voluntarily, per the below reimbursement schedule.

The City of Central Point may waive the reimbursement of training costs for an employee who voluntarily leaves employment with the City of Central Point and is subsequently employed by another governmental agency. The Police Chief or designee may waive or reduce the amount of reimbursement of training costs up to \$10,000. Approval of the City Manager or designee is required to waive or reduce reimbursement amounts greater than \$10,000.

When making employment decisions, the City of Central Point, as required by law, shall not take into consideration the possibility that the reimbursement of training costs the City may occur from another jurisdiction.

Employees who voluntarily leave employment shall notify the City of Central Point of subsequent employment by another governmental agency in a timely manner, and shall notify future employers of the reimbursement requirements under this policy.

Employees shall be required to sign an acknowledgement of understanding and agreement of this administrative regulation upon hire.

This policy applies to police officers who begin field training after October 15, 2015.

Incentive Program

The City provides a retention incentive program by offering a competitive salary and benefit package that includes educational reimbursement, DPSST certification incentive pay and educational incentive pay. Employees are eligible for annual step increases until they reach the top of the police officer salary range.

Reimbursement schedule

The maximum training reimbursement schedule for a police officer shall be:

(A) 100 percent of training costs if the employee is employed by the subsequent employing governmental agency within 12 months from the date the employee completes field training required by the City of Central Point.

(B) 66 percent of training costs if the employee is employed by the subsequent employing governmental agency more than 12 months but less than 24 months from the date the employee completes field training required by the City of Central Point.

(C) 33 percent of training costs if the employee is employed by the subsequent employing governmental agency more than 24 months but less than 36 months from the date the employee completes field training required by the City of Central Point.

(D) Waived if the employee is employed by the subsequent employing governmental agency more than 36 months from the date the employee completes field training required by the City of Central Point.

Resolution

Hotel/Motel Tax Audit



Staff Report

To: Mayor & Council
From: Bev Adams, Finance Director *BA*
Date: October 1, 2015
Subject: Hotel/Motel tax audit

Background:

City municipal code (Chapter 3.24) provides for the governance and collection of a 9% transient room tax.

For the past few years, Council and staff have discussed the judiciousness of a transient room tax audit. The City of Central Point currently has three hotels that collect/forward the tax to the City; a substantial revenue stream of \$785,000 within the 2015/17 biennial budget period (4% of all general fund revenues). It is my understanding that City has never performed an audit of these taxes.

Recently we were told that the City of Medford was in the process of contracting for hotel/motel audit services. In speaking with their finance director, I was told that we may "piggyback" on their contract with Talbot, Korvola & Warwick, LLP of Lake Oswego, OR.

We contacted Rob Moody, Partner, who verified they could/would extend the same agreement to us with the audit to be scheduled in November. The first time cost for these services is \$8,000, and will include review back for the full three years as provided for in the City's municipal code.

This audit is budgeted in the 2015/17 biennial budget under professional services/Finance.

Attached is the agreement prepared for the City of Central Point by Rob Moody, Partner of Talbot, Korvola & Warwick, LLP., and following a resolution authorizing the City Manager to enter into agreement for these services.

Note: *Completion of this project meets one of the stated Finance Department goals for this fiscal year.* 😊

Recommended Action:

That the Mayor and Council grant staff approval to proceed with hotel/motel tax audit agreement with Talbot, Korvala & Warwick, LLP.



Talbot, Korvola
& Warwick, LLP

Certified Public Accountants
& Consultants

ACHIEVE MORE

4800 Meadows Road, Suite 200
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www.tkw.com

October 1, 2015

City of Central Point
140 South Third Street
Central Point, Oregon 97502

Attention: Bev Adams, Finance Director

This letter is to explain our understanding of the arrangements for, and the nature and limitations of, the services we are to perform for the City of Central Point, Oregon (the City) with respect to certain records and transactions of the City for the purpose of verifying Transient Lodging Tax (TLT) paid to and collected by the City for the three-year period ending June 30, 2015. The specific procedures to be performed are included as an attachment to this letter.

Engagement Services

Our engagement will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Because the procedures included in the attachment to this letter do not constitute an audit made in accordance with auditing standards generally accepted in the United States of America, we will not express an opinion on any of the specific elements, accounts, or items referred to in our report or on the financial statements of the City taken as a whole.

At the conclusion of our engagement, we will submit a report in letter form outlining the procedures performed and our findings resulting from the procedures performed.

Our report will contain a statement that it is intended solely for the use of the City and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes. Should you desire that others be added to our report as specified parties, please contact us as it will be necessary to obtain their agreement with respect to the sufficiency of the procedures for their purpose.

Our report will also contain a paragraph pointing out that if we had performed additional procedures or if we had conducted an audit in accordance with auditing standards generally accepted in the United States of America, matters in addition to any findings that may result from the procedures performed might have come to our attention and been reported to you.

The procedures that we will perform are not designed and cannot be relied upon to disclose errors, fraud, or illegal acts, should any exist. However, we will inform the appropriate level of management of any material errors that come to our attention and any fraud or illegal acts that come to our attention, unless they are clearly inconsequential.

Furthermore, the procedures were not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, we will communicate to management any significant deficiencies or material weaknesses that become known to us during the course of the engagement.

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The McGladrey Alliance is a premier affiliation of independent accounting and consulting firms. The McGladrey Alliance member firms maintain their name, autonomy and independence and are responsible for their own client fee arrangements, delivery of services and maintenance of client relationships.

The City's Responsibilities

The sufficiency of the procedures included in the attachment is solely the responsibility the City. We make no representation regarding the sufficiency of the procedures described above either for the purpose for which these services have been requested or for any other purpose.

Because Talbot, Koryvola & Warwick, LLP (the Firm) will rely on the City and its management to discharge the forgoing responsibilities, the City holds harmless and indemnifies the Firm, its partners and employees from all claims, liabilities, losses, and costs arising in circumstances where there has been a known misrepresentation by a member of the City's management that has caused, in any respect, the Firm's breach of contract or negligence. This provision will survive termination of this letter.

City's Records and Assistance

If circumstances arise relating to the condition of the City's records, the availability of appropriate evidence, or indications of a significant risk of misstatement of the City's financial information because of error, fraudulent reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the engagement, we retain the unilateral right to take any course of action permitted by professional standards, including declining to issue a report or withdrawal from the engagement.

During the course of our engagement, we may accumulate records containing data that should be reflected in the City's books and records. The City will determine that all such data, if necessary, will be so reflected. Accordingly, the City will not expect us to maintain copies of such records in our possession.

The assistance to be supplied by City personnel, including the preparation of schedules and analyses of accounts, will be discussed and coordinated with you. The timely and accurate completion of this work is an essential condition to our completion of our services and issuance of our report.

Fees, Costs, and Access to Documentation

Our fees for the services described above are based on the time required by the individuals assigned to the engagement, plus direct expenses. Our fees for the services described in this letter are not expected to exceed \$8,000. This fee estimate will be subject to adjustments based on unanticipated changes in the scope of our work. We will submit our bill for services promptly upon rendering our special reports. Billings are due upon submission. All other provisions of this letter will survive any fee adjustment.

In the event we are requested or authorized by the City or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagements for the City, the City will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

This letter constitutes the complete and exclusive statement of agreement between the Firm and the City, superseding all proposals, oral or written, and all other communications, with respect to the terms of the engagement between the parties.

City of Central Point, Oregon

October 1, 2015

Page 3

If this letter defines the arrangements as the City understands them, please sign and date the enclosed copy and return it to us. We appreciate your business.

TALBOT, KORVOLA & WARWICK, LLP
Certified Public Accountants

By _____
Robert G. Moody, Jr.

Confirmed on behalf of the addressee:
City of Central Point

Name

Title

Date

**ATTACHMENT A
SCOPE OF WORK
PROCEDURES**

1. Provide City staff with a detailed list of all records required to be made available by lodging providers, together with a draft announcement letter to be sent to each of the selected lodging providers requiring examination
2. Review the City's TLT Ordinance and other relevant documents as basis for procedures.
3. Select and test the three existing lodging providers for the reporting period ended June 30, 2015.
4. In conjunction with City staff, schedule and conduct procedures at the property locations of those providers identified and authorized for evaluation, although not all such procedures may require on-site assessment.
5. Inquire of account and/or management personnel about the procedures used and records maintained in preparing the monthly transient lodging tax (TLT) reports submitted to the City.
6. Review records retention practices of the lodging provider to determine compliance with the City's Ordinance requirements.
7. Verify accuracy of filed lodging tax returns with daily and monthly activity summaries.
8. Review a sample of daily and monthly summaries to determine if the daily summaries reconcile with the monthly summaries.
9. Review supporting documentation with the specific purpose of determining whether gross revenues, revenue exemptions and adjustments, and tax owed are accurately calculated and reported for the reporting period ended June 30, 2015.
10. Select and test a total of four (4) different months from the reporting period ended June 30, 2015.
11. Review the methodology used by the property to determine the amount subject to tax and test the methodology for compliance with the City Code/Ordinance and proper implementation.
12. Verify that "the amount of the tax is separately stated upon the Operator's records and any receipt rendered by the Operator" in accordance with the City's Ordinance.
13. Document procedures at each location.

Deliverables

1. Separate Independent Accountant's Reports on Applying Agreed Upon Procedures for each of the properties evaluated.
2. Provide a final report to include, at a minimum, an executive summary of findings, a description of the services/procedures performed, a detailed list and narrative discussion of findings, a detailed report of the tax returns reviewed and a detailed calculation of any deficiencies in reported revenue.
3. A listing and description of the most common compliance issues by lodging entity/operator type.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TALBOT, KORVOLA & WARWICK, LLP FOR HOTEL/MOTEL TAX AUDIT SERVICES

RECITALS:

- A. The City of Central Point has determined that an audit of the transient room tax is judicious and vital to ensure business collection practices, procedures and adherence as stated in the City's Municipal Code 3.24.
- B. The professional accounting firm Talbot, Krovola & Warwick, LLP who provides these specialized audit services to various cities in Oregon, has provided the same agreement for services to the City of Central Point for an agreed upon "not to exceed" fee.
- C. The City of Central Point has anticipated this project expense and it is budgeted for within the current 2015/17 biennial budget.

THE CITY OF CENTRAL POINT RESOLVES:

Section 1: To grant authorization for the City Manager to approve an agreement for audit services as deemed necessary on the collection and turnover of transient room taxes.

Passed by the Council and signed by me in authentication of its passage this October 8, 2015.

Hank Williams, Mayor

ATTEST:

Deanna Casey, City Recorder

Business

**Street Closure for
Community
Christmas**



STAFF REPORT

DATE: OCTOBER 1, 2015
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: MATT SAMITORE, DIRECTOR

SUBJECT: Temporary Street Closures for Community Christmas

SUMMARY: The 2015 Community Christmas will have the same parade route as the 2014 event. However, the event will occur on a Saturday so many of the conflicts that presented themselves from the 2014 event will not be present. We will inform all business ahead of time about the early shut down of Pine Street in order to accommodate the parade route. The shutdown will start at approximately 3:00 PM with the parade starting at 5:15. All scheduled events will be done by 6:15 with Pine Street also opened up for traffic by that the same time.

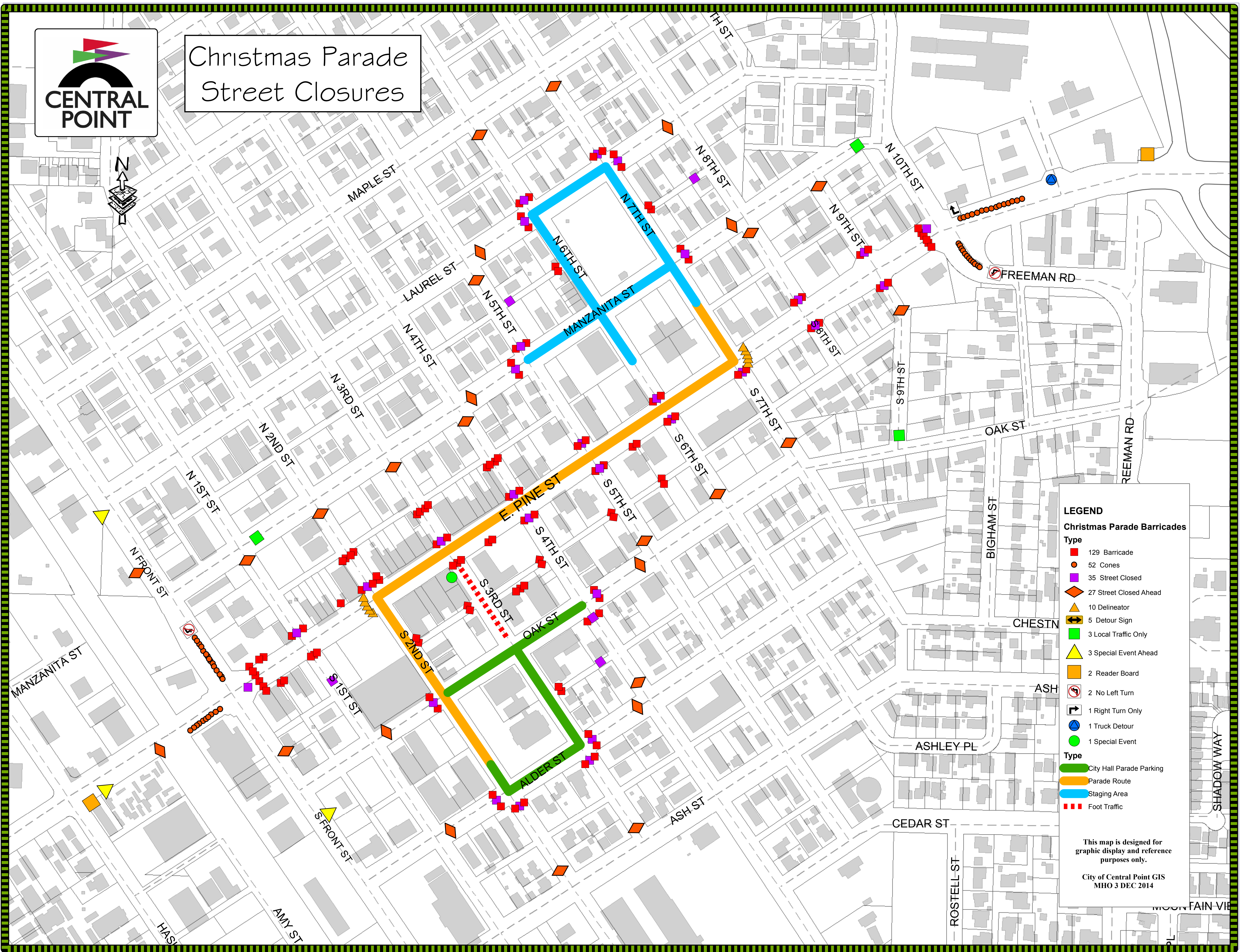
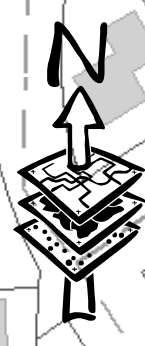
Additionally, the Crater Foundation is partnering on having shuttle service from the event and other local restaurants to shuttle people to the Crater Foundation dessert/auction fundraiser that will be happening at 7:00 that evening.

The block around City Hall will remain shut down until the event is finished at 7:30.

RECOMMENDED MOTION: Staff recommends the temporary street closures.



Christmas Parade Street Closures



LEGEND

Christmas Parade Barricades

Type	Description
Red square	129 Barricade
Orange circle	52 Cones
Purple square	35 Street Closed
Orange diamond	27 Street Closed Ahead
Yellow triangle	10 Delineator
Black arrow	5 Detour Sign
Green square	3 Local Traffic Only
Yellow triangle	3 Special Event Ahead
Orange square	2 Reader Board
Red circle with slash	2 No Left Turn
Black arrow	1 Right Turn Only
Blue circle	1 Truck Detour
Green circle	1 Special Event

Type	Description
Green line	City Hall Parade Parking
Yellow line	Parade Route
Blue line	Staging Area
Red dashed line	Foot Traffic

This map is designed for graphic display and reference purposes only.
 City of Central Point GIS
 MHO 3 DEC 2014

Business

City Business Licenses and the Regulation of Income/Rental Properties



STAFF REPORT
October 8th, 2015

AGENDA ITEM: Discussion Item Related to City Business Licenses and the Regulation of Income/Rental Properties

Discussion and possible direction to city staff on the need to amend the Central Point Municipal Code (CPMC) related to the regulation of income/rental properties within the city limits.

STAFF SOURCE:

Chris Clayton, City Manager
Sydney Dreyer, City Attorney

BACKGROUND:

City staff has recently received questions from the public regarding whether a City business license should be required for income/rental properties within the City of Central Point. The City's past practice on this issue has lacked consistency, and staff would like Council direction on possible code amendments.

As a matter of comparison, some cities require a business license for owners of any income/rental properties. Additionally, there are a number of cities, including Medford, that only require a business license if a single entity owns multiple income/rental properties, or if a property management company is involved.

FISCAL IMPACTS:

Business license-generated revenue will be impacted by council direction; however, we don't anticipate a significant impact to projected/budgeted revenues.

ATTACHMENTS:

1. Legal briefing on possible Central Point Municipal Code Amendments related to business licenses.

RECOMMENDATION:

Discussion and possible direction to staff.



MEMORANDUM

TO: City council Members
c/o Chris Clayton

FROM: Sydnee Dreyer

RE: Rental Units – Business Licenses

DATE: September 24, 2015

I was asked to review the City’s current business license fee provisions to determine whether such provisions could be applied to owners of residential rental units within the City, in the event the City Council opted to charge a business license fee to such owners of rental units.

Upon review of the current code, it does not appear that such code provisions would apply to a number of such owners, particularly where the owners claim or report that the rental units do not result in a profit which is the case for many rental units. In particular, CPMC 5.04.030 provides:

“A. No person, for themselves or as agent or employee of another, shall do business within the city unless such business has been duly licensed within this chapter and the license is valid at the time of the transaction of business.

B. No business license shall be required for the operation of a “residential home” or a “residential facility,” as those terms are defined in Oregon Revised Statutes 197.660.”

To conduct “business” under CPMC 5.04.010 means: an activity carried on with the intent:

- “1. That a profit be realized therefrom; and
- 2. That the profit, if any, inures to the benefit of the owner or owners of the activity.

B. “Profit” means the excess of gross receipts over expense.

C. “Expenses” means the cost of goods sold, the expense of services rendered and all other expenses or disbursements, accrued or otherwise, ordinarily incidental to the operation of a business.”

The current code would be difficult to enforce in that: 1) persons who own rental units may not readily understand this to be a business subject to the code; 2) such owners often purchase with the intent of a long-term investment rather than a for profit venture; 3) such owners often report no income for many years; 4) it would be difficult to enforce as it would require the City to make determinations as to whether such a venture results in a profit; and 5) such interpretation would result in inequitable results in that only some owners would be required to pay the license fee.

In the event the City opts to begin charging a license fee to owners of rental units, an amendment to the code is recommended and/or a new provision applicable only to owners of rental units should be considered.

Option 1: Amendment to Business License

The City could amend its code to include alternate language in the business license code. In such event, owners of more than 1 residential rental unit (any number could be specified) within the City would need to apply for a new license each year. Such adjustment could be made by amending the definition of a “business” as follows (**BOLD indicates new language**):

5.04.010 Definitions.

The following terms as used in this chapter shall have the meanings assigned to them:

A. “Business” means any activity carried on with the intent:

1. That a profit be realized therefrom; and
2. That the profit, if any, inures to the benefit of the owner or owners of the activity.

3. Notwithstanding the foregoing, a business means ownership by a person or entity of two or more residential rental units within the City of Central Point regardless of whether a profit is realized therefrom.

Option 2: Registration by Owners of Rental Units

The City of Medford no longer requires owners of residential rental units to pay a business license fee. Instead the City went to a registration requirement for owners of residential rental units. Medford requires anyone renting residential units within the City to register annually and a fee is assessed only on those with more than 1 rental unit. Medford believes this helps to keep track of housing inventory, safety etc. A copy of Medford’s code is provided below and attached hereto is Medford’s registration form.

8.030 Applications

(2) Residential Rental Registration: The submission of the residential rental registration shall be on a form provided by the City Manager, shall be signed by the owner or his duly authorized agent and shall contain the following information:

(a) Property address of the rental dwelling(s)

(b) Number of bedrooms

(c) Year built

(d) Type of dwelling

(e) Contact Information

(f) Owner information (including all owner names, percentage of ownership, phone, contact name i.e., general partner or trustee, and mailing address).

(g) Type of Ownership

8.060 License Tax

(1) Except as provided in Subsection (3), the license tax for any business taxed hereunder shall be as follows:

Basic Fee

\$100.00

(2) The types of businesses listed below shall pay the basic fee, or may, at the option of the owner, be taxed in accordance with the following schedule:

Type

License Fee

Home Occupation Fee \$60.00

Secondary License Fee \$60.00

Temporary 60-day License \$40.00

Residential Rental Registration (in lieu of business license) effective January 1, 2007:

0-1 Units: \$0.00

2+ units: Base Fee: \$40.00, Plus \$1.00 for each unit

(3) The tax imposed by this section shall be in addition to any regulatory or other permit fee or other tax imposed by the city.