



City of Eagle Point

City Council

REGULAR MEETING MINUTES JUNE 11, 2019

1. CALL TO ORDER – 6:00 P.M.

Mayor Jenks called the meeting to order at 6:00 p.m. in the Council Chambers.

Council Members Present: Ruth Jenks, Bill Fierke, Bernie Grossman, David Lacombe, James Mannenbach, and Kevin Walruff.

Council Members Absent: Michael Stanek.

Staff Members Present: Henry Lawrence, City Administrator; Darin May, Police Chief; Robert Miller, Public Works Director; Souvanny Miller, City Attorney; Melissa Owens, Finance Director; Mike Upston, Planning Director; and Cindy Hughes, City Recorder.

Guests: Suzi Collins, Planning Commissioner; Eric Gunn, Budget Committee Member; Millie Wewerka, Budget Committee Member and Planning Commissioner; and members of the public and press.

2. FLAG SALUTE AND INVOCATION

Mayor Jenks led the Pledge of Allegiance and Councilor Mannenbach offered the invocation. Following the invocation, Mayor Jenks reminded everyone about quieting cell phones until after the meeting.

3. AUDIENCE QUESTIONS/COMMENTS CONCERNING ITEMS NOT ON AGENDA

Millie Wewerka of Eagle Point reported previously expressing concern about a year ago to the City Council regarding the cluttered signage along Highway 62. Ms. Wewerka noted that the City spends a lot of money improving the Downtown and Linn Road; however, Highway 62 is what most people see. Ms. Wewerka inquired about the City's plans for signage, as more and more signage has appeared. Mayor Jenks requested to defer discussion until the item about gambling along Highway 62, as it also gives a first impression to travelers along the highway. There were no other audience questions or comments.

4. PRESENTATIONS

There were no presentations.

5. PUBLIC HEARINGS

There were no Public Hearings.

City of Eagle Point Council Meeting Minutes

June 11, 2019

Page 2 of 7

6. CONSENT CALENDAR

6.1 Presentation of Regular Meeting Minutes of May 28, 2019.

Mayor Jenks announced the Consent Calendar. There were no questions or comments. Councilor Walruff moved to approve the Consent Calendar, and Councilor Mannenbach seconded the motion. There was no discussion. Roll call: Bernie Grossman, yes; David Lacombe, yes; James Mannenbach, yes; Kevin Walruff, yes; Ruth Jenks, yes; Bill Fierke, abstained; and Michael Stanek, absent. The motion passed with five yes votes.

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items considered for removal from the Consent Calendar.

8. PRESENTATION OF BILLS TO BE PAID

Mayor Jenks asked if there were questions about the bills to be paid including the additional bills list. There being no questions, Councilor Mannenbach moved to approve the Bills to be Paid in the amount of \$776,249.70 and the Additional Bill List in the amount of \$107,591.78 for a total of \$883,841.48 (Submission No. 1). Councilor Lacombe seconded the motion. There was no discussion. Roll call: Bernie Grossman, yes; David Lacombe, yes; James Mannenbach, yes; Kevin Walruff, yes; Bill Fierke, yes; Ruth Jenks, yes; and Michael Stanek, absent. The motion passed unanimously by those present.

9. OLD BUSINESS

There was no old business.

10. NEW BUSINESS

10.1 Resolution No. 2019-21. A Resolution authorizing Amendment No. 3 to the City of Eagle Point Personal/Professional Services Contract with Century West Engineering for the Linn Road-OR 62 to Buchanan Project – Engineering Services.

Robert Miller, Public Works Director, reviewed the related agenda statement with a detailed explanation of the proposed amendment. Due to additional efforts and engineering services by Century West, the amendment was proposed to increase the contract by \$160,516.89, bringing the contract amount from \$503,502.00 to \$664,018.89. Mr. Miller explained about the phases which were discussed last month and in the Friday Letter. Some of the project challenges were related to project delays which resulted in construction beginning nearly 4 months late.

In addition, Mr. Miller noted the project had been underbid and sub-consultant inspections were not accounted for in the bid. Mr. Miller reviewed the expenses related to Century West's request in the amendment as well as the project costs.

Council discussion followed about the engineer's conservative estimate but the majority of the amendment is due to extra work. Mr. Miller further explained about utility relocations that didn't occur as anticipated as well as unknown redesigns on the project, fence relocations, and the accelerated effort which required additional work by Century West. There was further discussion about hourly rates for senior

City of Eagle Point Council Meeting Minutes

June 11, 2019

Page 3 of 7

engineers (\$110 per hour) and project engineers (less than \$100 per hour). However, Mr. Miller noted they only worked on the project as needed and charged for actual hours. There was discussion about the total project cost estimated at \$3.1M, and the project being currently under budget. Mr. Miller concluded and agreed to provide additional details about the project during his staff report.

Mayor Jenks offered to entertain a motion to approve Resolution No. 2019-21. Councilor Fierke made a motion to approve Resolution No. 2019-21, a Resolution authorizing Amendment No. 3 to the City of Eagle Point Personal/Professional Services Contract with Century West Engineering for the Linn Road-OR 62 to Buchanan Project – Engineering Services; and Councilor Walruff seconded the motion. Roll call: David Lacombe, yes; James Mannenbach, yes; Kevin Walruff, yes; Bill Fierke, yes; Bernie Grossman, yes; Ruth Jenks, yes; and Michael Stanek, absent. The motion passed unanimously by those present.

10.2 Update on the East Main Street/Stevens Road Improvements.

Robert Miller, Public Works Director, announced that Pacific Power would be on site the following day, continuing through the summer with a full street detour ending by Labor Day. Mr. Miller noted there is a News Flash posted about this work and road closure on the City's website. He then continued with a review of the related agenda statement. Mr. Miller explained about the apparent low bid of \$2,035,035 and the engineer's estimate of \$2,636,444. However, the Oregon Department of Transportation's (ODOT's) cost of approximately \$100,000 was not included in the consultant's cost. Mr. Miller explained that while ODOT reported their cost to be typical, it was not something he had anticipated. Fortunately, with the project coming in under budget, it lessened the impact of the cost for ODOT's administration.

Discussion followed with Henry Lawrence, City Administrator, explaining that the City's share on the project is approximately \$700,000 although the project was originally budgeted at \$1.3M. There was additional discussion about the cost of Migratory Bird Monitoring, wetlands mitigation experience, cost of right of ways and negotiations, and notification made to the school district. Mr. Miller noted there will not be work on July 4th although he will confirm that with Avista. However, there will be local access for residents and emergency services throughout the project.

10.3 Discussion regarding the Pavement Management Program.

Robert Miller, Public Works Director, reviewed the related agenda statement and presented an overhead presentation on the Pavement Management System (Submission No. 2). Mr. Miller further reviewed the goals, Pavement Condition Survey, Budget Options Report, Project Scenarios, Pavement Strategies, Pavement Management Program Equity, and Pavement Management Program.

Within the first five years of the Pavement Management Program 2013-2017, approximately \$2.1M of improvements were made with nearly all of the streets in the entire street system addressed. Now, in the first year of the second 5-year maintenance program, with a budget of \$200,000, staff is proposing a series of projects for crack sealing, seal coating, paving, chip seal, and a new pilot project for a Micro Coat. Approximately 1.9% of streets are currently rated in poor condition, and two of the five are scheduled to be repaved (S. Buchanan – south of Linn Road, and

City of Eagle Point Council Meeting Minutes

June 11, 2019

Page 4 of 7

Onyx Street as part of a planned sewer replacement project by Rogue Valley Sewer Services).

Council discussion ensued wherein it was clarified that streets are not included in the new Cartegraph system. However, all of the street data is in the Street Saver Program, which is input by Jackson County. A final point was made about last year's seal coating treatment of some old streets without base failure and those streets being preserved. There were also several positive comments by the Council about the program.

10.4 Discussion regarding video lottery business uses within Eagle Point.

Henry Lawrence, City Administrator, reported that the City wasn't aware of Figaro's tenancy ending until it had occurred and was brought to the Council's attention in a public meeting by Mike Bull of Eagle Point. The landlord owns two Purple Parrots in Eagle Point and converted the space previously leased by Figaro's to another business, the Lucky Lizard. The Lucky Lizard, similar to the Purple Parrot, serves deli foods, beer and wine, and caters to patrons using their video lottery machines. They closely monitor alcohol consumption and have good success as monitored by the Police Department. Mr. Lawrence further explained that when the City is approached by someone to obtain a Liquor License, zoning is reviewed to determine if it is an appropriate use.

Mike Upston, Planning Director, discussed permitted uses within zoning districts ranging from heavy commercial use to retail zoning that allows for a broad array of uses. Neighborhood serving services such as eateries, convenient stores, and various forms of entertainment are permitted. Food service is considered the primary use at the Lucky Lizard although they have the video lottery machines. There was also discussion about parking requirements based upon square footage and allocated by the property owner.

City Attorney Souvanny Miller provided a memo to the Council regarding Zoning – Gambling Establishments (Submission No. 3) and discussed relevant laws and regulations. Local ordinances may not penalize or prohibit lottery games, and are only allowed in 21+ establishments where alcoholic beverages and food are served. Additionally, State regulations preclude a concentration of new Video Lottery retailers. While the City could regulate the non-lottery aspect of 21+ businesses, it also has the risk of precluding or discouraging new bars, restaurants, or other uses the City may want to attract. Ms. Miller concluded that more research needs to be done if changes are desired.

The City Council discussed the subject at great length, with some of the points as follows:

- Making sure to review any unintentional consequences such as were previously noted about precluding businesses that the City may want to attract.
- Nearby Abby's also having a poker room.
- Consideration of a cap on the number of same type businesses.
- Concern about the possible effects of video lottery businesses such as blowing a paycheck and attracting the type of clientele.
- Loitering Ordinance.

City of Eagle Point Council Meeting Minutes

June 11, 2019

Page 5 of 7

Mayor Jenks followed with a report about speaking with business owners in the area. Numerous concerns ranged from children being exposed on their way to Subway to the 21+ businesses and clientele, discarded beer cans and used needles being left nearby, as well as a report of someone living in a car. Business owners also reported a negative impact on their businesses, locking doors during business hours for safety, one business placing 4 calls to the Police Department for trespassing, and removing benches to discourage loitering. Mayor Jenks acknowledged Millie Wewerka's concerns expressed earlier in the meeting about the image portrayed with the signage along Highway 62. Mayor Jenks went on to discuss Eagle Point as a small, clean and healthy town, and a good place to raise a family but questioned the impression of signs for smoke shops, beer, and more. Signage was further discussed as a livability issue.

There was additional Council discussion about similar experiences with 21+ businesses and clientele in close proximity. Other points of discussion included:

- Creating an Ordinance to help set limitation on loitering.
- Investigating the use of the Chronic Nuisance Ordinance currently used for residences.
- Attractive nuisances.
- Majority of Eagle Point's drug arrests near 21+ businesses.
- Determining what other cities are successfully doing with 21+ businesses.
- Trespassing, citing or arresting as appropriate.
- Random enforcement with drug sniffing dogs.
- Additional clarification that businesses such as the Purple Parrot and Lucky Lizard are delis, not bars.
- Broken window theory.
- Sign Ordinance and allowable signs.

11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES

Councilor Fierke announced the D-9 School Board Meeting was scheduled for the following day with the main item on the agenda being the adoption of the budget. With regard to discussions Robert Trent Jones Boulevard (RTJB), Councilor Fierke reported seeing small people cutouts placed in the middle of the road as traffic control devices in Minnesota or Washington. Councilor Fierke also mentioned adding more 25 mph signs on RTJB as someone had given him a ride home and questioned whether or not it was still 25 mph in the area they were travelling.

Councilor Lacombe reported attending the recent Community Development Commission meeting, and on a survey for the Commissioners to meet and greet people at local parks to find out what people are looking for in a park. In addition, Councilor Lacombe reported assisting with preparations for Discovery Ed's opening and extended an invitation to the opening.

Councilor Grossman reported on the recent Community Development Commission meeting and the Sidewalk and Street Tree Replacement grant recommendation. It was determined that the grants for sidewalk or street tree replacement could be a 50/50 match with the property owner, and 100% replacement if a tree damages a curb with a maximum of \$5K

City of Eagle Point Council Meeting Minutes

June 11, 2019

Page 6 of 7

per property as funding or budget allows. Contractors for tree and sidewalk replacement will be pre-qualified to ensure work is completed to the correct standards, and the program will be brought back before the City Council for approval.

Councilor Walruff mentioned Sheriff Sickler's Jail Steering Committee and requested to serve as Eagle Point's representative on the Committee. Mayor Jenks approved of the request. Councilor Walruff noted a conflict with the first meeting date of the Steering Committee but would make every effort to attend the meetings.

Councilor Mannenbach reported attending the Southern Oregon Regional Economic Development Inc. (SOREDI) meeting and discussed building improvements and renovations, school programs, and SOREDI bringing in 1 out of every 10 business contacts they make to the area. A new soil company is locating in White City, as well as a manufacturer of concrete products. Last, Councilor Mannenbach announced SOREDI's annual meeting is coming up.

Mayor Jenks reported on a number of ribbon cutting ceremonies including a new chiropractic office, a new technology area for children and young teens at the White City Library, and a new business on Main Street. In addition, Mayor Jenks reported on behalf of Council President Stanek that the Showa Committee raised enough money to pay for the airfare for the 12 student ambassadors and a portion of the chaperones. Bob Russell added that School District 9 graciously offered transportation to and from Portland without cost.

12. STAFF REPORTS

Mike Upston, Planning Director, reported on the most current planning projects including the Idlewood Subdivision, North Barton Road Subdivision and Sienna Hills Subdivision. Mr. Upston went on to explain that projects may take from months to years, and recommended the Friday Letter for ongoing projects and long range planning details. Current commercial development includes the Richardson Vet Service and Storage Emporium. Mr. Upston also provided an update on Sienna Hills Phase 7, Eagle Point Golf Community – Phase 16, connecting sections of Arrowhead Trail, and possibly upzoning certain lands to R-1-8 for future denser development. In addition, Mr. Upston reported on the pace of the census increasing, possible annexation moving forward but will go before the Planning Commission prior to the Council, and new city entrance signs with the new logo have been posted on Highway 62. With regard to the Community Development Commission, the next meeting is in August with the Parks Master Plan and Historic Inventory on the agenda. Last, the Planning Commission may meet in August or September. Councilor Fierke requested an update at a future meeting on the Active Transportation Plan. He also inquired about the Census Committee membership. Mr. Upston responded that the Regional Committee has about 30 members but as far as Eagle Point goes, he is the only representative although there is a specialist at RVCOG. Mr. Upston welcomed anyone wanting to know more to meet with him.

Melissa Owens, Finance Director, announced that much of the work is reported in the Friday Letter. Items for the next Council meeting include a presentation of the Budget for adoption or revision. Staff is going straight into the yearend process, and working on recruitment efforts with application reviews, interviewing, background checks, and one conditional offer of employment. In addition, insurance renewals and contract negotiations are in the works.

City of Eagle Point Council Meeting Minutes

June 11, 2019

Page 7 of 7

Robert Miller, Public Works Director, remarked about being excited to fill staff vacancies, and also looks forward to making a presentation on sidewalk and tree replacement. There was a brief discussion regarding the Parks and Recreation Survey and Mr. Miller will report further in the Friday Letter. Mr. Miller discussed the Linn Road Project and assured Mayor Jenks that a driving surface will be in place by the 4th of July, and paving is scheduled on June 26th. There was additional discussion about the impact to Ray's Market, coordinating with the Oregon Department of Transportation, and working diligently to complete projects as soon as possible.

Chief May reported on Officer Jordan completing training, Emergency Communications of Southern Oregon (ECISO) approving its budget, and on the upcoming Street Dance & Community Night Out event. A brief discussion followed about the increase in traffic stops and fugitive cases credited to additional staffing with the ability to make more arrests. Last, Chief May reported on an incident wherein a threat had been made to blow up a residence but the individual surrendered.

Henry Lawrence, City Administrator, reported participating in a League of Oregon Cities (LOC) conference call regarding Third Party Programs for Building Officials. There is not good news along those lines but it is a process that will take some time. Bottom line, the City has budgeted with a backup plan in reserves to prepare for changes. The good news is that more time will be allowed for compliance. Updates are available nearly every week in the LOC newsletter.

13. INFORMATION

There were no information items for discussion.

At 8:22 p.m., Mayor Jenks recessed the meeting after announcing there was no other regular business scheduled after the Executive Session and that representatives of the news media would be allowed to attend the Executive Session. All other members of the audience were asked to leave the room until the Executive Session was closed.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(d), To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

At 8:30 p.m., Mayor Jenks opened the Executive Session pursuant to ORS 192.660(2)(d) and closed the Executive Session at 9:33 p.m.

15. ADJOURN

There being no further business, Mayor Jenks closed the meeting at 9:34 p.m.

Respectfully submitted,


Cindy Hughes, City Recorder

ATTEST:


Ruth Jenks, Mayor