
**City of Florence
City Council Minutes
July 6, 2010**

EXECUTIVE SESSION PER ORS 192.660(2)(i)

Performance Evaluation of Public Officers and Employees

The Council met to evaluate the performance of Municipal Court Judge Rick Brissenden.

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Mayor Brubaker opened the regular council meeting at 7:00 p.m. with the pledge of allegiance. Other members present included Council President Nola Xavier, Council Vice President Alan Burns, Councilors Suzanne Roberts and Dave Franzen. Staff in attendance included City Manager Robert Willoughby, Assistant City Manager Jacque Morgan, Public Works Director Mike Miller, Community Development Director Sandra Belson, Senior Planner Wendy Farley, and City Recorder Pat Heinze.

EMPLOYEE RECOGNITION

Mayor Brubaker said that they would be recognizing Sarah Hayhurst this evening. CDD Belson said Sarah came to the city as a volunteer in January 2009, through a three month job program. She said we extended her another three months and continued to be impressed with her service and skills; so she was hired through the Job's Plus Program which is in partnership with the State of Oregon and Lane Community College. Sarah has been working in the planning department for the last year; doing reception duties, and minutes for several committees. CDD Belson expressed her appreciation for all that Sarah had done for the city. Mayor Brubaker presented a certificate of appreciation to Sarah Hayhurst from the City Council and staff.

APPROVAL OF AGENDA

Mayor Brubaker asked for any additions or corrections to the agenda, hearing none he moved on to the next item.

PUBLIC COMMENTS

Mayor Brubaker explained that this was a time in the meeting that offered an opportunity for anyone in the audience who would like to address the council for a maximum of three (3) minutes for any item not otherwise listed on the agenda.

With no one coming forward Mayor Brubaker moved on to the consent agenda.

CONSENT AGENDA

MINUTES

Consider approval of minutes of the regular council meeting of June 21st.

RESOLUTION AMENDING THE WASTEWATER RATES

Consider approval of Resolution No. 26, Series 2010, and repealing Resolution No. 19, Series 2010 and establishing rates to reflect the correct single family rate for Coast Village.

Councilor Burns moved to approve the consent agenda which included the minutes of June 21, 2010 and Resolution No. 26 , Series 2010, establishing rates to reflect the correct single family rate for Coast Village. Second by Councilor Franzen, by voice all ayes motion carried unanimously.

PUBLIC HEARING

ESTABLISHING A PLAN FOR WITHDRAWAL OF TERRITORY FROM HECETA WATER DISTRICT AND ANNEXATION PROCEDURES FOR FLORENCE.

Consider written and oral testimony on establishing a Plan for withdrawal of territory from Heceta Water District and Annexation Procedures for Florence.

Mayor Brubaker said this is a public hearing for establishing a water plan for withdrawal of territory from Heceta Water District and annexation procedures for the City of Florence. He said this is a compound action; we'll be considering three areas followed by a policy of withdrawal of territory and then the annexation procedures themselves.

Service Territories

PWD Miller said staff brought this to council on May 17th; talking about the Water Master Plan and the potential for the water service territory. He said we got it down to Area A which is areas within the city that are within the water district territory. Area B and there is a B1 and B2; B1 is both sides of Hwy 101 from the city limits northward to the UGB boundary and Area B2 which is south of Munsel Lake Road east of Florentine Estates. He referred to the PowerPoint and said the red lines are the proposed Master Plan elements with the line going to the west that would be built with development; likewise as development occurred to the north there would be another 12" line; we already have a 12" line in the existing Spruce Street extension. Areas B and B1 – redlines are the pipelines; he showed the map from the Master Plan; these are the properties in this area along Hwy 101 that are the Service Industrial, Neighborhood Commercial Gateway in the Heceta Beach cluster. These are all areas that take high fire flow requirements upwards to 3,500 gallons/minute; the city is in a better position to provide service in the future to these areas, that is why we are recommending that these areas be brought in as annexation occurs and withdraw them from the water district. Likewise in Area B2 it is very logical as development occurs that the water line be extended down Munsel Lake Road and provide service at the time of annexation, re-development and withdrawal.

Mayor Brubaker said he had a question on Resolution No. 27 – Section 3, 4 and 5 to delineate the three areas that staff just shared. He asked why do we need Section 6; the only reason we need to have a Section 6 is to indicate in

our overall Water Master Plan that we have a municipal responsibility to serve these areas if the water district does not or can not (under state law) serve them with water. CDD Belson said the previous resolution that this one is repealing had included that language; if council would like to leave that first introductory clause out; staff can modify the resolution accordingly.

Mayor Brubaker opened the public hearing at 7:13 p.m.

Bob Hursh – Heceta Water District: said he had a question on the intertie at the intersection of Munsel Lake Road and Hwy 101 on the west side. He said PWD Miller alluded to the fact that the city is going to be moving that because a traffic light will be put in there at some point in time. PWD Miller said it would be moved, it is just a question of how to share the cost of moving the intertie.

Mr. Hursh said if you remove that area from the district we won't have any responsibility there and if he wasn't mistaken when you remove infrastructure, you reimburse the water district. PWD Miller said the intertie, regardless of withdrawals or annexations in the future, needs to be relocated because it is in the way of the ODOT signal. When that intersection gets improved at Munsel Lake and Hwy 101 that vault will be right where a travel line will be located. He said how that will be split, because it is the intertie between the City and Heceta, we'll have to work out the details of that; and ODOT will not pay for the relocation because it is in ODOT right-of-way so it is up to the City and the water district to relocate it. He said it makes sense to move it to the north; but we need to work out those details. He said the resolutions before the council that evening would propose to do the withdrawals a year from now so it would be effective June 30th ; that would give staff enough time to get a water line up the west side of Hwy 101 to provide service to those existing customers so we don't have to take over water district pipes.

PWD Miller said the B2 area would only be brought in upon annexation, redevelopment; he didn't know the time line. CM Willoughby said the same thing could be said about the traffic signal; we're not sure of the timing on that as well, it could be years.

CM Willoughby said regarding the intertie; a city would normally purchase the system if they are taking over an entire area and if the water district did not continue to need the pipe to serve customers. He said it gets more complicated when the city is just serving some customers and the water district has customers beyond that area that they continue to serve with that pipe. He said if the city was going to take the pipe and use it, they have to pay for it, if we have to put in our own pipe then we pay for our own pipe, and the water district would continue to own and use their separate pipe.

PWD Miller said the city would be installing a separate parallel line off of Hwy 101 to provide service to those customers that are within the city that are already receiving service from Heceta. He said that sets us up in the future as the areas outside the city limits, but within the UGB re-develop, annex to the

city and are withdrawn; then we will be extending the pipe up and getting the service for the fire protection.

Mr. Hursh said we have a 6” pipe and the city is going to put in a 12” pipe and that was one of the problems with the water district serving the 3,500/gallons minute for fire flow, we don’t have the capacity nor the reserves.

Mayor Brubaker said city staff was recommending that if we use your pipe we pay for it; if we don’t use it then we wouldn’t pay for it.

Mayor Brubaker closed the public hearing at 7:22 p.m.

POLICY ON WITHDRAWAL OF TERRITORY FROM HECETA WATER DISTRICT

Consider approval of Resolution No. 27, Series 2010, a resolution repealing Resolution No. 26, Series 2007 and Resolution No. 8, Series 2008 and establishing the city’s policy with regards to withdrawal of property from the Heceta Water District.

Mayor Brubaker said on Resolution No. 27, Series 2010 on Section 6 we delete the first phrase and start that section with “The City...” Councilor Burns moved to adopt Resolution No. 27, Series 2010, as amended. Second by Councilor Franzen, by voice all ayes, motion carried unanimously.

**CITY OF FLORENCE
RESOLUTION NO. 27, SERIES 2010**

A Resolution Repealing Resolution 26 Series 2007 and Resolution 8 Series 2008 and Establishing the City’s Policy with Regards to Withdrawal of Property from the Heceta Water District

WHEREAS, over the past few years the City has passed several resolutions stating what properties the City will serve with municipal water and what properties it would allow the Heceta Water District to serve based on the District’s ability and willingness to serve and City policy; and

WHEREAS, the City is updating its Water Master Plan and needs to determine an future service area; and

WHEREAS, the City Council has frequently discussed this matter and determined that the Heceta Water District is unable to provide the necessary fire flows to provide an urban level of service for commercial and industrial properties along Highway 101; and

WHEREAS, the City Council has determined that it would be cost prohibitive at this time to extend city service to Fawn Ridge and Driftwood Shores; and

WHEREAS, the Heceta Water District has stated it would be willing to transfer service to the area south of Munsel Lake Road to the City as those properties annex to the City; and

WHEREAS, the City Council has determined that the Heceta Water District can provide service to the residential properties;

NOW THEREFORE, BE IT RESOLVED by the Florence City Council that:

Section 1. Resolution 26 Series 2007 is hereby repealed.

Section 2. Resolution 8 Series 2008 is hereby repealed.

Section 3. The City Council directs staff to prepare an ordinance for withdrawal of all property that is within the city from the Heceta Water District with the exception of Fawn Ridge and Driftwood Shores (Area A on attached Map). The Council further directs staff to provide the required notice per ORS 222.524 for a public hearing on this matter for the next Council meeting at 7:00 pm on July 19 in the City Council Chambers.

Section 4. As properties that are designated Service Industrial, Neighborhood Commercial Gateway, or Heceta Beach Neighborhood Cluster annex to the City (Area B1 on attached Map), the City should, as they annex into the City, withdraw those properties from the Heceta Water District in order to provide an urban level of service.

Section 5. As properties south of Munsel Lake Road annex to the City (Area B2 on attached Map), the City should, as they are annexed into the City, withdraw those properties from the Heceta Water District in order to increase the efficiency of water service to that area.

Section 6. The City will not withdraw the properties outside of Areas A, B1 and B2 in the remaining portion of the Urban Growth Boundary from the Heceta Water District so long as the Heceta Water District continues to meet its obligation to provide adequate water service to this area.

Section 7. This resolution is effective immediately upon adoption.

ANNEXATION PROCEDURES FOR THE CITY OF FLORENCE

Consider approval of Resolution No, 28, Series 2010, a resolution modifying the annexation procedures from Ordinance No. 18, Series 2009 and Resolution No. 8, Series 2008.

CDD Belson said what is before the council that evening is a resolution that includes procedures to how we would conduct the initiation of an annexation. She said that policy had been stated in previous resolutions but staff wanted to have a separate resolution for annexation and one for the withdrawal of the water district therefore we have two different resolutions so we won't get confused like in the past.

She said this resolution puts forth the same language in the previous resolutions with regard to election – the city would not hold a city wide election to decide whether or not to annex property; instead the council would hold a public hearing and allow people to comment at the hearing. Those that could comment would be city residents, city property owners as well as those involved with the annexation itself. In that sense you are favoring a public hearing over a full election process which is cheaper for the city. She said this resolution also identifies what method we would use to initiate the annexation and the council had previously stated that you would not use the island annexation method and that is the only method that allows the council to annex property without a majority of consent. She said staff has put in that language as a positive under Section 1, instead of saying you “won't use an island annexation,” it is stated that “you will use a majority of consent, unless there is a health hazard which is a different type of situation.”

CDD Belson said Section 1 is language that was included in the council's letter to the commissioners and we're formalizing it in this resolution. She said the other language comes from previous resolutions that the council had passed; this does not change the Comp Plan; this is just procedurally how we would process annexations.

Mayor Brubaker asked if Res. 28 supersede Res. 8 in terms of implementation of our policies. CM Willoughby said that Res. 8 is repealed by the resolution that the council just adopted; this new Res 28 will be the operative resolution for annexation.

Mayor Brubaker opened the public hearing on Resolution No. 28, Series 2010 with no one coming forward he closed the public hearing.

Councilor Burns moved for adoption of Resolution No. 28, Series 2010, a resolution modifying the annexation procedures from Ordinance No. 18, Series 2009 and Resolution No. 8, Series 2008. Second by Councilor Franzen.

Mayor Brubaker said under discussion that Section 1 and 2 clarifies what he thought might cause confusion by the public. He said unless it's a health hazard we're going with the majority of consents; that is when property owners have requested annexation. Under Section 2 we have elected to dispense with elections for these procedures to save money and our annexations would proceed without elections.

Mayor Brubaker called for the question, by voice all ayes, motion carried unanimously.

**CITY OF FLORENCE
RESOLUTION NO. 28 SERIES 2010**

A Resolution Modifying Annexation Procedures

WHEREAS, the under Oregon Land Use Planning Goals, a city and county jointly adopt an Urban Growth Boundary (UGB) which delineates the area into which a city will grow; and

WHEREAS, annexations to a city can only occur if the land is already within the UGB; and

WHEREAS, all land within the UGB is expected to someday convert to urban uses through annexation; and

WHEREAS, ORS 222.120 allows the City to annex property in its UGB without an election of City electors if an election is not required by the City's Charter, if the Council complies with certain notice requirements and holds a public hearing allowing City electors to be heard on the annexation, and if the Council elects to dispense with an election in the City; and

WHEREAS, ORS 222.170 allows the City to annex property in its UGB without an election by the electors in the annexed territory if a sufficient number of those electors have filed a written consent to the annexation and the Council votes to dispense with an election in the annexed territory; and

WHEREAS, the City's Charter does not require an election on an annexation in either the City or the annexed territory and the Council wishes to dispense with any annexation elections whenever permitted to do so by ORS Chapter 222; and

WHEREAS, the City has previously established annexation procedures in Resolution No. 8 Series 2008 which was repealed by Resolution No. 27 Series 2010; and

WHEREAS, the Florence City Council wishes to continue having written procedures for future annexations;

NOW THEREFORE, BE IT RESOLVED by the Florence City Council that:

Section 1. Annexation of territory to the City of Florence (other than to address a health hazard per ORS 222.840) will utilize an annexation method allowable by state law that requires a majority of consents.

Section 2. The Council hereby elects to dispense with any and all elections both in the City and in the annexed territory whenever permitted to do so by ORS Chapter 222 and instead will hold a public hearing on all annexations allowing City electors to be heard.

Section 3. For every annexation request, the City will apply the policies in the Florence Realization 2020 Comprehensive Plan and the procedures set out in ORS Chapter 222 as they apply to the procedure to be used without an election.

Section 4. This resolution is effective immediately upon adoption.

Councilor Roberts thanked staff for the excellent capsulation in relation to the annexation policy of the city which has been a very confusing issue to a lot of people.

ACTION ITEMS

EMERGENCY WATER AGREEMENT WITH HECETA WATER DISTRICT

Consider approval of the emergency water agreement between the City of Florence and Heceta Water District and authorizing the Mayor to sign.

Councilor Roberts said she was not sure how this works; if the city declares an emergency condition, representatives of each party shall immediately coordinate the operation of appropriate valves and measuring devices and auxiliary systems. PWD Miller said we have two physical locations of interties; one is located at Munsel Lake and Hwy 101 and we also have a pumping station adjacent to that location. We can make that flow either direction; and staff can just turn the valve off. He said the other connection is on Rhododendron Drive, just north of the north entrance to Shelter Cove; there is a physical meter location; it is just a matter of opening up the valves but unless it was an extreme situation we probably could not flow water to the water district.

CM Willoughby said we had a surplus water agreement back in 1990's that expired and this will replace at least the emergency water aspect of that agreement.

Mayor Brubaker said the transition from the 90's to today deals with very little, if any, need for a surplus water agreement for the city to buy water from Heceta to serve our customers. He said there may be circumstances going the other way but that would be initiated by Heceta. He said we tried to carve out of the

document a reference to surplus; we're not talking about selling surplus water to water the lawn, but only when there is an emergency or physical disruption.

Mayor Brubaker asked if there was anyone in the audience who would like to speak, hearing none, he called for a motion.

Councilor Burns moved to approve the emergency water agreement between the City of Florence and Heceta Water District and authorize the Mayor to sign. Second by Councilor Xavier, by voice all ayes, motion carried unanimously.

MUNICIPAL COURT JUDGE PERFORMANCE EVALUATION AND CONTRACT
Discuss the annual performance evaluation of Muni Court Judge Rick Brissenden and consider proposed amendments to the contract.

Mayor Brubaker said this item is the evaluation and review of the contract for our Municipal Court Judge, Rick Brissenden. Councilor Xavier said she and Councilor Roberts had a good interview with the judge; we discussed a number of issues; from the operation of the court to things coming up like establishing a court of record. She said in evaluating the performance of the Judge, all of the council had taken turns during the last year sitting in the court and watching the judge perform his duties. She said they all feel the judge is running a very professional, tightly managed court and we're very fortunate to have someone of his caliber doing that. In going over his contract with him, they noted there were several things that needed to be updated; they made those recommendations to the council in the executive session and the council approved the following:

- Worker's Comp Insurance: Wording having to do with the fact that the contract presently states, "...shall be responsible for maintaining his own worker's compensation insurance coverage..," when in fact he elects not to carry worker's comp insurance and wanted the contract to state more clearly that it is at his discretion to carry that insurance. Mayor Brubaker said the contract would be amended to state, "...that Judge Brissenden is responsible for maintaining his own worker's compensation insurance coverage if he so desires."
- Cell Phone: In the same paragraph, the city reimbursement for his cell phone. The Judge is on call to the court and police department at all times. The councilors recommended that he should be reimbursed for his cell phone instead of at the current rate; they recommended the same rate that the city uses for the City Manager who is also available 24/7 and that is \$80.00/month. Mayor Brubaker said the second sentence in paragraph four would state, "...the city would also pay Brissenden \$80.00/month as a cell phone allowance for contract availability 24/7."
- Increase in Salary: Receive a 3½% increase in salary, that reflects outstanding performance and that increases his monthly salary from \$3,500 to \$3,622. Mayor Brubaker said that would change the first sentence. "Effective July 1, 2010.
- Holidays: Section 3, under time requirements right in the middle of the paragraph, "the court will not be held on legal holidays or during Christmas week in December." The Judge pointed out that it is actually two weeks in December, Christmas and New Years week. Mayor

Brubaker said that sentence would read, "...court will not be held on legal holidays or during Christmas and New Years weeks annually."

- Termination: Presently the contract calls for termination 30 days prior written notice by either party. Council felt that did not reflect the professionalism of the Judge or the court. They recommended changing that to five months. Mayor Brubaker said the sentence would read, "...anytime on five months prior written notice by either party."
- Pro Tem Judge: R. Curtis Conover appointed as Judge Pro Tem for 2010-2011.

Councilor Xavier said she and Councilor Roberts felt that the Judge was very open in discussing the situation at the court and they shared all of that with the council in the executive session; the council is very pleased with the Judge's performance. Councilor Roberts added that we're very fortunate to have a gentleman of this caliber running our Municipal Court.

Councilor Burns moved to approve the changes to the Municipal Court Judge's contract for FY 2010-2011. Second by Councilor Xavier, by voice all ayes, motion carried unanimously.

Mayor Brubaker said another item that was discussed in the executive session was the court's computer system. Councilor Xavier said when they asked the Judge about his concerns; he asked that the council be very patient with them as they were doing this conversion to the new computer software; it had been a very difficult transition. There were several reasons for that:

- Judge was not consulted on the selection of the software.
- Software that was chosen was not what he would have chosen.
- They could not "dump" the data smoothly so much of the data had to be reentered manually
- The training that was set up for the court could not take place because they were not up to speed in getting the material switched over.
- He apologized for not being able to get monthly reports to the council; they have had to close early to get the data dumped.

She said he explained to them that the program that is being used is very antiquated, but all the courts in Lane County are still using it; he had hoped that either Springfield or Eugene would make the first leap into a new program and get an evaluation in place for the new software, but that has not happened.

OREGON DEPARTMENT OF TRANSPORTATION GRANT PROPOSALS

Consider city support for grant applications to the Urban Trails Grant Program, Transportation Enhancement Program, and the Pedestrian Bicycle Program for the construction of the Rhododendron multi-use path.

Mayor Brubaker said this is an opportunity to ask the state for money in three different areas to do long awaited special improvements along Rhody Drive.

SP Farley said before the council this evening was a request by Community Development and Public Works to partner and to consider application for three different grants that are offered by ODOT:

Urban Trails Grant
Pedestrian and Bicycle Grant
Transportation Enhancement Grant.

Staff would like to apply for these grants for the construction of bicycle and pedestrian improvements along Rhododendron Drive. Each of the three grants consider similar segments but are for different parts of Rhody Drive. The improvements for Rhody Drive that are being considered follow the recommendation approved by the City Council in January 2008 with the approval of the Rhododendron Integrated Transportation Plan. She said that particular plan had nine different segments that it proposed for construction at some point. If broken into manageable chunks it could be done.

She said the first resolution is the Urban Trails Grant which is proposed for the section indicated by the red/brown slashes that extends from 9th Street up to Wildwinds.

The second resolution is the Pedestrian Bicycle Grant improvement from 9th Street all the way to 35th Street intersection. Both of these would be multi-use paths, a 10' wide path on the east side of Rhody Drive.

The third grant is 9th Street south to the Peace Harbor service entrance. That particular grant is not only for shared facilities.

She said at the time of writing these grants staff was still working on the financials on the proposed plans. She referred to the fiscal impact where she listed the amount of match by percentage but we did not have the full project costs at the time the agenda was printed but she now has them:

Resolution 29 - Urban Trail, - \$718,263, that grant requires a 20% match which would be \$143,652.

Resolution 30 - Transportation Enhancement 9th Street to 35th Street – over 1.6 miles of trail – requires a 10.27% match. Total project cost \$1,570,147; the match being \$161,254.

Resolution 31 - Bike and Pedestrian - south hospital entrance to 9th Street, sidewalks and bike lanes. Total project cost, \$556,090, local match 10% \$55,609.

PWD Miller said the match will come from our state apportionment from state gas taxes. Some of these bigger projects that are a number of years out we may be able to apply our System Transportation money we also get from the state for this project. CM Willoughby said we get about \$70,000-\$80,000/year and we have been accumulating that for the Interpretive Project on the Barnett

property; but once that is acquired and built then that money could be applied to something like this.

CM Willoughby said we can use state gas tax for anything related to streets and we believe that the same people are reviewing all three of these grants, so we're not likely to get all three – if we get one of these we will be fortunate, that is why the match for all three of these grants is something that we think that the street budget can afford.

Mayor Brubaker said the bigger is only a 10% match; and if we were awarded that would we also want the first grant for the Urban Trails – both trails are on the east side and we would not need both.

AP Farley said the Urban Trails is a federal appropriation; you can not match federal with federal. With Transportation Enhancement with the state you might be able to match one with the other.

Councilor Roberts said this is a wonderful thing; but how sure are we of getting the match money? CM Willoughby said we're pretty sure; that the state gas tax revenue is one of our more reliable revenues sources like property taxes. We're sure to have some budget and we think at least this much if we happen to get these grants.

Mayor Brubaker said we think there is a good chance to get the 10% match on the big one - \$161,000 would be available from our share of state tax gas.

PWD Miller said there is enough lead time for construction on this project, out to 2013, if we were to be awarded this we would have enough time to set up a reserve fund and start putting away money for the match. CM Willoughby said that is where those annual state funds that we get in addition to gas tax money which is \$70,000-\$80,000/year could come into play, it would take just two years to accumulate this amount.

Councilor Roberts asked if there were any other avenues to pursue in relation to match money. CM Willoughby said it has to come from the street fund and the street fund gets its money from the gas tax.

Councilor Xavier asked if we use the gas tax money to do that; what happens to our street repairs? PWD Miller said they may slip a little bit, when you look at the pavement section on Rhody Drive it needs to be reconstructed and this is an opportunity to make it safe; there are a lot of pedestrians in that area and a lot of people are riding bikes on shoulders that are substandard. These improvements will get them off the roadway; it is not a fully separated path because of the topographic issues in that area.

Councilor Xavier said she remembered that from the work sessions she sat through on that project. She asked if the funds would not only construct this multi-use path but also resurface the road. PWD Miller said no, we would have to look at other options to resurfacing the road; this is just for the path only.

CM Willoughby said we haven't been using the STP funds for at least for three to four years as we have accumulated money for the Interpretive Center; we're getting more funds from the increase in the state gas tax and that fund has gotten healthier because of those new state funds. We're using the STP funds for special projects. He said Rhody Drive was inadequate for bikes and pedestrians. If we're going to put bike and pedestrian money, which is what this is, that ought to be one of our top priorities.

CM Willoughby added that our street fund will be under more pressure if the airport does not find additional funds and we have to take on the re-payment of the Kingwood Street bonds with the street fund. He said staff has discussed this and we think this project is important enough that we should go forward with all three of these grant applications.

Councilor Roberts said she envisioned the savings in our hot asphalt truck and zipper machine; is that correct? PWD Miller we will definitely have some savings and some opportunities with that equipment to do smaller projects. He said what we're seeing in other communities that are doing projects with a similar piece of equipment; it is very cost effective. We'll be taking care of some of the smaller areas with our equipment; but eventually streets like Rhody Drive need to be totally reconstructed.

Councilor Xavier said she heard these were different funds, are each one of these grants going to be evaluated by a different grant process. AP Farley said all three are a different grant process; two of them are being evaluated by the same committee. This is the first time that the Urban Trails has been offered by the State, so they are looking for real showcase type of projects.

Councilor Xavier said what concerns her is that we have two of them that are essentially covering the same territory; with one of them being considerably more preferred than the other and if the same committee was reviewing those, we would have to come up with a 20% match for a project approximately half the size. She said how can we maximize the fact that what we're really interested in is the other one; the match is ½ but it also a bigger project. She said she didn't have a problem with the Bike and Ped Grant – it's the other two.

AP Farley said she thought it was two different committees reviewing those grants.

CDD Belson said she thought the committee was meeting on the Urban Trails prior to the date that we need to apply for the enhancement grant. The application for the enhancement grant is due later than the other two. She agreed with Councilor Xavier that it was a matter of strategy; staff thought if we're going to put the effort into submitting these applications we would submit applications for as many of these grants as possible. She said if the council preferred we do not have to submit for the Urban Trails and just count on the enhancement grant. She said the enhancement grants have been very competitive in the past; so that one is more difficult to get. She said she didn't know about the Urban Trails because this is the first time.

Councilor Xavier said if the Urban Trails has to be done earlier; if we did that and they awarded it to us, then the group that is looking at transportation enhancement could very well say, "They have already gotten a grant."

CDD Belson said the other thing they could say was that Urban Trails is starting part of it and we'll finish it.

Mayor Brubaker said another thing going on is the Oregon Coast Trail program and that is to fill the gaps where you can't walk on the beach. Oregon Parks and Recreation is all over that and wondered if it was a separate process to go through; it would fulfill the gap in the Oregon Coast Trail. He said the problem is, the clout for filling the gaps is up there in Seaside for all the people who come there from Portland to the coast. The further south you go on the Oregon coast the less clout you have.

AP Farley said they will award between 20-30 transportation enhancement grants, and Urban Trails will be between two and four. Mayor Brubaker suggested that the city apply for all of the grants.

Councilor Burns suggested that the city get a letter of support from the Greentrees Homeowner's Association.

Consider approval of Resolution No. 29, Series 2010 a resolution authorizing staff to apply for the grand funding to the Urban Trails Grant Program for the construction of the Rhododendron on multi-use path.

Mayor Brubaker said this resolution is the Urban Trail, \$718,000 that goes from 9th Street to Wildwinds.

Councilor Franzen moved to approve Resolution No. 29, Series 2010. Second by Mayor Brubaker, by voice 4 ayes, with Councilor Xavier casting the dissenting vote, motion carried.

RESOLUTION NO. 29, SERIES 2010

A RESOLUTION AUTHORIZING THE CITY OF FLORENCE TO APPLY FOR URBAN TRAILS FUNDS FROM THE OREGON DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF THE RHODODENDRON MULTI-USE PATH.

WHEREAS, the Oregon Department of Transportation is accepting applications for the Urban Trails Fund; and

WHEREAS, the City of Florence desires to participate in this funding program as a means of providing safe bicycle and pedestrian access along Rhododendron Drive; and

WHEREAS, the City of Florence grant application to the Urban Trails Fund demonstrates a need for this improvement in order to meet the following objectives:

1. Developing Rhododendron Multi-Use Path as the west leg of the circuitous bike and pedestrian route around the City of Florence.
2. Providing a balanced transportation system that provides options for meeting the travel needs of all modes of transportation by creating or enhancing the opportunities for walking, biking, and transit along Rhododendron Dr.

3. Improving the quality of life for citizens and visitors by providing a safe transportation system for many subdivisions such as Greentrees, (a 40 year old, 700 lot, manufactured home, senior subdivision), Peace Health Medical Campus, and the Oregon Coast Trail.
4. Implementing the Rhododendron Dr. Integrated Transportation Plan, 2008, Transportation Systems Plan, 2002, Comprehensive Plan, 2008, Florence Trails Plan, 1997, and Florence Parks and Recreation Master Plan (*pending adoption*), 2010.

WHEREAS, Florence citizens and the business community through a public involvement process in 2007-2008 assisted in the development of the Rhododendron Multi-Use Path design as proposed in the Urban Trails grant application funding;

NOW THEREFORE BE IT RESOLVED that the City of Florence be authorized to apply for Urban Trails Funds from the Oregon Department of Transportation and commit matching funds to construct the Rhododendron Multi-Use Path.

This Resolution shall become effective immediately upon its adoption.

Consider approval of Resolution No. 30, Series 2010, a resolution authorizing staff to apply for grant funding to the Transportation Enhancement Program for the construction of the Rhododendron multi-use path.

Mayor Brubaker said this resolution is the Transportation Enhancement, 1.6 miles, 9th Street to 35th Street.

Councilor Xavier moved to approve Resolution No. 30, Series 2010. Second by Councilor Franzen, by voice all ayes, motion carried unanimously.

RESOLUTION NO. 30, SERIES 2010

A RESOLUTION AUTHORIZING THE CITY OF FLORENCE TO APPLY FOR TRANSPORTATION ENHANCEMENT PROGRAM FUNDS FROM THE OREGON DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF THE RHODODENDRON DRIVE MULTI-USE PATH.

WHEREAS, the Oregon Department of Transportation is accepting applications for the Transportation Enhancement Program; and

WHEREAS, the City of Florence desires to participate in this funding program as a means of providing safe bicycle and pedestrian access along Rhododendron Drive; and

WHEREAS, the City of Florence grant application to the Transportation Enhancement Program demonstrates a need for this improvement in order to meet the following objectives:

5. Developing Rhododendron Multi-Use Path as the west leg of the circuitous bike and pedestrian route around the City of Florence and the highest priority bike and pedestrian project in the Transportation Systems Plan.
6. Providing a balanced transportation system that provides options for meeting the travel needs of all modes of transportation by creating or enhancing the opportunities for walking, biking, and transit along Rhododendron Dr.
7. Improving the quality of life for citizens and visitors by providing a safe transportation system for over 2500 adjacent residents, Peace Health Medical Campus, downtown and midtown centers, Port's 40-acre state certified industrial land, and Oregon Coast Trail.

8. Implementing the Rhododendron Dr. Integrated Transportation Plan, 2008, Transportation Systems Plan, 2002, Comprehensive Plan, 2008, Florence Trails Plan, 1997, and Florence Parks and Recreation Master Plan (*pending adoption*), 2010.

WHEREAS, Florence citizens and the business community through a public involvement process in 2007-2008 assisted in the development of the Rhododendron Multi-Use Path plan design as proposed in the Transportation Enhancement grant application funding.

NOW THEREFORE BE IT RESOLVED that the City of Florence be authorized to apply for Transportation Enhancement Program Funds from the Oregon Department of Transportation and commit funds to construct bicycle and pedestrian improvements along Rhododendron Drive.

This Resolution shall become effective immediately upon its adoption.

Consider approval of Resolution No. 31, Series 2010, a resolution authorizing staff to apply for grant funding to the Pedestrian and Bicycle Program for the construction of the Rhododendron multi-use path.

Mayor Brubaker said this resolution is the Bike/Ped around the curb.

Mayor Brubaker moved to approve Resolution No. 31, Series 2010. Second by Councilor Burns, by voice all ayes, motion carried unanimously.

RESOLUTION NO. 31, SERIES 2010

A RESOLUTION AUTHORIZING THE CITY OF FLORENCE TO APPLY FOR PEDESTRIAN AND BICYCLE IMPROVEMENT GRANT PROGRAM FUNDS FROM THE OREGON DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF BICYCLE AND PEDESTRIAN IMPROVEMENTS ALONG RHODODENDRON DRIVE.

WHEREAS, the Oregon Department of Transportation (ODOT) is accepting applications for the Pedestrian and Bicycle Improvement Grant Program; and

WHEREAS, the City of Florence desires to participate in this funding program as a means of providing safe bicycle and pedestrian access along Rhododendron Drive; and

WHEREAS, the City of Florence grant application to the Pedestrian and Bicycle Improvement Program demonstrates a need for this improvement in order to meet the following objectives:

9. Developing sidewalks and bicycle lanes along Rhododendron Dr. implements the west leg of the circuitous bike and pedestrian route around the City of Florence and the highest priority bike and pedestrian project in the Transportation Systems Plan.
10. Providing a balanced transportation system that provides options for meeting the travel needs of all modes of transportation by creating the opportunity for walking and biking along Rhododendron Dr.
11. Improving the quality of life for citizens and visitors by providing a safe and effective transportation system for over 2,000 adjacent residents, Peace Health Hospital and Medical Campus, downtown and midtown service centers, and the Oregon Coast Trail.
12. Implementing the Rhododendron Dr. Integrated Transportation Plan, 2008, Transportation Systems Plan, 2002, Comprehensive Plan, 2008, Florence Trails Plan, 1997, and Florence Parks and Recreation Master Plan (*pending adoption*), 2010.

WHEREAS, Florence citizens and the business community through a public involvement process in 2007-2008 assisted in the design of the Rhododendron Dr. pedestrian and bicycle improvements as proposed in the Pedestrian and Bicycle grant application funding.

NOW THEREFORE BE IT RESOLVED that the City of Florence be authorized to apply for Pedestrian and Bicycle Improvement Program Funds from ODOT and commit matching funds to construct bicycle and pedestrian improvements along Rhododendron Drive.

This Resolution shall become effective immediately upon its adoption.

CHANGE OF AUTHORIZED SIGNERS FOR THE CITY OF FLORENCE BANK ACCOUNT

Consider removal of David Armstrong, Finance Director as an authorized signer and add Jacqueline Morgan, Assistant City Manager as an authorized signer on the City of Florence bank account at Oregon Pacific Bank.

Mayor Brubaker said if the council was so inclined this is a request from staff to add our Assistant City Manager, Jacque Morgan as an authorized signer on the City of Florence bank account at Oregon Pacific Bank. Councilor Burns moved to add ACM Jacque Morgan as an authorized signer on the City of Florence bank account at Oregon Pacific Banking and remove former Finance Director David Armstrong. Second by Councilor Xavier, by voice all ayes, motion carried unanimously.

LEAGUE OF OREGON CITIES LEGISLATIVE AGENDA FROM 2011

Consider providing recommendations of the policy committees and input to the League of Oregon Cities to assist with development of their legislative agenda for 2011.

Mayor Brubaker said this item is to meet a deadline for our League of Oregon process of sending to the legislature our top priorities; there is a staff report that recommends three and then a tie for fourth.

1. Finance and Taxation
2. Water/Wastewater
3. General Government

Tie for fourth

4. Human Resources
5. Energy

The council agreed on the top three and the council recommending energy as the fourth item.

Councilor Xavier asked about the summary under Human Resources, "...and protect local decision making authority in benefit design." CM Willoughby said he thought at every legislative session there were proposals that would dictate the entire area of HR; there are bills that are introduced that would take away that local control in terms of how our money is spent. There are some introduced that make it mandatory that certain benefits be provided.

Mayor Brubaker asked if the city could benefit from the Business Energy Tax Credit (BETC) if they renewed it for our biosolids. PWD Miller said this is one of the programs that we're looking at.

After some discussion it was decided to send back the three plus the other two.

REPORTS

CITY MANAGER REPORT

- Environmental Protection Agency grant IGA Update

CM Willoughby said we negotiated a joint agreement for the implementation of the EPA grant with the county and Heceta Water District last week. We still have to get an agreement with Heceta Water District concerning a culvert; and the actual work they are going to do under the grant; it has been sent to the water district's legal counsel for review.

- Enterprise Zone

ACM Morgan said the City has received a letter from the State informing the city that for the next 10 years (if legislation doesn't change) we have our Enterprise zone that also includes the old middle school site and football field with the designation of hotel/motel destination resorts.

MAYOR AND COUNCIL

Councilor Xavier said it was the time of year that we need to send a letter to OCZMA designating an official representative. Mayor Brubaker appointed Councilor Xavier as representative to OCZMA with the consensus of the council.

Councilor Xavier said we had a RHRP Policy Committee meeting that morning and she had to make a rather difficult decision as there had been some changes in the federal law regarding CDBG as they apply to housing. Federally they have determined that they want the loan to be interest free; but they give the state the right to make an exemption for that. She said our loans carry a 3% interest rate that covers servicing the inspections, paperwork, etc. They applied to the state for the exemption and the state decided to take no action which means that the federal rule will apply.

St. Vincent DePaul can not do this if they don't have funding. The next loan coming out would be a county loan and they met with a county representative, Michael McKenzie-Barr and what they want to do is put pressure on the state to make a decision. This doesn't even affect the state, only the loan recipient. They are going to do the following:

- The county representative is going to propose a year's moratorium on the county loan. If the state doesn't make a decision within that period of time to give us the exemption, then the county will return the money and not accept the loan.
- The committee approved the moratorium.
- Michael McKenzie Barr is drafting a letter that would be sent to the state representative and senators about the problem and the fact that the state is refusing to make a decision. They hope to get the matter on the

legislative agenda and will be sending letters to all the cities in the consortium asking them to send letters of support for this decision.

- She said there would also be a draft of letter to support a county decision to apply for this moratorium.
- St. Vincent DePaul is also going to put together some legislative material and send it to everyone.
- Michael Barr is going to put together a packet that shows the effects of this housing and how people have benefitted from it.

With no further business, Mayor Brubaker adjourned the meeting at 8:41 p.m.

Phil Brubaker, Mayor

ATTEST:

Pat Heinze, City Recorder