



**City of Sutherlin
Council Meeting
Monday, April 8, 2024
Civic Auditorium – 7:00 p.m.**

AGENDA

Mayor Michelle Sumner
Council President Hamilton
Councilors Dagel, Groussman, Smalley, Whitaker and Woods

- 1. CALL TO ORDER / FLAG SALUTE**
- 2. ROLL CALL**
- 3. INTRODUCTION OF MEDIA**
- 4. PUBLIC COMMENT**

[The purpose of public comment is to allow citizens to present information regarding **agenda items only**. A time limit of three minutes per citizen shall apply.]

5. PRESENTATION

- a. Saving Grace Pet Adoption Center

6. CONSENT AGENDA

- a. March 11, 2024 – Regular Meeting Minutes
- b. Liquor Application – Cholos Taqueria & Mariscos

7. COUNCIL BUSINESS

- a. Public Hearing – Supplemental Budget Adjustment
- b. Resolution 2024.09 – Supplemental Budget Adjustment
- c. Ordinance 1096 – Amending SMC Ch. 2.05.050 – Public Comment at City Council Meetings (second reading & adoption)
- d. Budget Committee Appointment
- e. Public Hearing – Method of Procurement of CM/GC Services
- f. Findings of Fact Approval - Method of Procurement of CM/GC Services

8. REPORTS

- a. Workforce Housing & Homelessness Grants Discussion

9. CITY MANAGER REPORT (verbal)

10. CITY COUNCIL COMMENT

11. PUBLIC COMMENT

[The purpose of public comment is to allow citizens to present information regarding **items off the agenda**. A time limit of three minutes per citizen shall apply.]

12. ADJOURN

Join Zoom Meeting:

<https://us06web.zoom.us/j/83772495106?pwd=Vcd7bbpIMawpa3jyKwzCeRkYb0SjiO.1>

If you have a disability that requires special materials, service, or assistance, please call 541.459.2857 at least 48 hours prior to the meeting to arrange for accommodations



Call to Order & Flag Salute





ROLL CALL





Introduction Of Media





PUBLIC COMMENT

Agenda Items only





PRESENTATIONS





SAVING GRACE PET ADOPTION CENTER





Consent Agenda



CITY OF SUTHERLIN
City Council Meeting
Civic Auditorium
Monday, March 11, 2024 – 7:00pm

COUNCIL MEMBERS:

Gary Dagel, Joe Groussman, Debbie Hamilton, Shawn Smalley, Larry Whitaker, and Lisa Woods

MAYOR: Michelle Sumner

CITY STAFF: City Manager, Jerry Gillham
City Recorder, Melanie Masterfield
Finance Director, Tami Trowbridge
Finance & Administrative Asst., Lindsay Priest
Public Works Director, Aaron Swan
Community Development Director, Kristi Gilbert
Police Chief, Troy Mills
Deputy Fire Chief, Scott McKnight
Livability Services Director/Library Director, Pat Lynch
City Attorney, Chad Jacobs (via Zoom)

Meeting called to order by Mayor Sumner at 7:00 p.m.

Flag Salute: 7:00 p.m.

Roll Call: All Present

Introduction of Media: None

****Mayor Sumner made an announcement for Zoom attendees****

PUBLIC COMMENT (agenda items only)

- Robert Moczowski - Commented on Oak Street Commons. Suggested the money be put into streets and curbs that we already have or need.
- Kim Eder - Spoke about Oak Street Commons and expressed concerns.
 - City Manager, Jerry Gillham, invited Kim to be a part of the committee and give her thoughts and concerns.

Further discussion ensued.

PRESENTATIONS

- **Officer of the Year**

Staff Report – Police Chief, Troy Mills – This year’s Roseburg Optimist Club “Respect for Law” banquet recognized Officer Ashley Higgins for her outstanding accomplishments, professionalism, leadership, teamwork and dedication. Mayor Sumner presented Officer Higgins with a Certificate of Accomplishment. Officer Higgins spoke a few words of appreciation and thanked all the departments in the County for great teamwork.

CONSENT AGENDA

- **February 12, 2024 Minutes – Regular Meeting**

MOTION made by Councilor Woods to approve Consent Agenda as presented; second by Councilor Hamilton.

Discussion: None

In favor: Councilors Woods, Dagel, Whitaker, Smalley, Groussman, Hamilton, and Mayor Sumner

Opposed: None

Motion carried unanimously.

COUNCIL BUSINESS

- **Resolution 2024.05 – Workforce Housing & Homelessness Task Force**

Staff Report – Gillham, deferred discussion to Livability Services Director, Pat Lynch.

- The Task Force is charged with looking at housing landscape in our city and solutions for homelessness.
- Working with the Governor’s task force – iSector that works on projects like this.
- We want everybody in the neighborhood to be involved.
- Workforce housing is a mixed model of rental and home ownership. There are roughly 20 different state and federal agencies that aid both financially and programmatically, but they all have different rules, regulations, and guidelines in terms of how many people, what income groups, etc. From Senate Bill 1530 we received a significant grant to kick start this project.
 - Councilor Hamilton —Will you mention some of the agencies that are involved in the Task Force? ***HADCO (housing agency for the county), UCAN, Aviva Health, Sutherlin School District, Evergreen Family Medicine, and other major employers.***
 - Councilor Groussman, clarified that Resolution 2024.05 is to create the Task Force. The Task Force has a dual purpose: Workforce Housing and homelessness. ***Yes, however it may end up being a combined committee.***
 - Mayor Sumner, asked for an introduction of Task Force members. ***Gillham introduced Mary Gilbert, Gail Kuntz, and Rodney Linton. Members not present are Nicole Bennett and Maryann Anderson.***

MOTION made by Councilor Whitaker to approve Resolution 2024.05 – Workforce Housing & Homelessness Task Force as presented; second by Councilor Hamilton.

Discussion: None

In Favor: Councilors Woods, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

- **Resolution 2024.06 – Surplus Property – Police Department Equipment**

Staff Report – Mills – Asked council to approve the surplus of two - 2017 Ford Explorer patrol vehicles.

MOTION made by Councilor Woods to approve Resolution 2024.06 – Surplus Property – Police Department Equipment as presented; second by Councilor Dagel.

Discussion: None

In Favor: Councilors Woods, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

- **Resolution 2024.07 – Safe Routes To School**

Staff Report – Community Development Director, Kristi Gilbert – This resolution would authorize Jerry to sign the grant application for the Safe Routes To School Grant. This grant is for improvements to Waite Street including: a wider street, multi-use pathway, storm, gutters, crosswalks, curbs, pedestrian bridge, and a flashing beacon within the existing right-of-way to create a safe route to school for children.

MOTION made by Councilor Groussman to approve Resolution 2024.07 – Safe Routes To School as presented; second by Councilor Woods.

Discussion:

- Councilor Smalley – Is this the same grant that’s been applied for before? ***Gilbert – Yes, and more funding is available this time.***

In Favor: Councilors Woods, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

- **Resolution 2024.08 – ORS 105.668 Recreational Immunity**

Staff Report – Finance Director, Tami Trowbridge – Deferred to City Attorney, Chad Jacobs, explained that the City must opt-in to take advantage of the recreational immunity statute. This will limit the liability of cities for personal injury and property damage that arises out of the public’s non-motorized use of trails or structures in public easements and unimproved rights-of-way. This resolution will provide the City with more protection.

MOTION made by Councilor Whitaker to approve Resolution 2024.08 – ORS 105.668 Recreational Immunity as presented; second by Councilor Groussman.

Discussion:

- Councilor Woods – Does this cost the city money in terms of insurance cost? *Jacobs – No, in fact it will probably help because CIS (city insurance company) is requesting this be done.*

In Favor: Councilors Woods, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

- **Ordinance – Amending SMC Ch. 2.05.050 – Public Comment at City Council Meetings (first reading, title only)**

City Recorder, Melanie Masterfield, read Ordinance by title only: “*An Ordinance of the City of Sutherlin amending chapter 2.05.050 of the Sutherlin Municipal Code. Related to Public Comment at City Council Meetings.*”

Staff Report – Jacobs - The proposed ordinance, which amends the Council rules, creating procedures to allow virtual public participation as well as providing general guidance as to the scope of permissible public comment. The amendment is to provide clarity within the council rules regarding public comment procedures during council meetings.

MOTION made by Councilor Hamilton to approve Ordinance – Amending SMC Ch. 2.05.050 – Public Comment at City Council Meetings (first reading, title only) as presented; second by Councilor Groussman.

Discussion: None

In Favor: Councilors Woods, Dagel, Whitaker, Smalley, Groussman, Hamilton and Mayor Sumner

Opposed: None

Motion carried unanimously.

REPORTS

- **Psilocybin Discussion**

Staff Report - Jacobs – The City is asking Council to provide direction to staff regarding the regulation of psilocybin within the City. Options are:

- Enacting and presenting to the voters at the November 2024 general election a permanent prohibition;
- Enacting and presenting to the voters at the November 2024 general election an extension of the current temporary prohibition for a period of time decided by Council;
- Re-initiation of the process to impose reasonable time place and manner restrictions;
- Take no action.

Council consensus was to present a permanent prohibition to the voters at the November 2024 General Election

CITY MANAGER REPORT (verbal)

- No report

CITY COUNCIL COMMENT

Councilor Woods

- Congratulated Officer Higgins.

Councilor Dagle

- Thanked committee volunteers.
- Encouraged everyone to come to council meetings and speak.

Councilor Whitaker

- Thanked City staff for the idea of Workforce Housing and the Homelessness Task Force and bringing people together from businesses and citizens so everyone knows exactly what this is and how it will work.
- Thanked Gillham for forcing this issue and by doing that, the city was awarded a \$2.85 million dollar grant for Oak Street Commons infrastructure. It has never been the intention of this property to be for the residents of Hastings Village.

Councilor Smalley

- Thanked Lynch for playing a big part in the Workforce Housing & Homelessness Task Force. And for the explanation of the Task Force's dual purpose.

Councilor Groussman

- Acknowledged Officer Higgins for her accomplishment.
- Acknowledged Gillham and Lynch for their hard work on the Workforce Housing and Homelessness Task Force.

Councilor Hamilton

- Agreed with the other councilors.

Mayor Sumner

- Events will be starting soon.
- Author Margaret Mizushima will be speaking on June 8th at the Library. She writes K9 mysteries.
- Woofstock is our first event coming up on April 2nd.
- Encouraged everyone to pay attention to the calendar and enjoy the events.

PUBLIC COMMENT (Off Agenda Items)

- Sheri Esterbrook – Requested streetlights be placed on Hawthorne St., Eddy St., and Johnson St., stating safety concerns. And asked that council consider installing a fence at the end of Hawthorne to deter transient traffic.
- Sharon Elliott – Asked for a grocery store west of town. Informed Gillham and Mayor about Aldi Grocery Stores. Thanked Gillham for reaching out to them.
- Terry Brock - Sutherlin Throwdown was successful enough last year that it will be happening again. \$20,000 in scholarships will be available to people wanting to go into trades or vo-tech schools. A brand-new rodeo board has been developed. The plan is to bring the rodeo back even if we must contract it out for a couple of years. The hope is to get groups, volunteer organizations, city staff and governing bodies together and try to figure out a way to improve the rodeo grounds. Terry encouraged anyone wanting to help reach out to him.
- Karen Meier (via Zoom), wanted clarification on the \$2.85 million dollar grant.
 - ***Lynch – The grant came out of Senate Bill 1530 in the short session and Sutherlin was granted money for housing projects. The City was notified last week.***

****Mayor announced that Council will recess into Executive Session called under ORS 192.660(2)(e) – Real Property Transactions – To deliberate with persons designated by the governing body to negotiate real property transactions; ORS 192.660(2)(d) – Labor Negotiator Consultations – To conduct deliberations with persons designated by the governing body to carry on labor negotiations; ORS 192.660(2)(i) – Performance Evaluations of Public Officers and Employees – To review and evaluate the job performance of a chief executive officer, other**

officers, employees, and staff, if the person whose performance is being reviewed and evaluated does not request an open hearing.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room.

ADJOURNMENT

With no further business, meeting adjourned at 7:58 p.m.

EXECUTIVE SESSION:

Executive Session called to order at 8:03 p.m.

Executive Session adjourned at 9:26 p.m.

Approved:

Jerry Gillham, City Manager

Respectfully submitted by,

Melanie Masterfield, City Recorder, CMC

Michelle Sumner, Mayor



126 E. Central Avenue
Sutherlin, OR 97479
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www.cityofsutherlin.com

City of Sutherlin

STAFF REPORT					
Re: Cholos Taqueria Y Mariscos – 1332 W Central Ave, Sutherlin				Meeting Date:	04/08/2024
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Troy A. Mills, Chief of Police				City Manager Review	<input type="checkbox"/>
Attachments: OLCC Liquor License Application					

WHAT IS BEING ASKED OF COUNCIL?

WHAT IS BEING ASKED OF COUNCIL?

Shawna Fabela has made application, under the requirements of the Oregon Liquor Control Commission (OLCC), for a Full “On-Premises” Commercial license for the sale of alcoholic beverages at Cholos Taqueria Y Mariscos located at 1332 W Central Avenue in Sutherlin. This request is the result of a new retail business within the City of Sutherlin.

EXPLANATION

The police department has found no information that would be viewed as disqualifying by the Oregon Liquor Control Commission (OLCC).

OPTIONS

- 1) Provide OLCC a recommendation that this license be approved and granted.
- 2) Provide OLCC a recommendation that this license not be approved or granted.

SUGGESTED MOTION(S)

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:

Shawna Fabela

Name of entity or individual applicant #2:

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

CHOLOS TAQUERIA Y MARISCOS

Premises street address (The physical location of the business and where the liquor license will be posted):

1332 W Central Ave

City:

Sutherlin

Zip Code:

97479

County:

Douglas

Business phone number:

Business email:

Business mailing address (where we will send any items by mail as described in [OAR 845-004-0065\(1\)](#)):

1332 W Central Ave

City:

Sutherlin

State:

Oregon

Zip Code:

97479

Does the business address currently have an OLCC liquor license? Yes ☐ No ☒

Does the business address currently have an OLCC marijuana license? Yes ☐ No ☒

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.

Application Contact Name:

Shawna Fabela

Phone number:

Email:



**FULL ON-PREMISES, COMMERCIAL (F-COM)
FULL ON-PREMISES, FOR-PROFIT PRIVATE CLUB (F-FPC)
FOOD SERVICE AFFIRMATION**

Applicant / Licensee Shawna Fabela

Trade Name of the Business (Name Customers Will See)

Cholo's Taguevia Y mariscos

Business Address 1332 W central Ave Sumner, OR 97479
(Number, Street Address, City, and Zip Code)

I affirm that I have read [OAR 845-006-0459](#), [OAR 845-006-0460](#), and [OAR 845-006-0466](#) and

I affirm:

- I understand that "meal" means a food item, or combination of food items, prepared or cooked on the licensed premises that the Commission determines is a main course and is a serving of food sufficient to satisfy the appetite of one individual. Food items that are appetizers, snacks, and desserts do not qualify as a meal. Examples include, but are not limited to, popcorn, peanuts, chips, a serving of food that is not sufficient to satisfy the appetite of one individual, and food items offered by the licensee as other than a meal.
- I understand that "dining seats" means seating at tables or food counters as defined in OAR 845-006-0340(2)(j) located in areas of the licensed premises regularly open to the public where the Commission determines that each table top or seating area provides a minimum space that will accommodate a place setting consisting of a plate or dish, glassware, napkin and utensils for each seat. Seats at counters in entertainment areas and at bars as defined in OAR 845-006-0340 do not qualify as dining seating.
- I will have at least 30 dining seats during a time period which must last at least two hours prior to 10:00 p.m.
- I will make at least five different meals available at all times and in all areas where alcohol service is available. However, I may make fewer than five different meals available if the OLCC has determined that the clearly dominant emphasis in the areas with alcoholic beverage service is food service.
- I will always have a food preparation area and equipment on my licensed premises that are adequate to meet the food service requirements of this license.
- I am authorized to sign this form on behalf of the applicant or licensee.

Name (print) Shawna Fabela Date 3/20/24

Signature [Redacted Signature]



COUNCIL BUSINESS





City of Sutherlin

STAFF REPORT					
Re: Public Hearing for Supplemental Budget Adjustment				Meeting Date:	04/08/2024
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Tami Trowbridge, Finance Director				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Public Notice, Resolution 2024.09					

WHAT IS BEING ASKED OF COUNCIL?

This is a public hearing for Resolution 2024.09 for interested parties to speak regarding the proposed changes to the fiscal year 2023-24 budget. After the hearing, Council is being asked to consider approving Resolution 2024.09 to adopt the Supplemental Budget Adjustment for fiscal year 2023-24 as described herein.

EXPLANATION

At the time that the budget was prepared, there was no indication from Business Oregon that there would be an opportunity to begin interest payments on the Non Pareil Water Plant Upgrade loan prior to final on the construction. At the first of the year, our loan specialist reached out to us, letting us know that this option was available. An adjustment to the budget is needed to be able to make this payment.

OPTIONS

After the Public Hearing, to either adopt Resolution 2024.09 Supplemental Budget Adjustment or to not adopt Resolution 2024.09 Supplemental Budget Adjustment.

SUGGESTED MOTION(S)

After considering any public comment, move that Resolution 2024.09-Supplemental Budget Adjustment be adopted as presented.

NOTICE OF SUPPLEMENTAL BUDGET HEARING

A public hearing on a proposed supplemental budget for the City of Sutherlin for the current fiscal year will be held at Civic Auditorium (175 E Everett Ave).

The hearing will take place on April 8, 2024 at 7:00 PM.

The purpose of the hearing is to discuss the supplemental budget with interested persons.

A copy of the supplemental budget document may be inspected or obtained on or after March 29, 2024 at City Hall between the hours of 9:00 AM and 5:00 PM, or on the City website, www.ci.sutherlin.or.us.

SUMMARY OF PROPOSED BUDGET CHANGES

AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED

FUND: Water Debt Service Fund			
Resource	Amount	Requirement	Amount
1 Contingency	85,000.00	1 Interest Only Payment-NonP Loan	85,000.00
Revised Total Fund Resources	959,800.00	Revised Total Fund Requirements	959,800.00

Comments:

At the time that the budget was prepared, there was no indication from Business Oregon that there would be an opportunity to begin Interest payments on this loan prior to final construction. At the first of the year our Loan specialist reached out letting us know that this option was available. Therefore an adjustment to the budget is needed to be able to make this first payment.

RESOLUTION NO. 2024.09

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET ADJUSTMENT,
AMENDING THE 2023-2024 BUDGET**

The City Council of Sutherlin finds that:

- A.** That ORS 294.473 provides the procedures for public governing bodies to adopt supplemental budget adjustments when estimated expenditures differ by more than ten percent from the expenditures in the budget as most recently amended prior to the supplemental budget.
- B.** The procedure includes the municipal corporation providing notice of a supplemental budget adjustment hearing and holding a public hearing on the supplemental budget adjustment prior to adopting a resolution to change the budget by more than ten percent.
- C.** Public notice has been provided as required by ORS 294.473 and a public hearing related to the supplemental budget adjustment was held on April 8, 2024, and
- D.** Due to unforeseen events at the time of adoption, fiscal year 2023-24 budget requires adjustment including but not limited to the following:
 - a.** Water Debt Service Fund
 - i.** At the time the budget was prepared, there was no indication that there would be an opportunity to begin interest payments on the NonPareil Water Treatment Plant Upgrade construction loan. Our loan specialist has offered us this option. This Budget Adjustment is necessary to appropriate the funds for this new interest only payment before the end of the fiscal year.

NOW, THEREFORE, based upon the above findings,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUTHERLIN, a
municipal Corporation of the State of Oregon, as follows:**

Section 1. That the budget for the City of Sutherlin for the fiscal year 2023 - 2024, which was adopted by the City Council on June 12, 2023 and is now on file in the office of the City Recorder of the City of Sutherlin, be hereby amended as follows:

Water Debt Service Fund:	Adjustment	As Amended
Resource		
Contingency Debt Service	<u>\$ 85,000</u>	<u>\$959,800</u>
Requirement		
Interest Only Payment	<u>\$ 85,000</u>	<u>\$959,800</u>

PASSED BY THE CITY COUNCIL, ON THIS ____ DAY OF _____, 2024

APPROVED BY THE MAYOR ON THIS ____ DAY OF _____, 2024

Michelle Sumner, Mayor

ATTEST:

Melanie Masterfield, City Recorder, CMC



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City of Sutherlin

STAFF REPORT					
Re: Ordinance 1096 – Amending SMC Ch. 2.05.050 – Public Comment at City Council Meetings (second reading & adoption)				Meeting Date:	4/8/2024
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: City Attorney, Chad Jacobs				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Enactment Notice, Draft Ordinance					

WHAT IS BEING ASKED OF COUNCIL?

Approve Ordinance 1096 – Amending SMC Ch. 2.05.050 – Public Comment at City Council meetings (second reading & adoption); to provide clarity within the council rules regarding public comment procedures during council meetings.

EXPLANATION

State law requires virtual access to Council meetings, including providing the ability to provide public comments online if public comment is permitted in-person. Council rules were never updated to implement these provisions of state law. In addition, multiple jurisdictions have experienced disruptions to their meetings from individuals engaging in virtual public comments.

Ordinance 1096 amends the Council rules to create procedures to allow for virtual public participation as well as to provide general guidance as to the scope of permissible public comments. These changes generally reflect current practices but “codify” those practices to provide greater clarification for Council, staff and the public.

OPTIONS

N/A

SUGGESTED MOTION(S)

Approve Ordinance 1096 – Amending Chapter 2.05.050 of the Sutherlin Municipal Code related to public comment at city council meetings (second reading & adoption).

Not approve Ordinance 1096 – Amending Chapter 2.05.050 of the Sutherlin Municipal Code related to public comment at city council meetings (second reading & adoption).



City of Sutherlin

Administration
126 E. Central Avenue
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NOTICE OF ORDINANCE ENACTMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUTHERLIN AMENDING CHAPTER 2.05.050 OF THE SUTHERLIN MUNICIPAL CODE. RELATED TO PUBLIC COMMENT AT CITY COUNCIL MEETINGS

THIS ORDINANCE WILL BE CONSIDERED BY COUNCIL AT THE REGULAR COUNCIL MEETING OF

FIRST READING: MONDAY, MARCH 11, 2024 @ 7PM

SECOND READING (if first reading approved):

MONDAY, APRIL 8, 2024 @ 7PM

CIVIC AUDITORIUM - 175 E. EVERETT AVENUE

Questions or copies of this Ordinance may be viewed by interested persons at the office of City Recorder, 126 E. Central Avenue, Sutherlin, Oregon, between the hours of 9:00 a.m. and 5:00 p.m., weekdays. A copy of this Ordinance may be purchased by interested persons for a sum determined to cover the City's expense for providing the copy.

Pursuant to Section 30 (b) (c) of the Sutherlin City Charter, this notice has been posted at the following locations: Sutherlin City Hall; Sutherlin Post Office; Sutherlin Library; Sutherlin Visitor's Center and the City's website, www.cityofsutherlin.com.

Posted this day, March 1, 2024
By Melanie Masterfield
City Recorder

ORDINANCE NO. 1096

AN ORDINANCE AMENDING CHAPTER 2.05.050 OF THE SUTHERLIN UTHERLIN MUNICIPAL CODE. RELATED TO PUBLIC COMMENT AT CITY COUNCIL MEETINGS

WHEREAS, Sutherlin Municipal Code contains the rules of procedure for City Council meetings; and

WHEREAS, the Council desires to update the rules of procedure related to public comment.

NOW, THEREFORE, THE CITY OF SUTHERLIN ORDAINS AS FOLLOWS:

Section 1. Section 2.05.050 of the Sutherlin Municipal Code is hereby amended to read as follows:

2.05.050 Duties of meeting chair and public comment.

A. The Mayor shall chair all meetings of the Council. In the absence of the Mayor, the Council President shall act as Mayor Pro-Tem and chair the meeting. In the absence of both the Mayor and Council President, the City Recorder shall call the meeting to order whereby a temporary presiding officer (chair) shall then be elected by the members of Council present.

B. The chair shall keep the meeting in order and impose any reasonable restrictions necessary for efficient and orderly conduct. The chair may modify the order of business on the agenda rather than follow the agenda as published. The chair shall preserve order and decorum, prevent attacks on personalities and confine members in debate to the question under discussion. The chair shall state all questions submitted for vote and announce the results.

C. The chair shall have the prerogative to set guidelines for public hearings and audience participation in a manner consistent with these rules. If public participation is to be a part of the meeting, the chair may regulate the order and length of appearances and limit appearances to presentations of relevant points. In exercising such duties, the chair shall impose restrictions in a uniform manner so that all persons seeking to appear before the Council shall have an equal amount of time to do so; provided, that the chair may afford additional time to any speaker as necessary for the Council to receive relevant information. The chair may request that groups with similar comments choose a spokesperson to present joint remarks and provide the spokesperson with additional time. When receiving public request, testimony and evidence, the chair shall rule on the admissibility and propriety of such request, testimony and evidence.

D. Citizen and community group testimony forms will be available at each meeting and shall be filled out and handed to the City Recorder. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the chair and then state his or her name for the record.

E. Public comment during City Council meetings is not an absolute right. Rather, the City Council permits public comment only for the limited purposes of hearing from the public about matters

directly related to the business of the City that is within the Council's jurisdiction. The public comment period is a limited public forum and comments are therefore appropriately limited to matters of concern, official action, or deliberation which are or may come before City Council. The City Council is not creating an opportunity for and will not accept public comment on matters that fall outside the scope of the Council's jurisdiction, such as employment issues related to employees and officers who are not appointed or supervised by Council. During public hearings, all public comment must relate to the specific matter under discussion. All public comments must be addressed to the City Council as a body.

F. Public comment must not unduly interfere with the City Council's ability to conduct business or otherwise disrupt City Council meetings. Comments that substantially interrupt, delay, or disturb the peace and good order of the proceedings of the City Council are not permitted. Examples of such types of comments include shouting, use of profanity or vulgarity, or speaking outside of allotted time or without first being recognized by the chair. In addition, public comment may not be used for belligerent or abusive behavior including true threats, fighting words, or incitements to imminent lawless action. Abusive and harassing comments that could lead to the creation of a hostile work environment for City employees required to attend City Council meetings likewise unduly interferes with the Council's ability to conduct its business and are therefore prohibited. The City Council requests that all public comment is provided in a manner that is respectful to those in attendance at the meeting.

G. Public comment may be provided to the Council either orally or in writing. Individual and community group testimony forms will be available at each regular business meeting and must be filled out prior to providing public comment orally. Individual and community groups desiring to provide public comment virtually, must register with the City Recorder by 3:00 pm the day of the meeting and provide their name, email, phone, and a general topic. Written comments may be provided to the City Recorder either in advance of or during the Council meeting, although it is possible that the City Council may not be able to read written comments provided during a meeting until after the meeting has concluded.

H. Upon councilor Motion and a second thereof, decisions of the chair described in the above Subsections B and C may be appealed to a vote of the Council.

Section 2. This ordinance shall take effect 30 days after it is approved by the Mayor

PASSED BY THE COUNCIL, ON THIS ____ DAY OF _____, 2024

APPROVED BY THE MAYOR, ON THIS ____ DAY OF _____, 2024

Michelle Sumner, Mayor

ATTEST:

Melanie Masterfield, City Recorder, CMC



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www.cityofsutherlin.com

City of Sutherlin

STAFF REPORT					
Re: Budget Committee Appointment				Meeting Date:	4/8/2024
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: City Recorder, Melanie Masterfield				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Application					

WHAT IS BEING ASKED OF COUNCIL?

Council is being asked to consider filling a vacancy on the Budget Committee.

EXPLANATION

Budget Committee – There is 1 vacancy Budget Committee with a term ending December 31, 2025. The City has received 1 application for appointment from Brian Biss.

OPTIONS

See suggested motions.

SUGGESTED MOTION(S)

Motion to appoint Brian Bish to the Budget Committee, term ending December 31, 2025.

Motion to not appoint Brian Bish to the Brian Bish Committee, terms ending December 31, 2025.



City of Sutherlin

Application for Citizen Committee/Commission/Board Appointment

Name Brian Biss Date 3/8/24

Address [REDACTED] Phone 9493748104

Email bkbiss@aol.com Bus. Phone _____

Length of Residency in Sutherlin 1 month Registered Voter? Yes

Candidate for position on Budget Committee

Relevant background and experience Bachelor's Degree in Business; Over 30 year career in financial services, specifically in tax payment processing, banking and accounting.

Also, over 30 years of volunteering experience in a variety of roles.

What are your major interests or concerns in the City's programs? Since paying my first payroll taxes as a 15 year old, I've had a great interest in how our government spends our taxes.

I enjoy learning all of the responsibilities of the city government and how taxes are being received and funds are being spent by the city.

Why would you like to be appointed to this position?
I feel that through my life experience in my career and my prior volunteering experience, I can make a great contribution to the Budget Committee.

RETURN THIS FORM TO: City Recorder, 126 E. Central Ave., Sutherlin, OR 97479

For Office Use Only:
Date received: 3/8/24

Date considered: 4/8/24

Action by Council _____

Term Expires: _____

Nov 2019 revised



126 E. Central Avenue
Sutherlin, OR 97479
541-459-2856
Fax: 541-459-9363
www.cityofsutherlin.com

City of Sutherlin

STAFF REPORT					
Re: Method of Procurement of CM/GC Public Hearing – Seismic Rehabilitation of Sutherlin Fire Station #1 and Sutherlin Police Department				Meeting Date:	04-08-2024
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Kristi Gilbert, Community Development Director				City Manager Review	<input checked="" type="checkbox"/>
Attachments: Draft Findings of Fact					

WHAT IS BEING ASKED OF COUNCIL?

The City Council is being asked to hold a public hearing for the procurement method of Construction Manager/General Contractor (CM/GC) Services for the Seismic Rehabilitation project of the Sutherlin Fire Station #1 and Sutherlin Police Department.

EXPLANATION

The city was awarded seismic grants, for the Seismic Rehabilitation of the Sutherlin Fire Station #1, in the amount of \$2,492,700 and for the Seismic Rehabilitation of the Sutherlin Police Department, in the amount of \$2,479,180.

The purpose of the grant is to seismically retrofit the Sutherlin Police and Fire Station buildings to meet or exceed the code requirements outlined in ASCE 41-17. It was determined during the initial grant application that the building would be renovated during the rehabilitation work as permitted by budget. All renovated areas will increase Life and Safety elements.

A notice of public hearing was published in the Daily Journal of Commerce on March 25, 2024, for review of the proposed findings of fact for the CM/GC Procurement Method.

This Project is limited to the funding outlined in the grant package; additional funding is not available. It is recommended to procure the Project using the CM/GC contracting methodology as outlined in the findings. ORS 279C.332(3) identifies the CM/GC methodology as an alternative contracting method under ORS 279C.335, which allows a contracting agency to procure construction related services that include, among other things listed in ORS 279C.332(3), a construction manager/general contractor (a) functioning as a member of a project team that includes the City of Sutherlin, the Project Architect or Engineer and other consultants, (b) reviewing and analyzing the project design in order to suggest changes to minimize potential errors, delays, unexpected costs and other problems during construction, (c) estimating construction, materials, labor and other costs for the Project, (d) establishing a fixed price, a guaranteed price or other maximum price for the Project, (e) constructing portions of the Project and subcontracting portions to other contractors, and (f) coordinating and overseeing the construction process. In this Project, the CM/GC contract allows the City of Sutherlin to bring the General Contractor on board during the initial design phase providing value engineering services and a Guaranteed Maximum

Price during the design phase in lieu of during the bid phase after full design documents have been established.

The City of Sutherlin proposes utilizing the Construction Manager/General Contractor contract delivery methodology to obtain proposals for the Sutherlin Police and Fire Station Retrofits.

OPTIONS

N/A

SUGGESTED MOTION(S)

N/A

City of Sutherlin
Sutherlin Police and Fire Station Retrofits

**PROPOSED FINDINGS SUPPORTING AN EXEMPTION FROM COMPETITIVE
BIDDING REQUIREMENTS AND USE OF THE CONSTRUCTION
MANAGER/GENERAL CONTRACTOR METHOD OF PROCUREMENT**

Before the Local Contract Review Board,

In the Matter of Exemption)	FINDINGS OF FACT
Request of)	
City of Sutherlin		
Sutherlin Police and Fire Station Retrofits		

ORS 279C.335 (1) requires, with certain exceptions, that all Public Improvement contracts be based on competitive bids and, under ORS 279C.375, awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the Local Contract Review Board, which in this case is the **City of Sutherlin**, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding upon the approval of specified findings.

OAR 137-049-0620(1), allows the Local Contract Review Board to exempt a Public Improvement contract from the requirements to be competitively bid, provided written findings supporting the use of non-competitive bid process show compliance with OAR 137-049-0600 to 137-049-0690 and applicable statute.

**The hearing for review of these findings will be held
at 7:00 PM on April 8th, 2024
at the Sutherlin Civic Auditorium located at 175 E Everett Ave,
as published in the public notice section in the Daily Journal of Commerce
on March 25th, 2024.**

Article I. BACKGROUND

City of Sutherlin received a grant through Oregon's Seismic Rehabilitation Grant program for a total value of **\$4,971,880**. The purpose of the grant is to seismically retrofit the **Sutherlin Police and Fire Station** buildings to meet or exceed the code requirements outlined in ASCE 41-17. It was determined during the initial grant application that the building would be renovated during the rehabilitation work as permitted by budget. All renovated areas will increase Life and Safety elements.

This Project is limited to the funding outlined in the grant package, additional funding is not available. The current budget does not reflect a contingency typically allotted for a project of this size and scope. It is the recommendation of the **City of Sutherlin** to procure the Project using the CM/GC contracting methodology. ORS 279C.332(3) identifies the CM/GC methodology as an alternative contracting method under ORS 279C.335, which allows a contracting agency to procure construction related services that include, among other things listed in ORS 279C.332(3), a construction manager/general contractor (a) functioning as a member of a project team that includes the **City of Sutherlin**, the Project Architect or Engineer and other consultants, (b) reviewing and analyzing the project design in order to suggest changes to minimize potential errors, delays, unexpected costs and other problems during construction,

City of Sutherlin
Sutherlin Police and Fire Station Retrofits

(c) estimating construction, materials, labor and other costs for the Project, (d) establishing a fixed price, a guaranteed price or other maximum price for the Project, (e) constructing portions of the Project and subcontracting portions to other contractors, and (f) coordinating and overseeing the construction process. In this Project, the CM/GC contract allows the **City of Sutherlin** to bring the General Contractor on board during the initial design phase providing value engineering services and a Guaranteed Maximum Price during the design phase in lieu of during the bid phase after full design documents have been established.

The **City of Sutherlin** proposes utilizing the Construction Manager/General Contractor contract delivery methodology to obtain proposals for the **Sutherlin Police and Fire Station Retrofits**.

The exempted procurement process for this Project includes the following:

- 1) A Request for Proposals (RFP) process pursuant to OAR 137-049-0640 to procure a CM/GC contract with a general contractor.

Article II. FINDINGS REGARDING PROCUREMENT OF CM/GC SERVICES

ORS 279C.335(2) requires that an agency make certain findings as part of exempting public improvement contracts or classes of public improvement contracts from competitive bidding, as is the case with the procurement of CM/GC services. Pursuant to ORS 279C.330(2), the term “findings” as used in ORS 279C.335(2) means “the justification for a conclusion that a contracting agency, in seeking an exemption from the competitive bidding requirement of ORS 279C.335(1), reaches based on the considerations set forth in ORS 279C.335(2). Those required findings, generally defined as “findings regarding competition” and “findings regarding significant cost savings”, are addressed below.

A. Findings Regarding Competition

ORS 279C.335(2) (a) requires an agency to find that: *“It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contractors or substantially diminish competition for public improvement contracts.”*

The **City of Sutherlin** finds that selecting the contractor through an exempted competitive proposal selection process in accordance with OAR 125-249-0620 and 125-249-0630 will not inhibit competition or encourage favoritism. This finding is supported by the following facts:

- 1) The proposed CM/GC alternative contract delivery methodology is a competitive proposal process that allows the **City of Sutherlin** to select a firm to Seismically Rehabilitate **Sutherlin Police and Fire Stations** at the best possible value. Simple price competition is not feasible due to technical complexity associated with a seismic rehabilitation Project of this nature. The technical complexity of the installation of certain structural systems within the rehabilitation plan lends it to specialized contractors with knowledge of these systems.

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- 2) The CM/GC contractor will be selected through an open and competitive proposal process as prescribed by ORS 279C.400 to 410 and related administrative rules, including but not limited to formal public advertising of the solicitation, an award made based upon identified selection criteria described in the RFP, and an opportunity to protest any such award.

B. Findings Regarding Significant Cost Savings

ORS 279C.335(2)(b) requires an agency to find that “*Awarding a public improvement contract under the exemption will result in substantial cost savings to the public contracting agency.*”

This finding is supported by the following facts:

- 1) How many persons are available to bid: There are limited qualified specialized contractors to perform the scope of work associated with this Project.
- 2) The construction budget and the projected operating costs for the completed public improvement: Limited or no additional funding is available for the **Sutherlin Police and Fire Station Retrofits** above and beyond the awarded grant funding source.
- 3) Public benefits that may result from granting the exemption: Utilization of the CM/GC contract delivery process will allow the **City of Sutherlin** to deliver the most comprehensive project for the allotted funding.
- 4) Whether value engineering techniques may decrease the cost of the public improvement: This work integrates specialized equipment and personnel to properly install certain items of the rehabilitation. A requirement to competitively bid this type of work would create additional expenses and lead to uncertainty regarding the installation of said items.
- 5) The cost and availability of specialized expertise that is necessary for the public improvement: An exemption from competitive bidding will allow the **City of Sutherlin** to take advantage of specialized general contractors knowledgeable in the rehabilitation of existing structures and value engineering the Project during the design phase. This will allow the **City of Sutherlin** to be provided the best value and potentially eliminate costly change orders resulting from unknowns in the field.
- 6) Any likely increases in public safety: There are currently concerns with public safety during the scheduled work as **Sutherlin Police and Fire Stations** will remain functional during the proposed work. The CM/GC will assist with the development of a safety plan.
- 7) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement: Risks associated with contract overruns, schedule increases and unqualified contracts are greatly reduced with the granting of the exemption to competitive bidding.

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- 8) Whether granting the exemption will affect the sources of funding for the public improvement: Granting the exemption will not affect funding sources for **Sutherlin Police and Fire Station Retrofits**
- 9) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement: The specialty products, services and supplies needed under this contract are not particularly impacted by market conditions.
- 10) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement: Implementation of this Project involves a number of issues of technical complexity. Special skills and expertise are needed for optimizing the related foundation strengthening and the seismic strengthening and element installation.
- 11) Whether the public improvement involves new construction or renovates or remodels an existing structure: The public improvement of **Sutherlin Police and Fire Stations** will renovate and seismically rehabilitate the buildings.
- 12) Whether the public improvement will be occupied or unoccupied during construction: The public improvement will occur while the building is occupied by summer staff. Parts of the Project may occur during normal school hours while students are in classes.
- 13) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions: It is the intent of **City of Sutherlin** to construct the Project under a single phase of the Project.
- 14) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract: **City of Sutherlin** will enlist the assistance of **ZCS Engineering and Architecture** as the Project Manager to assist with the enforcement of the terms of the scope of work associated with the public improvement contract. **The City of Sutherlin** will enlist **“Berry Elsner & Hammond LLP”** to assist the District with legal counsel and legal enforcement of the public improvement contract.

Article III. SUMMARY

Use of the CM/GC method of contracting for the **Sutherlin Police and Fire Station Retrofits** is an appropriate use of the alternative contracting method under OAR 137-049-0620. Additionally, an exemption from competitive bidding requirements is justified under the criteria outlined in ORS 279C.330, findings have been developed in compliance with ORS 279C.335(2),

City of Sutherlin
Sutherlin Police and Fire Station Retrofits

and the **City of Sutherlin** will perform the post project evaluation required by ORS 279C.355. Based upon previously listed findings, the **City of Sutherlin** specifically concludes that:

- 1) It is unlikely the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- 2) The exemption will result in substantial cost savings to the affected **City of Sutherlin** for the services provided.

The **City of Sutherlin** submits that this Request meets all of the criteria above and requests approval of this Exemption. If you have any questions, please call **Kristi Gilbert** at (541) 459-2856.

Kristi Gilbert
City of Sutherlin
Community Development Director

Date

Reviewed by **City of Sutherlin** Attorney:

Reviewed by Legal Counsel

Date



126 E. Central Avenue
Sutherlin, OR 97479
541-459-2856
Fax: 541-459-9363
www.cityofsutherlin.com

City of Sutherlin

STAFF REPORT					
Re: Method of Procurement of CM/GC Findings of Fact – Seismic Rehabilitation of Sutherlin Fire Station #1 and Sutherlin Police Department				Meeting Date:	04-08-2024
Purpose:	Action Item <input checked="" type="checkbox"/>	Workshop <input type="checkbox"/>	Report Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Update <input type="checkbox"/>
Submitted By: Kristi Gilbert, Community Development Director				City Manager Review	<input checked="" type="checkbox"/>
Attachments:					

WHAT IS BEING ASKED OF COUNCIL?

The City Council is being asked to approve the Findings of Fact for the procurement method of Construction Manager/General Contractor (CM/GC) Services for the Seismic Rehabilitation project of the Sutherlin Fire Station #1 and Sutherlin Police Department.

EXPLANATION

Following the closing of the public hearing for the method of procurement of CM/GC, the City Council is being asked to approve the Findings of Fact.

As outlined in the proposed Findings of Fact, supporting facts were developed in compliance with ORS 279C.335(2), meeting all the criteria as identified in the findings of fact.

OPTIONS

Approve the Findings of Fact for the procurement method of CM/GC Services for the Seismic Rehabilitation project of the Sutherlin Fire Station #1 and Sutherlin Police Department.

Deny the Findings of Fact for the procurement method of CM/GC Services for the Seismic Rehabilitation project of the Sutherlin Fire Station #1 and Sutherlin Police Department.

SUGGESTED MOTION(S)

Approve the Findings of Fact for the procurement method of CM/GC Services for the Seismic Rehabilitation project of the Sutherlin Fire Station #1 and Sutherlin Police Department.



REPORTS





Workforce Housing & Homelessness Grants Discussion





CITY MANAGER REPORT (verbal)





COUNCIL COMMENTS





PUBLIC COMMENT





ADJOURNMENT





FOR YOUR INFORMATION



PUBLIC NOTICE – CITY OF SUTHERLIN
URBAN RENEWAL AGENCY & CITY COUNCIL MEETINGS

The April 8, 2024, Urban Renewal Agency & City Council meetings will be held in Civic Auditorium at 175 E Everett beginning at 6:30 p.m. The City has taken steps to utilize current technology in order to make meetings available to the public in compliance with ORS 192.670 – Meetings by Means of Telephone or Electronic Communication. The public is welcome to attend the meeting in person or join via Zoom.

City of Sutherlin is inviting you to a scheduled Zoom meeting.

Topic: Urban Renewal Agency & City Council Meetings

Time: April 8, 2024 6:45 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83772495106?pwd=Vcd7bbpIMawpa3jyKwzCeRkYb0SjiO.1>

Meeting ID: 837 7249 5106

Passcode: 177425

Find your local number: <https://us06web.zoom.us/j/83772495106?pwd=Vcd7bbpIMawpa3jyKwzCeRkYb0SjiO.1>

Melanie Masterfield

From: Melanie Masterfield
Sent: Wednesday, April 3, 2024 9:47 AM
To: Ashley (ashley@bciradio.com); DC Commisioners (commissioners@co.douglas.or.us); Dennis Nakata; Erica Welch; Kyle-KQEN (KYLE@BCIRADIO.COM); Michael Salpino; News Desk (newsdesk@nrtoday.com); Register Guard (rgnews@registerguard.com); Roseburg Beacon (info@roseburgbeacon.com)
Subject: City of Sutherlin UR and CC Agendas
Attachments: 4.8.24 URA Agenda.pdf; 5. CC APR 8.24 Meeting.pdf

Good morning. Please see the attached meeting agendas for Sutherlin Urban Renewal and Council Meetings on Monday, April 8, 2024 beginning at 6:30pm.



Melanie Masterfield, CMC
City Recorder/Community Engagement Manager
m.masterfield@ci.sutherlin.or.us
City of Sutherlin
126 E Central Ave.
Sutherlin, OR. 97479
541.459.2857 x 208

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****DO NOT REPLY ALL****