

**CITY OF LINCOLN CITY
CITY COUNCIL AGENDA**

MONDAY SEPTEMBER 9, 2024, 6:00 PM

6:00 PM - The Lincoln City Council will hold a Regular Meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by telephone.

Public comments submitted by email to publiccomment@lincolncity.org will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online Agenda packet.

****PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL SENT TO publiccomment@lincolncity.org****

Citizens requesting to give public comment via telephone must email publiccomment@lincolncity.org no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons who will give public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at [541-996-1013](tel:541-996-1013) or kmattias@lincolncity.org. Visit the [ADA Accessibility | City of Lincoln City, OR](#) webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Agenda materials for this meeting are available at www.lincolncity.org under "Government", then select "Public Meeting Agendas, Packets & Videos". To stream the meeting in HD, please visit www.lincolncity.org/government/streaming. This meeting will be televised live on Channel 4, and rebroadcast on Channel 4 multiple times a day.

If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting Minutes of Work Session – August 19, 2024, 5:00 PM
2. Regular Meeting Minutes of Regular Meeting – August 26, 2024, 6:00 PM

E. COUNCIL DELIBERATIONS

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. **Public Hearing: Resolution 2024-27 Supplemental Budget** - Supplemental budget to increase certain FY24-25 capital projects in Street, Water, and Sewer funds supported by increased beginning fund balance, and to increase FY24-25 budget for reading/book donations, information technology software, financial statement audit, FTE changes, pay changes, compensation study, training, a drone system, centrifuge maintenance, street crossing, decorative pole maintenance, repair failing retaining wall, repair broken sewer main, and additional building maintenance needs.

J. ORDINANCES

2. **Ordinance First Reading Ordinance 2024-09** - An Ordinance Amending Ordinance 2017-05 § 1 and Ordinance 2013-03 § 1, amending the City of Lincoln City Municipal Code 2.06.025
3. **Ordinance First Reading Ordinance 2024-14** - An Ordinance Amending Ordinance 2005-04 §1, 2013-15 §4, 5, and 6, of the Lincoln City Municipal Code 2.05 to Increase Public Contracting Procurement Threshold to Match State Procurement Threshold

K. RESOLUTIONS

4. **Resolution 2024-27** - A Resolution of the City of Lincoln City, Adopting the Supplemental Budget for the Fiscal Year 2024-25, as Approved by the City Council, and Making Appropriations

L. SPECIAL ORDER OF BUSINESS

5. Water Treatment Plant Shop Building Contract Award - The Public Works Department is recommending a bid award to construct a new Shop Building at the Water Treatment Plant to store equipment and materials under cover.

6. SW Bard Road Closure Notice Sept.11th-13th- The owner of the tiny home development "Camy Court" is requesting the City approve a two-day road closure on SE Bard Road (just east of Agnes Creek Open Space parking) to accommodate utility connections.

M. CITY MANAGER/CITY ATTORNEY REPORTS

N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR PUBLIC COMMENT

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

August 19, 2024, 5:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE: _____

1. **CALL TO ORDER**

Mayor Wahlke called the meeting to order at 5:00 PM.

Attendee Name	Title	Status	Arrived
Marci Baker	City Councilor	Present	
Todd Barker	City Councilor	Present	
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Present	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Absent	
Susan Wahlke	Mayor	Present	

Staff Present: Daphnee Legarza, City Manager; David James Robinson, City Attorney; Stephanie Reid, Public Works Director; Director; Jamie Young, City Recorder; Shannon Macias, Deputy Recorder.

2. **DISCUSSION ITEMS**

A. Pacific Power Street Light Program for Lincoln City

Kelly Stalker from Pacific Power was unable to attend. This topic was not covered.

B. Water Outside the City and Outside the Urban Growth Boundary

Stephanie Reid, Public Works Director, spoke about providing water services outside the City and outside the urban growth boundary (UGB). The Council and Staff had a discussion regarding the information provided.

C. Oceanlake Mid-Block Crossings

Tony Roos, PE from Kittleson spoke to Council regarding the Oceanlake mid-block crossings study and the findings. The Council and staff had a discussion with Mr. Roos regarding the information presented. Ms. Reid said that there will be an open house held at the Community Center at a future date to meet with the Oceanlake business owners.

D. Miscellaneous

Mayor Wahlke reminded Council that the voting for the LOC Legislative Priorities will be next month. Ms. Legarza spoke about the upcoming work session to cover that topic.

Councilor Mark said that he received a call from Sen. Gomberg about a rally coming up next weekend at D' River Wayside. Ms. Legarza said that the police have been notified and they will watch for any criminal activity.

Mayor Wahlke said that 9/6 is the ribbon cutting for the new mural at City Hall.

Ms Legarza said that 8/21 is the LOC Small Cities meeting at City Hall.

Councilor Baker asked about the outside agency grant meeting. Councilor Barker said the guidance was received at the last Council meeting. Ms. Legarza said the Michael sent a poll for the next meeting date. The Council and Staff had a discussion regarding the grant applications.

3. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 6:53 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

August 26, 2024, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE: _____

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Marci Baker	City Councilor	Present	
Todd Barker	City Councilor	Present	
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Present	
Rick Mark	Councilor Ward 3	Absent	
Mitch Parsons	Councilor Ward 1	Present	
Susan Wahlke	Mayor	Present	

Staff Present: Daphnee Legarza, City Manager; David James Robinson, City Attorney; Sgt. Weaver, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Seth Lenaerts, Project Manager; Jeanne Sprague, Parks and Recreation Director; Debbie Bridges, Finance Director; Tony LaSoya, I.T. Director; Jamie Young, City Recorder; Shannon Macias, Deputy Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Baker, Barker, Casper, Hoagland, Parsons, Wahlke
ABSENT:	Mark
RESULT:	Passed

1. Regular Meeting – Minutes of Regular Meeting – July 22, 2024, 6:00 PM
2. Regular Meeting – Minutes of Regular Meeting – August 12, 2024, 6:00 PM

E. COUNCIL DELIBERATIONS

None

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Kerri Biddle spoke regarding an incident with the Lincoln City Police Department and left a handout.

Carolyn Nguyen spoke about the Hailey Mae Coblentz case now being a cold case.

G. PRESENTATIONS

None

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Public Comment North Lincoln Sanitary Rate Increase

Mayor Wahlke opened the public hearing at 6:13 PM. Tina French from North Lincoln Sanitary gave the history of the company, the services provided, and spoke about the rate review. The Council and Ms. French had a discussion on the slides that were shown. No Citizens per present for public comment. Mayor Wahlke closed the public hearing at 7:37 PM (the actual time was 6:37 pm).

J. ORDINANCES

None

K. RESOLUTIONS

2. A Resolution of the City of Lincoln City, Adopting an increase in rates for North Lincoln Sanitary Service

MOTION: Motion to Approve Resolution 2024-26 Adopting NLSS Rate Increase
MOVER: Marci Baker, Councilor Ward 2
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Baker, Barker, Casper, Hoagland, Wahlke
NAYS: Parsons
ABSENT: Mark
RESULT: Passed by Roll Call Vote

Mayor Wahlke asked that the signature line be changed to "approved by City Council" rather than "Passed and Adopted".

L. SPECIAL ORDER OF BUSINESS

3. Request for Appointment to Driftwood Public Library Board - Peter Clifford

MOTION: Motion to Appoint Peter Clifford to the Library Board with a Term Expiring 6/30/2028
MOVER: Marci Baker, Councilor Ward 2
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Baker, Barker, Casper, Hoagland, Parsons, Wahlke
ABSENT: Mark
RESULT: Passed via Voice Vote

4. Appointment to Parks and Recreation Board - Stephen Percy

MOTION: Motion to Appoint Stephen Percy to Parks and Recreation Board with a Term Expiring 12/31/26
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Baker, Barker, Casper, Hoagland, Parsons, Wahlke
ABSENT: Mark
RESULT: Passed via Voice Vote

5. Local Program Support Grant Update & Request: SBDC (Small Business Development Center)

MOTION: Motion to Approve the City's Local Program Support City Grant Request to the SBC at the Oregon Coast Community College in the Amount of \$25,000 to be Applied Flexibly Between Any of the Three
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Todd Barker, Councilor Ward 1
AYES: Barker, Casper, Parsons, Wahlke
ABSENT: Mark
RECUSED: Baker, Hoagland
RESULT: Passed by Roll Call Vote

Councilor Baker and Councilor Hoagland recused themselves from this topic as business owners. Gregory Price from the SBDC (Small Business Development Center) spoke about the programs offered and made a request for a \$25,000 grant. The Council and Mr. Price had a discussion on the information presented.

6. Schooner Creek Discovery Park - Phase 2 Design

MOTION:	Move to Approve the Fourth Amendment to the Progressive Design/Build Agreement for the Design of Phase 2 (Restroom, Covered Outdoor Stage, Covered Picnic Areas, Promenade & Flexible Lawn Area) in the amount of \$349,899.55
MOVER:	Todd Barker, Councilor Ward 1
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Baker, Barker, Casper, Hoagland, Parsons, Wahlke
ABSENT:	Mark
RESULT:	Passed by Roll Call Vote

Jeanne Sprague, Parks and Recreation Director reviewed the staff report. The Council and Staff had a discussion regarding the information provided.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza had nothing to report.

Mr. Robinson asked for consent to update the ordinance on quorum to match the charter. The Council made a motion. Mr. Robinson spoke regarding the housekeeping of the other boards and committees. The Council and Staff had a discussion regarding the information provided.

Mr. Robinson spoke regarding the flavored tobacco and the possibility of a new resolution. The Council and Staff had a discussion regarding the information provided.

Mr. Robinson spoke regarding the sign code and political signs. Mr. Robinson said that he would come back to the Council with a new ordinance. The Council and Staff discussed the information.

7.

MOTION:	Motion to Direct Staff to Amended the Definition of Quorum as it Applies to Committees
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Marci Baker, Councilor Ward 2
AYES:	Baker, Barker, Casper, Hoagland, Parsons, Wahlke
ABSENT:	Mark
RESULT:	Passed by Voice Vote

8.

MOTION:	Motion to Withdraw the Direction to Staff Regarding the Flavored Tobacco
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Casper, Parsons
NAYS:	Baker, Barker, Hoagland, Wahlke
ABSENT:	Mark
RESULT:	Failed by Roll Call Vote

N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION, OR PUBLIC COMMENT

Mayor Wahlke asked if there was an executive session planned for a performance evaluation. Ms. Legarza said that will be held in September.

The Council gave consensus to place the outside water services on the September 9th agenda.

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

None.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Hoagland gave an update on current events.

Councilor Baker spoke about the public comments received and publishing those in the packet. The Council gave consensus to contact LOC. Councilor Baker spoke about the direction given by the Council to provide a general description of each topic. The Council had a discussion and gave consensus to complete the previous direction. Councilor Baker spoke about the consistency of the public meetings. Councilor Baker asked about the timing of follow-up from staff. Ms. Legarza said to check back in with staff when you haven't heard back. Councilor Baker asked for a specific time frame. Ms. Legarza suggested one week. Mr. Robinson suggested asking questions in open session. Ms. Baker listed the questions that were sent via email.

Councilor Casper spoke about the housing webinar that she attended.

Councilor Barker asked looking at the STR (short-term rentals) signage ordinance. The Council gave consensus. Mr. Robinson said he would take a look at the STR signage. The Council and Staff had a discussion.

Mayor Wahlke thanked Siletz Bay Music for another great festival.

9.

MOTION:	Motion that All Public Comments be Published in the Packet with Proper Redaction
RESULT:	Withdrawn

10.

MOTION:	Motion to Direct Staff to Review Include the STR Signage as Part of the Review of Overall Signage for Consistency and Uniformity
MOVER:	Todd Barker, Councilor Ward 1
SECONDER:	Marci Baker, Councilor Ward 2
AYES:	Baker, Barker, Casper, Hoagland, Parsons, Wahlke
ABSENT:	Mark
RESULT:	Passed by Voice Vote

11.

MOTION:	Motion to Direct Staff to Look into the Possibility of Publishing the STR Local Contact Information, with the Ability to Make the Information Easily Searchable and Accessible by the Public
MOVER:	Todd Barker, Councilor Ward 1
SECONDER:	Marci Baker, Councilor Ward 2
AYES:	Baker, Barker, Casper, Hoagland, Parsons, Wahlke
ABSENT:	Mark
RESULT:	Passed by Voice Vote

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 8:10 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Public Hearing: Supplemental Budget

Meeting Date:	September 9, 2024	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	20 Minutes

Authority:

ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning.

Background:

This supplemental budget request requires a public hearing; notice has been published in the News Guard.

This staff memo groups the requested budget changes into three groups:

- (1) Rollover amounts where the amount spent in FY2023-24 was not as high as estimated. These requests increase the FY2024-25 budget for the specified projects by the amount of underspending in FY2023-24, and are funded by higher than estimated beginning fund balance. Note these items do not represent an increase to the cost of the project, it is just a change in how much expense is in FY2023-24 versus FY2024-25.
 - (2) Additions to the FY2024-25 funded by additional grant revenue.
 - (3) Additions to the FY2024-25 budget. These are items staff is requesting an increase in budget for, due to either an increase in costs or due to items not included in the adopted FY2024-25 budget. These items are funded by a decrease in contingency.
 - (4) Increase to specified capital projects that are funded by capital contingency. No resolution is needed for this change as capital contingency and capital projects are one budget number in total, but they are noted here for Council's information.
- (1) Project rollover amounts, funded by an increase to the FY2024-25 beginning fund balance.

General Fund - \$135,646

- Police - \$100,646
 - \$88,000 for buildout of four police vehicles purchased in FY2023-24
 - \$12,646 for fencing of the rear parking lot
- Dispatch - \$35,000
 - To complete radio project at SE 19th/Lee pumpstation

Street Capital - \$653,672

- \$153,672 for the NW 21st Sidewalk Safe Routes Improvement project
- \$500,000 for the Neotsu Bike / Pedestrian Boardwalk project

N Hwy 101 Improvement Program Fund - \$14,691

- For the Neotsu Bike / Pedestrian Boardwalk project

Water Capital Fund - \$564,432

- \$93,727 for the Surf Reservoir/Springlake Pumpstation project
- \$470,705 for the water meter radio read project

Sewer Operations Fund - \$151,339

- For the sewer master plan

Sewer SDC Reimbursement - \$102,013

- For the Esther Lee pumpstation project

Facilities Capital Fund - \$70,981

- For rebuilding 17th public restroom

Parks Capital Fund - \$580,105

- For the Schooner Creek Discovery Park

Parks SDC Fund - \$326,429

- For the Schooner Creek Discovery Park

(2) The following request is funded by increased grant revenue

General Fund

- Police - \$1,400
 - Grant funding for reading/book donations to Backpacks for Kids program is about \$1,400 higher than what was budgeted. This request will provide appropriation to expend the full grant amount.

(3) The following requests are to increase the FY2024-25 budget and are funded by a reduction in contingency.

General Fund - \$88,045

- City Council - \$800
 - Increase Information Technology allocation
- City Administration - \$5,900
 - \$2,400 Increase Information Technology allocation
 - \$3,500 Increase training budget for City Recorder
- Finance - \$42,545
 - \$3,400 increase Information Technology allocation
 - \$14,145 increase for annual financial statement audit. This increase is due to both increased costs and to the requirement to have a Single Audit, as the City spent more than \$750,000 of federal grant monies in FY23-24 (ARPA Funds)
 - \$25,000 increase in salaries / benefits to hire and train new employee before an existing employee retires in December.
- Municipal Court - \$400
 - Increase Information Technology allocation
- City Attorney - \$800
 - Increase Information Technology allocation
- Library - \$4,000
 - Increase Information Technology allocation
- Planning - \$2,000
 - Increase Information Technology allocation
- Building Inspection - \$600
 - Increase Information Technology allocation
- Economic Development - \$1,200
 - Increase Information Technology allocation
- Police - \$26,000
 - \$8,000 increase Information Technology allocation
 - \$18,000 funding for purchase of drone system
- Dispatch - \$3,200
 - Increase Information Technology allocation
- City Hall Operations - \$600
 - Increase Information Technology allocation

Lincoln Square \$42,400

- \$42,000 to add funding for on duty pay for building maintenance employees.

- \$400 increase Information Technology allocation

Sewer Operations \$67,738

- \$2,800 increase Information Technology allocation
- \$13,333 add funding for public works compensation study
- \$16,605 add funding to convert part time executive assistant to full time
- \$35,000 increase funding for centrifuge maintenance

Parks and Recreation Fund \$3,200

- Increase Information Technology allocation

Street Operations \$145,738

- \$800 increase Information Technology allocation
- \$100,000 add funding for repairing the City enhanced Highway 101 crossing
- \$15,000 add funding for decorative pole maintenance (sensors in Taft and corroding fixtures)
- \$13,333 add funding for public works compensation study
- \$16,605 add funding to convert part time executive assistant to full time

Water Operations - \$32,739

- \$2,800 increase Information Technology allocation
- \$13,334 add funding for public works compensation study
- \$16,605 add funding to convert part time executive assistant to full time

Explore Lincoln City - \$2,600

- Increase Information Technology allocation

(4) The following requests do not require a change in budget appropriation but involve reducing capital contingency and increasing specified projects:

Street Capital

- Add \$60,000 funding to replace failing wood retaining wall next to the Head to Bay trail

Sewer Capital

- Add \$300,000 funding to repair a broken sewer main submerged next to the lake

Affordable Housing

- Add \$25,000 funding to building maintenance and vandalism repair

Council Options:

1. Motion to approve Resolution 2024-27 adopting the supplemental budget for FY2024-25.
2. Motion to approve Resolution 2024-27 adopting the supplemental budget for FY2024-25 as amended.
3. Do not approve Resolution 2024-27.

ORDINANCE**ORDINANCE NO. 2024-09 AN ORDINANCE AMENDING ORD. 2017-05 § 1 AND ORD. 2013-03 § 1, AMENDING THE CITY OF LINCOLN CITY MUNICIPAL CODE 2.06.025****Ordinance No. 2024-09****An Ordinance Amending Ord. 2017-05 § 1 and Ord. 2013-03 § 1, amending the City of Lincoln City Municipal Code 2.06.025**

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provide:

2.1 Powers of the City

The City has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293; 531 P 2d 730, 734 (1975); LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), af'd on reh'g 284 Or 173 (1978); and

WHEREAS, in order to conduct business effectively, the City of Lincoln City has various Appointive Bodies, boards and commissions with a variety of roles and responsibilities; and

WHEREAS, the City Council of the City of Lincoln City finds it necessary to add more uniform procedures to Chapter 2.06 of the Lincoln City Municipal Code to clarify the appointment and operation to such City Appointive Bodies, and reduce redundant code provisions; and

Whereas, there exists in the Municipal code two different definitions for "quorum", one for council and one for committees; and

Whereas, the city council wishes to make the definitions uniform.

1 **The City of Lincoln City Ordains as follows:**

2 **Section 1:**

3 2.06.025 Quorum and effect of lack thereof.

4 A. A majority of the incumbent members shall constitute a quorum for its business, but a
5 smaller number may meet and compel the attendance of absent members in the manner
6 provided by ordinance.

7 B. Unless specifically stated otherwise in city code or state law (e.g., budget committee), only a
8 simple majority of the quorum is necessary to adopt any motion or take action or
9 recommendation.

10 **Section 2:** Recitals Adopted. The recitals contained in the Whereas Clauses of this ordinance,
11 as well as the competent substantial evidence in the whole record of this legislative proceeding
12 are incorporated into this section by reference as if fully set forth herein, and are adopted in
13 support of this legislative action.

14
15 **Section 3.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are
16 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
17 validity of the remaining sections, subsections, paragraphs and clauses.

18
19 **Section 4.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes
20 effect 30 days after the date of its adoption.

21
22 **Section 5.** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln
23 City Municipal Code and the word "ordinance" may be changed to "code", "article", "section",
24 "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-
25 lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need
26 not be codified and the City Recorder is authorized to correct any cross-references and any
27 typographical errors.

28
29 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
30 9.2 of the City of Lincoln City Charter on the 9th day of September (First Reading) and on the
31 9th day of September 2024 (Second Reading).

32
33 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 9th day of
34 September, 2024.

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Susan Wahlke, Mayor

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Attest:

Jamie Young, City Recorder

Approved as to form:

David Robinson, City Attorney

{VAR ResOrd}

The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 9th day of September 9, 2024 (First Reading) and on the day of (Second Reading).

DICK ANDERSON, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Exhibit 1

*Annotated to show deletions and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are **bold underlined**.*

2.06.025 Quorum and effect of lack thereof.

A. A majority of the incumbent members shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in the manner provided by ordinance. ~~A quorum shall consist of the first whole number of members more than one-half of the total number of authorized members of the body including any vacant positions (e.g., seven-member body: one-half is 3.5; quorum is four). Nonvoting ex-officio members, staff and liaisons do not count toward the quorum.~~

~~B. A quorum must consist of qualified members meeting the numeric minimum of this chapter; appointive body membership provisions (e.g., residency requirements) do not impact quorum calculations.~~ Unless specifically stated otherwise in city code or state law (e.g., budget committee), only a simple majority of the quorum is necessary to adopt any motion or take action or recommendation.

C. Members need not be physically present at a meeting if another means of attendance (e.g., telephonic, internet, etc.) is provided and if public meetings law requirements are met (public can hear the remote participant).

D. If there is no quorum for a meeting, no official business shall be conducted and all matters advertised shall automatically be continued to the next regularly scheduled meeting.

E. If an appointive body, acting in an advisory capacity with respect to a city matter, fails to make a recommendation to the city council within 60 days of referral, the matter shall be forwarded to the council without a recommendation. (Ord. 2017-05 § 1; Ord. 2013-03 § 1. Formerly 2.06.030)

Ordinance No. 2024-09
An Ordinance Amending Ord. 2017-05 § 1 and Ord. 2013-03 § 1, amending the City of
Lincoln City Municipal Code 2.06.025

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2024-09, an ordinance amending the definition of quorum for committees to match the definition of quorum for council?

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-09 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2024-09.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

In open session discussion, city council members discussed and agreed that having a uniform definition of "quorum" for council and committees will enhance efficiency and help committees conduct business.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

Ordinance No. 2024-09
An Ordinance Amending Ord. 2017-05 § 1 and Ord. 2013-03 § 1, amending the City of
Lincoln City Municipal Code 2.06.025

Council:

1. Motion to approve First Reading of Ordinance 2022-43.

If unanimous: Conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Ordinance No. 2024-09
An Ordinance Amending Ord. 2017-05 § 1 and Ord. 2013-03 § 1, amending the City of
Lincoln City Municipal Code 2.06.025

Council:

1. Motion to approve Second Reading and adopt Ordinance 2024-09.

Ordinance No. 2024-09
**An Ordinance Amending Ord. 2017-05 § 1 and Ord. 2013-03 § 1, amending the City of
 Lincoln City Municipal Code 2.06.025**

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provide:

2.1 Powers of the City

The City has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the City may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293; 531 P 2d 730, 734 (1975); LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), af{'d on reh'g 284 Or 173 (1978); and

WHEREAS, in order to conduct business effectively, the City of Lincoln City has various Appointive Bodies, boards and commissions with a variety of roles and responsibilities; and

WHEREAS, the City Council of the City of Lincoln City finds it necessary to add more uniform procedures to Chapter 2.06 of the Lincoln City Municipal Code to clarify the appointment and operation to such City Appointive Bodies, and reduce redundant code provisions; and

Whereas, there exists in the Municipal code two different definitions for “quorum”, one for council and one for committees; and

Whereas, the city council wishes to make the definitions uniform.

The City of Lincoln City Ordains as follows:

Section 1:

2.06.025 Quorum and effect of lack thereof.

A. A majority of the incumbent members shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in the manner provided by ordinance.

1 B. Unless specifically stated otherwise in city code or state law (e.g., budget committee), only a
2 simple majority of the quorum is necessary to adopt any motion or take action or
3 recommendation.

4 **Section 2:** Recitals Adopted. The recitals contained in the Whereas Clauses of this ordinance, as
5 well as the competent substantial evidence in the whole record of this legislative proceeding are
6 incorporated into this section by reference as if fully set forth herein, and are adopted in support
7 of this legislative action.

8 **Section 3.** Severability. The sections, subsections, paragraphs and clauses of this ordinance are
9 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
10 validity of the remaining sections, subsections, paragraphs and clauses.

11 **Section 4.** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes
12 effect 30 days after the date of its adoption.

13 **Section 5.** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln
14 City Municipal Code and the word “ordinance” may be changed to “code”, “article”, “section”,
15 “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
16 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be
17 codified and the City Recorder is authorized to correct any cross-references and any
18 typographical errors.

19 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
20 9.2 of the City of Lincoln City Charter on the 9th day of September (First Reading) and on the
21 9th day of September 2024 (Second Reading).

22 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 9th day of
23 September, 2024.

24 _____
25 Susan Wahlke, Mayor

26 Attest:

27 _____
28 Jamie Young, City Recorder

Approved as to form:

_____ David Robinson, City Attorney

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ORDINANCE

ORDINANCE NO. 2024-14 AN ORDINANCE AMENDING ORDINANCES 2005-04 §1, 2013-15 §4, 5, AND 6, OF THE LINCOLN CITY MUNICIPAL CODE 2.05 TO INCREASE PUBLIC CONTRACTING PROCUREMENT THRESHOLDS TO MATCH STATE PROCUREMENT THRESHOLDS.

ORDINANCE NO. 2024-14

AN ORDINANCE AMENDING ORDINANCES 2005-04 §1, 2013-15 §4, 5, AND 6, OF THE LINCOLN CITY MUNICIPAL CODE 2.05 TO INCREASE PUBLIC CONTRACTING PROCUREMENT THRESHOLDS TO MATCH STATE PROCUREMENT THRESHOLDS.

WHEREAS, the Oregon Legislature enacted SB 1047 during the 2023 session and the Governor signed SB 1047 into law, effective on January 1, 2024; and

WHEREAS, SB 1047 increased state public contracting procurement thresholds; and

WHEREAS, the City of Lincoln City is required to update its ordinances from time to time to keep current with changing laws and regulations; and

WHEREAS, Lincoln City Municipal Code (LCMC) 2.05.040 adopts the model rules for public contracting and the provisions of ORS 279A, B, and C; and

WHEREAS, Oregon Revised Statute (ORS) 279B and 279C were amended by SB 1047

WHEREAS, LCMC 2.05.045 reads: In the event that rules adopted by the local contract review board do not sufficiently address a particular circumstance, or a conflict between these rules and the Public Contracting Code and the Model Rules exists, the Public Contracting Code or the Model Rules shall apply. (Ord. 2005-04 § 1), and;

WHEREAS, the increase in public contracting procurement thresholds raised in SB 1047 creates a conflict between the statutory rule and local procurement code.

Now, Therefore,

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1:

2.05.070 (Procurement of Goods and Services)

B. A procurement of goods and services exceeding \$25,000 but not exceeding \$250,000 may be awarded as provided in ORS 279B.070. The local contract review board or city manager as

1 contracting agency may use an intermediate procurement method, seeking at least three
 2 informally solicited competitive price quotes or competitive proposals from prospective
 3 contractors. The contracting agency shall keep a written record of the sources of the quotes or
 4 proposals received. If three quotes or proposals are not reasonably available, fewer will suffice,
 5 but the contracting agency shall make a written record of the effort made to obtain the quotes
 6 or proposals. (Ord. 2013-15 § 4; Ord. 2005-04 § 1; Ord. 2024-14 §1)

7 **Section 2:**

8 2.05.080 (Exemptions)

9 D. Contracts for goods or services less than \$25,000, provided at least one quote has been
 10 obtained.

11 E. Purchases through federal programs, pursuant to ORS 279A.180

12 (Ord. 2014-19 § 3; Ord. 2013-15 § 5; Ord. 2005-04 § 1; Ord. 2024-14 § 2)

13 **Section 3:**

14 2.05.090 (Personal Service Contracts)

15 D. Where the amount of the personal services contract is anticipated to be more than \$25,000
 16 per year but less than \$100,000 per year, the local contract review board through the city
 17 manager shall solicit at least three prospective contractors who appear to have at least
 18 minimum qualifications for the proposed assignment, notify each prospective contractor in
 19 reasonable detail of the proposed assignment, and determine the prospective contractor's
 20 interest and ability to perform the proposed assignment. The contracting agency may also
 21 negotiate a contract for such services with any qualified contractor. A contract of \$250,000 or
 22 more for architectural, engineering, photogrammetric mapping, transportation planning, land
 23 surveying, or related services as defined by ORS 279C.100(8) shall be selected in accordance
 24 with the qualification based selection (QBS) process at ORS 279C.110.

25 (Ord. 2022-13 § 1; Ord. 2013-15 § 6; Ord. 2005-04 § 1; Ord. 2024-14 § 3)

26

27 **Section 4:** Findings Adopted. The Whereas Clauses of this ordinance as well as the competent
 28 substantial evidence in the whole record of this legislative proceeding are incorporated into
 29 this section by reference as if fully set forth herein, and are adopted in support of this
 30 legislative action.

31

32 **Section 5:** Severability. The sections, subsections, paragraphs and clauses of this ordinance are
 33 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
 34 validity of the remaining sections, subsections, paragraphs and clauses.

35

1 **Section 6:** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes
2 effect 30 days after the date of its adoption.

3
4 **Section 7:** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln
5 City Municipal Code and the word "ordinance" may be changed to "code", "article", "section",
6 "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-
7 lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need
8 not be codified and the City Recorder is authorized to correct any cross-references and any
9 typographical errors.

10
11 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
12 9.2 of the City of Lincoln City Charter on the 25th day of March, 2024. The Council suggested
13 revisions during the March 25th meeting. This ordinance now revised was distinctly read by title
14 only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on April 22,
15 2024.

16
17 Passed and adopted by the City Council of the City of Lincoln City this _____ day of
18 _____ 2024.

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21 _____
22 Susan Wahlke, Mayor

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24 Attest:

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26 _____
27 Jamie Young, City Recorder

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30 Approved as to form:

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32 _____
33 David Robinson, City Attorney

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36 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
37 9.2 of the City of Lincoln City Charter on the 9th day of September 9, 2024 (First Reading) and
38 on the day of (Second Reading).

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40 _____
41 DICK ANDERSON, MAYOR

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ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Exhibit 1

Annotated to show deletions and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **bold underlined**.

Section 1:

2.05.070 Procurement of Goods and Services

Procurement of goods and services shall be awarded as provided in the Public Contracting Code, ORS Chapter 279B, the Model Rules, and these rules.

A. Any procurement of goods or services shall be accomplished by competitive bid or proposal, except as provided herein.

B. A procurement of goods and services exceeding ~~\$10,000~~ **\$25,000** but not exceeding ~~\$150,000~~ **\$250,000** may be awarded as provided in ORS 279B.070. The local contract review board or city manager as contracting agency may use an intermediate procurement method, seeking at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The contracting agency shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the contracting agency shall make a written record of the effort made to obtain the quotes or proposals. (Ord. 2013-15 § 4; Ord. 2005-04 § 1; **Ord. 2024-14 § 1**)

Section 2:

2.05.080 Exemptions

The following classes of public contracts are exempt from competitive procurement:

D. Contracts for goods or services less than ~~\$10,000~~ **\$25,000**, provided at least one quote has been obtained.

E. Purchases through federal programs, pursuant to ORS 279A.180

(Ord. 2014-19 § 3; Ord. 2013-15 § 5; Ord. 2005-04 § 1; **Ord. 2024-14 § 2**)

Section 3:

2.05.090 Personal Service Contracts

“Personal service contracts” are contracts for services performed by independent contractors, with specialized knowledge, skill, or resources, or which require the exercise of professional, artistic, or management discretion or judgment, or as may be determined by the local contract review board or the city manager.

D. Where the amount of the personal services contract is anticipated to be more than \$25,000 per year but less than \$100,000 per year, the local contract review board through the city manager shall solicit at least three prospective contractors who appear to have at least minimum qualifications for the proposed assignment, notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor’s interest and ability

to perform the proposed assignment. The contracting agency may also negotiate a contract for such services with any qualified contractor. A contract of ~~\$100,000~~ \$250,000 or more for architectural, engineering, photogrammetric mapping, transportation planning, land surveying, or related services as defined by ORS 279C.100~~(8)~~ shall be selected in accordance with the qualification based selection (QBS) process at ORS 279C.110. ~~mandated by Chapter 458 Oregon Laws (2011) and applicable implementing administrative rules.~~

(Ord. 2022-13 § 1; Ord. 2013-15 § 6; Ord. 2005-04 § 1; **Ord. 2024-14 § 3**)

Enrolled
Senate Bill 1047

Sponsored by Senator WAGNER; Representative GRAYBER (at the request of Governor Tina Kotek)

CHAPTER

AN ACT

Relating to equity in public procurements; creating new provisions; amending ORS 279B.065, 279B.070 and 279C.335; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 279B.065 is amended to read:

279B.065. (1) A contracting agency may award a [*procurement of*] **public contract for** goods or services that does not exceed [*\$10,000*] **a contract price of \$25,000** in any manner the contracting agency deems practical or convenient, including by direct selection or award. A contract awarded under this section may be amended to exceed [*\$10,000*] **\$25,000** only in accordance with rules adopted under ORS 279A.065.

(2) A state contracting agency that awards a public contract with a contract price of \$10,000 or more using a method permitted under this section shall document in the state contracting agency's procurement file the actions the state contracting agency takes to:

(a) Comply with ORS 200.035; and

(b) Consider for the procurement businesses or enterprises that the Certification Office for Business Inclusion and Diversity certifies under ORS 200.055.

[2] (3) A contracting agency may not artificially divide or fragment a procurement so as to constitute a small procurement under this section.

SECTION 2. ORS 279B.070 is amended to read:

279B.070. (1) A contracting agency may award a [*procurement of*] **public contract for** goods or services that exceeds [*\$10,000*] **a contract price of \$25,000**, but does not exceed [*\$150,000*] **a contract price of \$250,000**, [*in accordance with intermediate procurement procedures*] **as provided in subsection (4) of this section.** A contract awarded under this section may be amended to exceed [*\$150,000*] **\$250,000** only in accordance with rules adopted under ORS 279A.065.

(2) A state contracting agency that awards a public contract with a contract price of \$10,000 or more using a method permitted under this section shall document in the state contracting agency's procurement file the actions the state contracting agency takes to:

(a) Comply with ORS 200.035; and

(b) Invite to participate in the procurement qualified businesses or enterprises that the Certification Office for Business Inclusion and Diversity certifies under ORS 200.055.

[2] (3) A contracting agency may not artificially divide or fragment a procurement so as to constitute an intermediate procurement under this section.

[3] (4) When conducting an intermediate procurement, a contracting agency shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The contracting agency shall keep a written record of the sources of the quotes or pro-

posals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the contracting agency shall make a written record of the effort the contracting agency makes to obtain the quotes or proposals.

[(4)] (5) If a contracting agency awards a **public** contract, the contracting agency shall award the **public** contract to the offeror whose quote or proposal will best serve the interests of the contracting agency, taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 279B.110.

SECTION 3. ORS 279C.335 is amended to read:

279C.335. (1) A contracting agency may award a public improvement contract only in response to competitive bids, except for:

(a) A public improvement contract with a qualified nonprofit agency that provides employment opportunities for individuals with disabilities under ORS 279.835 to 279.855.

(b) A public improvement contract that is exempt under subsection (2) of this section.

(c) A public improvement contract with a value of less than ~~[\$10,000]~~ **\$25,000. A state contracting agency that awards a public improvement contract with a contract price of \$10,000 or more under this paragraph shall document in the state contracting agency's procurement file the actions the state contracting agency takes to:**

(A) Comply with ORS 200.035; and

(B) Invite to participate in the procurement qualified businesses or enterprises that the Certification Office for Business Inclusion and Diversity certifies under ORS 200.055.

(d) A public improvement contract with a contract price that does not exceed \$100,000 made under procedures for competitive quotes in ORS 279C.412 and 279C.414.

(e) A contract to repair, maintain, improve or protect property the Department of Veterans' Affairs obtains under ORS 407.135 and 407.145 (1).

(f) An energy savings performance contract that a contracting agency enters into in accordance with rules of procedure adopted under ORS 279A.065.

(g) A public improvement contract with an estimated contract price of \$250,000 or less that a contracting agency awards to an emerging small business certified under ORS 200.055 and funds with moneys from the Emerging Small Business Account established under ORS 200.180. A contracting agency that awards a public contract exempted from competitive bidding under this paragraph shall solicit competitive quotes as provided in ORS 279C.414 before making the award.

(2) Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department of Administrative Services, a local contract review board or, for contracts described in ORS 279A.050 (3)(b), the Director of Transportation may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:

(a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.

(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

(A) How many persons are available to bid;

(B) The construction budget and the projected operating costs for the completed public improvement;

(C) Public benefits that may result from granting the exemption;

(D) Whether value engineering techniques may decrease the cost of the public improvement;

(E) The cost and availability of specialized expertise that is necessary for the public improvement;

(F) Any likely increases in public safety;

(G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;

(H) Whether granting the exemption will affect the sources of funding for the public improvement;

(I) 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;

(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;

(K) Whether the public improvement involves new construction or renovates or remodels an existing structure;

(L) Whether the public improvement will be occupied or unoccupied during construction;

(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and

(N) 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.

(c) As an alternative to the finding described in paragraph (b) of this subsection, if a contracting agency or state agency seeks an exemption that would allow the contracting agency or state agency to use an alternative contracting method that the contracting agency or state agency has not previously used, the contracting agency or state agency may make a finding that identifies the project as a pilot project for which the contracting agency or state agency intends to determine whether using the alternative contracting method actually results in substantial cost savings to the contracting agency, to the state agency or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. The contracting agency or state agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation required under ORS 279C.355.

(3) In making findings to support an exemption for a class of public improvement contracts, the contracting agency or state agency shall clearly identify the class using the class's defining characteristics. The characteristics must include a combination of project descriptions or locations, time periods, contract values, methods of procurement or other factors that distinguish the limited and related class of public improvement contracts from the agency's overall construction program. The agency may not identify a class solely by funding source, such as a particular bond fund, or by the method of procurement, but shall identify the class using characteristics that reasonably relate to the exemption criteria set forth in subsection (2) of this section.

(4) In granting exemptions under subsection (2) of this section, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall:

(a) If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition.

(b) Require and approve or disapprove written findings by the contracting agency or state agency that support awarding a particular public improvement contract or a class of public im-

provement contracts, without the competitive bidding requirement of subsection (1) of this section. The findings must show that the exemption of a contract or class of contracts complies with the requirements of subsection (2) of this section.

(c) Require a contracting agency or state agency that procures construction manager/general contractor services to conduct the procurement in accordance with model rules the Attorney General adopts under ORS 279A.065 (3).

(5)(a) A contracting agency or state agency may hold a public hearing before approving the findings required by subsection (2) of this section and before the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board grants an exemption from the competitive bidding requirement for a public improvement contract or a class of public improvement contracts.

(b) Notification of a proposed exemption under subsection (2) of this section must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the date on which the contracting agency intends to take action to approve or disapprove the exemption.

(c) The notice must state that in response to a written request, the contracting agency or state agency will hold a public hearing for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.

(d) If the contracting agency or state agency conducts a public hearing, the contracting agency or state agency shall offer an opportunity for any interested party to appear and comment.

(e) If a contracting agency or state agency must act promptly because of circumstances beyond the agency's control that do not constitute an emergency, notification of the proposed exemption may be published simultaneously with the agency's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the agency intends to take action to approve or disapprove the proposed exemption.

(6) The purpose of an exemption is to exempt one or more public improvement contracts from competitive bidding requirements. The representations in and the accuracy of the findings, including any general description of the resulting public improvement contract, are the bases for approving the findings and granting the exemption. The findings may describe anticipated features of the resulting public improvement contract, but the final parameters of the contract are those characteristics or specifics announced in the solicitation document.

(7) A public improvement contract awarded under the competitive bidding requirement of subsection (1) of this section may be amended only in accordance with rules adopted under ORS 279A.065.

(8) A public improvement contract that is excepted from the competitive bidding requirement under subsection (1)(a), (c), (d), (e), (f) or (g) of this section is not subject to the exemption requirements of subsection (2) of this section.

SECTION 4. The Oregon Department of Administrative Services shall promote and apply a policy of diversity, equity and inclusion in public contracting by engaging in efforts to increase public contracting opportunities for businesses and enterprises that the Certification Office for Business Inclusion and Diversity has certified under ORS 200.055. The department shall undertake the following actions:

(1) Review and evaluate the recommendations of a statewide study of disparities in awarding public contracts;

(2) Develop a plan to implement the priority recommendations set forth in the study described in subsection (1) of this section;

(3) Implement the priority recommendations set forth in the study described in subsection (1) of this section; and

(4) Report to the Governor's Policy Advisor for Economic and Business Equity concerning the department's plan and implementation every six months until the earlier of the date on which the department has fully implemented the priority recommendations or June 30,

2025. The department shall submit the first report not later than 90 days after the completion of the study described in subsection (1) of this section.

SECTION 5. Section 4 of this 2023 Act and the amendments to ORS 279B.065, 279B.070 and 279C.335 by sections 1 to 3 of this 2023 Act apply to procurements that a contracting agency advertises or otherwise solicits or, if the contracting agency does not advertise or otherwise solicit the procurement, to public contracts into which the contracting agency enters on or after the operative date specified in section 6 of this 2023 Act.

SECTION 6. (1) The amendments to ORS 279B.065, 279B.070 and 279C.335 by sections 1 to 3 of this 2023 Act become operative on January 1, 2024.

(2) A contracting agency that adopts rules under ORS 279A.065 or 279A.070 may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary for the contracting agency to undertake and exercise all of the duties, functions and powers conferred on the contracting agency by the amendments to ORS 279B.065, 279B.070 and 279C.335 by sections 1 to 3 of this 2023 Act.

SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by Senate April 10, 2023

.....
Lori L. Brocker, Secretary of Senate

.....
Rob Wagner, President of Senate

Passed by House May 16, 2023

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Secretary of State

Senate Bill 1047

Kelly Mix, State Chief Procurement Officer
DAS Procurement Services

Goals of Senate Bill 1047



Expand access to contracts for small diverse firms

Raising thresholds puts more contracts into the small and intermediate categories which are easier and faster for small firms to navigate



Account for inflation and changing markets

Existing thresholds haven't changed in 10+ years and current inflation rates mean our dollars don't buy as much as they used to



Direction to DAS on implementing disparity study results

Evaluate the study's recommendations and develop a plan to increase public contracting opportunities for diverse businesses



What is a Procurement Threshold?

A contract’s anticipated dollar value drives what procurement method is used

Procurement methods and current thresholds:

Small Procurement
(currently under \$10,000)

Allows for a non-competitively bid contract to be issued. Agencies can quickly secure goods and services they need.



Intermediate Procurement
(currently \$10,000–\$150,000)

Requires more process & competition. At minimum, agencies must post 7-days publicly, and take active steps to include small & diverse firms. Takes 30-days.



Sealed Competitive
(over \$150,000)

Rigorous process of formal solicitation documents (usually with DOJ review), 30-day public posting, formal process steps & evaluations & complex contract negotiation. Takes 4-6 months.



What is Changed in Senate Bill 1047?

Increased procurement thresholds as follows:

- 1 Increased small procurement dollar threshold from \$10,000 to \$25,000
- 2 Increased intermediate procurement dollar threshold from to \$150,000 to \$250,000

82nd OREGON LEGISLATIVE ASSEMBLY—2023 Regular Session

Senate Bill 1047

Sponsored by Senator WAGNER (at the request of Governor Tina Kotek)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Raises contract price threshold under which contracting agency may apply certain solicitation and procurement methods for public contracts. Requires state contracting agency that awards public contract with contract price of \$10,000 or more to document in state contracting agency's procurement file actions that state contracting agency takes to provide notice of procurement to Governor's Policy Advisor for Economic and Business Equity and to invite or consider for participation in procurement businesses or enterprises that Certification Office for Business Inclusion and Diversity certifies.

Requires Oregon Department of Administrative Services to promote policy of diversity, equity and inclusion in public contracting by engaging in efforts to increase public contracting opportunities for businesses and enterprises that Certification Office for Business Inclusion and Diversity has certified. Requires department to review and evaluate results of disparity study, to develop plan to implement and implement priority recommendations of study and to report periodically to Governor's Policy Advisor for Economic and Business Equity concerning progress of department's plan and implementation.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to equity in public procurements; creating new provisions; amending ORS 279B.065,
2 279B.070 and 279C.335; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 279B.065 is amended to read:

5 279B.065. (1) A contracting agency may award a [procurement of] public contract for goods or
6 services that does not exceed [\$10,000] a contract price of \$25,000 in any manner the contracting
7 agency deems practical or convenient, including by direct selection or award. A contract awarded
8 under this section may be amended to exceed [\$10,000] \$25,000 only in accordance with rules
9 adopted under ORS 279A.065.

10 (2) A state contracting agency that awards a public contract with a contract price of
11 \$10,000 or more using a method permitted under this section shall document in the state
12 contracting agency's procurement file the actions the state contracting agency takes to

Benefits of the Proposed Changes



Increased Accessibility

Less complex processes make contracts accessible to more businesses

Faster Processing

Less complex lower-level dollar value procurements are processed faster

Workload Efficiencies

Procurement staff in agencies can focus attention on more complex procurements



One of the biggest barriers to participating in the public procurement process, is the process itself

Feedback from small business
(including COBID firms)

Proposed Changes Also Benefit Small Business

We believe that by opening up more contracting opportunities as small and intermediate solicitations, small business will find it easier to do business with the state and have greater access to public contracts



What is New in Senate Bill 1047?

Directions to DAS on implementing disparity study results:

- 1 Review & evaluate recommendations of the disparity study
- 2 Develop a plan to implement the study's priority recommendations & implement the plan
- 3 Report to the Governor's Policy Advisor every six months on the plan's status

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Final Thoughts



These changes aren't something we do very often or in a vacuum



Proposed revisions better align the rigor of the procurement process to the risk level of the procurement

Procurement law changes over the years:

- Intermediate procurement threshold changed 20 years ago (2003)
- Small procurement threshold changed 10 years ago (2013)
- DAS increased procurement authority to agencies to \$250k (2022)

Questions?

Thank You

For more information, contact:
Kelly Mix, kelly.mix@das.oregon.gov
Meliah Masiba, meliah.masiba@das.oregon.gov

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2024-14, an ordinance correcting conflict between local code and recently amended ORS?

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2024-14 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2024-14.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

ORS 279B as amended by SB 1047 (Exhibit 2)

Background:

The Oregon Legislature enacted SB 1047 during the 2023 session and the Governor signed SB 1047 into law, effective on January 1, 2024. SB 1047 increased state public contracting procurement thresholds. A contract's anticipated dollar value drives what procurement method is used: Small, Intermediate, Competitive Sealed Bid. The procurement thresholds have not been increased in ten years. The intended effect of the increase is to expand accessibility to public contracts for smaller and minority-owned businesses, speed up processing of contracts (less complex, lower value contracts are processed more quickly), and to increase staff efficiency (Exhibit 3).

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to a later date
3. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

Ordinance No. 2024-14

An Ordinance of the City of Lincoln City Amending Ordinance(s) and the City of Lincoln City Municipal Code, Title 2, Chapter 2.05.070 – 090, an ordinance to increase public contracting procurement thresholds to match state procurement thresholds.

Council:

1. Motion to approve First Reading of Ordinance 2024-14.

If unanimous: Conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Ordinance No. 2024-14

Council:

1. Motion to approve Second Reading and adopt Ordinance 2024-14.

ORDINANCE NO. 2024-14

AN ORDINANCE AMENDING ORDINANCES 2005-04 §1, 2013-15 §4, 5, AND 6, OF THE LINCOLN CITY MUNICIPAL CODE 2.05 TO INCREASE PUBLIC CONTRACTING PROCUREMENT THRESHOLDS TO MATCH STATE PROCUREMENT THRESHOLDS.

WHEREAS, the Oregon Legislature enacted SB 1047 during the 2023 session and the Governor signed SB 1047 into law, effective on January 1, 2024; and

WHEREAS, SB 1047 increased state public contracting procurement thresholds; and

WHEREAS, the City of Lincoln City is required to update its ordinances from time to time to keep current with changing laws and regulations; and

WHEREAS, Lincoln City Municipal Code (LCMC) 2.05.040 adopts the model rules for public contracting and the provisions of ORS 279A, B, and C; and

WHEREAS, Oregon Revised Statute (ORS) 279B and 279C were amended by SB 1047

WHEREAS, LCMC 2.05.045 reads: In the event that rules adopted by the local contract review board do not sufficiently address a particular circumstance, or a conflict between these rules and the Public Contracting Code and the Model Rules exists, the Public Contracting Code or the Model Rules shall apply. (Ord. 2005-04 § 1), and;

WHEREAS, the increase in public contracting procurement thresholds raised in SB 1047 creates a conflict between the statutory rule and local procurement code.

Now, Therefore,

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

Section 1:

2.05.070 (Procurement of Goods and Services)

B. A procurement of goods and services exceeding \$25,000 but not exceeding \$250,000 may be awarded as provided in ORS 279B.070. The local contract review board or city manager as contracting agency may use an intermediate procurement method, seeking at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The contracting agency shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the contracting agency shall make a written record of the effort made to obtain the quotes or proposals. (Ord. 2013-15 § 4; Ord. 2005-04 § 1; Ord. 2024-14 §1)

Section 2:

2.05.080 (Exemptions)

1 D. Contracts for goods or services less than \$25,000, provided at least one quote has been
2 obtained.

3 E. Purchases through federal programs, pursuant to ORS 279A.180

4 (Ord. 2014-19 § 3; Ord. 2013-15 § 5; Ord. 2005-04 § 1; Ord. 2024-14 § 2)

5 **Section 3:**

6 2.05.090 (Personal Service Contracts)

7 D. Where the amount of the personal services contract is anticipated to be more than \$25,000 per
8 year but less than \$100,000 per year, the local contract review board through the city manager
9 shall solicit at least three prospective contractors who appear to have at least minimum
10 qualifications for the proposed assignment, notify each prospective contractor in reasonable
11 detail of the proposed assignment, and determine the prospective contractor's interest and ability
12 to perform the proposed assignment. The contracting agency may also negotiate a contract for
such services with any qualified contractor. A contract of \$250,000 or more for architectural,
engineering, photogrammetric mapping, transportation planning, land surveying, or related
services as defined by ORS 279C.100(8) shall be selected in accordance with the qualification
based selection (QBS) process at ORS 279C.110.

13 (Ord. 2022-13 § 1; Ord. 2013-15 § 6; Ord. 2005-04 § 1; Ord. 2024-14 § 3)

14 **Section 4:** Findings Adopted. The Whereas Clauses of this ordinance as well as the competent
15 substantial evidence in the whole record of this legislative proceeding are incorporated into this
16 section by reference as if fully set forth herein, and are adopted in support of this legislative
action.

17 **Section 5:** Severability. The sections, subsections, paragraphs and clauses of this ordinance are
18 severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
validity of the remaining sections, subsections, paragraphs and clauses.

19 **Section 6:** Ordinance Effective Date. Pursuant to Chapter IX, Section 9.3, this ordinance takes
20 effect 30 days after the date of its adoption.

21 **Section 7:** Codification. Provisions of this Ordinance shall be incorporated in the City of Lincoln
22 City Municipal Code and the word "ordinance" may be changed to "code", "article", "section",
23 "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
24 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 1-38) need not be
codified and the City Recorder is authorized to correct any cross-references and any
typographical errors.

25 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
26 9.2 of the City of Lincoln City Charter on the 25th day of March, 2024. The Council suggested
27 revisions during the March 25th meeting. This ordinance now revised was distinctly read by title
28 only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on April 22,
2024.

1 Passed and adopted by the City Council of the City of Lincoln City this _____ day of
2 _____ 2024.

3 _____
4 Susan Wahlke, Mayor

5 Attest:

6 _____
7 Jamie Young, City Recorder

8 _____
9 Approved as to form:
10 _____
11 David Robinson, City Attorney

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Council Communication

Resolution 2024-27: Supplemental Budget

Meeting Date:	September 9, 2024	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 Minutes

See staff memo under public hearing

Attachments:

Resolution 2024-27 Adopting Supplemental Budget 2024-25 (PDF)

Resolution No. 2024-27

A Resolution of the City of Lincoln City, Adopting the Supplemental Budget for the Fiscal Year 2024-25, as Approved by the City Council, and Making Appropriations

Whereas, ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning; and

Whereas, the publication of the supplemental budget was given in the manner provided in ORS 294.311;

Now, Therefore, Be It Resolved That the City Council of the City of Lincoln City, As Follows:

That it hereby adopts the supplemental budget for 2024-2025, and is now on file in the office of the Finance Director.

That the additional amounts for the fiscal year ending June 30, 2025, for the purposes shown below are hereby appropriated as follow:

See Exhibit "A"

Effective Date: This resolution is effective as of the date of its adoption.

APPROVED by the City Council of the City of Lincoln City this 9th day of September 2024.

Susan Wahlke, Mayor

Attest:

Jamie Young, City Recorder

Approved as to form:

David Robinson, City Attorney

EXHIBIT "A"

FUND: GENERAL FUND

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	135,646	1 Police	128,046
2 Grant Revenue	1,400	2 City Council	800
3		3 Library	4,000
4		4 Municipal Court	400
5		5 City Attorney	800
6		6 Planning	2,000
7		7 Building Inspection	600
8		8 Economic Development	1,200
9		9 Dispatch	38,200
10		10 City Admin	5,900
11		11 Finance	42,545
12		12 City Hall Operations	600
13		13 Contingency	-88,045
Revised Total Resources	21,232,253	Revised Total Requirements	21,232,253

Comments:

To rollover FY23-24 underspending and add to budgeted capital for Police vehicles buildout (\$88,000), for police rear parking lot fencing (\$12,646), and for the Dispatch radio project SE 19th/Lee pumpstation (\$35,000). To provide additional training budget for City Admin (\$3,500), to provide succession training funding for Finance (\$25,000), to provide additional funding for City's financial statement audit (\$14,145), to provide funding for Police drone system (\$18,000), to provide funding for grant received by Police (\$1,400), and to increase Information Technology allocation (\$27,400), funded by contingency.

FUND: LINCOLN SQUARE

Resource	Amount	Requirement	Amount
1		1 Lincoln Square Maintenance	42,400
2		2 Contingency	-42,400
Revised Total Resources	901,953	Revised Total Requirements	901,953

Comments:

To increase budgeted salaries (\$42,000), and to increase IT Allocation (\$400), funded by contingency.

FUND: STREET CAPITAL

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	653,672	1 Street Improvements	653,672
Revised Total Resources	8,444,121	Revised Total Requirements	8,444,121

Comments:

To rollover FY23-24 underspending and add to budgeted capital for NW 21st Safe Routes project (\$153,672) and Hwy 101 WDLR to Neotsu Bike / Pedestrian Boardwalk project (\$500,000).

FUND: N HWY 101 IMPROVEMENT PROGRAM

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	14,691	1 Capital Outlay	14,691
Revised Total Resources	47,691	Revised Total Requirements	47,691

Comments:

To rollover FY23-24 underspending and add to budgeted capital for Hwy 101 WDLR to Neotsu Bike / Pedestrian Boardwalk project.

FUND: WATER CAPITAL FUND

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	564,432	1 Water Improvements	564,432
Revised Total Resources	3,526,839	Revised Total Requirements	3,526,839

Comments:

To rollover FY23-24 underspending and add to budgeted capital for Surf Reservoir/Springlake Pumpstation project (\$93,727) and the Water Meter Radio Read project (\$470,705).

FUND: SEWER OPERATIONS

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	151,339	1 Sewer Utility Maintenance	219,077
2		2 Contingency	-67,738
Revised Total Resources	8,211,965	Revised Total Requirements	8,211,965

Comments:

To rollover FY23-24 underspending and add to budgeted capital for the Sewer Master Plan project (\$151,339). To increase Information Technology allocation (\$2,800), to increase funding for centrifuge maintenance (\$35,000), to add funding for compensation study (\$13,333), and to add funding for converting PT to FT Public Works executive assistant (\$16,605), funded by contingency.

FUND: SEWER SDC REIMBURSEMENT

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	102,013	1 Capital Outlay	102,013
Revised Total Resources	300,013	Revised Total Requirements	300,013

Comments:

To rollover FY23-24 underspending and add to budgeted capital for the Esther Lee Pumpstation project.

FUND: FACILITIES CAPITAL

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	70,981	1 Building Improvements	70,981
Revised Total Resources	2,010,256	Revised Total Requirements	2,010,256

Comments:

To rollover FY23-24 underspending and add to budgeted capital for Parks public restroom project.

FUND: PARKS CAPITAL

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	580,105	1 Capital Outlay	580,105
Revised Total Resources	5,597,819	Revised Total Requirements	5,597,819

Comments:

To rollover FY23-24 underspending and add to budgeted capital for Schooner Creek Discovery Park.

FUND: PARKS SDC

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	326,429	1 Capital Outlay	326,429
Revised Total Resources	947,621	Revised Total Requirements	947,621

Comments:

To rollover FY23-24 underspending and add to budgeted capital for Schooner Creek Discovery Park.

FUND: INTERNAL SERVICE FUND

Resource	Amount	Requirement	Amount
1 Charges for Services	40,000	1 Information Technology	40,000
Revised Total Resources	1,691,543	Revised Total Requirements	1,691,543

Comments:

To increase appropriation for consultation services for Microsoft Office 365 conversion.

FUND: PARKS AND RECREATION

Resource	Amount	Requirement	Amount
1		1 Park Operations	800
2		2 Recreation Center	2,400
3		3 Contingency	-3,200
Revised Total Resources	4,495,245	Revised Total Requirements	4,495,245

Comments:

To increase Information Technology allocation.

FUND: STREET OPERATIONS

Resource	Amount	Requirement	Amount
1		1 Street Maintenance	145,738
2		2 Contingency	-145,738
Revised Total Resources	3,106,492	Revised Total Requirements	3,106,492

Comments:

To increase Information Technology allocation (\$800), to add funding for Hwy 101 crossing (\$100,000), to add funding for decorative pole maintenance (\$15,000), to add funding for compensation study (\$13,333), and to increase PT to FT Public Works executive assistant (\$16,605), funded by contingency.

FUND: WATER OPERATIONS

Resource	Amount	Requirement	Amount
1		1 Water Utility Maintenance	32,739
2		2 Contingency	-32,739
Revised Total Resources	5,577,905	Revised Total Requirements	5,577,905

Comments:

To increase Information Technology allocation (\$2,800), to add funding for compensation study (\$13,334), and to increase PT to FT Public Works executive assistant (\$16,605), funded by contingency.

FUND: EXPLORE LINCOLN CITY

Resource	Amount	Requirement	Amount
1		1 Tourism Attraction	2,600
2		2 Contingency	-2,600
Revised Total Resources	12,765,087	Revised Total Requirements	12,765,087

Comments:

To increase Information Technology allocation.

Council Communication

Water Treatment Plant Shop Building Contract Award

Meeting Date: September 9, 2024 Primary Staff Contact: Stephanie Reid
 Department: Public Works E-Mail: SReid@lincolncity.org
 Secondary Dept: Secondary Contacts:
 Approval: Daphnee Legarza Estimated Time:

Question:

Should the City Council award the construction contract for the Water Treatment Plant Shop Building to Wickwire Contracting LLC?

Staff Recommendation:

Staff recommends the City Council award the construction contract for the Water Treatment Plant Shop Building to Wickwire Contracting LLC.

Authority:

LCMC 2.05.060 (Procurement of goods and services shall be awarded as provided in the Public Contracting Code, ORS Chapter [279B](#), the Model Rules). This project follows the rule for bids awarded by competitive bid.

Background:

This project plans to construct an 864 square-foot shop building within the current fenced area of the water treatment plant. Building design will include a man door, two roll-up doors, and electrical in the building.

Bid Results:

Public Works Department advertised the project for bid on July 29 & 31, 2024. We opened bids on August 22, 2024. Four bids were received:

Bidder	Bid Amount
Wickwire Contracting LLC	\$261,753.00
Dallum Build Company	\$279,887.28
Blue Spruce Builders	\$294,167.00
DSL Builders LLC	\$369,715.00

The lowest responsive and responsible bidder was Wickwire Contracting LLC in the amount of \$261,753.00.

Financial Impact

This project was approved for budget in th FY23-24 & FY24-25 The project budget for FY 24-25 is \$325,000.00.

The following table shows the full costs incurred from FY2023-2024, and the estimated cost to construct and complete the project in FY 2024-25. The construction contract has a completion date of July 1, 2025.

Item	Project Cost in FY23-24	Estimated Cost to Complete FY24-25
Building Design	\$33,673.00	
Bid Advertise	\$263.78	
Building Permit Fees	\$4,264.24	
Bureau of Labor and Industries		\$261.75
Construction Bid		\$261,753.00
Art (1/2 of one percent of the construction bid)		\$1,308.76
Construction Contingency		\$26,175.30
Total	\$38,201.02	\$289,498.81

Recommendation:

Staff recommends the construction contract be awarded to Wickwire Contracting LLC in the amount of \$261,753.00 with a construction contingency of \$26,175.30 (10 percent of bid amount) for a total award of \$287,928.30.

Motions:

Move to approve the bid award for the Water Treatment Plant Shop Building project in the amount of \$261,753.00 with a construction contingency of \$26,175.30 (10 percent of bid amount) for a total award amount of \$287,928.30.

Attachments:

Bid Tab

Attachments:

Bid Tab (PDF)

Bid Tab			8/22/2024									
New Water Treatment Plant Shop Building					Wickwire Contracting LLC		Dallum Build Company LLC		Blue Spruce Builders		DSL Builders LLC	
Item No.	Section	Bid Item	QTY	Unit	Unit Price	Total Computed Price (QTY x Unit Price)	Unit Price	Total Computed Price (QTY x Unit Price)	Unit Price	Total Computed Price (QTY x Unit Price)	Unit Price	Total Computed Price (QTY x Unit Price)
1	210	Mobilization	1	LS	\$20,000.00	\$20,000.00	\$500.00	\$500.00	\$16,600.00	\$16,600.00	\$30,000.00	\$30,000.00
2	280	Erosion Control	1	LS	\$3,500.00	\$3,500.00	\$1,500.00	\$1,500.00	\$5,925.00	\$5,925.00	\$2,000.00	\$2,000.00
3	310	Demolition	1	LS	\$1,500.00	\$1,500.00	\$1,400.00	\$1,400.00	\$2,100.00	\$2,100.00	\$5,500.00	\$5,500.00
4	330	General Excavation	1	LS	\$6,300.00	\$6,300.00	\$18,000.00	\$18,000.00	\$13,280.00	\$13,280.00	\$20,400.00	\$20,400.00
5	641	Aggregate Base Rock ¾"-0 or 1"-0	210	CY	\$95.00	\$19,950.00	\$63.70	\$13,377.00	\$124.00	\$26,040.00	\$114.00	\$23,940.00
6	445	Install Electrical Conduit (1 ½")	63	FT	\$10.00	\$630.00	\$155.56	\$9,800.28	\$90.00	\$5,670.00	\$125.00	\$7,875.00
7	470	Install Nyloplast Basin & Connect to 12" DI Pipe	1	LS	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$12,790.00	\$12,790.00	\$11,000.00	\$11,000.00
8	445	Downspout Drains (4")	1	LS	\$5,000.00	\$5,000.00	\$5,300.00	\$5,300.00	\$3,700.00	\$3,700.00	\$4,500.00	\$4,500.00
9	744	Replace Disturbed Asphalt, ½" Level 2 ACP, 3" Depth	1	LS	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00	\$8,200.00	\$8,200.00	\$3,500.00	\$3,500.00
10		Foundation	1	LS	\$37,000.00	\$37,000.00	\$57,000.00	\$57,000.00	\$44,767.00	\$44,767.00	\$56,000.00	\$56,000.00
11		Pre-Fabricated Wood Trusses, Engineering & Permit Approval	1	LS	\$3,000.00	\$3,000.00	\$9,000.00	\$9,000.00	\$3,265.00	\$3,265.00	\$10,500.00	\$10,500.00
12		Building	1	LS	\$145,073.00	\$145,073.00	\$120,000.00	\$120,000.00	\$134,200.00	\$134,200.00	\$179,000.00	\$179,000.00
13		Electrical	1	LS	\$9,000.00	\$9,000.00	\$23,000.00	\$23,000.00	\$13,350.00	\$13,350.00	\$11,500.00	\$11,500.00
14		Bollards	4	EA	\$1,200.00	\$4,800.00	\$2,000.00	\$8,000.00	\$1,070.00	\$4,280.00	\$1,000.00	\$4,000.00
		Total Bid Items				\$261,753.00		\$279,877.28		\$294,167.00		\$369,715.00

Council Communication

SW Bard Road Closure Notice Sept.11th-13th

Meeting Date:	September 9, 2024	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

Question:

Should the City Council allow the daytime closure (8am-5pm) of SW Bard Road, September 11, 2024 through September 13, 2024 in order to complete the water utility extension required for the in-progress tiny-home development?

Staff Recommendation:

Staff recommends that City Council allow a daytime closure of SW Bard to accommodate developer utility extension.

Authority:

LCMC 10.12.180 (Obstructing public ways) delegates the authority of obstructing the right-of-way to vehicles and pedestrians using the street & sidewalk to city council.

Background:

Land use approval for the tiny home development "Camy Court" was granted in January of 2023 and construction permitted approved in August of 2023. Extending the water and sewer utilities is required to accommodate the approved tiny-home development on SW Bard Road. The location of the water utilities and existing width of the right-of-way will not allow through traffic on Bard Road during this utility work.

Proposed Traffic Control Plan:

The owner has proposed placing "the Road Closure, Local Access Only" advanced notification at SW Bard & SW Harbor (*the eastern access to SW Bard Rd*) and at SW Bard and SW Dune (*the west access to SW Bard Rd*). Additional barricades will be placed at the physical work zone to prevent vehicle access.

Work will take place beyond all residences on SW Bard Rd. Access to all homes will be preserved during this work and the Agnes Creek Open Space parking lots will remain open to access from SW Coast.

Public Works will notify the School District, the Post Office and North Lincoln Sanitary and Dispatch who then notifies Fire and Ambulance.

Recommendation:

Staff recommends that City Council approve a daytime closure on SW Bard Rd to allow the required public utility extension

Motions:

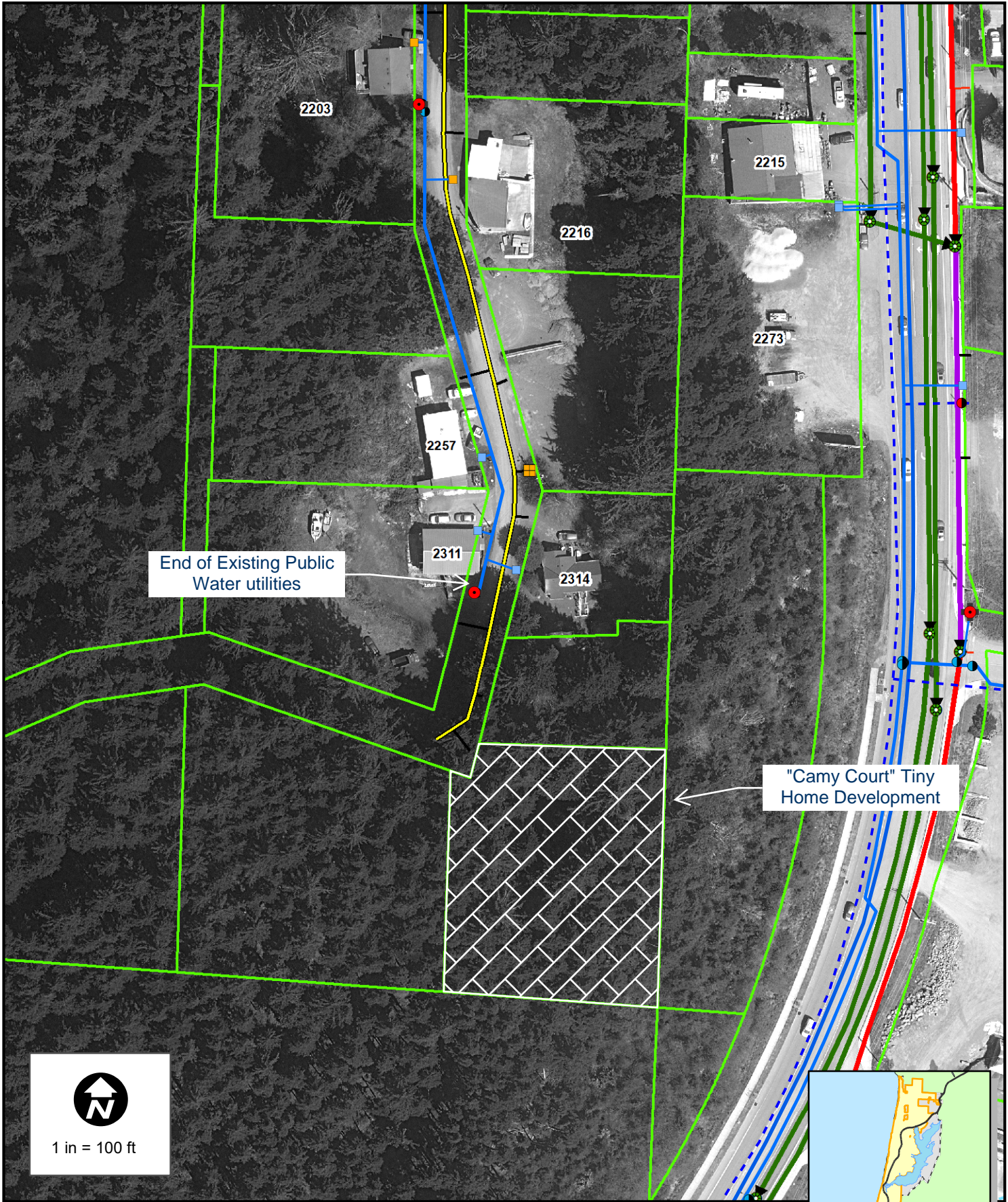
Move to allow the closure of SW Bard Road, from 8am – 5pm, September 11th through September 13th, 2024.

Attachments:

Area Overview.pdf

Attachments:

Area Overview (PDF)



Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date: 8/28/2024

