

CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY JULY 25, 2022, 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](mailto:publiccomment@lincolncity.org), by attending the City Council meeting, or by telephone.

Public comments submitted by email to [publiccomment@lincolncity.org](mailto: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](mailto:publiccomment@lincolncity.org)\*\***

Citizens requesting to give public comment via telephone must email [publiccomment@lincolncity.org](mailto: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 the City Recorder, 541-996-1203.

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.

All information for this meeting is available at [www.lincolncity.org](http://www.lincolncity.org) under "Government" then select "Public Meeting, Agendas, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour. 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 – July 6, 2022, 3:30 PM
2. Regular Meeting – Minutes of Regular Meeting – July 11, 2022, 6:00 PM
3. Regular Meeting – Minutes of Work Session – July 13, 2022, 3:30 PM
4. SW Harbor Emergency Construction Award

**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**

5. Employee Longevity Awards

**H. PUBLIC HEARING / ORDINANCE**

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. Continuance - Public Hearing: Approval of Disposition and Development Agreement for City Properties located in the vicinity of NE 25th Street for Affordable Workforce Housing Development
2. Public Comment Public Works Plan Review Fee
3. Public Comment North Lincoln Sanitary Rate Increase - request to be continued to August 8, 2022

**J. ORDINANCES**

**K. RESOLUTIONS**

4. RESOLUTION NO. 2022-11 A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING PARKING AND TRAFFIC CONTROL MEASURES FOR A PORTION OF NW QUAY DRIVE
5. RESOLUTION NO. 2022-28 (PUBLIC WORKS PLAN REVIEW FEE REVISIONS)
6. RESOLUTION NO. 2022-29: AD HOC URBAN RENEWAL COMMITTEE FOR NELSCOTT AREA
7. RESOLUTION NO. 2022-30 A RESOLUTION OF THE CITY OF LINCOLN CITY IMPLEMENTING LCMC 13.08.095 REGARDING DEFERRAL OF SYSTEM DEVELOPMENT CHARGES; APPROVING AN APPLICATION FOR THE DEFERRAL OF PAYMENT OF SYSTEM DEVELOPMENT CHARGES FOR LINCOLN 25 LIMITED PARTNERSHIP (MANAGING MEMBER INNOVATIVE HOUSING INC.) FOR DEVELOPMENT OF A 107 UNIT AFFORDABLE HOUSING APARTMENT PROJECT ON THREE PARCELS OF LAND ADJOINING 2510 NE HIGHWAY 101, LINCOLN CITY, OREGON, REPLACING RESOLUTION 2022-22.

**L. SPECIAL ORDER OF BUSINESS**

- 8. Police Parking Lot Construction Award
- 9. Lincoln Square Parking Lot Project Additional Cost
- 10. S 3rd Street Flashing Beacon and Plaza Construction Award

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

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

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

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

**Q. ADJOURNMENT**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

July 6, 2022, 3:30 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](http://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 to order the meeting at 3:30pm.*

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	3:30 PM
Elaine Starmer	Councilor Ward 1	Present	3:30 PM
Sydney Kasner	Councilor Ward 2	Present	3:30 PM
Judy Casper	Councilor Ward 3	Absent	3:30 PM
Riley Hoagland	Councilor Ward 2	Present	3:30 PM
Rick Mark	Councilor Ward 3	Present	3:30 PM
Mitch Parsons	Councilor Ward 1	Present	3:30 PM

*Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Michael Phillips, Executive Assistant to the City Manager.*

2. **DISCUSSION ITEMS**

**A. Legislative Priorities**

*The City Council, City Manager and City Attorney discussed the legislative priorities.*

*Council's top five priorities are; Lodging Tax Flexibility, Address Measure 110 Shortcomings, Property Tax Reform, Infrastructure Financing and Resilience and Local Funding to Address Homelessness.*

## **B. Miscellaneous**

*Council and Staff discussed fireworks and felt there was less than previous years. Mayor Wahlke said she had more issues. Ms. Legarza mentioned staff will have debriefing to review fireworks events to include things to change next year to address issues at the next Council meeting.*

*Council and Staff discussed the Planning Commission interviews with the new questions. Mr. Appicello stated if Council wants to approve new questions but not use them for the one remaining candidate that is option. Councilor Starmer suggested interviewing the one remaining candidate with the previous questions and saving the new questions for a new vacancy.*

*Mr. Appicello and Council had a discussion regarding the Municipal Court Judge and a Hearings Officer positions.*

*Mayor Wahlke said Ms. Legarza, two councilors, and herself attended meeting in Newport last week about use of grant from county for the homelessness. Council need to appoint a representative and alternate to the advisory board. Ms. Legarza stated it is on Monday's Council Agenda. Mayor Wahlke said she is the representative for the Mid-Willamette Valley Regional Transportation Committee and had not attended. Mayor Wahlke asked if the City Recorder notifies the Committees after election.*

## **3. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 4:50 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

July 11, 2022, 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](http://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
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	Councilor Ward 1	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Absent	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

*Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Lt. Broderick, Lincoln City Police Department; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.*

**C. PLEDGE OF ALLEGIANCE**

*Mayor Wahlke led The Pledge of Allegiance.*

*Mayor Wahlke changed the order of the agenda to have the planning commission interview item L4 to be after Presentations item G. Mayor Wahlke said there will only be one candidate interviewed, using the previous questions.*

**D. CONSENT AGENDA ITEMS 1 & 2**

**RESULT:** PASSED  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Mark, Parsons  
**AWAY:** Hoagland

1. Regular Meeting – Minutes of Regular Meeting – June 27, 2022, 6:00 PM
2. Regular Meeting – Minutes of Work Session – June 29, 2022, 3:30 PM
3. AMENDMENT 7 TO MEMORANDUM OF AGREEMENT BETWEEN THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON AND CITY OF LINCOLN CITY, STATE OF OREGON

**MOTION:** Amendment 7 Memorandum of Understanding Siletz Tribe  
**MOVER:** Judy Casper, Councilor Ward 3  
**SECONDER:** Mitch Parsons, Councilor Ward 1  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons  
**ABSENT:** Mark  
**RESULT:** Passed

*Councilor Casper pulled item 3 from the consent agenda. Councilor Casper asked for the monetary involvement with the Tribes. Mayor Wahlke explained. Councilor Hoagland asked if this has been looked at by the Tribe. Mr. Appicello said was sent to the Tribal Council.*

**E. COUNCIL DELIBERATIONS**

*None*

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

*None*

**G. PRESENTATIONS**

*None*

**H. PUBLIC HEARING / ORDINANCE**

*None*

**I. PUBLIC HEARINGS / PUBLIC COMMENTS**

1. Public Comment North Lincoln Sanitary Rate Increase

**MOTION:** Motion to Leave Open the Public Hearing and the Record for North Lincoln Sanitary Rate Increase for the July 25th Meeting  
**MOVER:** Riley Hoagland, Councilor Ward 2  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons  
**ABSENT:** Mark  
**RESULT:** Passed via Voice Vote

*Mayor Wahlke opened the public hearing at 6:25 PM.*

*Tina French, North Lincoln City, gave a presentation regarding the rates for garbage service. Ms. French also gave a PowerPoint presentation regarding the "state of the trash address".*

*Council had a discussion with Ms. French about her presentations.*

*No Citizens were present for public comment. Mr. Baird emailed two comments that were read by Ms. Legarza.*

## J. ORDINANCES

*None*

## K. RESOLUTIONS

2.

<b>MOTION:</b>	<b>Motion to Approve Resolution 2022-26 Declaration of Cooperation and Advisory Board Appointment(s)</b>
<b>MOVER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>SECONDER:</b>	<b>Sydney Kasner, Councilor Ward 2</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons
<b>ABSENT:</b>	Mark
<b>RESULT:</b>	<b>Passed by Roll Call Vote</b>

*Councilor Starmer nominated Councilor Casper as an advisory board member and Councilor Parsons as an alternate advisory board member.*

## L. SPECIAL ORDER OF BUSINESS

3. Planning Commission Interviews

<b>MOTION:</b>	<b>Motion to Appoint Steve Griffiths to Planning Commission for a Partial Term Expiring 12/31/2022</b>
<b>MOVER:</b>	<b>Sydney Kasner, Councilor Ward 2</b>
<b>SECONDER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons
<b>ABSENT:</b>	Mark
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

<b>MOTION:</b>	<b>Motion to Appoint Charlsy Affuso to Planning Commission for a Partial Term Expiring 12/31/2025</b>
<b>MOVER:</b>	<b>Mitch Parsons, Councilor Ward 1</b>
<b>SECONDER:</b>	<b>Elaine Starmer, Councilor Ward I</b>
<b>AYES:</b>	Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons
<b>ABSENT:</b>	Mark
<b>RESULT:</b>	<b>Passed via Voice Vote</b>

*Council interviewed Mr. Griffith for a seat on the Planning Commission.*

4. SE Lee Water Pump Station Construction Award

**MOTION:** Motion to Approve the SE Lee Water Pump Station Construction Award to HP Civil Inc. in the Amount of \$1,418,070  
**MOVER:** Mitch Parsons, Councilor Ward 1  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons  
**ABSENT:** Mark  
**RESULT:** Passed by Roll Call Vote

*Stephanie Reid, Public Works Director, presented the SE Lee Pump Station Construction Award.*

**M. CITY MANAGER/CITY ATTORNEY REPORTS**

None

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

5.

**MOTION:** Motion to Direct the City Manager to Complete the League of Cities 2023 Legislative Priorities Ballot on Behalf of the City Council as Discussed at the Work Session  
**MOVER:** Sydney Kasner, Councilor Ward 2  
**SECONDER:** Elaine Starmer, Councilor Ward I  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons  
**ABSENT:** Mark  
**RESULT:** Passed by Voice Vote

6.

**MOTION:** Motion to Authorize Issuance of RFP for Judicial Services as Discussed in Executive Session  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Judy Casper, Councilor Ward 3  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons  
**ABSENT:** Mark  
**RESULT:** Passed by Roll Call Vote

7.

**MOTION:** Motion to Appoint Wayne Belmont as Municipal Court Judge Pro Tem as Discussed at the Work Session  
**MOVER:** Elaine Starmer, Councilor Ward I  
**SECONDER:** Judy Casper, Councilor Ward 3  
**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons  
**ABSENT:** Mark  
**RESULT:** Passed by Roll Call Vote

8.

**MOTION:** Motion to Direct City Attorney to Pursue Reciprocal Intergovernmental Agreements for Judicial and Hearing Officer Services as Discussed at Work Session

**MOVER:** Elaine Starmer, Councilor Ward I

**SECONDER:** Mitch Parsons, Councilor Ward 1

**AYES:** Wahlke, Starmer, Kasner, Casper, Hoagland, Parsons

**ABSENT:** Mark

**RESULT:** Passed by Roll Call Vote

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

*Tamera Staples asked to postpone from Aug 22 to Sept 12 meeting.*

9.

**MOTION:** Motion to Postpone the Report from the Senior to September 12th, 2022

**MOVER:** Riley Hoagland, Councilor Ward 2

**SECONDER:** Sydney Kasner, Councilor Ward 2

**AYES:** Wahlke, Kasner, Hoagland

**NAYS:** Starmer, Casper, Parsons

**ABSENT:** Mark

**RESULT:** Failed by Voice Vote

*Ms. Legarza will email Ms. Staples for a reason per Mayor Wahlke's request and will place it on the July 25th agenda.*

**P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**

*Councilor Casper spoke about the beach clean-up for the 4th of July. Mayor Wahlke spoke about the fireworks debris. Councilor Parson spoke about clean-up and the barrels.*

*Councilor Starmer had a question from a citizen to Ms. Reid about insuring the waterline from the street to the house. Ms. Reid said there is a meeting scheduled and will bring it back to Council.*

*Ms. Kasner spoke about the trash barrels and the 4th of July Holiday. Ms. Kasner asked what the follow-up was for the bollards. Ms. Legarza sent an email to Chief Dahlman with a possible solution.*

*Mayor Wahlke spoke about the fireworks ban and education.*

**Q. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 7:51 PM.*

\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

July 13, 2022, 3:30 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](http://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 3:30 PM.*

Attendee Name	Title	Status	Arrived
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Judy Casper	Councilor Ward 3	Present	3:30 PM
Riley Hoagland	Councilor Ward 2	Present	3:30 PM
Rick Mark	Councilor Ward 3	Present	3:30 PM
Mitch Parsons	Councilor Ward 1	Present	3:30 PM

*Staff Present: Daphnee Legarza, Liz Francis, Executive Administrative Legal Assistant; Alison Robertson, Economic Development and Urban Renewal Director; Ed Dreistadt, Explore Lincoln City Director; Stephanie Reid, City Engineer; Anne Marie Skinner, Planning and Community Development Director; Debbie Bridges, Finance Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.*

**2. DISCUSSION ITEMS**

**A. Lodging Occupancy & Revenue Trends**

*Ed Dreistadt, Explore Lincoln City Director, presented the lodging and revenue trends. Council had a discussion with staff. Daphnee Legarza, City Manager, spoke regarding tourism related fund and their use.*

4:13 PM Councilor Casper arrived to the work session.

**B. Miscellaneous**

**3. ADJOURNMENT**

*Mayor Wahlke adjourned the meeting at 5:00 PM.*

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SUSAN WAHLKE, MAYOR

ATTEST:

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JAMIE YOUNG, CITY RECORDER

## Council Communication

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### SW Harbor Emergency Construction Award

Meeting Date:	July 25, 2022	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 min

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#### Question:

Should City Council accept the City Manager's report about the declaration of an emergency contract under \$100,000.00 for SW Harbor Water Line Repair and Sewer Connection?

#### Circumstances that create the emergency / description of contract:

On May 2, 2022 work for a new, residential sewer connection at 6602 SW Harbor Ave began. Permitted work continued within the right-of-way until, at approximately 7:00 PM on May 5, 2022, excavation work resulted in undermining and break the City's water distribution main on SW Harbor Ave. City water crews responded, and worked into the night to complete a temporary fix on the broken portion water main.

On May 6, 2022 the right-of-way permit issued to the contractor for this work was revoked. In discussion with City water crews following the repair it was determined that additional work was needed to address the full length of compromised water main (~40 feet).

The additional water line repair was delayed as city staff tried to coordinate completion of the new homes sewer connection with the water repair. – This excavation is beyond the capabilities of city crews.

Jon Thompson Excavation provided a bid, for both the expedient repair of the water line and completion of the sewer connection, and remained on standby during communications with the property owner. Excavation companies are generally 3+ months out, but due the circumstances work was scheduled for completion within 2 weeks of this direction, July 7<sup>th</sup> through July 12<sup>th</sup>.

Based upon this information, the City Manager has determined emergency circumstances existed that required prompt execution of a public contract for

emergency repair work. Pursuant to the City Manager's authority, an emergency is declared.

Public Works staff is working with a contractor and received an estimate and schedule for this emergency repair work. The City manager will solicit contractors to ensure competition that is reasonable and appropriate under the circumstances, and execute a contract for the repair work within 60 days pursuant to LCMC 2.05.080(2) (Emergency Contracts under \$100,000). The contract is limited to work necessary to remedy the emergency. Bonds are not waived. No Council action is required.

**Authority:**

**2.05.080 Exemptions.**

*A. Emergency Contracts.*

*1. The city may declare an emergency and enter into a public contract without first obtaining competitive bids or proposals. "Emergency" means circumstances that meet all of the following requirements:*

*a. There is a substantial risk of loss, damage, or unnecessary or undesirable disruption or interruption or degradation of public facilities or services, or a threat to public health or safety;*

*b. The circumstances require prompt award and execution of a contract to remedy the situation resulting from the circumstances; and*

*c. Due to lack of sufficient time or other reasons related to the circumstances, the contract should be awarded without first obtaining competitive bids or proposals.*

*2. Emergency contracts under \$100,000. The city manager may exercise the city's authority for emergency contracts up to \$100,000. At the first city council meeting following declaration of an emergency under this section, the city manager shall provide a written report to the city council describing the contract and explaining the circumstances that created the emergency.*

*3. Emergency contracts of \$100,000 or more. The city council may exercise the city's authority for emergency contracts of \$100,000 or more. Prior to the city council's declaration of an emergency, the city manager shall provide a written report to the*

city council describing the proposed contract and explaining the circumstances that create the emergency.

4. Award within 60 days. The city shall not award an emergency contract under this rule if 60 days have expired since declaration of the emergency, unless an extension is granted by the city council.

### **137-049-0150**

#### **Emergency Contracts; Bidding and Bonding Exemptions**

(1) *Emergency Declaration.* A Contracting Agency may declare that Emergency circumstances exist that require prompt execution of a Public Contract for Emergency construction or repair Work. The declaration shall be made at an administrative level consistent with the Contracting Agency's internal policies, by a Written declaration that describes the circumstances creating the Emergency and the anticipated harm from failure to enter into an Emergency Contract. The Emergency declaration shall be kept on file as a public record.

(2) *Competition for Emergency Contracts.* Pursuant to ORS 279C.320(1), Emergency Contracts are regulated under ORS 279B.080, which provides that, for an emergency procurement of construction services, the Contracting Agency shall ensure competition that is reasonable and appropriate under the Emergency circumstances, and may include Written requests for Offers, oral requests for Offers or direct appointments without competition in cases of extreme necessity, in whatever solicitation time periods the Contracting Agency considers reasonable in responding to the Emergency.

(3) *Emergency Contract Scope.* Although no dollar limitation applies to Emergency Contracts, the scope of the Contract must be limited to Work that is necessary and appropriate to remedy the conditions creating the Emergency as described in the declaration.

(4) *Emergency Contract Modification.* Emergency Contracts may be modified by change order or amendment to address the conditions described in the original declaration or an amended declaration that further describes additional Work necessary and appropriate for related Emergency circumstances.

(5) *Excusing Bonds.* Pursuant to ORS 279C.380(4) and this rule, the Emergency declaration may also state that the Contracting Agency waives the requirement of

*furnishing a performance bond and payment bond for the Emergency Contract. After making such an Emergency declaration those bonding requirements are excused for the procurement, but this Emergency declaration does not affect the separate Public Works bond requirement for the benefit of the Bureau of Labor and Industries (BOLI) in enforcing prevailing wage rate and overtime payment requirements. See OAR 137-049-0815 and BOLI rules at OAR 839-025-0015.*

**Statutory/Other Authority:** ORS 279A.065

**Statutes/Other Implemented:** ORS 279B.080, 279C.320 & 279C.380

# Council Communication

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## Employee Service Awards

Meeting Date:	July 25, 2022	Primary Staff Contact:	Abigail Edwards
Department:	Human Resources	E-Mail:	AEdwards@lincolncity.org
Secondary Dept:		Secondary Contacts:	Daphnee Legarza
Approval:	David Twigg	Estimated Time:	5 minutes

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### Background:

The Mayor and City Manager would like to recognize staff who have reached milestone years of service with the City of Lincoln City. Certificates for staff will be presented at the meeting.

## Council Communication

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### Continuance of Public Hearing on Resolution 2022-27 - Approval of DDA (IHI)

Meeting Date: July 25, 2022                      Primary Staff Contact: Richard Appicello  
 Department: City Attorney                      E-Mail: RAppicello@lincolncity.org  
 Secondary Dept: Economic Development      Secondary Contacts: Alison Robertson  
 Approval: Daphnee Legarza                      Estimated Time: 15 min

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#### Question:

Should the City Council **continue the advertised public hearing** on the proposal to approve Resolution 2022-27 authorizing execution of a Disposition and Development Agreement with Lincoln 25 Limited Partnership for the disposition of City property for affordable housing purposes?

#### Staff Recommendation:

Staff recommends Council continue the public hearing on the proposed Resolution / DDA until August 8, 2022 while staff works with IHI to simplify the DDA.

Council may want to take public comment if the resident is present and cannot attend the next meeting.

**[Note: ORS 221.725 provides that any resident of the City must be provided with an opportunity to present oral or written testimony on the subject of the disposition of city property.]**

**Authority:** (emphasis added) (part of this option to purchase is for City property)

**221.725 Sale of city real property; publication of notice; public hearing.** (1) Except as provided in ORS 221.727, when a city council considers it necessary or convenient to sell real property or any interest therein, the city council shall publish a notice of the proposed sale in a newspaper of general circulation in the city, and shall hold a public hearing concerning the sale prior to the sale.

(2) The notice required by subsection (1) of this section shall be published at least once during the week prior to the public hearing required under this section. The notice shall state the time and place of the public hearing, a description of the property or interest to be sold, the proposed uses for the property and the reasons why the city

council considers it necessary or convenient to sell the property. Proof of publication of the notice may be made as provided by ORS 193.070.

(3) Not earlier than five days after publication of the notice, the public hearing concerning the sale shall be held at the time and place stated in the notice. Nothing in this section prevents a city council from holding the hearing at any regular or special meeting of the city council as part of its regular agenda.

(4) The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be fully disclosed by the city council at the public hearing. Any resident of the city shall be given an opportunity to present written or oral testimony at the hearing.

(5) As used in this section and ORS 221.727, "sale" includes a lease-option agreement under which the lessee has the right to buy the leased real property in accordance with the terms specified in the agreement.

### **Background:**

The City has noticed a public hearing in the newspaper for 6:00 pm on the subject DDA agreement.

The materials supporting this public hearing (including a proposed Resolution) are located in the office of the City Economic Development / Urban Renewal. (Draft DDA and Draft Resolution). The draft Resolution includes proposed findings consistent with ORS 221.725 and ORS 271.330 noted above.

### **Council Options:**

1. Motion to continue the advertised public hearing to August 8, 2022.

# Council Communication

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## Public Comment on Resolution 2022-28 Public Works Fees

Meeting Date:	July 25, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Daphnee Legarza
Approval:	Daphnee Legarza	Estimated Time:	5 Minutes

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### Question:

Should the Council take public comment on the proposed fee increase for Public Works Plan Reviews?

### Recommendation:

Staff recommends the City Council receive public comment.

### Authority:

**ORS 294.160 Opportunity for public comment on new fee or fee increase.** (1) The governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated.

### Background:

See supporting materials under Resolution 2022-28.

### Potential Motions:

Action on later item: Resolution 2022-28

## Council Communication

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### Public Comment North Lincoln Sanitary Rate Increase - request to continue

Meeting Date:	July 25, 2022	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 Minutes

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#### Question:

Should Council continue Resolution 2022-25 to August 8, 2022?

#### Authority:

Ordinance 2006-11 grants a solid waste franchise to Dunn-LeBlanc, Inc., DBA North Lincoln Sanitary Service (NLSS). This ordinance establishes standards and a methodology for calculating and adjusting rates for collection services.

See also:

**ORS 294.160 Opportunity for public comment on new fee or fee increase.** (1) The governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated.

#### Background:

**On July 11, 2022, Council continued Resolution 2022-25 to this meeting. Staff requests the item be continued again to August 8, 2022. Material below is from the July 11 2022 public comment agenda item.**

At the last meeting Council Ordinance 2006-11 Section 13, subsection E, provides for regular proceedings to consider rate adjustments. It states, "If the franchisee's annual report of operations submitted under subsection C of this section projects that the franchisee's operating ratio for the current fiscal year will be less than 0.85 or greater than 0.91, then there shall be a rate review proceeding in accord with this subsection E.

...

1. The city shall review the franchisee's annual report of operations and such other information as the city deems appropriate and, if the city finds that the franchisee's operating ratio for the current fiscal year is likely to be less than 0.85 or more than 0.91 then the city, on or before June 30<sup>th</sup> following receipt of the report, shall adopt a resolution setting revised rates, either as proposed by the franchisee in the report or as modified by the city."

The franchisee's submitted rate review report projects that its operating ratio for the current fiscal year will be 105.4% without a rate increase. With a 17% rate increase, the projected operating ratio is 90%.

In August 2020, City Council adopted Resolution 2020-19 that increased NLSS rates by 3.6%. This set the standard residential rate to \$21.30. Earlier in April of 2020, City Council adopted Resolution 2020-07 which added a composting fee of \$6.85 to residential services effective March 2021, which changed the rate for standard residential service to \$28.14. This resolution will change the rate for standard residential service to \$32.93, of which \$8.01 is for composting.

**Potential Motions:**

Motion to continue Resolution 2022-25 to August 8, 2022.

**Attachments:**

NLSS Letter to City Council (PDF)

Resolution 2022-25 from July 11 (PDF)

June 8, 2022

City of Lincoln City  
PO Box 50  
Lincoln City, OR 97367

Re: 2021 Rate Review Report

Dear Councilors,

Enclosed are several schedules and the 2021 Reviewed Financial Statement prepared by our independent Certified Public Accountants. These items make up the "Rate Review Report" as outlined in the Solid Waste Franchise agreements.

As required under the agreement the enclosed "Rate Review Report" contains:

1. All the Actual Allowable Expenses incurred by the Franchisee in the preceding calendar year.
2. All the Additional Allowable Expenses that we reasonably anticipate will be incurred or imposed on the current year.
3. The allocation formulas to determine expenses.
4. The actual Operating Ratio for the preceding calendar year.
5. The expected Operating Ratio for the current year.
6. In addition, we have presented a schedule of revenues and allocated costs for Lincoln City as compared to overall company results of operations.

Based off of this data, we are outside of the target Operating Ratio of 88%. Therefore, we will be requesting a rate increase of 17.0% at this time.

There are a few Expense Lines that are significant increases that I would like to bring your attention to.

1. Labor; in an attempt to keep our wages in line with the Minimum Wage increases & Cost of Living increases, we have seen our labor expenses increase higher than normal.
2. Disposal; with River Bend landfill closing down in Yamhill County, Coffin Butte Landfill has lost its competition for tonnages and that is reflected in our new contracted rates.
3. Fuel; it is no secret that our business is very fuel intensive and there is no other truck on road that gets worse fuel economy than a solid waste removal truck. With the significant fuel costs increases that we have seen so far this year and anticipate to continue to climb, this line item is shockingly large.

It is our pleasure and privilege to serve the customers of Lincoln City. I will be available to present at your request. Please feel free to contact me anytime if you have any questions or wish to discuss any of the items presented.

Best regards,

Tina French  
President

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**RESOLUTION NO. 2022-25**

**A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING AN INCREASE IN RATES FOR NORTH LINCOLN SANITARY SERVICE**

RECITALS

- A. In Ordinance No. 2006-11, the City of Lincoln City granted a solid waste franchise to Dunn-LeBlanc, Inc. DBA North Lincoln Sanitary Service (NLS).
- B. Section 13 of Ordinance No. 2006-11 establishes a methodology and standards for calculating rates for collection service based on various factors, and establishes a process for adjusting rates responding to increases in cost of living (CPI) or requirements of legislation, along with regular rate proceedings.
- C. Ordinance No. 2006-11 does not limit the City of Lincoln City in approving other types of rate increases as deemed appropriate.
- D. The City provided an opportunity to comment on the proposed increase in fees established in this resolution as provided by ORS 294.160.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:**

**Section 1. Rate Amendment.** After due consideration of the public comment, the requested rate increase from NLS of 17% is hereby approved, which is attached hereto, marked as Exhibit “A”, and incorporated by this reference herein. This increase raises the charge for standard residential service from \$28.14 to \$32.93.

**Section 2. Effective Date.** This resolution shall take effect September 1, 2022.

**PASSED AND ADOPTED** by the City Council of the City of Lincoln City this 11<sup>th</sup> day of July 2022.

\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER

Lincoln City			
9/1/2022			
Service	Current Rate	Percent Increase	Proposed Rate
<b>Residential</b>			
<b>32 RC Roadside</b>			
32RC 1/W	\$ 28.14	17%	\$ 32.93
32RC 2/M	\$ 22.85	17%	\$ 26.74
32RC 1/M	\$ 20.14	17%	\$ 23.57
<b>32 RC Carry Out</b>			
32RCC 1/W	\$ 34.55	19%	\$ 41.21
32RCC 2/M	\$ 26.65	23%	\$ 32.71
32RCC 1/M	\$ 22.24	27%	\$ 28.33
<b>64 RC Roadside</b>			
64RC 1/W	\$ 41.59	17%	\$ 48.66
64RC 2/M	\$ 28.09	17%	\$ 32.87
64RC 1/M	\$ 23.15	17%	\$ 27.09
<b>64 RC Carry Out</b>			
64RCC 1/W	\$ 47.44	20%	\$ 56.85
64RCC 2/M	\$ 31.76	22%	\$ 38.82
64RCC 1/M	\$ 25.00	27%	\$ 31.80
<b>96 RC Roadside</b>			
96RC 1/W	\$ 52.93	17%	\$ 61.93
96RC 2/M	\$ 33.27	17%	\$ 38.93
96RC 1/M	\$ 26.61	17%	\$ 31.14
<b>96 RC Carry Out</b>			
96RCC 1/W	\$ 61.86	17%	\$ 72.37
96RCC 2/M	\$ 37.59	20%	\$ 45.00
96RCC 1/M	\$ 28.39	26%	\$ 35.84
96RCC 2/W	\$ 105.68	33%	\$ 140.80
96RCC 3/W	\$ 152.11	31%	\$ 198.85
<b>1.0 yd Res Container</b>			
1.0R 1/W	\$ 108.68	19%	\$ 128.93
1.0R 2/M	\$ 68.23	20%	\$ 81.60
1.0R 1/M	\$ 45.08	21%	\$ 54.52
<b>1.5 yd Res Container</b>			
1.5R 1/W	\$ 146.97	18%	\$ 173.73
1.5R 2/W	\$ 288.81	18%	\$ 341.47
1.5R 2/M	\$ 92.61	19%	\$ 110.13
1.5R 1/M	\$ 54.03	20%	\$ 65.00

## Lincoln City

9/1/2022

Service	Current Rate	Percent Increase	Proposed Rate
<b>Commercial</b>			
32 Com RC Roadside			
32CRC 1/W	\$ 21.30	17%	\$ 24.92
32CRC 2/M	\$ 16.01	17%	\$ 18.73
32CRC 1/M	\$ 13.30	17%	\$ 15.56
32CRC 2/W	\$ 38.12	17%	\$ 44.60
32CRC 3/W	\$ 56.17	17%	\$ 65.72
32 Com RC Carry Out			
32CRCC 1/W	\$ 27.70	17%	\$ 32.41
32CRCC 2/M	\$ 19.80	17%	\$ 23.17
32CRCC 1/M	\$ 15.39	17%	\$ 18.01
64 Com RC Roadside			
64CRC 1/W	\$ 34.74	17%	\$ 40.65
64CRC 2/M	\$ 21.25	17%	\$ 24.86
64CRC 1/M	\$ 16.31	17%	\$ 19.08
64 Com RC Carry Out			
64CRCC 1/W	\$ 40.59	17%	\$ 47.49
64CRCC 2/M	\$ 24.92	17%	\$ 29.15
64CRCC 1/M	\$ 18.15	17%	\$ 21.24
96 Com RC Roadside			
96CRC 1/W	\$ 46.08	17%	\$ 53.92
96CRC 2/M	\$ 26.43	17%	\$ 30.92
96CRC 1/M	\$ 19.77	17%	\$ 23.13
96 Com RC Carry Out			
96CRCC 1/W	\$ 55.01	17%	\$ 64.36
96CRCC 2/M	\$ 30.74	17%	\$ 35.97
96CRCC 1/M	\$ 21.54	17%	\$ 25.20
96CRCC 2/W	\$ 98.83	17%	\$ 115.64
96CRCC 3/W	\$ 145.26	17%	\$ 169.96

## Lincoln City

9/1/2022

Service	Current Rate	Percent Increase	Proposed Rate
<b>Commercial</b>			
1.0 yd Com			
1.0 1/W	\$ 101.83	17%	\$ 119.14
1.0 2/W	\$ 206.14	17%	\$ 241.19
1.0 3/W	\$ 310.08	17%	\$ 362.79
1.0 4/W	\$ 416.20	17%	\$ 486.96
1.0 5/W	\$ 521.18	17%	\$ 609.79
1.0 6/W	\$ 626.26	17%	\$ 732.73
1.0 2/M	\$ 61.38	17%	\$ 71.82
1.0 1/M	\$ 38.23	17%	\$ 44.73
1.5 yd Com Container			
1.5 1/W	\$ 140.12	17%	\$ 163.95
1.5 2/W	\$ 281.97	17%	\$ 329.90
1.5 3/W	\$ 424.62	17%	\$ 496.81
1.5 4/W	\$ 567.32	17%	\$ 663.77
1.5 5/W	\$ 709.93	17%	\$ 830.61
1.5 6/W	\$ 852.58	17%	\$ 997.52
1.5 2/M	\$ 85.76	17%	\$ 100.34
1.5 1/M	\$ 47.19	17%	\$ 55.21
4.0 yd Com Container			
4.0 1/W	\$ 367.30	17%	\$ 429.74
4.0 2/W	\$ 737.80	17%	\$ 863.23
4.0 3/W	\$ 1,110.59	17%	\$ 1,299.39
4.0 4/W	\$ 1,483.33	17%	\$ 1,735.50
4.0 5/W	\$ 1,856.12	17%	\$ 2,171.66
4.0 6/W	\$ 2,228.91	17%	\$ 2,607.83
4.0 2/M	\$ 211.04	17%	\$ 246.92
4.0 1/M	\$ 118.75	17%	\$ 138.94
5.0 yd Com Container			
5.0 1/W	\$ 455.59	17%	\$ 533.04
5.0 2/W	\$ 914.66	17%	\$ 1,070.15
5.0 3/W	\$ 1,376.49	17%	\$ 1,610.50
5.0 4/W	\$ 1,838.33	17%	\$ 2,150.85
5.0 5/W	\$ 2,300.17	17%	\$ 2,691.20
5.0 6/W	\$ 2,762.01	17%	\$ 3,231.55
5.0 2/M	\$ 249.95	17%	\$ 292.44
5.0 1/M	\$ 146.82	17%	\$ 171.78
6.0 yd Com Container			
6.0 1/W	\$ 543.56	17%	\$ 635.97
6.0 2/W	\$ 1,090.85	17%	\$ 1,276.29
6.0 3/W	\$ 1,641.38	17%	\$ 1,920.41
6.0 4/W	\$ 2,191.91	17%	\$ 2,564.53
6.0 5/W	\$ 2,742.39	17%	\$ 3,208.60
6.0 6/W	\$ 3,293.02	17%	\$ 3,852.83
6.0 2/M	\$ 294.09	17%	\$ 344.08

Lincoln City

9/1/2022

Service	Current Rate	Percent Increase	Proposed Rate
6.0 1/M	\$ 174.58	17%	\$ 204.26

Lincoln City			
9/1/2022			
Service	Current Rate	Percent Increase	Proposed Rate
<b>Commercial</b>			
10yd Compactor	\$ 554.41	0%	\$ 554.41
15yd Compactor	\$ 692.61	0%	\$ 692.61
20yd Compactor	\$ 833.06	0%	\$ 833.06
25yd Compactor	\$ 1,152.32	0%	\$ 1,152.32
30yd Compactor	\$ 1,207.81	0%	\$ 1,207.81
10yd Drop Box, with 2 ton deposit	\$ 456.50	10%	\$ 501.04
20yd Drop Box, with 3 ton deposit	\$ 553.75	8%	\$ 598.29
30yd Drop Box, with 4 ton deposit	\$ 651.00	7%	\$ 695.54
40yd Drop Box, with 5 ton deposit	\$ 748.25	6%	\$ 792.79
Drop Box Deliv & P/U + Tonnage			
Drop Box Deliv & P/U Only			\$ 306.54
Coffin Butte ACM 1 box hauled direct. Based on 5 tons per box. Disposal will be the landfill tonnage			
10yd ACM 1 Box	\$ 1,450.15	-15%	\$ 1,232.86
20yd ACM 1 Box	\$ 1,450.15	-7%	\$ 1,347.86
30yd ACM 1 Box	\$ 1,450.15	1%	\$ 1,462.86
40yd ACM 1 Box	\$ 1,450.15	9%	\$ 1,577.86
Coffin Butte ACM per box hauling 2 boxes to landfill. Based on 5 Tons per box. Disposal will be landfi			
10yd ACM 2 Boxes	\$ 1,246.71	-2%	\$ 1,224.84
20yd ACM 2 Boxes	\$ 1,246.71	17%	\$ 1,454.84
30yd ACM 2 Boxes	\$ 1,246.71	35%	\$ 1,684.84
40yd ACM 2 Boxes	\$ 1,246.71	54%	\$ 1,914.84

Lincoln City			
9/1/2022			
Service	Current Rate	Percent Increase	Proposed Rate
<b>Commercial</b>			
Extra 32 G, R, MC RS	\$ 4.62	17%	\$ 5.40
Extra 32 G, R, MC CO	\$ 5.23	21%	\$ 6.35
Extra Yd of Refuse	\$ 28.99	17%	\$ 33.92
Extra 1.5 yd of Refuse	\$ 43.49	17%	\$ 50.89
1.0yd Temp Cont	\$ 33.00	17%	\$ 38.61
1.5yd Temp Cont	\$ 43.80	17%	\$ 51.25
Extra Dist & Drive In note: Increases are based on truck rates changing in the Expenses Tab via Times tab.			
COC Extra Dist/25' 1/WCO	\$ 2.54	0%	\$ 4.39
COC Extra Dist/25' 2/MCO	\$ 1.67	0%	\$ 3.25
COC Extra Dist/25' 1/MCO	\$ 1.41	0%	\$ 2.69
Drive in Time 15 sec 1/W	\$ 6.93	0%	\$ 8.78
Drive in Time 15 sec 1/M	\$ 3.36	0%	\$ 5.37
KT Monthly Fee	\$ 25.00	0%	\$ 25.00
On Call Monthly Fee	\$ 5.00	0%	\$ 5.00
Lock Bar	\$ 5.00	0%	\$ 5.00
Inerts. Deposit required like it's all garbage until box has been inspected, then refund			
10yd Drop Box	\$ 262.00	14%	\$ 299.74
20yd Drop Box	\$ 262.00	14%	\$ 299.74
Recycle Center Fees			
Mixed Recycling per 32 gal	\$ 5.00	0%	\$ 5.00
Dry Cell Batteries	\$ 1.00	0%	\$ 1.00
Fluorescent Tubes	\$ 0.25	0%	\$ 0.25
CFL Bulbs	\$ 0.75	0%	\$ 0.75
Shredding	\$ 0.30	0%	\$ 0.30
Garbage per 32 gal	\$ 7.00	0%	\$ 7.00

# Council Communication

## Resolution 2022-11 NW Quay No Parking

Meeting Date:	July 25, 2022	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	20 min

### Question:

Should the City Council approve Resolution 2022-11 concerning the exercise of parking and traffic control authority (prohibited parking) on NW Quay Dr. from Hwy 101 to NW 32<sup>nd</sup> Street?

### Staff Recommendation:

Staff recommends approval of Resolution 2022-11.

### Authority:

#### 10.08.010 Powers of the city council.

A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by this title or another ordinance.

B. The powers of the council, which may be exercised **by resolution**, include, but are not limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;
5. Designation of certain streets as bridle paths and prohibition of horses and animals on other streets, parks or property;
6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
7. Initiation of proceedings to change speed zones;
8. Establishment and revision of speed limits and traffic regulations in parks;
9. Temporary blocking or closing of streets;
10. Establishment of bicycle lanes and paths and traffic controls for such facilities;
11. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
12. Authorization of issuance of oversize or overweight vehicle permits;
13. Establishment, maintenance, removal or alteration of the following classes of traffic controls:
  - a. Crosswalks, safety zones and traffic lanes,

- b. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when such prohibitions apply,
- c. Parking, including but not limited to truck parking areas, parking for disabled persons, parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal), prohibited parking areas (one or both sides of the street), parking permits and metered parking,
- d. Loading zones and stops for vehicles,
- e. Traffic-control signals.

### **Background**

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic and Parking Control authority by Resolution of the Council. The establishment of parking controls, including but not limited to parking areas and time limitations, prohibited parking, parking permits and metered parking is expressly listed as within the authority of the City Council. The City Council has mandated in the Code that the exercise of municipal traffic control and parking authority be based upon engineering and safety considerations, and not on any other basis:

C. Engineering Basis for Decisions. In exercising its municipal traffic authority pursuant to this chapter, the city council or its designee shall be guided by adopted street design and constructions standards, including but not limited to the 2015 Lincoln City Transportation Plan. Where appropriate, variations or alternatives to standard design and constructions standards may be approved in the discretion of the city engineer. Traffic control and parking measures are imposed based on the engineering considerations and public safety such as the adequacy of the right-of-way width and suitable shoulder base, and not on any other basis.

This is a residential neighborhood (R-1-5 zone) abutting a commercial development (GC zone) separated by NW Quay Drive. The right of way is 30 feet wide. The pavement is between 16 feet and 20 feet wide. Accordingly, the City Engineer finds and determines that there is inadequate street width to permit on-street parking on either side of the street. The City Engineer recommends an exercise in Parking and Traffic Control authority by the City Council to prohibit on-street parking on both sides of NW Quay Drive from Hwy 101 to NW 32nd Street. See attached map.

### **Recommendation**

Staff recommends approval of Resolution 2022-11.

### **Council Options:**

Approve the Resolution.

Do Not approve the Resolution.

Approve the Resolution (with amendments).

**Financial Impact**

No financial impacts to City.

**Potential Motions:**

Move to approve Resolution 2022-11 [or]

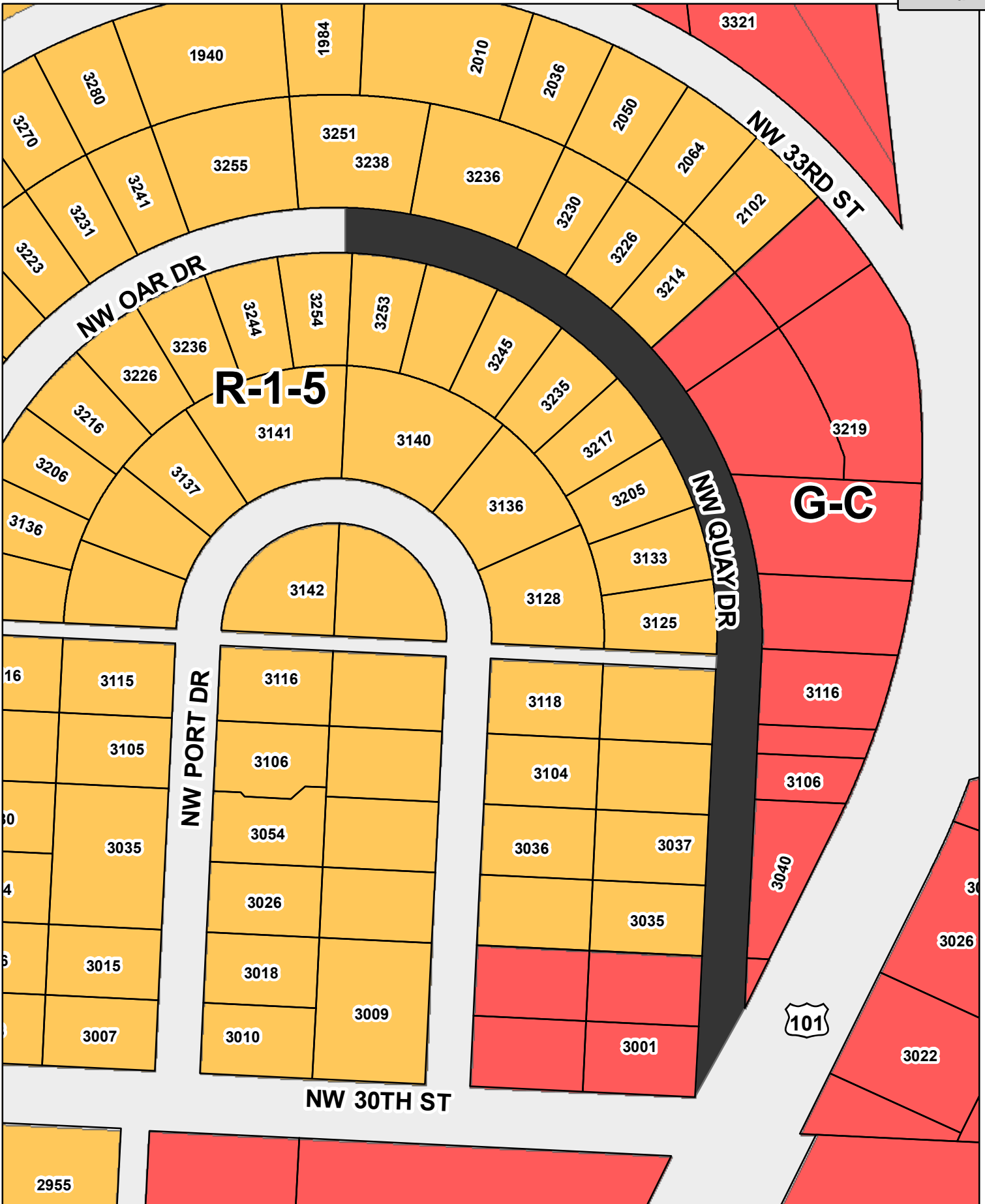
Move to approve Resolution 2022-11, with the following amendments. [or]

Move to reject the proposed Resolution.

**Attachments:**

NW Quay Dr No Parking w Zoning (PDF)

FINAL Res. 2022-11 (Parking and Traffic Control - NW Quay) (DOC)



NW QUAY DR  
NO PARKING ZONE



**RESOLUTION NO. 2022-11**

**A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING PARKING AND TRAFFIC CONTROL MEASURES FOR A PORTION OF NW QUAY DRIVE**

**RECITALS**

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic and Parking Control authority by Resolution of the Council; and

The establishment of parking controls, including but not limited to parking areas and time limitations, prohibited parking, parking permits and metered parking is expressly listed as within the authority of the City Council; and

The City Council has mandated in the code that the exercise of municipal traffic control and parking authority be based upon engineering considerations, and not on any other basis; and

The City Engineer has reviewed the on-street parking on NW Quay Drive between Highway 101 and NW 32<sup>nd</sup> Street. The review found that this is a residential neighborhood (R-1-5 zone) abutting a commercial development (GC zone) separated by NW Quay Drive. The right of way is 30 feet wide. The pavement is between 16 feet and 20 feet wide. The City standards per LCMC 16.12.030 require a minimum twenty (20) foot travel lane. Accordingly, the City Engineer finds and determines that there is inadequate street width to permit on-street parking on either side of the street. The City Engineer recommends an exercise in Parking and Traffic Control authority by the City Council to prohibit on-street parking on both sides of NW Quay Drive from Hwy 101 to NW 32<sup>nd</sup> Street. [See attached map].

Based on the engineering review, the City Council finds and determines that there exists an engineering basis for an exercise of municipal parking and traffic control authority, specifically to prohibit on-street parking on both sides of the street NW Quay Drive between Highway 101 and NW 32<sup>nd</sup> Street.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:**

**SECTION 1. RECITALS.**

The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2. IMPOSING TRAFFIC CONTROL.**

Effective upon posting of no parking signage by the City Public Works Department, the requested exercise of parking and traffic control authority is hereby approved, specifically

1 on-street parking is prohibited on both sides of the street NW Quay Drive, between Hwy  
2 101 and NW 32<sup>nd</sup> Street.

3 **SECTION 3. POSTING OF SIGNAGE & NOTICE TO ENFORCEMENT OFFICERS.**

4  
5 The Public Works Department is directed to erect no parking signs in the appropriate  
6 locations and City police and code enforcement officers are to be advised of the new parking  
7 restrictions by City Administration.

8 **SECTION 4. EFFECTIVE DATE.** This Resolution is effective as of the date of its adoption.

9  
10 **PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this 25<sup>th</sup>  
11 day of July, 2022.

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SUSAN WAHLKE, MAYOR

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17 ATTEST:

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JAMIE YOUNG, CITY RECORDER

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23 APPROVED AS TO FORM:

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RICHARD APPICELLO, CITY ATTORNEY

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# Council Communication

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## Resolution 2022-28 Public Works Plan Review Fee Revisions

Meeting Date:	July 25, 2022	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 min

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### Question:

After public comment, should the City Council approve Resolution 2022-28 - Fee revisions to Public Works Plan Review Fees?

### Staff Recommendation:

Staff recommends City Council approve Resolution 2022-28.

### Authority:

#### **LCMC 12.12.030 Permit – Fee.**

*B. For projects with an estimated cost of \$15,000 or more, the actual costs incurred by the city will be computed and the costs so incurred will become an additional application fee due the city. (Ord. 88-13 § 6)*

**294.160 Opportunity for public comment on new fee or fee increase.** (1) The governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated.

(2) Where a local government exercises authority to assume the responsibility for a program delivered by the state, the local government shall provide an opportunity to comment on the difference between the fee amount charged by the state for such service and the proposed local fee for the service. [1995 c.576 §5; 2007 c.71 §90]

### Background:

The Public Works Department currently charges \$100 for plan review and \$100 for a sanitary sewer connection inspection. Those two charges do not cover staff's time to process permits for single family residential and duplex projects.

The actual time to review and inspect a project is shown in the attached table. The hours shown reflect the typical review times. If a project requires additional staff time, the project will be charged \$200 per additional revision beyond two and \$100 per additional inspection beyond two. The updated Permit fee is \$707.50.

**Council Options:**

Approve Resolution 2022-28 to the increased review fees as proposed.

Approve Resolution 2022-28, to the increased review fees as modified.

Do Not approve Resolution 2022-28.

**Financial Impact**

Increasing Public Works plan review and inspection fees will bring the City closer to charging the actual cost per LCMC12.12.030.

**Potential Motions:**

Motion to approve Resolution 2022-28 to the increased review fees as proposed.

Motion to approve Resolution 2022-28 to the increased review fees as modified.

Motion to not approve Resolution 2022-28.

**Attachments:**

Resolution 2022-28 (DOCX)

Plan Review Fees (PDF)

**RESOLUTION NO. 2022-28**

**A RESOLUTION OF THE CITY OF LINCOLN CITY ADOPTING REVISIONS TO THE PUBLIC WORKS FEE SCHEDULE**

**WHEREAS**, the City of Lincoln City has established fees and charges for various applications; and

**WHEREAS**, ORS 294.160 mandates that the City provide an opportunity for public comment when fees or charges are established or increased; and

**WHEREAS**, Increasing Public Works plan review and inspection fees will bring the City closer to charging the actual cost per LCMC 12.12.030; and

**WHEREAS**, Council desires to establish new fees and charges and/or increase fees and charges as set forth herein; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:**

**Section 1.** The recitals set forth above are true and correct and incorporated herein by this reference.

**Section 2.** The attached schedule of fees and charges, showing a Plan Review and Inspection Fee of \$707.50, an additional inspection fee (beyond two) of \$100.00 and an additional review fee (beyond two) of \$200.00, is hereby adopted as the current fees and charges for the City of Lincoln City, the above-referenced schedule of fees and charges being incorporated herein by this reference.

**Section 3.** The above referenced fees and charges will be incorporated into the omnibus fee resolution to be adopted later this year.

**Section 4.** This Resolution is effective as of the date of its adoption.

**PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this 25<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
SUSAN WAHLKE  
MAYOR

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ATTEST:

\_\_\_\_\_  
JAMIE YOUNG  
CITY RECORDER

APPROVED AS TO FORM

\_\_\_\_\_  
RICHARD APPICELLO  
CITY ATTORNEY

**Estimated Public Works Costs for Single Family Residential Review and Inspections**

Task	Average Hours Spent	Burdened Labor Rate/Hour	Total Cost
Plan Review	2	\$52.50	\$105.00
Consultation	2	\$52.50	\$105.00
City Engineer	0.5	\$115.00	\$57.50
Erosion Control/Site Management	2	\$52.50	\$105.00
Sewer Connection	1.5	\$52.50	\$78.75
Stormwater	1.5	\$52.50	\$78.75
Right of Way	2	\$52.50	\$105.00
Final	1	\$52.50	\$52.50
Total hours	12.5		
Milage (7 miles average trip x 5 trips x \$0.56 per mile)			\$20.00
<b>Plan Review and Inspection Fee</b>			<b>\$707.50</b>
Additional Reivisions (beyond 2)			\$200.00
Additional Inspections (beyond 2)			\$100.00

## Council Communication

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### Resolution 2022-29: Ad Hoc Urban Renewal Committee for Nelscott Area

Meeting Date: July 25, 2022                      Primary Staff Contact: Alison Robertson  
 Department: Economic Development E-Mail: alisonr@lincolncity.org  
 Secondary Dept:                                      Secondary Contacts:  
 Approval: Daphnee Legarza                      Estimated Time: 5 Min

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#### Objective:

Council to consider approving formation of (Ad Hoc) Urban Renewal Plan Advisory Committee for the Nelscott Urban Renewal Area Plan.

#### Background:

On April 27<sup>th</sup>, 2019, Council directed staff to move forward with creating two new Urban Renewal Plans. Elaine Howard Consulting is working with staff on next steps and timelines. Since then, the Roads End/Villages at Cascade Head Plan was adopted in 2020. For the Nelscott (Nelscott SE 23<sup>rd</sup> Street Industrial/Mixed-Use) Area, staff worked on cleaning up some discrepancies regarding the Urban Growth Boundary. Council met most recently to direct staff at their June 27<sup>th</sup>, 2022 regular meeting. The next step for the prospective Nelscott Area is to form an Urban Renewal Plan Advisory Committee, an eleven (11)- member Ad Hoc Committee of Council. Meetings would be open to the public and the members of this Committee would include:

- Mayor
- Urban Renewal Chair
- Planning Commission Chair
- City Manager
- Finance Director
- Lincoln County Representative
- North Lincoln Fire & Rescue, Fire Chief or delegate
- Lincoln County School District, Superintendent or delegate
- Community Members (Two)
- Confederated Tribes of Siletz Indians, Planner or delegate

Over the next year, this group would meet about three times and attend a couple of public open houses.

#### Action:

Council to approve by Resolution 2022-29, the formation of an Urban Renewal Plan Advisory Committee for the prospective Nelscott Area as detailed in the staff report.

**Attachments:**

2022-29\_ResolutionAdHocUR\_NelscottArea (DOCX)

**RESOLUTION NO. 2022-29**

**AD HOC URBAN RENEWAL PLAN ADVISORY COMMITTEE FOR THE NELSCOTT URBAN RENEWAL AREA PLAN**

**WHEREAS**, on April 15, 2019, the Lincoln City Council directed staff to move forward with creating two new Urban Renewal Plans; and

**WHEREAS**, the next task for development of a new plan for the Nelscott Area is to form an Urban Renewal Plan Advisory Committee, an Ad Hoc Committee created by the City Council; and

**WHEREAS**, the meetings of the Ad Hoc Committee for the Nelscott Urban Renewal Area public meetings law and will be open to the public; and

**WHEREAS**, Council desires to establish an Ad Hoc Committee for the Nelscott Area.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:**

**Section 1.** The recitals set forth above are true and correct and incorporated herein by this reference.

**Section 2.** The City Council hereby establishes an ad hoc committee to be known as the "Nelscott Plan Advisory Committee for the Nelscott Urban Renewal Area."

**Section 3.** The Committee, shall be ad hoc, and shall terminate upon completion of the task (decision to adopt or reject an urban renewal plan). The Committee shall consist of eleven (11) members to include the following:

- Mayor
- Urban Renewal Chair
- Planning Commission Chair
- City Manager
- Finance Director
- Lincoln County Representative
- North Lincoln Fire & Rescue, Fire Chief or delegate
- Lincoln County School District, Superintendent or delegate
- Community Members (Two)
- Confederated Tribes of Siletz Indians, Planner or delegate

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**Section 4.** This Resolution is effective as of the date of its adoption.

**PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon,  
this 25<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD APPICELLO, CITY ATTORNEY

ATTEST:

\_\_\_\_\_  
JAIME YOUNG, CITY RECORDER

# Council Communication

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## Resolution 2022-30 SDC Deferral - Innovative Housing Inc. 30 yr

Meeting Date:	July 25, 2022	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Administration	Secondary Contacts:	Alison Robertson
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

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### Question:

Should the City Council approve Resolution 2022-30 entitled:

### RESOLUTION NO. 2022-30

**A RESOLUTION OF THE CITY OF LINCOLN CITY IMPLEMENTING LCMC 13.08.095 REGARDING DEFERRAL OF SYSTEM DEVELOPMENT CHARGES; APPROVING AN APPLICATION FOR THE DEFERRAL OF PAYMENT OF SYSTEM DEVELOPMENT CHARGES FOR LINCOLN 25 LIMITED PARTNERSHIP (MANAGING MEMBER INNOVATIVE HOUSING INC.) FOR DEVELOPMENT OF A 107 UNIT AFFORDABLE HOUSING APARTMENT PROJECT ON THREE PARCELS OF LAND ADJOINING 2510 NE HIGHWAY 101, LINCOLN CITY, OREGON, REPLACING RESOLUTION 2022-22.**

### Staff Recommendation:

Staff recommends approval of Resolution 2022-30.

### Authority:

#### 13.08.095 Deferrals.

*A. The city council may approve an application for deferral of the requirement to pay systems development charges, or for continuation of an approved deferral, for a qualified entity that meets all the following criteria:*

- 1. The use proposed by the applicant fits within a type of use identified by the city council by resolution as lacking in the city and urgently needed, such as child care;*
- 2. The use serves a widespread community need, as identified by the applicant;*
- 3. The deferral applicant is a nonprofit corporation, or any agency or subdivision of the federal, state or local government, or a private entity that has committed to the proposed use in a binding executed agreement with the city (e.g., a 30-year affordability covenant for workforce housing);*
- 4. The applicant demonstrates the need for financial support to develop the use;*

5. *The applicant demonstrates local support for the use, such as through fundraising for the use;*
6. *The development will occur on property located within the city limits;*
7. *The applicant agrees to enter into an agreement to pay systems development charges if the city approves the application.*

*B. An application for deferral of payment of systems development charges or a continuation of a deferral shall be submitted to the city manager for review. The city manager shall review the application and make a recommendation to the city council, which in its discretion may approve or deny the application, decline to take action, or take other action such as requesting additional information.*

*C. Any approval of an application for deferral or continuation of a deferral under this section shall be contingent on the city and the applicant entering into an agreement in which the applicant acknowledges the terms of the deferral and agrees to pay systems development charges in the amount calculated at the time the use no longer qualifies for deferral, as specified in subsection (D) of this section. If the applicant is not the property owner, the property owner will be required to consent to the deferral application and sign the agreement. The agreement shall be recorded and shall run with the land.*

*D. The deferral will apply until such time as a new use occupies the building that was constructed in conjunction with an approved deferral. If the new use would not meet the application criteria to qualify for continuation of the deferral of system development charges, prior to use or occupancy of the facility by a new use all applicable system development charges shall be paid. The system development charges owed will be based on the approved schedule and methodology of system development charges in effect for the new use at the time of occupancy.*

*E. The city council may approve a deferral of payment of systems development charges under this section for up to 10 years, with possible extensions of time as approved by the city council, provided the use continues to qualify for deferral. (Ord. 2016-01 § 2; Ord. 2011-05 § 1)*

## **Background**

This Resolution re-approved the SDC Deferral to IHI and replaces Resolution 2022-22. The new Resolution pre-approved two extensions to sync the deferral to the required 30 years' state and federal affordability covenants and corrects the legal description for the property.

Innovative Housing, Inc., the managing member for Lincoln 25 Limited Partnership, has formally submitted an application to the Lincoln City City Council for deferral of system development charges pursuant to LCMC 13.08.095. The application materials have been forwarded to the City Manager for review and recommendation to Council.

Lincoln 25 Limited Partnership, an Oregon limited partnership (the "Limited Partnership") is a limited partnership created by Innovative Housing, Inc. for the purposes of owning, constructing, and operating the Project. Innovative Housing, Inc. (IHI) is the sole member and manager of Innovative Lincoln 25 LLC, an Oregon limited liability company, which is the general partner of the Limited Partnership. The reason IHI can't be the "owner" of the project is because the primary financing for this project is the Federal Low Income Housing Tax Credit (LIHTC). The

State has awarded this project approximately \$16 Million in LIHTCs. The limited partner of the partnership is purchasing those tax credits through a bond, in order to fund equity into the partnership for the financing of construction of the project. In order for the investor to benefit from the LIHTCs, the project needs to be owned by the limited partnership. This is how all LIHTC funded affordable housing projects are funded in Oregon.

System Development Charges for this 107-unit project total \$878,703.00. The project covers three parcels: (R206172, Parcel 1), (R208560, Parcel 2), (R203856, Parcel 3). The legal description for the property has been corrected – see new Exhibit A to the Resolution.

## Analysis

**The city council may approve an application for deferral of the requirement to pay systems development charges, or for continuation of an approved deferral, for a qualified entity that meets all the following criteria:**

**1. The use proposed by the applicant fits within a type of use identified by the city council by resolution as lacking in the city and urgently needed, such as child care;**

The City Council approved Resolution 2020-09, which authorized, *inter alia*, an option to purchase a portion of the subject property (two lots) for affordable housing purposes. Later, in Joint Resolution 2021-01, Urban Renewal Agency authorized with Council acceptance, the remainder property to be added to the option, committing in total over \$800,000 in City property to this affordable housing project. The resolutions addressed the desire of the City Council and Urban Renewal Agency to fund affordable housing to meet this critical housing need. The criterion is met.

**2. The use serves a widespread community need, as identified by the applicant;**

The most significant issue facing the City of Lincoln City is housing. This affordable housing use will serve a widespread community need for affordable housing and workforce housing. Lincoln City is also addressing workforce housing through this project because the tourism-based economy tends to have part-time and minimum-wage jobs that results in greater need for affordable housing for the local workforce at all income levels. This housing project will serve people at 30% and 60% of area median income. (That is, the project will include 107 units of deed restricted affordable housing at 30% - 60% of Median Income). Associated deed, notes, and security instruments will require the use to be restricted to affordable housing. The criterion is met.

**3. The deferral applicant is a nonprofit corporation, or any agency or subdivision of the federal, state or local government, or a private entity that**

**has committed to the proposed use in a binding executed agreement with the city (e.g., a 30-year affordability covenant for workforce housing);**

The deferral applicant Innovative Housing Inc., a 501(c)(3) Oregon Non-Profit is also the managing member and registered agent for the deferral recipient which is Lincoln 25 Limited Partnership. See Oregon Secretary of State Corporations Division Registration No. 202579-11. The criterion is met.

**4. The applicant demonstrates the need for financial support to develop the use;**

The attached balanced sources and uses budget shows the project budget without the SDC fees, demonstrating the need for the deferral. There are no additional project sources that could pay the SDC fees. Financial need is apparent. The criterion is met.

**5. The applicant demonstrates local support for the use, such as through fundraising for the use;**

Local support is demonstrated because this project was awarded a property option twice, following public hearings providing public notice of the proposed affordable housing use on this site. The criterion is met.

**6. The development will occur on property located within the city limits;**

The project is located within the City Limits of the City of Lincoln City. The criterion is met.

**7. The applicant agrees to enter into an agreement to pay systems development charges if the city approves the application.**

The applicant has indicated they are willing to enter into an agreement with the city in accordance with the terms of the Ordinance and this Resolution, which may be incorporated into the approval resolution; the applicant agrees to pay SDC charges should the terms of the deferral be violated (such as a change of use or expiration of deferral term). The SDC deferral agreement will be incorporated into the City's 30 year Affordability Covenant and recorded against the property (as opposed to being shown in the City Electronic Lien Record. This criterion is met.

**B. An application for deferral of payment of systems development charges or a continuation of a deferral shall be submitted to the city manager for review. The city manager shall review the application and make a recommendation to the city council, which in its discretion may approve or deny the application, decline to take action, or take other action such as requesting additional information.**

The City Manager recommends approval of the Deferral Resolution.

**C. Any approval of an application for deferral or continuation of a deferral under this section shall be contingent on the city and the applicant entering into an agreement in which the applicant acknowledges the terms of the deferral and agrees to pay systems development charges in the amount calculated at the time the use no longer qualifies for deferral, as specified in subsection (D) of this section. If the applicant is not the property owner, the property owner will be required to consent to the deferral application and sign the agreement. The agreement shall be recorded and shall run with the land.**

The SDC deferral resolution includes the agreement and will be recorded in the Official County Records as part of the City's 30 year Affordability Covenant.

**D. The deferral will apply until such time as a new use occupies the building/s that are constructed in conjunction with an approved deferral. If the new use would not meet the application criteria to qualify for continuation of the deferral of system development charges, prior to use or occupancy of the facility by a new use all applicable system development charges shall be paid. The system development charges owed will be based on the approved schedule and methodology of system development charges in effect for the new use at the time of occupancy.**

The SDC deferral resolution incorporates this Code provision on change of use.

**E. The city council may approve a deferral of payment of systems development charges under this section for up to 10 years, with possible extensions of time as approved by the city council, provided the use continues to qualify for deferral.**

The SDC deferral resolution will be recorded and effective for ten (10) years with two pre-approved extensions to extend the deferral to 30 years to match the state and federal affordability covenants.

#### **Council Options:**

- Approve the Resolution.
- Do Not approve the Resolution.
- Continue the matter and request additional information.

#### **Financial Impact**

Deferral of SDC amounts stated herein.

#### **Potential Motions:**

Move to approve Resolution 2022-30.

Move to reject the proposed Resolution.

**Attachments:**

IHI Sources-Uses for City of Lincoln City 5-9-2022 (PDF)

SDC Deferral Resolution 7-19-22 (DOC)

IHI Copy of NE 25th 101 - 2022 Multi-family SDC Breakdown(XLSX)

<b>Lincoln City Project</b>	May 9, 2022
<b>Financial Description</b>	
Sources and Uses of Financing	

<b>SOURCES OF FINANCING</b>		
<b>DEBT</b>	<b>Housing</b>	<b>Per Unit</b>
Mortgage with OAHTC	2,362,845	22,083
Portion without OAHTC	0	0
Capital Contribution	1,524,826	14,251
Developer Loan (Deferred Fee)	555,174	5,189
<b>Subtotal Non Sponsor Loans</b>	<b>4,442,845</b>	<b>41,522</b>
<b>Sponsor Loan:</b>		
<b>NON DEBT SOURCES</b>		
4% LIHTC Equity	15,308,389	143,069
LIFT	16,553,980	154,710
GHAP	-	-
Lincoln City Grant	197,000	1,841
Additional Lincoln City Grant	200,000	1,869.16
Energy Trust	40,000	374
<b>Total Sources</b>	<b>36,742,214</b>	<b>341,516</b>

<b>USES OF FINANCING</b>		
	<b>Housing</b>	<b>Per Unit</b>
Acquisition	-	-
Construction	26,432,931	246,354
Const Contingency	1,317,992	12,318
Developer Fee (cash fee \$1.8 MM)	3,880,000	36,262
Soft Costs	5,111,291	47,769
<b>Total Uses</b>	<b>36,742,214</b>	<b>342,702</b>
<b>SURPLUS/GAP</b>	<b>(0)</b>	

RESOLUTION NO. 2022-30

A RESOLUTION OF THE CITY OF LINCOLN CITY IMPLEMENTING LCMC 13.08.095 REGARDING DEFERRAL OF SYSTEM DEVELOPMENT CHARGES; APPROVING AN APPLICATION FOR THE DEFERRAL OF PAYMENT OF SYSTEM DEVELOPMENT CHARGES FOR LINCOLN 25 LIMITED PARTNERSHIP (MANAGING MEMBER - INNOVATIVE HOUSING INC.) FOR DEVELOPMENT OF A 107 UNIT AFFORDABLE HOUSING APARTMENT PROJECT ON THREE PARCELS OF LAND ADJOINING 2510 NE HIGHWAY 101, LINCOLN CITY, OREGON, REPLACING RESOLUTION 2022-22.

RECITALS

The City Council adopted Ordinance 2011-05 on March 14, 2011, establishing criteria for qualified uses subject to deferral of payment of system development charges.

Ordinance 2011-05, codified at LCMC 13.08.095, amended Chapter 13.08 to allow for deferral of system development charges for certain uses that meet adopted criteria, including but not limited to a use "identified by the city council by Resolution as lacking in the city and urgently needed."

Affordable housing is desperately needed in the City of Lincoln City;

Following advertised public hearings, the Council has previously approved Resolution 2020-09, Urban Renewal Agency Resolution UR 2021-01, and on June 27, 2022, Resolution 2022-23 approving options to purchase City and former Agency property by Innovative Housing Inc. a not-for-profit developer of affordable housing, (and Lincoln 25 Development Partnership, an entity controlled by IHI) in order to facilitate development of a 107-unit affordable housing project. Three lots have now been authorized in the most recent approval of an option to purchase, the specific property being more particularly described in Exhibit A (Corrected Legal Description) attached hereto and made a part hereof by this reference.

A prior SDC deferral approved on [Resolution 2022-22], did not address the requested duration of the deferral and this Resolution corrects that oversight;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. RECITALS.

The above recitals and the recitals set forth in the July 25, 2022 staff report, are true and correct and are incorporated herein by this reference.

SECTION 2. AFFORDABLE HOUSING 30% TO 60% OF AREA MEDIAN INCOME IDENTIFIED AS URGENT NEED.

1 Based on the Findings set forth in the whole record and referenced in Section 1 above, the  
2 City Council finds and determines that the proposed affordable housing use (107 apartment  
3 units restricted to serve people at 30% to 60% of area median income, is lacking and  
4 urgently needed in the City of Lincoln City.

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6 **SECTION 3. APPLICATION FOR DEFERRAL OF PAYMENT OF SYSTEM**  
7 **DEVELOPMENT CHARGES.**

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9 The City Council makes the following findings of compliance concerning the  
10 application submitted by deferral applicant Innovative Housing Inc.:

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12 **Analysis**

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14 **The city council may approve an application for deferral of the requirement to pay**  
15 **systems development charges, or for continuation of an approved deferral, for a**  
16 **qualified entity that meets all the following criteria:**

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18 **1. The use proposed by the applicant fits within a type of use identified by**  
19 **the city council by resolution as lacking in the city and urgently needed, such**  
20 **as child care;**

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22 The City Council approved Resolution 2022-23 authorizing an option to purchase  
23 to Lincoln 25 Limited Partnership (an entity controlled by IHI) essentially  
24 reapproving Resolution 2020-09, which authorized, inter alia, an option to  
25 purchase a portion of the subject property for affordable housing purposes as  
26 well as Resolution UR 2021-01, Urban Renewal Agency which did the same thing  
27 including some additional URA property. The resolutions addressed the desire of  
28 the City Council and Urban Renewal Agency to fund affordable housing to meet  
29 this housing need. The criterion is met.

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31 **2. The use serves a widespread community need, as identified by the**  
32 **applicant;**

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34 The most significant issue facing the City of Lincoln City is housing. This  
35 affordable housing use will serve a widespread community need for affordable  
36 housing and workforce housing. Lincoln City is also addressing workforce housing  
37 through this project because the tourism-based economy tends to have part-time  
38 and minimum-wage jobs that results in greater need for affordable housing for  
39 the local workforce at all income levels. This housing project will serve people at  
40 30% and 60% of area median income. (That is, the project will include 107 units of  
41 deed restricted affordable housing at 30% - 60% of Median Income). Associated  
42 deed, covenants, notes, and/or security instruments will require the use to be  
43 restricted to affordable housing. The criterion is met.

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**3. The deferral applicant is a nonprofit corporation, or any agency or subdivision of the federal, state or local government, or a private entity that has committed to the proposed use in a binding executed agreement with the city (e.g., a 30-year affordability covenant for workforce housing);**

The deferral applicant Innovative Housing Inc., a 501(c)(3) Oregon Non-Profit, is also the registered agent and managing member of the deferral recipient which is Lincoln 25 Limited Partnership. The entity receiving the deferral is controlled by the 501(c)(3) and is committed via (federal and state covenants required by funding) to provide the needed affordable housing. See Oregon Secretary of State Corporations Division Registration No. 202579-11. The criterion is met.

**4. The applicant demonstrates the need for financial support to develop the use;**

The attached balanced sources and uses budget shows the project budget without the SDC fees, demonstrating the need for the deferral. There are no additional project sources that could pay the SDC fees. Financial need is apparent. The criterion is met.

**5. The applicant demonstrates local support for the use, such as through fundraising for the use;**

Local support is demonstrated because this project was awarded a property option three times, following public hearings, providing public notice of the proposed affordable housing use on this site. The disposition and development agreement (also requiring a noticed public hearing) is pending. The criterion is met.

**6. The development will occur on property located within the city limits;**

The project is located within the City Limits of the City of Lincoln City. The criterion is met.

**7. The applicant agrees to enter into an agreement to pay systems development charges if the city approves the application.**

The applicant has indicated they are willing to enter into an agreement with the city in accordance with the terms of the Ordinance and this Resolution, which agreement is incorporated into this approval resolution; the applicant agrees to pay SDC charges per the terms of the ordinance should the terms of the deferral be violated (such as a change of use or expiration of deferral term). The SDC deferral agreement will be shown in the Recorded Affordability Covenant –

1 required as part of the Disposition and Development Agreement for the Property.  
2 This criterion is met.

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**B. An application for deferral of payment of systems development charges or a continuation of a deferral shall be submitted to the city manager for review. The city manager shall review the application and make a recommendation to the city council, which in its discretion may approve or deny the application, decline to take action, or take other action such as requesting additional information.**

10 The City Manager recommends approval of the Deferral Resolution.

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**C. Any approval of an application for deferral or continuation of a deferral under this section shall be contingent on the city and the applicant entering into an agreement in which the applicant acknowledges the terms of the deferral and agrees to pay systems development charges in the amount calculated at the time the use no longer qualifies for deferral, as specified in subsection (D) of this section. If the applicant is not the property owner, the property owner will be required to consent to the deferral application and sign the agreement. The agreement shall be recorded and shall run with the land.**

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21 The SDC deferral resolution incorporates the required agreement and will be recorded  
22 in the Official Records (as part of the Affordability Covenant for the project and will run  
23 with the land.

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**D. The deferral will apply until such time as a new use occupies the building that was constructed in conjunction with an approved deferral. If the new use would not meet the application criteria to qualify for continuation of the deferral of system development charges, prior to use or occupancy of the facility by a new use all applicable system development charges shall be paid. The system development charges owed will be based on the approved schedule and methodology of system development charges in effect for the new use at the time of occupancy.**

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34 This provision is specifically incorporated into this SDC deferral resolution and is agreed  
35 to by the applicant.

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**E. The city council may approve a deferral of payment of systems development charges under this section for up to 10 years, with possible extensions of time as approved by the city council, provided the use continues to qualify for deferral.**

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41 The SDC deferral resolution will be recorded in the Official County Records (by  
42 incorporation into the Affordability Covenant) (in lieu of the electronic lien record) and  
43 is effective (initially) for ten (10) years. The developer has requested that the deferral be  
44 extended twice, by ten (10) years each at this time to correspond with 30 year City

covenant, as well as the state and federal affordability covenants which will be recorded on the property. City Administration does not object to such extension being approved now. Accordingly, Council approves a 30-year term for the deferral. Violation of the affordability covenants will also automatically void the deferral.

**SECTION 4. APPROVAL OF APPLICATION FOR DEFERRAL OF PAYMENT OF SYSTEM DEVELOPMENT CHARGES.**

Based on the findings set forth in Section 3 above, the City Council finds and determines that the application meets the criteria for approval in LCMC 13.08.095 and approves the request by Innovative Housing Inc., registered agent and managing member of Lincoln 25 Limited Partnership, to defer payment of system development charges in the amount of \$878,703.00 (as more fully set forth in **Exhibit B** attached hereto and made a part hereof by this reference), subject to the applicant’s execution of the concurrence with this Resolution, as its Agreement to the terms and conditions of the LCMC 13.08.095 and this Resolution, including specifically the terms set forth in paragraphs C and D in Section 3 above.

**SECTION 5. AGREEMENT AND DEVELOPMENT.** Execution of the Concurrence below by the undersigned applicant constitutes agreement to the terms and conditions of the ordinance [LCMC 13.08.095] and this Resolution, including specifically the Agreement of the Applicant to pay the \$878,703.00 System Development Charge in the event the property no longer qualifies for deferral whether by expiration of the deferral or breach of the agreement by change of use. The real property subject to the deferral of payment of system development charges as approved by this Resolution is legally described in the Corrected **Exhibit A** attached hereto and made a part hereof by this reference. The Applicant acknowledges that this Resolution terms and conditions shall be recorded (by incorporation into the City’s Affordability Covenant for the project) to evidence this Agreement and the Agreement shall run with the land.

**SECTION 6. EFFECTIVE DATE.** This Resolution is effective as of the date of its adoption and execution by the Applicant of the Concurrence below.

**PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this 25<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
SUSAN WAHLKE, MAYOR

ATTEST:

\_\_\_\_\_  
JAMIE YOUNG, CITY RECORDER

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APPROVED AS TO FORM:  
  
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RICHARD APPICELLO, CITY ATTORNEY  
CONCURRENCE / AGREEMENT TO TERMS

\_\_\_\_\_  
LINCOLN 25 LIMITED PARTNERSHIP

\_\_\_\_\_  
INNOVATIVE HOUSING INC.

Exhibit A

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Parcel I:

A tract of land situated in the Northwest quarter of the Northwest quarter of Section 11, Township 7 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, and more particularly described as follows:

The Westerly 100 feet, measured along the North line, of the following described property:

Beginning at a point on the South line of Government Lot 8, Section 11, Township 7 South, Range 11 West, Willamette Meridian, in the County of Lincoln, State of Oregon, that is 46 feet East of the West line of said Section 11 (said point also being 40.00 feet East of the center line of Highway 101 and also being on the East right of way line of said Oregon Coast Highway 101); said point being the true point of beginning of the tract herein described; thence East 396.66 feet along the South line of Government Lot 8; thence North 285 feet, more or less, to the South line of the R. L. Neal property, described in deed recorded in Book 102, page 563, Deed Records; thence West along the South line of the Neal property, 197.2 feet, more or less, to the Northeast corner of that tract recorded in Deed Book 204, Page 455; thence South 0°25 1/2' East 100 feet along the East line of said tract to the Southeast corner of said property in Deed Book 204, Page 455; thence West 201.67 feet, more or less, to the Southwest corner of said property in Deed Book 204, Page 455; thence South 0°25 1/2' East 185 feet, along the East boundary of Oregon Coast Highway 101, to the point of beginning.

EXCEPTING THEREFROM any portion within the Oregon Coast Highway right of way, and EXCEPTING THEREFROM any portion within the right of way of NE 25th Street.

Parcel II:

A tract of land situated in the Northwest quarter of the Northwest quarter of Section 11, Township 7 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, and more particularly described as follows:

Beginning at the Southwest corner of said Northwest quarter of the Northwest quarter of said Section, Township and Range; thence from said point of beginning South 89°59' East 141.43 feet, more or less, along the South line of said Northwest quarter of the Northwest quarter to the true point of beginning of the tract herein described; said true point of beginning being also the Southeast corner of that tract of land described in Book 222, Page 343, Deed Records of Lincoln County; thence North 1°02'30" East 194.50 feet, more or less, along the East line of said tract described in Book 222, Page 343, to the South line of that tract of land described in Book 204, Page 455, Deed Records; thence East 101.67 feet; thence North 0°25'30" West 100 feet, along the East line of said Deed Book 204, Page 455 tract, to the South line of the Neal tract described in Book 102, Page 563, Deed Records of Lincoln County; thence East 150 feet along the South line of said Neal tract, thence South 23°15'21" East 320.63 feet to the South line of said Northwest quarter of the Northwest quarter of said Section, Township and Range; thence North 89°59' West 381.06 feet, more or less, along the South line of said Northwest quarter of the Northwest quarter of said section, to the true point of beginning.

1 Parcel III:

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3 A tract of land situated in the Northwest quarter of the Northwest quarter of Section 11, Township 7  
4 South, Range 11 West of the Willamette Meridian, Lincoln County, Oregon, and more particularly  
5 described as follows:

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7 Beginning at the Southwest corner of said Northwest quarter of the Northwest quarter of said  
8 Section, Township and Range; thence from said point of beginning South 89°59' East 522.49 feet,  
9 more or less, along the South line of said Northwest quarter of the Northwest quarter to the true  
10 point of beginning of the tract herein described; thence from said true point of beginning North  
11 23°15'21" West 320.63 feet, more or less, to the South line of the Neal tract described in Book 102,  
12 Page 563, Deed Records of Lincoln County; thence East 257.60 feet, more or less, along the South line  
13 of said Neal tract to the West line of that tract of land conveyed to Wilbur L. and Marian V. Rogers,  
14 husband and wife, by Jerry Emery and Margaret Hannah Page Holmes Emery, husband and wife, by  
15 Deed recorded in Book 159, Page 470, Deed Records of Lincoln County; thence South along said tract  
16 9.68 feet, more or less, to the Southwest corner thereof; thence East 117.67 feet along the South line  
17 of said Rogers tract to the Northwest corner of that tract described as Parcel 3 in Deed 200412394;  
18 thence South 0°30' West 284.98 feet, more or less, along the West line of said Parcel 3 in Deed  
19 200412394, to the South line of the said Northwest quarter of the Northwest quarter of said Section  
20 11; thence North 89°59' West 246.19 feet, more or less, to the true point of beginning.

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107 Units (Assumed water meter size)												
Type of System Development Fee (SDC)	Per Unit	Bldg 1	Bldg 2	Bldg 3	Bldg 4	Bldg 5	Bldg 6	Bldg 7	Bldg 8	Bldg 9	Number of Units	Cost
Water Reimbursement	\$1,247.00	19	18	16	14	12	10	8	6	4	107.00	\$133,429.00
Water Improvement	\$474.00	19	18	16	14	12	10	8	6	4	107.00	\$50,718.00
Sewer Reimbursement	\$2,085.00	19	18	16	14	12	10	8	6	4	107.00	\$223,095.00
Sewer Improvement	\$1,092.00	19	18	16	14	12	10	8	6	4	107.00	\$116,844.00
Parks System Charge	\$2,446.00	19	18	16	14	12	10	8	6	4	107.00	\$261,722.00
Transportation Fee	\$850.00	19	18	16	14	12	10	8	6	4	107.00	\$90,950.00
Stormwater	\$0.03										Per SF	of Impervious
<b>TOTAL SDC</b>	<b>\$8,194.03</b>	<b>\$155,686.00</b>	<b>\$147,492.00</b>	<b>\$131,104.00</b>	<b>\$114,716.00</b>	<b>\$98,328.00</b>	<b>\$81,940.00</b>	<b>\$65,552.00</b>	<b>\$49,164.00</b>	<b>\$32,776.00</b>		<b>\$876,758.00</b>
Additional Fees												
Water Meter (3" Assumed, 2020 as of 04/15/2020)	\$1,945.00										1	\$1,945.00
<b>Total Estimated SDCs and Fees</b>												<b>\$878,703.00</b>

# Council Communication

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## Police Parking Lot Construction Award

Meeting Date:	July 25, 2022	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 min

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### Question:

Should the City Council Award a construction contract to RK Construction for the Lincoln City Police Parking Lot project?

### Staff Recommendation:

Staff recommends the construction contract be awarded to RK Construction in the amount of \$499,327.02.

### Authority:

**LCMC 2.05.060** (Public Improvement contracts shall be awarded by competitive bid or as provided by the Public Contracting Code or these rules)

### Background:

Staff first started working on this project in 2022. The goal of the project is to add a secure parking lot for the police department.

### Project Description

The project will construct a secure 43 lot parking space for the Police Department. The parking lot includes a 146 feet long retaining wall, fencing, and extending utilities to a proposed auxiliary building site.

### Bids

Public Works Department advertised the project for bid on June 27 & 28, 2022. The City Public Works Department opened bids for the project on July 14, 2022. Three bid was received:

Bidder	Bid Amount
RK Construction	\$499,327.02
K&E Excavating, Inc	\$510,632.00
Earth Works Excavation	\$731,797.00

The lowest responsive and responsible bidder was RK Construction in the amount of \$499,327.02.

**Financial Impact:**

This project will be funded out of Police Building Bond Fund- Public Safety Building (263-000-6330402).

The following table shows design costs incurred in FY21-22, and the estimated cost to construct and complete the project in FY2022-23.

Item	Project Cost in FY201-22	Estimated Cost to Complete FY2022-23
Survey	\$10,058.00	\$0.00
Design-In house	\$0.00	\$0.00
CAD Services	\$18,000.00	\$0.00
Wall Design	\$23,592.11	\$0.00
Bid Advertisement (2021)	\$903.31	\$200.00
Bureau of Labor and Industries		\$499.37
Construction Bid		\$499,327.02
Art (1/2 of one percent of the construction bid)		\$2,496.64
Construction Contingency		\$49,932.70
<b>Total</b>	<b>\$17,585.92</b>	<b>\$552,455.73</b>

**Council Options:**

The Council may approve the construction award.

The Council may not approve the construction award.

**Potential Motions:**

Move to award the construction contract to RK Construction in the amount of \$499,327.02 with a construction contingency of \$49,932.7 (10 percent of bid amount) for a total amount of \$549,259.70

**Attachments:**

Bid Tab

**Attachments:**

Bid Tab (PDF)

Police Parking Lot				Engineer's Estimate		RK Construction		K&E Excavating		EarthWorks Excavation	
	ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
GENERAL BID ITEMS											
1	Mobilization	1	LS	\$0.00	\$0.00	\$12,700.00	\$12,700.00	\$51,000.00	\$51,000.00	\$23,134.00	\$23,134.00
2	Inlet Protection	4	EA	\$200.00	\$800.00	\$135.00	\$540.00	\$120.00	\$480.00	\$112.00	\$448.00
3	Outlet Protection	1	EA	\$500.00	\$500.00	\$480.00	\$480.00	\$750.00	\$750.00	\$565.00	\$565.00
4	Construction Entrance	1	LS	\$1,000.00	\$1,000.00	\$2,700.00	\$2,700.00	\$2,300.00	\$2,300.00	\$4,673.00	\$4,673.00
5	Sediment Fence	260	FT	\$20.00	\$5,200.00	\$3.75	\$975.00	\$4.50	\$1,170.00	\$7.00	\$1,820.00
6	Straw Wattles	270	FT	\$15.00	\$4,050.00	\$3.00	\$810.00	\$5.00	\$1,350.00	\$13.00	\$3,510.00
7	Demolition	1	LS	\$5,000.00	\$5,000.00	\$20,550.00	\$20,550.00	\$8,000.00	\$8,000.00	\$20,650.00	\$20,650.00
8	Clear & Grubbing	1	LS	\$10,000.00	\$10,000.00	\$4,900.00	\$4,900.00	\$47,000.00	\$47,000.00	\$34,698.00	\$34,698.00
9	Excavation	1	LS	\$25,000.00	\$25,000.00	\$75,632.00	\$75,632.00	\$62,000.00	\$62,000.00	\$106,512.00	\$106,512.00
10	Prepare Parking Lot For Paving	1	LS	\$15,000.00	\$15,000.00	\$19,531.00	\$19,531.00	\$9,500.00	\$9,500.00	\$81,225.00	\$81,225.00
11	Storm Pipe 10-inch, PVC, 3034, Class "B" Backfill, 0-10 feet.	40	FT	\$175.00	\$7,000.00	\$115.00	\$4,600.00	\$85.00	\$3,400.00	\$178.00	\$7,120.00
12	Storm Pipe, 8-inch, PVC, 3034, Class "B" Backfill, 0-10 feet.	179	FT	\$125.00	\$22,375.00	\$95.00	\$17,005.00	\$75.00	\$13,425.00	\$62.00	\$11,098.00
13	Storm Pipe, 4-inch PVC, 3034 Class "B" Backfill, 0-10 feet, with Cap at end	6	FT	\$75.00	\$450.00	\$68.00	\$408.00	\$128.00	\$768.00	\$53.00	\$318.00
14	Catch Basin, Type 1	2	EA	\$3,000.00	\$6,000.00	\$4,850.00	\$9,700.00	\$2,600.00	\$5,200.00	\$3,382.00	\$6,764.00
15	Clean Out	2	EA	\$750.00	\$1,500.00	\$1,285.00	\$2,570.00	\$810.00	\$1,620.00	\$679.00	\$1,358.00
16	Nyloplast Drain Basin	1	EA	\$1,500.00	\$1,500.00	\$5,250.00	\$5,250.00	\$2,400.00	\$2,400.00	\$2,603.00	\$2,603.00
17	8" x 8" Wye	2	EA	\$500.00	\$1,000.00	\$1,342.00	\$2,684.00	\$490.00	\$980.00	\$448.00	\$896.00
18	8" x 4" Wye	2	EA	\$400.00	\$800.00	\$985.00	\$1,970.00	\$320.00	\$640.00	\$273.00	\$546.00
19	Sewer Pipe, 1 1/4" HDPE Solid Weld	124	FT	\$80.00	\$9,920.00	\$13.50	\$1,674.00	\$49.00	\$6,076.00	\$46.00	\$5,704.00
20	Sewer Flush Station	1	LS	\$500.00	\$500.00	\$2,785.00	\$2,785.00	\$3,200.00	\$3,200.00	\$2,984.00	\$2,984.00
21	1 1/4" Tee with Plug at End	1	LS	\$500.00	\$500.00	\$110.00	\$110.00	\$290.00	\$290.00	\$59.00	\$59.00
22	Connect to Existing Manhole	1	LS	\$500.00	\$500.00	\$2,250.00	\$2,250.00	\$1,700.00	\$1,700.00	\$266.00	\$266.00
23	Sewr Pipe, 3" PVC 3034., Wye & Plug	28	FT	\$50.00	\$1,400.00	\$55.00	\$1,540.00	\$141.00	\$3,948.00	\$102.00	\$2,856.00
24	Sanitary Clean Out - 3"	1	EA	\$300.00	\$300.00	\$485.00	\$485.00	\$475.00	\$475.00	\$300.00	\$300.00
25	Electrical Conduit Including Sweep & Plugs	156	FT	\$20.00	\$3,120.00	\$40.00	\$6,240.00	\$48.00	\$7,488.00	\$65.00	\$10,140.00
26	Install 1" IPS Blue Polyethylene Pipe in 2" Conduit with Plug at End	150	FT	\$60.00	\$9,000.00	\$21.50	\$3,225.00	\$49.00	\$7,350.00	\$44.00	\$6,600.00
27	Install 2.5" to 1" Water Line Reducer	1	LS	\$250.00	\$250.00	\$395.00	\$395.00	\$680.00	\$680.00	\$85.00	\$85.00
28	Aggregate Base Rock, 3/4"-0	530	CY	\$100.00	\$53,000.00	\$63.00	\$33,390.00	\$72.00	\$38,160.00	\$115.00	\$60,950.00
29	Level 2, 1/2" Dense ACP, 3" Depth	315	Ton	\$220.00	\$69,300.00	\$180.00	\$56,700.00	\$178.00	\$56,070.00	\$141.00	\$44,415.00
30	Asphalt Trench Patch	90	FT	\$30.00	\$2,700.00	\$47.42	\$4,267.80	\$67.00	\$6,030.00	\$30.00	\$2,700.00
31	Asphalt Paint Stripes & Markings	1	LS	\$10,000.00	\$10,000.00	\$10,794.00	\$10,794.00	\$4,700.00	\$4,700.00	\$5,405.00	\$5,405.00
32	Wheel Stops - Plastic with Spikes	24	EA	\$200.00	\$4,800.00	\$175.00	\$4,200.00	\$190.00	\$4,560.00	\$180.00	\$4,320.00
33	Standard Concrete Curb - 6" Exposed	54	FT	\$32.00	\$1,728.00	\$59.00	\$3,186.00	\$72.00	\$3,888.00	\$71.00	\$3,834.00
34	Chain Link Fence - 6 ft Tall	234	FT	\$100.00	\$23,400.00	\$96.08	\$22,482.72	\$96.00	\$22,464.00	\$96.00	\$22,464.00
35	Chain Link Gate, 10 ft Wide	1	LS	\$2,500.00	\$2,500.00	\$2,172.00	\$2,172.00	\$2,250.00	\$2,250.00	\$2,280.00	\$2,280.00
36	Move Existing Light Pole	1	LS	\$5,000.00	\$5,000.00	\$2,800.00	\$2,800.00	\$2,800.00	\$2,800.00	\$3,048.00	\$3,048.00
37	MSE Retaining Wall	1	LS	\$222,000.00	\$222,000.00	\$143,553.00	\$143,553.00	\$115,000.00	\$115,000.00	\$229,351.00	\$229,351.00
38	Hydroseed Disturbed Areas	9050	SF	\$2.00	\$18,100.00	\$0.45	\$4,072.50	\$0.40	\$3,620.00	\$0.36	\$3,258.00
39	Construction Staking	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$7,900.00	\$7,900.00	\$12,840.00	\$12,840.00
<b>TOTAL BID ITEMS</b>					<b>\$555,193.00</b>		<b>\$499,327.02</b>		<b>\$510,632.00</b>		<b>\$731,797.00</b>

## Council Communication

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### Lincoln Square Parking Lot Additional Cost

Meeting Date:	July 25, 2022	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 min

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#### Question:

Should the City Council approve an increase in construction funds for the Lincoln Square ADA Improvements, Phase 2 to cover overages in bid item quantities?

#### Staff Recommendation:

Staff recommends an increase in the amount of approved construction funds from \$333,410.00, approved on October 11, 2021, to \$406,034.00 in order to cover additional bid item quantities to complete the project.

#### Authority:

**LCMC 2.05.060** (Public Improvement contracts shall be awarded by competitive bid or as provided by the Public Contracting Code or these rules)

#### Background:

On October 11, 2021 Council awarded a construction contract for the Lincoln Square ADA Improvements, Phase 2 to RK Construction in the amount of \$303,834.26 with a 10% construction contingency. The project is nearing completion. Following paving of the parking lot it was found that there was substantial error in the quantity of asphalt estimated for the work. This resulted in additional cost beyond the approved contingency.

#### Work Description:

As part of the project the contractor removed approx. 28,000 square feet of concrete and installed new asphalt parking area. The difference between the estimated asphalt quantities and the quantities required to complete the paving work resulted in an increase in \$79,230.00 of additional construction cost.

This was based on the originally contracted, per ton, line item cost for asphalt. This cost was verified and found to be typical in comparison to other similar projects.

**Financial Impact:**

Other overages and change order work fell within the project’s construction contingency. The asphalt quantities put the project \$73,374.61 over the approved contingency; a new construction total of \$406,033.51.

This project was approved in the FY21-22 budget, Facilities Capital Fund. The budgeted amount for this project is \$380,000.00. The following table shows design costs incurred in FY2021-22, and the estimated cost to construct and complete the project in FY2021-22.

Item	Project Cost in FY2021-22	Estimated Cost to Complete FY2021-22
Bid Advertisement (2021)	\$778.83	
Bureau of Labor and Industries		\$303.83
Construction Bid		\$303,834.26
Art (1/2 of one percent of the construction bid)		\$1,519.17
Construction Contingency		\$30,383.00
Additionally requested construction funds		\$73,374.61
Total	\$778.83	\$409,414.87

**Council Options:**

- The Council may approve the increase of construction funds
- The Council may not approve the increase of construction funds
- The Council may approve an alternative amount to increase construction funds.

**Potential Motions:**

Move to increase approved construction funds to RK Construction for the Lincoln Square ADA Improvements, Phase II from a total amount of \$334,217.26 to \$406,033.51

**Attachments:**

Bid Tab with Quantity Comparison

**Attachments:**

Bid Tab with Quantity Comparisons (PDF)

Lincoln Square Improvements, Phase 2

BID ITEM #	ITEMS	QUANTITY	UNIT	UNIT PRICE	CONTRACT TOTAL	QTY PREV PERIOD	QTY THIS PERIOD	TOTAL QTY	COST	Expected final Count	Expected final cost	Expected/Billed Variation from contract
1	Mobilization	1	LS	\$8,294.00	\$8,294.00	0.33	0.67	1.00	\$8,294.00	1	\$8,294.00	\$0.00
2	Pedestrian Access Routes	1	LS	\$5,285.00	\$5,285.00	0.33	0.67	1.00	\$5,285.00	1	\$5,285.00	\$0.00
3	Temporary Work Zone Traffic Control, Complete	1	LS	\$11,460.00	\$11,460.00	0.33	0.67	1.00	\$11,460.00	1	\$11,460.00	\$0.00
4	Inlet Protection	2	EA	\$295.00	\$590.00		2	2.00	\$590.00	2	\$590.00	\$0.00
5	Removal of Concrete & Subgrade - Parking Area	27962	SF	\$2.10	\$58,720.20	13775.00	14187.00	27962.00	\$58,720.20	27962	\$58,720.20	\$0.00
6	Removal of Concrete & Subgrade - Sidewalks	434	SF	\$4.42	\$1,918.28	0	434.00	434.00	\$1,918.28	434	\$1,918.28	\$0.00
7	Demolition - General	1	LS	\$21,550.00	\$21,550.00	0.4	0.60	1.00	\$21,550.00	1	\$21,550.00	\$0.00
8	Sawcutting	381	FT	\$6.00	\$2,286.00	381	0.00	381.00	\$2,286.00	381	\$2,286.00	\$0.00
9	Adjust Storm MH	1	EA	\$789.00	\$789.00	0	1.00	1.00	\$789.00	1	\$789.00	\$0.00
10	Adjust Clean Out	1	EA	\$549.00	\$549.00	0	1.00	1.00	\$549.00	1	\$549.00	\$0.00
11	Aggregate Base Rock 3/4"-0	504	CY	\$58.26	\$29,363.04	0	685.00	685.00	\$39,908.10	685	\$39,908.10	\$10,545.06
12	Standard Concrete Curb (6" Reveal)	431	FT	\$58.65	\$25,278.15	162	306.00	468.00	\$27,448.20	478	\$28,034.70	\$2,756.55
13	Type G-1 Catch Basin	1	LS	\$2,759.25	\$2,759.25	0	1.00	1.00	\$2,759.25	1	\$2,759.25	\$0.00
14	Cleanout (12-inch)	1	EA	\$1,285.00	\$1,285.00	0	0.00	0.00	\$0.00	0	\$0.00	-\$1,285.00
15	22.5 Elbow (12")	2	EA	\$385.00	\$770.00	0	0.00	0.00	\$0.00	0	\$0.00	-\$770.00
16	Storm Sewer, 12-inch HDPE	66	FT	\$85.16	\$5,620.56	0	0.00	0.00	\$0.00	0	\$0.00	-\$5,620.56
17	Connection To Existing MH	1	EA	\$1,856.00	\$1,856.00	0	0.00	0.00	\$0.00	0	\$0.00	-\$1,856.00
18	Curb Stop, Plastic, White with Spikes	46	EA	\$79.20	\$3,643.20	0	0.00	0.00	\$0.00	46	\$3,643.20	\$0.00
19	Curb Stop, Plastic, Blue	2	EA	\$84.85	\$169.70	0	0.00	0.00	\$0.00	2	\$169.70	\$0.00
20	Concrete Sidewalk & Ramps, 4" Thick	563	SF	\$24.64	\$13,872.32	180	465.00	645.00	\$15,892.80	645	\$15,892.80	\$2,020.48
21	Concrete ADA Parking, 6" Thick	793	SF	\$17.56	\$13,925.08	500	293.00	793.00	\$13,925.08	793	\$13,925.08	\$0.00
22	Concrete Plaza, 4" Thick	1378	SF	\$14.16	\$19,512.48	0	1770.00	1770.00	\$25,063.20	1770	\$25,063.20	\$5,550.72
23	Truncated Dome	4	EA	\$325.00	\$1,300.00	0	4.00	4.00	\$1,300.00	4	\$1,300.00	\$0.00
24	Level 2, 1/2" Dense ACP, 3" Depth	20	Ton	\$170.00	\$3,400.00	0	450.50	450.50	\$76,585.00	450.5	\$76,585.00	\$73,185.00
25	Level 2, 1/2" Dense ACP, 4" Depth	2	Ton	\$195.00	\$390.00	0	33.00	33.00	\$6,435.00	33	\$6,435.00	\$6,045.00
26	Thermoplastic, Extruded, Surface, Profiled - Yellow - 4"	1732	FT	\$3.50	\$6,062.00	0	0.00	0.00	\$0.00	1732	\$6,062.00	\$0.00
27	Thermoplastic, extruded, Surface, Profiled-White -ADA Parking	3	EA	\$1,150.00	\$3,450.00	0	0.00	0.00	\$0.00	3	\$3,450.00	\$0.00
28	Pavement Legend, Type AB-Arrows	11	EA	\$550.00	\$6,050.00	0	0.00	0.00	\$0.00	12	\$6,600.00	\$550.00
29	Pavement Legend Type B: ADA Symbol	2	EA	\$850.00	\$1,700.00	0	0.00	0.00	\$0.00	2	\$1,700.00	\$0.00
30	Sign (ADA)	3	EA	\$450.00	\$1,350.00	0	0.00	0.00	\$0.00	4	\$1,800.00	\$450.00
31	Remove Existing Fence & Install New 6 Foot Chain Link Fence With Slats	65	FT	\$54.00	\$3,510.00	0	65.00	65.00	\$3,510.00	65	\$3,510.00	\$0.00
32	Install Double Swing Chain Link Gate with Drop Rods	1	LS	\$2,856.00	\$2,856.00	0	0.00	0.00	\$0.00	1	\$2,856.00	\$0.00
33	Remove & Install Shopping Cart Return (12'L x 60"W)	1	LS	\$450.00	\$450.00	0	0.00	0.00	\$0.00	1	\$450.00	\$0.00
34	Install PVC Conduit - 3 Inch	20	FT	\$31.25	\$625.00	0	0.00	0.00	\$0.00	0	\$0.00	-\$625.00
35	Reconnect Irrigation Line at Bus Stop	1	LS	\$150.00	\$150.00	0	1.00	1.00	\$150.00	1	\$150.00	\$0.00
36	Top Soil	3	CY	\$318.00	\$954.00	0	0.00	0.00	\$0.00	1	\$318.00	-\$636.00
37	Grind Concrete to 3"-0 & Transport to City Shops	1	LS	\$32,311.00	\$32,311.00	0	0.00	0.00	\$0.00	1	\$32,311.00	\$0.00
38	Construction Survey	1	LS	\$9,780.00	\$9,780.00	0.33	0.67	1.00	\$9,780.00	1	\$9,780.00	\$0.00
<b>CHANGE ORDER #1</b>												
39	Construct new catch basin over existing pip. Plug existing & abandon line	1	LS	\$2,829.00	\$2,829.00	0	0.00	0.00	\$0.00	1	\$2,829.00	\$2,829.00
40	Remove & Replace additional fencing	80	LF	\$85.00	\$6,800.00	0	0.00	0.00	\$0.00	80	\$6,800.00	\$6,800.00
41	4" Painted Steel Bollards - "Yellow"	2	EA	\$795.00	\$1,590.00	0	0.00	0.00	\$0.00	2	\$1,590.00	\$1,590.00
42	1" Electrical conduit replacement	100	LF	\$6.70	\$670.00	0	0.00	0.00	\$0.00	100	\$670.00	\$670.00
Elimination of Bid Items 14, 15, 16 & 17					-\$9,531.56	Accounted for above						
<b>CHANGE ORDER #2</b>												
43	Additional request for thermoplastic striping	1	LS	\$5,196.00	\$5,196.00					1	\$5,196.00	\$5,196.00
<b>TOTAL CONSTRUCTION COST</b>					<b>\$306,191.70</b>				<b>\$334,198.11</b>		<b>\$406,033.51</b>	<b>\$107,395.25</b>

## Council Communication

### S 3rd Street Flashing Beacon and Plaza Construction Award

Meeting Date: July 25, 2022      Primary Staff Contact: Stephanie Reid  
 Department: Public Works      E-Mail: SReid@lincolncity.org  
 Secondary Dept:      Secondary Contacts:  
 Approval: Daphnee Legarza      Estimated Time: 5 min

#### Question:

Should the City Council Award a construction contract to RK Construction for the SW 3<sup>rd</sup> & Hwy 101 Beacon project?

#### Staff Recommendation:

Staff recommends the construction contract be awarded to RK Construction.

#### Authority:

**LCMC 2.05.060** (Public Improvement contracts shall be awarded by competitive bid or as provided by the Public Contracting Code or these rules)

#### Background:

Staff first started working on this project in 2016. The goal of the project is to upgrade the sidewalks ramps at S 3<sup>rd</sup> & Hwy 101 to meet ADA requirements and add a crossing Beacon across Hwy 101.

#### Project Description

The project will improve the sidewalk ramps at S3rd and Hwy 101 to meet ADA requirements. A pedestrian flashing beacon crossing will be added on Hwy 101. SW 3<sup>rd</sup> Ave will be closed from Hwy 101 to SW Ebb Ave and a concrete plaza will be added from Hwy 101 to the ocean bulff with a raised concrete pedestrian crossing of SW Ebb Ave.

#### Bids

Public Works Department advertised the project for bid on June 13 & 14, 2022. The City Public Works Department opened bids for the project on July 14 , 2022. Two bid were received:

Bidder	Bid Amount
RK Construction	\$435,788.06

K&E Excavating, Inc	\$597,844.00
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The lowest responsive and responsible bidder was RK Construction in the amount of \$435,788.06.

**Financial Impact:**

This project will be funded out of Street Capital Fund- Sidewalk Construction (211-000-6340208).

The following table shows design costs incurred in FY2019-21, and the estimated cost to construct and complete the project in FY2022-23.

Item	Project Cost in FY2016-21	Estimated Cost to Complete FY2022-23
Survey	\$5,165.00	\$0.00
Design-Inhouse	\$0.00	\$0.00
CAD Services	\$12,116.00	\$0.00
Bid Advertisement (2021)	\$304.92	\$200.00
Bureau of Labor and Industries		\$435.79
Construction Bid		\$435,788.06
Art (1/2 of one percent of the construction bid)		\$2,178.94
Construction Contingency		\$43,578.80
<b>Total</b>	<b>\$17,585.92</b>	<b>\$482,181.59</b>

**Council Options:**

The Council may approve the construction award.

The Council may not approve the construction award.

**Potential Motions:**

Move to award the construction contract to RK Construction in the amount of \$435,788.06 with a construction contingency of \$43,578.80 (10 percent of bid amount) for a total amount of \$479,366.86

**Attachments:**

Bid Tab

**Attachments:**

Bid Tab (PDF)

S 3rd & Hwy 101				Engineer's Estimate		RK Construction		K&E Excavating	
	ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
GENERAL BID ITEMS									
00210	Mobilization	1	LS	\$40,000.00	\$40,000.00	\$22,823.00	\$22,823.00	\$59,000.00	\$59,000.00
00220	Pedestrian Management Plan	1	LS	\$10,000.00	\$10,000.00	\$18,200.00	\$18,200.00	\$16,000.00	\$16,000.00
00225	Temporary Work Zone Traffic Control, Complete	1	LS	\$30,000.00	\$30,000.00	\$22,560.00	\$22,560.00	\$44,000.00	\$44,000.00
00280	Inlet Protection	7	EA	\$250.00	\$1,750.00	\$135.00	\$945.00	\$100.00	\$700.00
00310	Demolition - General	1	LS	\$20,000.00	\$20,000.00	\$32,900.00	\$32,900.00	\$12,000.00	\$12,000.00
00310	Remove Asphalt on SW 3rd & SE Ebb	1	LS	\$10,000.00	\$10,000.00	\$9,665.00	\$9,665.00	\$16,000.00	\$16,000.00
00310	Remove Stop Bar @ Hwy 101	2	EA	\$500.00	\$1,000.00	\$1,100.00	\$2,200.00	\$1,900.00	\$3,800.00
00310	Remove Crosswalk on Hwy 101	1	LS	\$2,000.00	\$2,000.00	\$2,157.00	\$2,157.00	\$5,800.00	\$5,800.00
00320	Clean & Grubbing	1	LS	\$2,000.00	\$2,000.00	\$9,885.00	\$9,885.00	\$10,000.00	\$10,000.00
00445	Storm Pipe, 12" PVC, Class "B", 0-10 Feet	95	LF	\$120.00	\$11,400.00	\$145.00	\$13,775.00	\$163.00	\$15,485.00
00470	Storm Manhole Over Existing Storm (48")	1	LS	\$5,000.00	\$5,000.00	\$8,952.00	\$8,952.00	\$5,400.00	\$5,400.00
00470	Catch Basin, Type G-1	3	EA	\$4,000.00	\$12,000.00	\$4,850.00	\$14,550.00	\$2,900.00	\$8,700.00
00470	Remove CB & Install MH (48-inch)With Grate	1	LS	\$4,000.00	\$4,000.00	\$13,487.00	\$13,487.00	\$7,400.00	\$7,400.00
00490	Adjust Manholes, Minor	2	EA	\$1,000.00	\$1,485.00	\$1,485.00	\$2,970.00	\$1,300.00	\$2,600.00
	Adjust Catch Basin to Finish Grade	2	EA	\$500.00	\$1,000.00	\$1,750.00	\$3,500.00	\$1,700.00	\$3,400.00
00490	Adjust Valves	2	EA	\$500.00	\$1,000.00	\$950.00	\$1,900.00	\$160.00	\$320.00
00640	Aggregate Base, 3/4"-0	140	CY	\$110.00	\$15,400.00	\$63.00	\$8,820.00	\$240.00	\$33,600.00
00744	Level 2, 1/2" Dense AC, 8" Depth	16	Ton	\$220.00	\$3,520.00	\$180.00	\$2,880.00	\$270.00	\$4,320.00
00744	Level 2, 1/2" Dense AC, 4" Depth	16	TON	\$220.00	\$3,520.00	\$180.00	\$2,880.00	\$270.00	\$4,320.00
00744	Level 2, 1/2" Dense AC, 2" Depth	14	TON	\$220.00	\$3,080.00	\$180.00	\$2,520.00	\$270.00	\$3,780.00
00744	Level 2, 1/2" Dense AC, Overlay	16	TON	\$220.00	\$3,520.00	\$180.00	\$2,880.00	\$270.00	\$4,320.00
00744	Remove Asphalt & Replace with 2" - Transition from sidewalk to Existing stairs	25	SF	\$50.00	\$1,250.00	\$95.00	\$2,375.00	\$25.00	\$625.00
	Asphalt Sidewalk Transition - SE 3rd (2")	75	SF	\$30.00	\$2,250.00	\$12.50	\$937.50	\$25.00	\$1,875.00
00744	Mill Existing Asphalt, Min 2-Inches	1608	SF	\$20.00	\$32,160.00	\$4.97	\$7,991.76	\$4.00	\$6,432.00
00759	Construct Concrete Raised Crosswalk With Wired Mesh	987	SF	\$20.00	\$19,740.00	\$10.99	\$10,847.13	\$35.00	\$34,545.00
00759	Concrete Curb & Gutter, 6" Reveal	181	FT	\$30.00	\$5,430.00	\$87.07	\$15,759.67	\$51.00	\$9,231.00
00759	Standard Concrete Curb, 6" Reveal	370	FT	\$20.00	\$7,400.00	\$45.00	\$16,650.00	\$32.00	\$11,840.00
00759	Concrete Sidewalk & Ramps, 4" Depth	1923	SF	\$12.00	\$23,076.00	\$14.87	\$28,595.01	\$19.00	\$36,537.00
00759	Modify Concrete Stairs	1	LS	\$1,000.00	\$1,000.00	\$4,800.00	\$4,800.00	\$4,000.00	\$4,000.00
00759	Concrete Island - Curbs, Concrete, Truncated Domes	1	LS	\$10,000.00	\$10,000.00	\$7,005.00	\$7,005.00	\$12,000.00	\$12,000.00
00759	Concrete Plaza	4545	SF	\$15.00	\$68,175.00	\$7.35	\$33,405.75	\$16.00	\$72,720.00
00759	Truncated Domes	84	FT	\$100.00	\$8,400.00	\$92.86	\$7,800.24	\$90.00	\$7,560.00
00860	Longitudinal Paint Stripe, Themoplastic - 4" Solid White	2089	FT	\$30.00	\$62,670.00	\$7.00	\$14,623.00	\$8.00	\$16,712.00
00860	Longitudinal Paint Stripe, Themoplastic - 4" Solid Yellow	16	FT	\$30.00	\$480.00	\$7.00	\$112.00	\$8.00	\$128.00
00860	Longitudinal Paint Stripe, Themoplastic - 8" Solid White	90	FT	\$30.00	\$2,700.00	\$7.00	\$630.00	\$16.00	\$1,440.00

00860	Crosswalk , 1' Wide White Thermoplastic Stripe, SE 3rd	1	LS	\$1,500.00	\$1,500.00	\$1,287.00	\$1,287.00	\$2,300.00	\$2,300.00
00860	Crosswalk, 2'X9' Bars, White Thermoplastic Stripe	1	LS	\$3,000.00	\$3,000.00	\$2,207.00	\$2,207.00	\$6,900.00	\$6,900.00
00860	24" Thermoplastic Stop Bar	2	EA	\$250.00	\$500.00	\$1,783.00	\$3,566.00	\$2,300.00	\$4,600.00
	Bike Lane - Green Paint	68	SF	\$15.00	\$1,020.00	\$37.00	\$2,516.00	\$23.00	\$1,564.00
00905	Crosswalk Closed Sign	1	EA	\$750.00	\$750.00	\$850.00	\$850.00	\$1,100.00	\$1,100.00
	Install New signs	1	EA	\$500.00	\$500.00	\$600.00	\$600.00	\$1,800.00	\$1,800.00
00905	Relocate Sign	2	EA	\$250.00	\$500.00	\$750.00	\$1,500.00	\$3,100.00	\$6,200.00
	River Rock with Geotextile and 3" perf Pipe Connect to MH	1	LS	\$5,000.00	\$5,000.00	\$1,968.00	\$1,968.00	\$3,300.00	\$3,300.00
	Bollards - Concrete	11	EA	\$300.00	\$3,300.00	\$927.00	\$10,197.00	\$1,840.00	\$20,240.00
	Fence	26	FT	\$120.00	\$3,120.00	\$185.00	\$4,810.00	\$400.00	\$10,400.00
	Bike Hoop Rack	2	EA	\$750.00	\$1,500.00	\$1,790.00	\$3,580.00	\$900.00	\$1,800.00
	Rapid Flashing Beacon - 3	1	LS	\$30,000.00	\$30,000.00	\$31,296.00	\$31,296.00	\$48,000.00	\$48,000.00
	Topsoil	3	CY	\$150.00	\$450.00	\$350.00	\$1,050.00	\$210.00	\$630.00
	Barkdust	2	CY	\$200.00	\$400.00	\$190.00	\$380.00	\$210.00	\$420.00
	Construction Staking	1	LS	\$20,000.00	\$20,000.00	\$18,000.00	\$18,000.00	\$12,000.00	\$12,000.00
	<b>Total Bid Items</b>					\$497,946.00		\$435,788.06	\$597,844.00