



IMPROVING OUR COMMUNITY

COLUMBIA GATEWAY URBAN RENEWAL AGENCY

CITY OF THE DALLES

AGENDA

COLUMBIA GATEWAY URBAN RENEWAL AGENCY BOARD

Tuesday, June 16, 2020
5:30 p.m.

VIA ZOOM

Join Zoom Meeting – Open Session

<https://zoom.us/j/99062178996?pwd=cUFFTEFQTGRsVUV4RTZkT21lcUI1Zz09>

Meeting ID: **990 6217 8996** Password: **343822**

Dial by your location

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- I. CALL TO ORDER
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES – May 12 and May 19, 2020
- IV. PUBLIC COMMENT
- V. PUBLIC HEARING
 - A. Adoption of FY 2020-21 URA Budget
- VI. RESOLUTION
 - A. Resolution No. 20-002 – Adopting the 2020-21 Fiscal Year Budget for the Columbia Gateway Urban Renewal Agency
- VII. ACTION ITEMS
 - A. Consideration of Third Addendum to the Recreation Building Disposition and Development Agreement, 213-219 E. Second Street
- VIII. INFORMATION ITEMS
 - A. Expanded Use of Outdoor Spaces for COVID-19 Business Relief and Pedestrian Activity
 - B. TD Fitness Hub, LLC proposal for Tony's Building, 401-407 E. Second Street (sent under separate cover)

IX. EXECUTIVE SESSION

- A. Recess to Executive Session in accordance with ORs 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

VIA ZOOM

Join Zoom Meeting – Reconvene to Open Session

<https://zoom.us/j/96707636705?pwd=bjBGBU15TVVoWIVaT2pBWHc0bWV0Zz09>

Meeting ID: **967 0763 6705** Password: **102866**

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US (San Jose)

B. Reconvene to Open Session

C. Decision following Open Session

X. STAFF COMMENTS

Next Regular Meeting Date – July 21, 2020

XI. BOARD MEMBERS COMMENTS OR QUESTIONS

XII. ADJOURNMENT



IMPROVING OUR COMMUNITY

COLUMBIA GATEWAY URBAN RENEWAL AGENCY
CITY OF THE DALLES

MINUTES
COLUMBIA GATEWAY URBAN RENEWAL
BUDGET COMMITTEE MEETING

Via Zoom
Tuesday, May 12, 2020
5:30 p.m.

CALL TO ORDER

Chair Grossman called the meeting to order at 5:31 p.m.

ROLL CALL

Present: Scott Baker, Staci Coburn, Bob Delaney, Forust Ercole, John Fredrick, Gary Grossman, Solea Kabakov, Darcy Long-Curtiss, Tim McGlothlin, Linda Miller, Doug Nelson and Dan Richardson

Absent: Joe Barcott, Steve Howard, Steve Kramer and Leon Surber

Staff Present: Urban Renewal Manager and Budget Officer Steve Harris, Finance Director Angie Wilson, City Clerk Izetta Grossman, CDD Secretary Paula Webb

ELECTION OF CHAIR AND SECRETARY

Chair Grossman opened nominations for Budget Committee Chair.

Miller nominated Darcy Long-Curtiss for Chair. There was no second to the nomination.

Hearing no other nominations, the nomination passed 10/0. Baker, Delaney, Ercole, Fredrick, Grossman, Kabakov, McGlothlin, Miller, Nelson and Richardson in favor, none opposed, Barcott, Howard, Kramer and Surber absent, Long-Curtiss abstained. Coburn temporarily lost video connection and did not participate in the vote.

Chair Long-Curtiss opened nominations for Secretary.

Grossman nominated Bob Delaney for Secretary. Miller seconded the nomination.

Hearing no other nominations, the nomination passed 11/0; Baker, Coburn, Ercole, Fredrick, Grossman, Kabakov, Long-Curtiss, McGlothlin, Miller, Nelson and Richardson in favor, none opposed, Barcott, Howard, Kramer and Surber absent, Delaney abstained.

BUDGET OFFICER'S MESSAGE, FISCAL YEAR 2020-21

Urban Renewal Manager and Budget Officer Steve Harris presented the Budget Officer's message.

In response to Committee questions, Harris replied:

- First Street/Riverfront Connection Project
The City was awarded federal funds for the First Street/Riverfront Connection project. What began as a straight forward streetscape project evolved to include highway and railroad under-crossings and a plaza on Washington Street. Consequently, the costs multiplied; the project was placed on hold. In 2016 ODOT asked if the City would like to continue the project. The Urban Renewal Board returned to the original scope of the project and authorized Staff to move forward with the plan preparation phase. Staff will return to the Board at a later date with hard cost numbers and hopefully receive authorization to proceed. Estimated costs now are approximately \$3.2 million; 15 years ago the estimated cost was \$1.9 million for essentially the same project.
- Mill Creek Greenway
Funds were allocated in the 2019/20 budget with the expectation the agency's contribution would be complete by June 30. There was no need to carry the item forward in the new budget year.
- Low Income Housing
There are no specific programs designated for low income housing with the exception of the interest rates the Agency is paying on commercial properties. Affordable housing was not an adopted objective in the Urban Renewal Plan.

The Agency does not have a relationship with Hanlon Development; the ENA expired.

BUDGET PRESENTATION / DELIBERATIONS

Finance Director Angie Wilson presented the proposed budget.

In response to inquiries, Wilson replied fewer expenditures this year resulted in a higher beginning fund balance. Fund 18 and TRT – this line item has had no activity and should be removed.

Contractual Services are the Agency's share of expenses for the GIS software and support.

Contract Administrative Services: city personnel involved in Agency functions. The City is now out-sourcing the legal department; estimated costs are uncertain.

The CD Analyst position has changed since the preparation of the budget. Director Wilson proposed removal of that item and adjusting the \$22,214 on the approved budget.

Committee Member Baker inquired about the Urban Renewal Manager position. UR Manager Harris replied, as proposed, the position would be filled by a consultant, not a City employee.

Baker then asked if the UR Manager position would reduce staff workload. Harris replied in previous years the CDD Director was budgeted at much more than the 10% budgeted in the coming year. The new position will provide greater flexibility to the Agency and reflects anticipated personnel changes.

Committee Member Baker asked if adoption of the budget would automatically green light line item projects. Chair Long-Curtiss suggested this topic be included at the next regular meeting.

UR Manager Harris provided clarification on Engineering Services and Property Rehabilitation.

Committee Member Baker asked if it was possible to wrap engineering services into the ODOT grant so that funds were reimbursable for the First Street Streetscape project. Harris replied this was the Agency's share of the expenses. Each phase of the project had a specific limit. Since the City expanded the project's scope, the reimbursables under those phases were exhausted.

UR Manager Harris said a small amount was budgeted for Building and Grounds as a placeholder due to the Agency's focus on sale of properties.

Property taxes are budgeted for the community parking lot. Liability insurance is budgeted for the Commodore II building.

CIS has informed the Agency as of July 1 they will no longer provide insurance for the Recreation Building.

Chair Long-Curtiss asked when the Commodore II parking lot would be paid off. Harris did not know the end date, but will return to the Board with the answer.

UR Manager Harris stated travel, lodging and training are all minor expenses that have remained consistent.

If authorized to proceed, Capital Projects include the Federal Street Public Plaza and the First Street Streetscape project.

Chair Long-Curtiss confirmed the only change to the proposed budget was to reallocate \$22,214 from the CD Analyst position to Opportunity Driven Projects.

Committee Member Richardson referred to earlier discussions regarding accelerated debt repayment; he asked where the funds would come from. UR Manager Harris replied expectations for projected revenues were not realized.

APPROVAL OF BUDGET

It was moved by Nelson and seconded by Delaney to forward the proposed budget to the Urban Renewal Agency Board with the changes noted [reallocation of \$22,214 from the CD Analyst position to Opportunity Driven Projects]. The motion passed 12/0; Baker, Coburn, Delaney, Ercole, Fredrick, Grossman, Kabakov, Long-Curtiss, McGlothlin, Miller, Nelson and Richardson in favor, none opposed, Barcott, Howard, Kramer and Surber absent.

ADJOURNMENT

Chair Long-Curtiss adjourned the meeting at 6:41 p.m.

Respectfully Submitted
Paula Webb, Community Development Secretary

Darcy Long-Curtiss, Chair



IMPROVING OUR COMMUNITY

COLUMBIA GATEWAY URBAN RENEWAL AGENCY

CITY OF THE DALLES

MINUTES

COLUMBIA GATEWAY URBAN RENEWAL AGENCY BOARD

Meeting Conducted in a Room in Compliance with ADA Standards

Tuesday, May 19, 2020

Immediately following Executive Session

CALL TO ORDER

Chair Grossman called the executive session to order at 5:32 p.m. Executive session adjourned at 5:56 p.m.

Chair Grossman called the regular session to order at 6:04 p.m.

ROLL CALL

Present: Staci Coburn, John Fredrick, Gary Grossman, Steve Kramer, Darcy Long-Curtiss, Linda Miller and Tim McGlothlin (arrived at 6:16 p.m.)

Absent: Scott Baker and Bob Delaney

Staff Present: Urban Renewal Manager Steve Harris, City Clerk Izetta Grossman, and Secretary Paula Webb

DECISION FROM EXECUTIVE SESSION

None; items were postponed until a greater number of Board Members are in attendance.

APPROVAL OF AGENDA

It was moved by Fredrick and seconded by Long-Curtiss to approve the agenda as written. The motion passed 6/0; Coburn, Fredrick, Grossman, Kramer, Long-Curtiss, and Miller in favor, none opposed, Baker, Delaney and McGlothlin absent.

APPROVAL OF MINUTES

Board Member Kramer stated he was not absent at the February 27, 2020 meeting.

It was moved by Kramer and seconded by Fredrick to approve the minutes of February 27, 2020, as corrected. The motion passed 6/0; Coburn, Fredrick, Grossman, Kramer, Long-Curtiss, and Miller in favor, none opposed, Baker, Delaney and McGlothlin absent.

PUBLIC COMMENT

None.

ACTION ITEMS

Granada Theatre Disposition and Development Agreement – Satisfaction of Terms, 221 E. Second Street

Manager Harris presented the staff report.

Board Members Fredrick, Miller and Long-Curtiss expressed their appreciation for the efforts of Mr. Gomez and Ms. Liddell.

Board Member Kramer moved to accept that the terms of the DDA dated March 31, 2017.

In response to Long-Curtiss' inquiry, Manager Harris replied a walk through was not done to verify the terms of the DDA were met.

Long-Curtiss then asked if the Board required documentation of expenses when that was a condition of the DDA. Harris replied at his request, Mr. Gomez responded by email (included in the agenda packet). Harris then asked if the Board required documentation.

Long-Curtiss said sale of the building for \$60,000 created discussion in the community about Agency decisions. She would like to be able to say improvements were visually confirmed and receipts were provided in order to rehabilitate the Agency's reputation in the community.

Board consensus was to require documentation of expenditures.

It was moved by Coburn and seconded by Miller to accept the terms of the DDA dated March 31, 2017, between the Columbia Gateway Urban Renewal Agency and Mr. Charles Gomez and Ms. Debra Liddell have been satisfied upon receipt of documents supporting all expenditures, to direct staff to prepare documentation to finalize the purchase and change of title of real property located at 221 East Second Street, known as the Granada Theatre; and to authorize the Agency Chair to execute said documentation. The motion passed 7/0; Coburn, Fredrick, Grossman, Kramer, Long-Curtiss, Miller and McGlothlin in favor, none opposed, Baker and Delaney absent.

Consideration of Third Addendum to the Recreation Building Disposition and Development Agreement, 213-219 E. Second Street

Manager Harris presented the staff report.

It was moved by Fredrick and seconded by Long-Curtiss to direct staff to prepare a draft Third Addendum to the Recreation Building DDA and return to the Agency on June 16, 2020, for consideration. The motion passed 7/0; Coburn, Fredrick, Grossman, Kramer, Long-Curtiss, Miller and McGlothlin in favor, none opposed, Baker and Delaney absent.

Sunshine Mill (Discover Development, LLC) Installment Loan Interest Credit Request, 901 E. Second Street

Manager Harris presented the staff report.

Although City Attorneys Parker and McDougle reached conflicting decisions, Board consensus was to honor the agreement.

It was moved by Long-Curtiss and seconded by Coburn to approve payment of the \$33,333.48 interest credit payment under Section 3.02 of the Agency Loan Agreement mortgage record date of March 26, 2018 and authorize staff to transfer \$33,333.48 to Discover Development, LLC as credit for interest paid. The motion passed 7/0; Coburn, Fredrick, Grossman, Kramer, Long-Curtiss, Miller and McGlothlin in favor, none opposed, Baker and Delaney absent.

STAFF COMMENTS

The next meeting will be held via Zoom and is scheduled for June 16, 2020. Items include:

- Adoption of the proposed budget for FY 20/21
- Reimbursement request from Mr. Cook, Commodore II Building
- Possible funding for economic recovery
- Façade improvement grant application

BOARD MEMBERS COMMENTS OR QUESTIONS

Chair Grossman directed staff to forward Executive Session materials to Board Member Miller. Miller replied she had received the materials; it was not made clear Executive Session would be held before Regular Session.

Board Member McGlothlin extended his apology for being tardy.

Mr. Tony Zilka asked if the Blue Building was discussed. Chair Grossman replied it was discussed; a decision was delayed.

Board Member Fredrick requested additional information on the Commodore II. He asked for the occupancy rate and the sunset date of the HUD agreement. Manager Harris replied the agreement would end in 2038. Harris will return with remaining information.

Board Member Kramer directed a comment to Mr. Tony Zilka and Mr. Brian Casady. Kramer stated only five of nine members were in attendance at the Executive Session. A decision was postponed until more members would be in attendance.

ADJOURNMENT

Chair Grossman adjourned the meeting at 6:41 p.m.

Respectfully Submitted
Paula Webb, Community Development Secretary

Gary Grossman, Chair



IMPROVING OUR COMMUNITY

COLUMBIA GATEWAY URBAN RENEWAL AGENCY

CITY OF THE DALLES

AGENDA STAFF REPORT

AGENDA LOCATION: V. A.

DATE: June 16, 2020

TO: Chair and Members of the Agency Board

FROM: Angie Wilson, Finance Director

ISSUE: **Public Hearing on Columbia Gateway Urban Renewal District Approved Budget for FY20/21 as Required by Oregon Budget Law, and Consideration of Resolution No. 20-002 Adopting the FY20/21 Budget for the Columbia Gateway Urban Renewal Agency, Making Allocations, and Certifying a Request for Maximum Tax Revenue to the County Assessor.**

BACKGROUND

The Agency Budget Committee reviewed the proposed budget and approved that budget on May 12, 2020 with only one change. This is to remove \$22,214 allocated for the CD Analyst position out of the Contracted Services.

The Urban Renewal Agency Board will hold the required Public Hearing on June 16, 2020, and will consider the proposed resolution adopting the budget on that same agenda.

BUDGET IMPLICATIONS

At this time staff has no recommendations for changes to the budget approved by the Urban Renewal Budget Committee. If staff should identify any changes that may be needed, they will inform the Board during the Public Hearing.

If the Board determines that additional changes are necessary, Oregon Budget Law allows a governing body, prior to final adoption, to make changes to a fund approved by the Budget Committee in the amount of \$5,000 or 10% of the operating portion of that Fund, whichever is greater. The operating portion includes the Personnel, Materials & Services, and Capital Outlay categories, but does not include Interfund Transfers, Contingencies, or Unappropriated amounts. If the changes the governing body wishes to make are greater than these limits allow, another Public Hearing must be held, with the required published notices, prior to adoption.

BOARD ALTERNATIVES

1. **Staff recommendation: *Hold the Public Hearing and Move to Adopt Resolution No. 20-002 Adopting the Fiscal Year 2020-2021 Budget for the Columbia Gateway Urban Renewal Agency, Making Allocations, and Certifying a Request for Maximum Tax Revenue to the County Assessor.***
2. Make changes to the approved budget, subject to the limitations and requirements described above, and adopt the budget as amended.

Columbia Gateway Urban Renewal - Agency Fund 200
Fiscal Year 2020-2021
Approved
Budget

FY17/18 Actual	FY18/19 Actual	FY19/20 Budget	Account Number	Account Description	FY20/21 Proposed Budget	FY20/21 Approved Budget
URBAN RENEWAL AGENCY FUND 200						
REVENUES						
981,522	1,470,741	2,038,358	200-0000-300.00-00	BEGINNING BALANCE	3,476,055	3,476,055
646,327	737,447	819,517	200-0000-311.10-00	PROPERTY TAX - CURRENT	857,105	857,105
73,066	56,268	43,000	200-0000-311.15-00	PROPERTY TAX - PRIOR YEAR	62,000	62,000
5,900	7,494	5,100	200-0000-311.19-00	UNSEGREGATED TAX INTEREST	5,500	5,500
35,455	63,617	41,233	200-0000-361.00-00	INTEREST REVENUES	62,000	62,000
-	-	-	200-0000-363.50-00	RENTAL INCOME	-	-
5	-	10	200-0000-369.00-00	OTHER MISC REVENUES	10	10
102,828	163,065	152,922	200-0000-373.10-00	LOAN PRINCIPAL REPAYMENT	20,566	20,566
32,661	21,961	22,939	200-0000-373.20-00	LOAN INTEREST REPAYMENT	9,161	9,161
-	-	-	200-0000-392.00-00	SALE OF SURPLUS PROPERTY	-	-
-	-	-	200-0000-393.10-00	LOAN/BOND PROCEEDS	-	-
1,877,764	2,520,593	3,123,079	TOTAL REVENUES		4,492,397	4,492,397
EXPENDITURES						
Materials & Services						
4,500	22,562	4,350	200-6700-000.31-10	CONTRACTUAL SERVICES	4,350	4,350
44,902	52,659	65,000	200-6700-000.31-15	CONTRACT ADMIN SERVICES	106,867	84,653
3,630	6,260	4,000	200-6700-000.32-10	AUDITING SERVICES	5,000	5,000
53,073	11,018	100,000	200-6700-000.32-60	URBAN RENEWAL CONSULT	82,000	82,000
-	27,336	81,900	200-6700-000.34-10	ENGINEERING SERVICES	63,000	63,000
232,847	118,252	97,170	200-6700-000.39-10	PROPERTY REHABILITATION	122,000	122,000
-	-	-	200-6700-000.41-10	WATER / SEWER	-	-
-	-	-	200-6700-000.41-30	NW NATURAL GAS	-	-
8,430	4,372	4,000	200-6700-000.41-40	ELECTRIC	-	-
1,203	16,800	8,000	200-6700-000.43-10	BUILDINGS & GROUNDS	2,000	2,000
1,950	1,969	2,028	200-6700-000.46-10	PROPERTY TAXES	2,065	2,065
26,100	15,727	28,513	200-6700-000.52-10	PROPERTY/LIABILITY INS	12,572	12,572
46	11	200	200-6700-000.53-20	POSTAGE	200	200
645	751	600	200-6700-000.53-40	LEGAL NOTICES	900	900
376	892	750	200-6700-000.58-10	TRAVEL, FOOD & LODGING	750	750
-	13	600	200-6700-000.58-50	TRAINING AND CONFERENCES	600	600
925	275	570	200-6700-000.58-70	MEMBERSHIPS/DUES/SUBSCRIP	570	570
249	267	300	200-6700-000.60-10	OFFICE SUPPLIES	300	300
-	-	100	200-6700-000.64-10	BOOKS/PERIODICALS	100	100
-	-	-	200-6700-000.69-80	ASSETS < \$5000	-	-
378,875	279,164	398,081	Total Materials & Services		403,274	381,060
Capital Outlay						
-	-	-	200-6700-000.71-10	LAND	-	-
0	15133	-	200-6700-000.75-10	CAPITAL PROJECTS BY CITY	518,000	518,000
28,148	-	2,724,998	200-6700-000.75-20	CAPITAL PROJECTS BY UR	3,571,123	3,593,337
28,148	15,133	2,724,998	Total Capital Outlay		4,089,123	4,111,337
407,023	294,297	3,123,079	TOTAL EXPENDITURES		4,492,397	4,492,397
1,470,741	2,226,296	-	REVENUES LESS EXPENDITURES		-	-

Columbia Gateway Urban Renewal - Debt Service Fund 210
Fiscal Year 2020-2021
Approved Budget

FY17/18	FY18/19	FY19/20	Account		FY20/21	FY20/21
Actual	Actual	Budget	Account Number	Description	Proposed Budget	Approved Budget
URBAN RENEWAL DEBT SERVICE FUND 210						
REVENUES						
801588	801589	801,588	210-0000-300.00-00	BEGINNING BALANCE	845,570	845,570
798788	839519	796,288	210-0000-311.10-00	PROPERTY TAX - CURRENT	761,406	761,406
5000	5000	5,000	210-0000-361.00-00	INTEREST REVENUES	4,800	4,800
-		-	210-0000-393.10-00	LOAN/BOND PROCEEDS		
1,605,376	1,646,108	1,602,876	TOTAL REVENUES		1,611,776	1,611,776
EXPENDITURES						
Debt Service						
465,000	485,000	510,000	210-6600-000.79-30	LOAN PRINCIPAL	535,000	535,000
338,788	315,538	291,288	210-6600-000.79-40	LOAN INTEREST	270,888	270,888
-	-	801,588	210-6600-000.79-80	RESERVE FOR FUTURE DEBT	805,888	805,888
803,788	800,538	1,602,876	Total Debt Service		1,611,776	1,611,776
803,788	800,538	1,602,876	TOTAL EXPENDITURES		1,611,776	1,611,776
801,588	845,570	-	REVENUES LESS EXPENDITURES		-	-

RESOLUTION NO. 20-002

**A RESOLUTION ADOPTING THE FISCAL YEAR 2020-2021 BUDGET FOR
THE COLUMBIA GATEWAY URBAN RENEWAL AGENCY, MAKING
ALLOCATIONS, AND CERTIFYING A REQUEST FOR MAXIMUM TAX
REVENUE TO THE COUNTY ASSESSOR**

WHEREAS, the Urban Renewal Budget Committee, on May 12, 2020, solicited public comment on the proposed budget and approved a balanced budget for FY20/21; and

WHEREAS, in accordance with State Law, the Urban Renewal Board of Directors held a Public Hearing on the approved budget on June 16, 2020; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COLUMBIA GATEWAY URBAN RENEWAL AGENCY AS FOLLOWS:

Section 1. Adoption of the Budget for FY20/21.

The Board of Directors of the Columbia Gateway Urban Renewal Agency hereby adopts the budget for Fiscal Year 2020-2021 in the total of **\$6,104,173**, now on file in the office of the City Finance Director.

The amounts for the Fiscal Year beginning July 1, 2020 and for the purposes shown below are hereby appropriated:

Capital Projects Fund (200)

Columbia Gateway Urban Renewal Operations \$ 4,492,397

Debt Service Fund (210)

Debt Service \$ 1,611,776

Total Appropriations, All Funds \$ 6,104,173

Section 2. Certifying to County Assessor.

The Board of Directors of the Columbia Gateway Urban Renewal Agency resolves to certify to the County Assessor, for the Columbia Gateway Downtown Plan Area, a request for the maximum amount of revenue that may be raised by dividing the taxes under Section 1c, Article XI, of the Oregon Constitution and ORS Chapter 457.

PASSED AND ADOPTED THIS 16th DAY OF JUNE, 2020.

Voting Yes: _____

Voting No: _____

Absent: _____

Abstaining: _____

AND APPROVED BY THE CHAIR OF THE BOARD THIS 16th DAY OF JUNE 2020.

SIGNED:

ATTEST:

Gary Grossman, Chair

Paula Webb, CDD Secretary



IMPROVING OUR COMMUNITY

COLUMBIA GATEWAY URBAN RENEWAL AGENCY
CITY OF THE DALLES

AGENDA STAFF REPORT
AGENDA LOCATION: VII. A.

DATE: June 16, 2020

TO: Chair and Members of the Urban Renewal Agency Board

FROM: Steven Harris, AICP
Urban Renewal Manager

ISSUE: **Consideration of Third Addendum to the Recreation Building DDA**

BACKGROUND

The Agency has received notification that effective July 1, 2020, the insurance carrier, CIS, will no longer provide coverage on the Recreation Building. The executed Disposition and Development Agreement (DDA) with Mr. Todd Carpenter and Ms. Carla McQuade included a provision that the Agency would retain insurance coverage until closure of the sale and transference of title.

The City Attorney has been working with the various parties to ensure that insurance coverage is maintained on the property and that addendum language is acceptable. The proposed addendum states that the Agency would continue to provide coverage on the property until July 1st, at which time the purchasers would be responsible for insurance coverage in the amounts stated below (revised language is underlined).

8.23 Insurance. Agency shall continue the commercial property coverage for the Project Site, which it currently has in effect, until July 1, 2020. Effective July 1, 2020, Developer shall be responsible for Project Site insurance coverage. The amount of coverage shall be sufficient to cover any anticipated upgrades to the Recreation Building. Developer shall further obtain and maintain in effect, until Closing for the purchase of the Project Site, a policy or policies of liability insurance with limits and coverage as set forth below:

<u>Type of Insurance</u>	<u>Limits of Liability</u>
Commercial General Liability	\$1,000,000 (each occurrence)
Combined Single Limits	\$2,000,000 (aggregate)

Such policy or policy of Commercial General Liability insurance shall name as additional insured, “The Columbia Gateway Urban Renewal Agency, its officers, employees, and agents” with respect to claims arising from this Agreement.

BOARD ALTERNATIVES

1. **Recommend action:** *Move to approve the Third Addendum to the Disposition and Development Agreement for the Redevelopment of Real Property Known as the Recreation Building and to Authorize the Chair to execute said Addendum*
2. Other direction, as appropriate.

Attachments

Proposed Third Addendum to Recreation Building DDA

**THIRD ADDENDUM TO AGREEMENT FOR
DISPOSITION OF PROPERTY FOR REDEVELOPMENT
OF RECREATION BUILDING**

WHEREAS, the Columbia Gateway Urban Renewal Agency, hereinafter referred to as “Agency”, and Todd Carpenter and Carla McQuade, hereinafter referred to as “Developer” entered into an Agreement for the Disposition of Property for Redevelopment of the property commonly referred to as the Recreation Building on January 25, 2019, which Agreement is hereinafter referred to as “DDA”; and

WHEREAS, on January 28, 2020, Agency and Developer entered into a First Addendum for the DDA, which contemplated revisions to the DDA, including changes to the dates of payments to be made by the Developer for purchase of the properties constituting the Project Site, and a revised scope of redevelopment and revised timelines for completion of the façade improvements for the Recreation Building and other structures to be built upon the Project Site; and

WHEREAS, on March 10, 2020, Agency and Developer entered into a Second Addendum for the DDA, which addressed the negotiated terms and revisions outlined in the First Addendum to the DDA; and

WHEREAS, on April 27, 2020, Payne West Insurance Account Manager, Mandy Gunn, advised the Agency that County Insurance Services would not be covering the Recreation Building through the City’s Urban Renewal Policy effective July 1, 2020; and

WHEREAS, Payne West Insurance has recommended that Developer obtain a course of construction/builder’s risk policy to cover loss exposure for the Recreation Building; and

WHEREAS, Payne West Insurance has advised the Agency that the value of the construction/builder’s risk policy to cover loss exposure for the Recreation Building should be commensurate with the upgrades that Developer is making.

NOW, THEREFORE, in consideration of the terms and provisions set forth in this Third Addendum, it is mutually agreed as follows:

1. Paragraph 8.23 **INSURANCE** shall be revised to read as follows:

2. **Insurance.** Agency shall continue the commercial property coverage for the Project Site, which it currently has in effect, until July 1, 2020. Effective July 1, 2020, Developer shall be responsible for Project Site insurance coverage. The amount of coverage shall be sufficient to cover any anticipated upgrades to the Recreation Building. Developer shall further obtain and maintain in effect, until Closing for the purchase of the Project Site, a policy or policies of liability insurance with limits and coverage as set forth below:

<u>Type of Insurance</u>	<u>Limits of Liability</u>
Commercial General Liability	\$1,000,000 (each occurrence)
Combined Single Limits	\$2,000,000 (aggregate)

Such policy or policy of Commercial General Liability insurance shall name as additional insured, “The Columbia Gateway Urban Renewal Agency, its officers, employees, and agents” with respect to claims arising from this Agreement.

Dated this _____ day of _____, 2020.

AGENCY:

DEVELOPER:

By: _____
Gary Grossman, Chair

By: _____
Todd Carpenter

Approved as to form:

By: _____
Carla McQuade

Diana L. McDougale, City Attorney



IMPROVING OUR COMMUNITY

COLUMBIA GATEWAY URBAN RENEWAL AGENCY

CITY OF THE DALLES

AGENDA STAFF REPORT

AGENDA LOCATION: Viii. A.

DATE: June 16, 2020

TO: Chair and Members of the Urban Renewal Agency Board

FROM: Steven Harris, AICP
Urban Renewal Manager

ISSUE: **Expanded Use of Outdoor Spaces for COVID-19 Business Relief and Pedestrian Activity**

BACKGROUND

The COVID-19 pandemic has drastically altered our business landscape, many restaurants and storefronts face steep obstacles as we look to reopen the city and the economy. Those businesses able to re-open will need to impose strict social distancing and safety measures for their workforce and customers. In particular, restaurants, cafes, and bars will be grappling with significantly reduced dining capacity, with customers being required to abide by social distancing measures. Retailers with smaller tenant spaces will also be faced with limiting in-store customers to accommodate social distancing and other safety measures.

A framework for developing a program to allow for the expanded use of outdoor spaces was discussed at the May 28th Site Team meeting. City staff were joined in the discussion by representatives from The Dalles Main Street and Chamber of Commerce.

The discussion focused on a volunteer program that would help increase capacity and reduce the burden that will be placed on food and beverage establishments and retailers. The added seating capacity could make the difference between a business being able to stay afloat and having to close its doors. In addition, this program to open up the use of public spaces for additional outdoor dining and retailing would bring people back to the city's streets faster, increasing traffic for nearby retail and service-based businesses.

Such a program for the expanded use of outdoor spaces could consist of the following:

- Expansion of downtown parklets program
- Utilization of private parking areas and public sidewalks for outdoor dining and retail activity
- Utilization of sidewalk extensions
- Utilization of outdoor public spaces for special events
- Waiver of certain requirements for Mobile Food Vendors (MFV)

Please see attached Site Team meeting agenda materials that provide information on the City's existing downtown parklets program, *Streets for Pandemic Response & Recovery* (NACTO and Global Designing Cities Initiative), City of San Marcos, Texas Parklets Manual, and sidewalk extensions/raised pedestrian detours exhibits from Coeur d'Alene, Idaho)

BOARD ALTERNATIVES

For discussion purposes. No action requested at this time.

Attachments

Site Team Meeting Agenda (dated May 28, 2020)



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
COMMUNITY DEVELOPMENT DEPARTMENT

SITE TEAM AGENDA

The information contained in this agenda is for preliminary comments/concerns only.

Thursday, May 28, 2020, at 1:30 p.m.

Meeting held via Zoom

Join Zoom Meeting: <https://zoom.us/j/96557434867?pwd=c3lOXDdRWk9MeEt2cUxLUeSSIMyZz09>

Meeting ID: 965 5743 4867 Password: 141647

One tap mobile

+12532158782,,96557434867#,1#,141647# US (Tacoma)

+16699006833,,96557434867#,1#,141647# US (San Jose)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 965 5743 4867 Password: 141647

I. Discussion Item

This item is for your review and comment. Please comment on or before the scheduled Site Team Meeting.

- A. Parklet Program** – In response to the economic impacts the COVID-19 pandemic has had on our community, the City of The Dalles is actively engaged in the economic recovery of our local businesses. With strict requirements for continuing operations, while maintaining safe social distancing measures, businesses across the City may need to think outside of their respective building footprints to continue at a volume necessary to cope in these uncertain times. Following the examples of past demonstrations by The Dalles Main Street and a growing number of cities across the country, the use of parklets in streets and on sidewalks may help to expand outdoor retail and dining capacities. For this discussion, Staff has provided an example of a Temporary Parklet Program from San Marcos, Texas recently adopted as a response to COVID-19 that may provide a template for use as a quick response here in The Dalles. We are encouraging all parties involved to bring their ideas and suggestions to establish a program that works and truly benefits the many businesses and residents in our community.

Planner: Joshua Chandler

Next Regularly Scheduled Site Team Meeting: Thursday, June 11, 2020



The Dalles Main Street Public Parklet Application

Each year The Dalles Main Street assembles an 8ft by 20ft foot parklet that is designed to encourage pedestrian activity, improve the downtown streetscape, calm traffic, and stimulate local businesses.

For the past 4 years, The Dalles Main Street has located the parklet in front of Columbia River Music on 2nd St., now home of Gorge Community Music.



This year we are opening the parklet up to other businesses throughout the downtown who would like the PUBLIC parklet installed in front of their business.

Note: This is a PUBLIC parklet that can be used by anyone; it is not for the exclusive use of the business and is a non-smoking facility. Main Street reserves the right to remove the parklet at our discretion at any time.

The parklet will be installed by The Dalles Main Street at no cost to the applying business. The parklet will be installed in May and removed in November for winter storage. You must apply each year for the parklet.

The applying business agrees to maintain any foliage/flowers in the parklet and keep the parklet clean.

Please fill out the attached application and submit to The Dalles Main Street via email at staff.dallesmainstreet@gmail.com or drop it off at our office in The Mint building. The deadline for the below application is April 15th.

The Design Committee will review applications and select one business each year.

710 E 2nd St., Suite 3 The Dalles, OR 97058 | Tel: 541-370-2849 | Email: staff.dallesmainstreet@gmail.com



Public Parklet Application

Business Name: _____

Business Address: _____

Primary Contact Name: _____

Best Telephone: _____

E-mail: _____

How will the parklet benefit your business and neighboring businesses?

—

—

—

—

What activities are you interested in conducting at the parklet?

—

—

—

_____ Initial I agree to maintain any foliage/flowers in the parklet and keep it swept of any trash, debris, or other inappropriate items



thedallesmainstreet.org

You must provide a copy of the signed letter of support (attached to this document) from each of your jointly neighboring businesses to be eligible for the public parklet.

Public Parklet Application

Letter of Support

The Dalles Main Street Organization (TDMS) and/or sponsoring business owner has approached our downtown business,

(NAME OF BUSINESS)

We met in regards to a temporary public, “parklet” to be placed nearby in the public right of way. Representatives of TDMS and/or sponsoring business owner have fully explained the parklet concept and we’re excited to offer our support.

We are aware this parklet will be placed in a parking area near our business and will take up approximately two parking spaces and will be for public use.

We are confident that the creation of such downtown public spaces will strongly contribute to improving the business and community environment and will help advance downtown revitalization efforts.

We endorse this project and look forward to its installation.

Sincerely,

Business Property Owner

Date



thedallesmainstreet.org

Main Street Representative/Sponsoring Business Owner

Date

ENCROACHMENT AGREEMENT

WHEREAS, Section 4 of General Ordinance No. 97-1217 of the City of The Dalles, hereinafter referred to as “City”, provides that no person may occupy or encroach on a public right-of-way without the City’s permission; and

WHEREAS, The Dalles Main Street Program, an Oregon domestic nonprofit corporation, hereinafter referred to as “Applicant”, has created a program proposing the installation of a “parklet” upon public right-of-way within the City, with the goal of promoting commercial activities within the downtown area of the City; and

WHEREAS, Kainos Coffee, hereinafter referred to as “Co-user”, has submitted an application to participate in the Downtown Parklet Program administered by Applicant; and

WHEREAS, Blue Zones Project, hereinafter referred to as “Co-user”, is leasing and sponsoring the downtown parklet located at 418 East Second Street, The Dalles, Oregon; and

WHEREAS, the City, the Applicant and the User have agreed upon the provisions necessary for the approval of an encroachment agreement as outlined below which will allow for the placement of a parklet upon a designated portion of public right-of-way;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. The City of The Dalles hereby authorizes the encroachment consisting of a parklet, which is constructed with wooden materials and will rest on jacks made from high quality plastic and metal. The parklet will measure twenty (20) feet in length and six (6) feet in width, and wheel bumps will be placed four (4) feet from both ends of the parklet, which will result in a total length of twenty-eight (28) feet. The parklet is proposed to be installed in the two parking spaces directly adjacent to the business located at 418 East Second Street. A sketch of the parklet showing the location and dimensions of the parklet is attached hereto and incorporated herein by this reference as Exhibit A.
2. City, Applicant, and User understand and agree that the initial term of this Encroachment Agreement shall be for one year, and shall commence on May 14, 2018. The encroachment permitted under this agreement shall be temporary in nature. The parklet shall be not be permanently attached to or affixed to the public right-of-way in any manner. During the initial term of this agreement, and any annual renewal term as provided for herein, Applicant agrees that the parklet shall be removed during the period from November 1 until March 31 of the next year. Applicant shall be responsible for retaining the services of a contractor to install the parklet, for all costs associated with the installation of the parklet, for all repair or replacement costs for the parklet resulting from any damage to the parklet occurring as a result of any type of cause (except for damage caused by an act or omission committed by City or an agent, employee or officer of the City) and for making arrangements to keep the parklet in a clean condition and for disposal of trash. User shall be responsible for compliance with the maintenance requirements of the parklet as set forth on page 3 of Exhibit B.
3. Prior to installation of a parklet under this agreement, User shall provide Applicant with copies of letters of support from the owner(s) of the property where the parklet will be placed directly in front of, and from the owner(s) of the properties which are immediately adjacent to the property where the parklet will be placed directly in front of. (See page 4 of Exhibit B). Applicant shall provide City with proof of a commercial general liability insurance policy with limits of \$1,000,000 per occurrence, and \$2,000,000 aggregate and name the City as an additional insured under this insurance policy, which insurance coverage shall be approved by the City Attorney. Prior to installation of a parklet under this agreement, User must provide Applicant with proof of a \$1 million liability insurance coverage approved by the Applicant and name the Applicant as an additional insured under this insurance policy.
4. City and Applicant understand and agree that the parklet shall be open for the use of the general public. Food and beverages can be consumed in the parklet area, with the understanding that food or beverages may be directly served from the User’s business which is located within the block immediately adjacent to the location of the parklet provided that that User obtain all required necessary state and federal permits, and no alcohol may be consumed in the parklet unless and until an applicable liquor licensee secures the approval of the Oregon Liquor Control Commission (OLCC), and the City and Applicant also issue written approval of alcohol use within the parklet. Service of alcohol must comply with the provisions set forth on page 1 of Exhibit B.
5. This agreement may be renewed for annual terms provided that the Applicant gives a minimum of sixty (60) days written notice of renewal to City, prior to the expiration of any annual term. Either the City or Applicant can terminate this agreement upon sixty (60) days written notice to the other party. Upon termination of this agreement, the Applicant shall be responsible for removal of the parklet from the public right-of-way. As provided for on page 1 of Exhibit B, the Applicant reserves the right to terminate the User’s permission to use the parklet for violation of any conditions of the parklet program described in Exhibit B upon thirty (30) days written notice to User and the City. In the event the violation is not completely cured within the thirty (30) day period, the City and User shall send a written notice to User terminating the Encroachment Agreement, and Applicant shall be responsible for removal of the parklet from the public right-of-way.
6. This agreement represents the entire and integrated agreement between the City, the Applicant, and User and supercedes all prior negotiations, representations, or agreements, either written or

oral. This agreement may be amended by a written instrument signed by the City, the Applicant, and User. Amendments shall automatically become part of this agreement, and shall supercede any inconsistent provision therein; provided, however, that any apparent inconsistency shall be resolved, if possible, by construing the provisions as mutually complementary and supplementary.

7. Applicant agrees to indemnify the City from and against any and all claims, suits, damages, costs, losses and expenses in any manner associated with the installation of or use of the parklet, except for damage caused by an act or omission committed by City or an agent, employee or officer of the City.
8. This agreement shall be governed by the law of the State of Oregon.
9. In the event any provision of this agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term, condition, or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.
10. Notices relating to this agreement shall be given:
 - A. To the City: City Manager, 313 Court Street, The Dalles, OR 97058
 - B. To Applicant: Luise Langheinrich, President, P.O. Box 1343, The Dalles, OR 97058
 - C. To Co-User: Marten A. Boyden, Member, 418 East Second Street, The Dalles, OR 97058
 - D. To Co-User: Leticia Valle, Director, Blue Zones Project, 3591 Klindt Drive Suite 120, The Dalles, OR 97058

Dated this 23 day of May, 2018.

APPLICANT

Luise Langheinrich
Luise Langheinrich, President

CITY OF THE DALLES

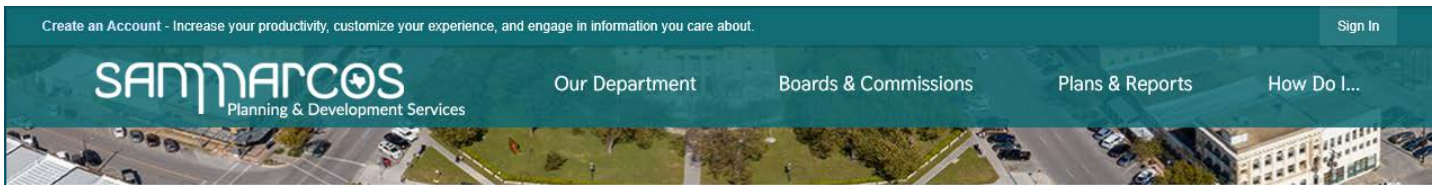
Julie Krueger
by gene parker
Julie Krueger, City Manager

KAINOS COFFEE

Marten A. Boyden
Marten A. Boyden, Member

BLUE ZONES PROJECT

Leticia Valle
Leticia Valle, Director



Temporary Parklet Program*

On May 5, 2020, the City of San Marcos has adopted a temporary parklet program in downtown San Marcos, allowing businesses to temporarily convert on-street parking spaces into outdoor seating. This program aims to reactivate downtown business engagement by providing businesses with an additional visible service area which enhances the aesthetic appeal of the downtown streetscape.

Interested businesses must meet certain location and design criteria that provide a creative, safe and accessible temporary parklet. In addition, each parklet shall be no more than two parking spaces in size and no more than two parklets are allowed per block face. Participating businesses are required to follow all protocols, practices and guidelines specified in the [Governor's Report to Open Texas](#). Temporary parklets will be permitted through August 14, 2020.



Apply for a Temporary Parklet

It is strongly recommended that interested businesses set up a pre-development meeting with staff prior to formally submitting their complete application. To sign-up for a meeting, please email planninginfo@sanmarcostx.gov.

If an interested business is ready to submit a complete application, please follow the below steps:

- Download the [Temporary Parklet Application](#)
- Carefully read through the Application, Temporary Parklet Design Manual, and Ordinance
- Gather all associated documents required for a complete application (please reference the Design Manual for a list of documents)
- Email the complete application and associated documents to planninginfo@sanmarcostx.gov.
- If a pre-development meeting has not yet been held for the parklet, staff will schedule a meeting.

Additional Information

For additional information, please contact the Planning Development Services Department at 512.393.8230 or planninginfo@sanmarcostx.gov.



*Excerpted from <http://sanmarcostx.gov/3119/Temporary-Parklet-Program>

TEMPORARY PARKLET APPLICATION FORM

Updated: May, 2020 – August, 2020



CONTACT INFORMATION

Applicant's Name		Business Name	
Applicant's Phone #		Business Address	
Applicant's Email		Business Phone #	

SIDEWALK CAFÉ INFORMATION

Proposed Sidewalk Café Address: _____

Nearest Intersection: _____ **Number of Parking Spaces:** _____

Total size of proposed Sidewalk Café: _____ **Number of tables and chairs proposed:** _____

Estimated Project Cost: \$ _____ **Hours/Days of Operation:** _____

Food Service Permit Number issued by Environmental Health Department: _____

Conditional Use Permit Number issued by Planning & Development Services: _____

☐ I understand that no alcoholic beverages and no smoking is permitted within the temporary parklet.

Type of business if not restaurant / bar: _____

☐ I have read and understand the *City of San Marcos Temporary Parklet Manual*, and *Ordinance 2020-30* which covers responsibilities, design guidelines, and technical requirements.

☐ I understand that this permit will expire and the temporary parklet must be removed on or before August 14, 2020.

DESIGNER / CONTRACTOR INFORMATION

(If Known):

Designer/Contractor Name: _____ **Firm:** _____

Phone: _____ **Email:** _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

App Fee: \$0

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

EMAIL APPLICATION TO – PLANNINGINFO@SANMARCOSTX.GOV



CHECKLIST FOR TEMPORARY PARKLET APPLICATION

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department	Comments
<input type="checkbox"/> Pre-application meeting with staff is required – email planninginfo@sanmarcostx.gov to schedule	
<input type="checkbox"/> Completed Application for Temporary Parklet	
<input type="checkbox"/> Site Plan: A map, survey, drawing, aerial photograph, site plan or similar information showing the footprint/outline of the proposed parklet, including dimensions of parklet, property lines, existing sidewalk width, existing parking stalls/alignment and all existing sidewalk furniture and obstructions; e.g. fire hydrants, utility poles, street trees, etc.	
<input type="checkbox"/> Additional Design: A description of type(s) of elements proposed to be placed in the parklet; e.g. tables, chairs, benches, planters/landscaping, bicycle parking, etc.	
<input type="checkbox"/> Safety Measures: A detailed description of safety elements that will be installed adjacent to travel lanes and open parking spaces	
<input type="checkbox"/> Completed License and Maintenance Agreement (provided by staff)	
<input type="checkbox"/> Proof of Insurance	
**San Marcos Development Code Section 2.3.1.1(C): “Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete...”	

Governor’s Report to Open Texas Compliance

I _____ (applicant name) on behalf of _____ (company/business) have read and agree to follow the protocols, practices, and guidelines applicable to my business as specified in the *Governor’s Report to Open Texas* (and any potential amendments) at <https://gov.texas.gov/organization/opentexas>. I understand and agree that this permit may be revoked without a hearing if my business is found to be in violation of those protocols, practices, and guidelines after receiving a verbal warning from a city staff member.

Signature of Applicant: _____ Date: _____

Printed Name, Title: _____



City of San Marcos

TEMPORARY PARKLET MANUAL

Summer 2020



PARKLETS INTRODUCTION

INTRODUCTION

In cities across the country, there is a movement afoot to reclaim and repurpose underutilized spaces for people through the use of parklets. Parklets are the reuse of on-street parking spaces or unused portions of right-of-way to provide amenities and green space for the general public. Parklets are intended as aesthetic enhancements to the streetscape and can incorporate seating, plantings, bike parking, and art, providing an economical solution to the need for increased public open space. The City of San Marcos has enacted a Temporary Parklet Program to provide an aesthetic enhancement to the downtown streetscape and provide businesses with additional visible service area as a means to reactivate downtown following the COVID-19 stay at home orders of 2020.

WHAT ARE PARKLETS?

Parklets are generally one or two parking spaces long and are built out of semi-permanent materials installed in a way that does not require reconfiguring the roadway or pouring concrete. By not requiring a concrete base, parklets are a fast and less expensive way for the City to bring vibrancy to downtown. Parklets are used to encourage pedestrian oriented development and have been shown to increase the economic activity of the neighborhood. While parklets are funded and maintained by businesses, residents, and community organizations, they are intended to provide benefits to all uses of the public rights-of-way.

ORIGINS

The parklet initiative was first introduced in San Francisco in 2009 through a city-wide Park(ing) Day. The program encouraged citizens to design and install a temporary park within a parking space resulting in 975 “parks” in 162 cities across 35 countries and 6 continents. The San Francisco Planning Department led the initial effort to install a Parklet Pilot Program known as *Pavement to Parks*. In order to avoid a lengthy permit process, it defined this project as “removable” in character and implemented a unique design and construction guidelines manual.



BENEFITS & PURPOSE

Parklets have significant implications for cities. By increasing pedestrian activity and encouraging pedestrians to linger in an area longer parklets encourage economic growth. San Francisco’s first parklet, sponsored by *Mojo Bicycle Café*, featured a simple design with bright red tables, silver chairs, and three bike racks. The results were impressive:

- ❖ 37% rise in weekday evening pedestrian traffic;
- ❖ 14% increase in the number of people walking their bikes within the study area;
- ❖ 10% rise in positive public perception of the area’s community character. As more cities and downtowns become aware of these advantages, it can be expected for parklets to continue to grow in popularity. With this, the trend of reclaiming space for people will continue to grow, one parking space at a time.

Parklets have the potential to increase commercial and residential occupancy, encourage pedestrian traffic, and highlight the character of the neighborhood.

APPLICATION

PRE-APPLICATION

Prior to submitting an application, applicants are **required** to schedule an appointment with the Planning and Development Services department to verify the viability of the location and proposed elements. Parklets should be proposed in areas where they are likely to be used and active. To schedule a meeting, please email planninginfo@sanmarcostx.gov with your top 3 dates/times of availability.

APPLICATION AND PROCESS

After the Pre-Development meeting, the applicant may begin the process of completing the application and supporting materials. Applications can be submitted online at www.mygovernmentonline.org. A completed application will include the following:

1. City of San Marcos Parklet Application
2. A map, survey, drawing, aerial photograph, site plan or similar information showing the footprint/outline of the proposed parklet, including dimensions of parklet, property lines, existing sidewalk width, existing parking stalls/alignment and all existing sidewalk furniture and obstructions; e.g. fire hydrants, utility poles, street trees, etc.
3. A description of type(s) of elements proposed to be placed in the parklet; e.g. tables, chairs, benches, planters/landscaping, bicycle parking, etc.
4. A detailed description of safety elements that will be installed adjacent to travel lanes and open parking spaces.
5. City of San Marcos License and Maintenance Agreement, approved by the City Manager.
6. Proof of Insurance as required

NOTIFICATION TO NEIGHBORING BUSINESSES/OWNERS

After an application has been submitted, staff will notify the business owners and property owners adjacent to the parklet that a temporary parklet application has been submitted for review.

APPROVAL

Once City staff determines an application is complete and meets the standards set forth below, the Planning and Development Services Department will issue an administrative temporary parklet permit.

DURATION

Approved parklets will be permitted from the date the permit is issued until August 14, 2020. All parklet installations must be removed on or before August 14, 2020 in preparation for the Fall Semester at Texas State University. The owner of any parklet not removed on or before August 14, 2020 will be subject to immediate enforcement action. All approved parklets are temporary installations and are subject to removal with any violation of the permit, maintenance, or general procedure.



DESIGN

The parklet design and location shall conform to the following design guidelines, as well as any additional standards made part of the approval of the individual parklet. Additional requirements and further details can be found in *Ordinance 2020-30*.

1. LOCATIONS

Parklets are allowed in parallel or angled parking spaces or within unused right-of-way. There shall be no more than two parklets per block face. Each parklet shall be limited to utilizing no more than two parking spaces;

2. CORNER LOCATIONS

The proposed parklet site shall be located at least one parking spot from a corner or protected by a bollard, sidewalk bulb-out, or other similar feature, if located at the corner.

3. SPEED LIMIT

Parklets are permitted where the posted speed limit is 30 mph or less. Streets with higher speed limits may be considered on a case-by-case basis.

4. STREET SLOPE

Parklets must be situated on streets with a running slope (grade) of five percent or less or provide a level surface to meet this grade.

5. BUFFERS & SAFETY ELEMENTS

Parklets shall be required to have a buffer to protect users from street traffic. Buffers can be either reflective tape, planters, durable seating, temporary railing/edging, or other visible, protective edging as approved by staff in the application process. Traffic cones are not recommended but may be allowed on a case-by-case basis. Parklets must be situated a minimum of 2 feet from the nearest edge of traveled way. Planters used as edging features are required to be large and durable. All edging and buffering mechanisms will require City approval.

6. UTILITIES

Parklets shall not be allowed in front of a fire hydrant, or over a manhole, public utility valve, or cover. Curb and roadside drainage shall not be impeded by the parklet. If decking is being constructed, the decking should allow for easy access underneath and curbside drainage shall not be impeded. A gap of 6" should be maintained between the body of the deck and the asphalt to facilitate the movement of water.

7. ADA REQUIREMENTS

All elements of Parklets shall be constructed and/or installed to conform to the applicable provisions, rules, regulations, and guidelines of the Americans with Disabilities Act (ADA).

8. DESIGN FOR EASY REMOVAL

Parklets are temporary in nature and must be designed for easy removal. All removable furniture must be locked or stowed each night.

9. PARKLET DECKING

Parklet decking must be flush with the curb and may not have more than ½" gap from the curb. If decking is installed, a minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets. Platforms shall not exceed a 2% cross slope. Decking will need to be constructed of durable material capable of withstanding weather elements. Deck installation shall not damage the sidewalk, street, curb, or any aspect of the public right-of-way. Due to the temporary nature of the parklet, any proposed decking shall not be allowed to be bolted into the asphalt.

10. EDGING

All proposed edging shall be visually permeable. Due to the temporary nature of the parklets, all edging or railing shall not be bolted to the asphalt. Therefore, any edging or railing will need to be removed each day so as not to blow away or fall when the parklet is not in use. The temporary railing shall be durable enough to stand on its own and should have a sturdy base.

11. VISUAL DESIGN

Exhibit 2

Parklet designs must maintain a visual connection to the street and not obstruct sight lines to existing businesses or roadway signage. While not visible from the sidewalk, the parklet's back is highly visible from across the street. Large blank walls, therefore, are discouraged.

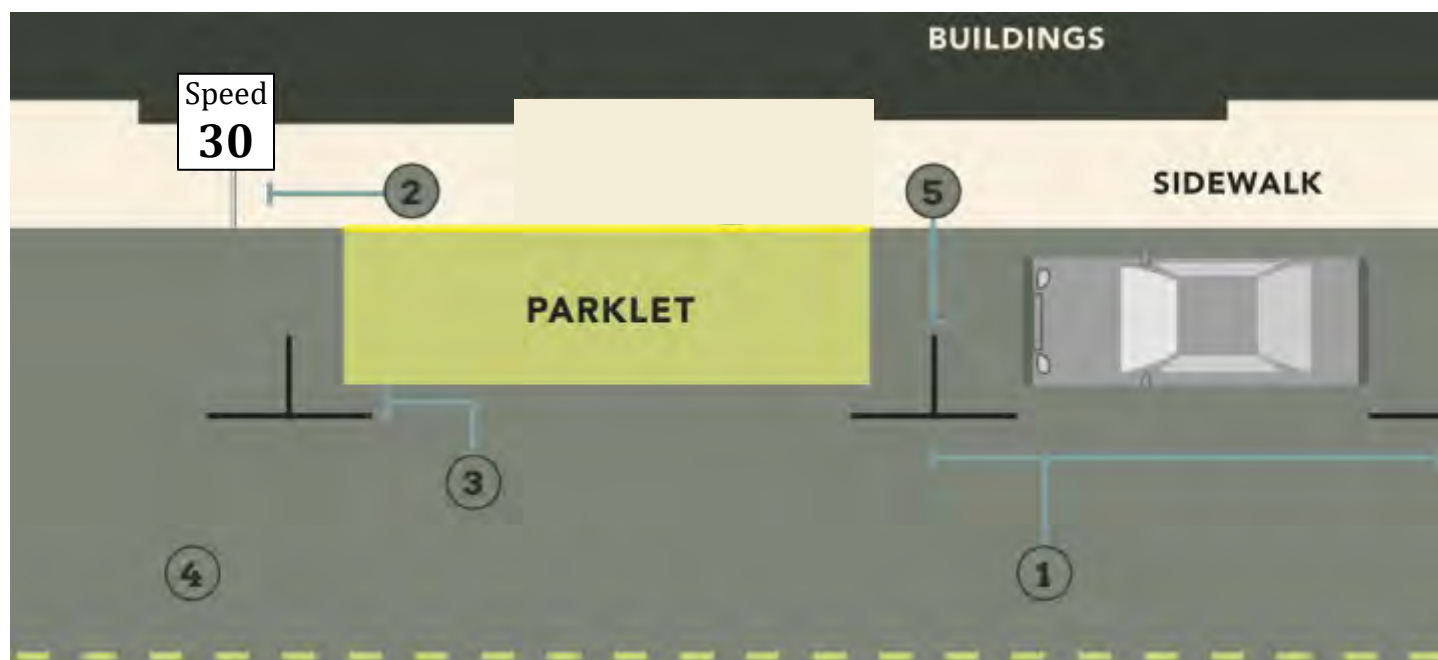
12. MATERIALS

Materials should be high quality, durable, waterproof, and capable of withstanding heavy use and exposure to the elements. Loose particles such as sand or loose stone are not permitted within the parklet area. All furniture must be designed for outdoor use. The following images outline allowed material and furniture types. Sofas as parklet furniture is prohibited.

Allowed materials: metals, sturdy plastic chairs, wood, sturdy recycled materials

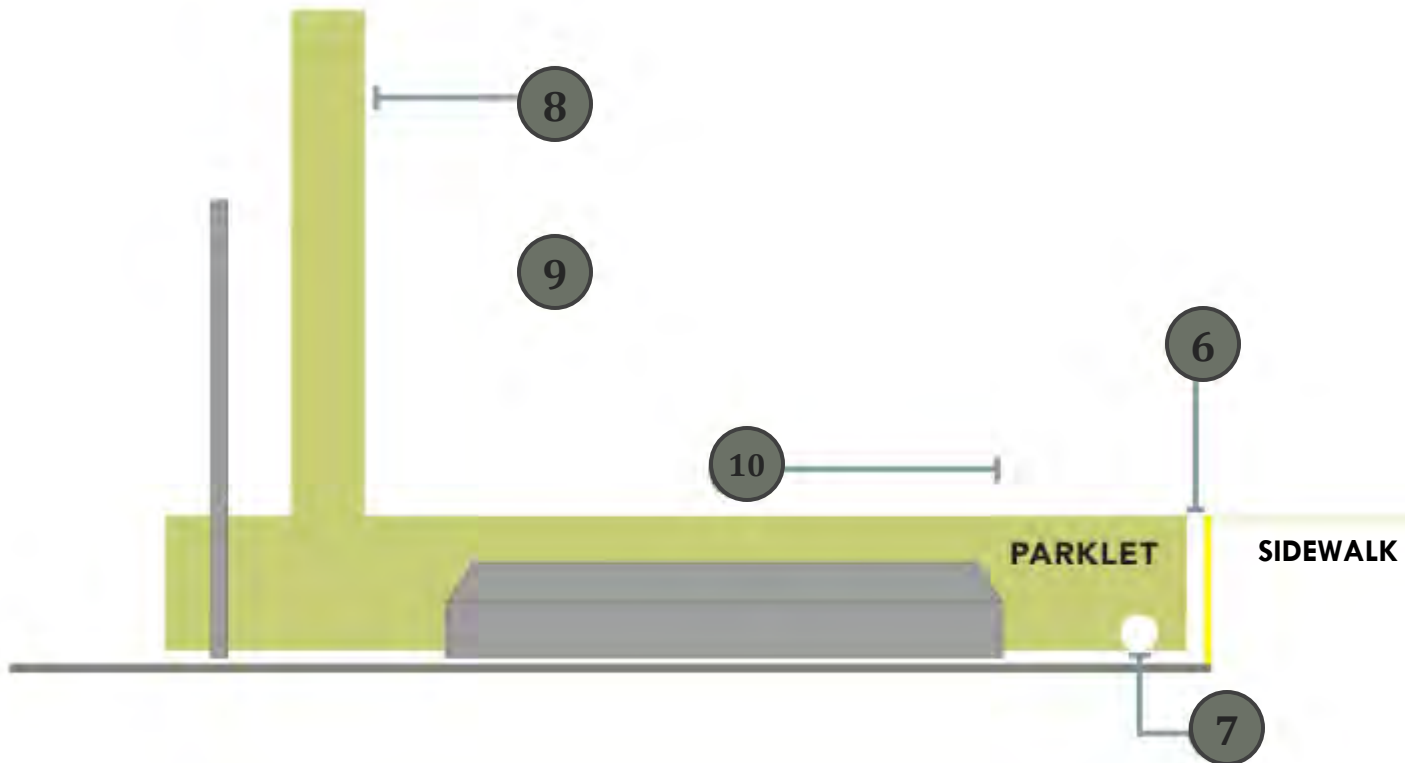


PLACEMENT GUIDELINES



1. Located at least one parking stall from a corner (*If located at corner, parklet must be protected by a bollard, sidewalk bulb-out, or other similar feature*).
2. In an area with a posted speed limit of 30mph or slower.
3. Minimum of 2 feet from the nearest edge of traveled way.
4. Street has a grade of no greater than 5%.
5. Buffer to protect users from street traffic.

DESIGN, cont.



6. If decking is installed, decking must be flush with the curb and may not have more than $\frac{1}{2}$ " gap from the curb. If this is impossible, the parklet must be ADA accessible. A minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets.
7. The platform should allow for easy access underneath the platform and curbside drainage may not be impeded. A gap of 6" should be maintained between the body of the deck and the asphalt to facilitate the movement of water.
8. All edging shall be visually permeable.
9. The temporary railing shall be durable enough to stand on its own and should have a sturdy base.

RESPONSIBILITIES OF PERMIT HOLDERS

Parklets permit holders are responsible for the following. Additional requirements and further details can be found in *Ordinance 2020-xx*

- Keep parklet well maintained and in good repair with daily cleaning.
- Keep parklet free of debris, grime, and graffiti.
- Water and maintain all parklet vegetation.
- Provide pest control as needed.
- No alcohol is allowed in the parklet.
- No smoking is allowed in the parklet.
- Amplified music is prohibited in the parklet.
- The City will provide each parklet with signage advertising the sponsoring business in order to be placed in the parklet. No advertising signage is allowed in or on the parklet. The parklet may include informational signs such as “no smoking” or “no alcoholic beverages”.
- If food service is proposed within the parklet:
 - The kitchen facilities must be a permitted Food Service Establishment in good standing.
 - Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or parklet.
 - Non-disposable dishes, silverware, and linens must be used to prevent items from blowing off tables.
 - Cooking appurtenances are prohibited within the parklet.
- Any proposed removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly according to City standards and best methods. Bolting of fence/barrier is allowed with City approval.
- The permit holder must provide for at least one trash receptacle and one recycle bin that is emptied during the day and every night.

TRASH & RECYCLING REQUIREMENTS

The permit holder is required to provide trash and recycling receptacles sufficient for the proposed use and is subject to the following requirements:

- Food service establishments must provide both receptacles which shall be no smaller than 10 gallons.
- Retail or other non-food service establishments must provide both receptacles, however a minimum size is not required.
- Receptacles must be emptied by the permit holder at any time they are visibly full.
- All waste and recycling generated within the parklet is the responsibility of the permit holder. This includes items that are blown from the parklet.
- Bin covers are encouraged.
- Black trash and blue recycling receptacles are encouraged.
- If the permit older does not currently have access to recycling facilities, the permit holder will need to work with city staff to find an accessible recycling facility.

ADDITIONAL RESOURCES

For additional information on parklet origins, design, and inspiration from other cities, please view the San Francisco Parklet Manual V.2, <http://pavementtoparks.sfplanning.org/parklets.html>.

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 74 OF THE SAN MARCOS CITY CODE BY ADDING AN ADDENDUM TO ARTICLE 6 THAT ESTABLISHES PROCEDURES AND CRITERIA FOR THE GRANTING OF TEMPORARY, REVOCABLE, LICENSES FOR PARKLETS AS A MEANS TO REACTIVATE DOWNTOWN FOLLOWING THE COVID-19 STAY AT HOME ORDERS OF 2020; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; PROVIDING FOR THE ADOPTION OF THIS ORDINANCE AS AN EMERGENCY MEASURE ON ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 74, Streets and Sidewalks, of the San Marcos City Code is hereby amended by adding an addendum to Article 6 to read as follows:

TEMPORARY PARKLETS PROGRAM 2020

Definitions.

In this article:

Parklet, Temporary means a small area of land within a public right-of-way temporarily dedicated for use by the public for commercial or non-commercial activities and purposes, together with improvements, such as lighting, signage, paving, benches, sculpture, landscaping, barricades and fencing, in furtherance of such purposes.

Public right of way means a strip of land over which the city has authority used or intended to be used, wholly or in part by the city, as a public street or sidewalk, or for utility purposes.

Sidewalk means that portion of a public right-of-way, not including the street, that is paved for pedestrian traffic.

Street means that portion of a public right of way that provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or other similar designation, including areas designated for on-street parking.

Temporary Parklet Manual means a manual approved by the city manager or the city manager's designee that establishes technical standards or specifications for authorized improvements and uses under this article that may be supplemented by other technical standards approved by the city manager or the city manager's designee.

Authorized Temporary Parklet Licenses.

- (a) The city manager or the city manager's designee may grant a temporary parklet special use license for a Temporary Parklet.
- (b) All other improvements in or uses of a public right-of-way not specified in this article addendum may only be approved as specifically provided by other ordinances or by the city council, subject to applicable laws.
- (c) A special use temporary parklet license granted under this article is a revocable grant of a privilege and is not a property right, nor conveyance of an interest in real property.

Requirements for Temporary Parklet licenses.

(a) *Uses and improvements not allowed.* No temporary parklet license may be granted under this article for:

- (1) any building or structure requiring a building permit, other than a neighborhood gateway feature, supportive or decorative column, arch or other structural or decorative feature of a building;
- (2) any improvement, facility or use, the installation or allowance of which would:
 - a. result in a violation of the Americans with Disabilities Act or any other applicable local, state or federal health or safety law or regulation;
 - b. unduly interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk;
 - c. create a traffic hazard; unduly interfere with the safe and efficient operation of a utility facility;
 - d. create undue adverse impacts on adjacent property owners and businesses; or
 - e. block the sight visibility triangle at an intersection; or.

f. require the relocation of any utility or utility facility.

(b) *General requirements for all temporary parklet licenses.* A license applicable to permitted uses and improvements allowed under this article, shall include, as applicable:

- (1) all requirements set forth in the Temporary Parklet Manual or other applicable technical standards and specifications with which the Licensee must comply;
- (2) terms and restrictions necessary to protect public use of the public right-of-way or the facilities and access needs of a public or private utility provider;
- (3) specifications for required clearances between the improvements and utility facilities, whether above ground, underground or overhead, as prescribed by applicable building and health and safety codes, franchise agreements or state or federal laws;
- (4) a requirement that the licensee pay the cost to relocate a utility facility or improvement in a public right-of-way in connection with the installation of the improvements, if consent is granted for such relocation;
- (5) authorization for the city or a utility provider to remove, without liability, all or part of the improvements if necessary to obtain access to an affected utility facility;
- (6) provisions approved by the city attorney that require the licensee to indemnify, defend, hold harmless and release the city, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with licensee's use of public right-of-way;
- (7) a provision specifying that the term or expiration date of the license shall not exceed August 14, 2020.
- (8) a provision for termination of the license for violation of its terms, subject to notice of the violation and an opportunity to cure the violation within 5 calendar days after receipt of the notice, except that violation of the expiration date shall be addressed immediately.;
- (9) a provision for termination of the license by the city without recourse before the end of the license term when necessary to

implement a capital improvements or utility project, to address threats to public health or safety, or to mitigate adverse impacts to adjacent property owners and businesses caused by the improvement or use for which the license is granted;

- (10) a provision providing for the prompt removal of all improvements or cessation of uses upon termination of the license at the Licensee's expense, including the right of the city to remove improvements upon failure of the Licensee to do so and to recover the city's cost for such removal;
- (11) no more than two parklets shall be allowed per block face; and
- (12) *COVID-19 Requirements.* All temporary parklet licensees shall have read and shall follow the protocols, practices, and guidelines, as applicable to their business, specified in the Governor's Report to Open Texas, and any potential amendments, all of which will support a safe and measured reopening of Texas. Violations of this section shall result in the licensee receiving a verbal warning and an opportunity to comply with this section. If a second violation occurs, the parklet license may be revoked immediately and the parklet may be removed.

Requirements for Temporary Parklets.

- (a) *Approval of Temporary Parklets by city manager.* The city manager or the city manager's designee shall designate may approve applications for a temporary parklet that meets the established criteria.
- (b) *Approval of parklets by city council.* An application for approval of a parklet which does not meet the established criteria in a parking area of a street shall be considered by the city council after a public hearing on the application. Following the conclusion of the public hearing, the city council may approve a license agreement that identifies the parklet area and any applicable restrictions, or deny the application.

Smoking and alcohol restrictions applicable to Temporary Parklets.

- (a) Temporary Parklets approved under this article shall be subject to the same restrictions and prohibitions against smoking as are applicable to parks

pursuant to Chapter 34, Article 5 of the San Marcos City Code, together with applicable enforcement remedies and penalties thereunder.

(b) It is unlawful for any person to publicly consume or display alcoholic beverages within a parklet. No person shall be issued a citation or arrested for an offense under this subsection unless the person has first been issued a verbal warning and given an opportunity to comply with this section.

(c) In addition to any other remedies and penalties that may be pursued for a violation of this section, the city manager or the city manager's designee may revoke a license issued under this article to a licensee that commits a violation under this section.

Insurance

(a) *Insurance for Temporary Parklets*

(1) No special use license shall be granted for a temporary parklet or sidewalk café unless the licensee files with the city manager or city manager's designee a certificate of liability insurance or other proof of insurance in a form acceptable to the city's risk manager confirming that the applicant has procured the insurance required by this section. If the policy is not kept in full force and effect throughout the term of the license, the special use license shall automatically become void and the improvements must be removed at that time.

(2) The insurance policy shall be issued by an insurance company authorized to do business in the state. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents or employees. The insurance shall provide coverage in an amount of not less than \$1,000,000.00 for each single occurrence. The minimum amounts of insurance coverage may be increased by the city when it is in the best interest of the public. The policy of insurance shall name both the licensee and the city as insured parties to the full amount of the policy limits.

Application.

(a) An application for a temporary parklet license under this article must be filed with the department designated by the city manager on a form approved by the city manager or the city manager's designee.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. The importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the San Marcos City Charter requiring that ordinances be presented at two separate meetings are hereby waived and, this ordinance will take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED as an emergency measure on only one reading on May 5, 2020.

Jane Hughson

Mayor

Attest:

Approved:

Tammy Cook
Interim City Clerk

Michael J. Cosentino
City Attorney

Expanded Seating/Dining Options - Coeur d'Alene, Idaho

