

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, APRIL 5, 2004

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, April 5, 2004, at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken, Councilors Ballew, Lundberg, Fitch, Ralston and Woodrow. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Attorney Meg Kieran, City Recorder Amy Sowa and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Steve Moe introduced Kari, Ashley and Audrey, three students from Springfield High School promoting the Youth Day of Caring on April 23 from 12:00-3:00pm. The Youth Day of Caring is a great way for teens and adults to help volunteer in our community. There will be about 350 students volunteering. The students described some of the projects done in the past, which included cleaning cemeteries, sweeping downtown sidewalks, painting insides of buildings and helping at Mount Pisgah. This year students will be working with the Police Department and the Fire Department. They are looking for new ideas of different projects and looking for adult volunteers.

Councilor Fitch said she hoped there would be a lot of volunteer opportunities in downtown Springfield for council members.

Councilor Lundberg asked what types of projects they would be working on with the Fire and Police Departments.

Councilor Fitch understood they were also doing some projects with Willamalane, the City of Springfield and the School District.

Councilor Ballew asked how someone signs up to volunteer.

Forms are available to sign up to help. The forms were placed in the councilors' boxes in the City Manager's Office. Additional forms for the public were available at the table near the entrance to the Council Chambers.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR FITCH, WITH A SECOND BY COUNCILOR BALLEW, TO ADOPT THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

1. Claims

- a. Approval of the Financial Reports for September 30, 2003
- b. Approval of the Financial Reports for December 31, 2003

2. Minutes

- c. March 8, 2004 – Work Session
- d. March 8, 2004 – Special Regular Meeting
- e. March 15, 2004 – Work Session
- f. March 15, 2004 – Regular Meeting
- g. March 22, 2004 – Work Session
- h. March 29, 2004 – Special Work Session

3. Resolutions

4. Ordinances

5. Other Routine Matters

- a. Lane County Intergovernmental Agreement.
- b. Lane Council of Government (LCOG) and City Agreement for Surface Transportation Planning (STP) Funds.

PUBLIC HEARINGS

1. Springfield Inventory of Natural Resource Sites.

ORDINANCE NO. 1 – AN ORDINANCE ADOPTING CRITERIA FOR DETERMINING SIGNIFICANT GOAL 5 RIPARIAN OR WILDLIFE HABITAT SITES WITHIN THE SPRINGFIELD CITY LIMITS; ADOPTING AN UPDATED GOAL 5 INVENTORY WITHIN THE SPRINGFIELD CITY LIMITS; AND ADOPTING A SEVERABILITY CLAUSE. (FIRST READING).

ORDINANCE NO. 2 - AN ORDINANCE ADOPTING CRITERIA FOR DETERMINING SIGNIFICANT GOAL 5 RIPARIAN OR WILDLIFE HABITAT SITES OUTSIDE THE SPRINGFIELD CITY LIMITS AND WITHIN THE SPRINGFIELD URBAN GROWTH BOUNDARY; ADOPTING AN UPDATED GOAL 5 INVENTORY FOR RESOURCE SITES OUTSIDE THE SPRINGFIELD CITY LIMITS AND WITHIN THE SPRINGFIELD URBAN GROWTH BOUNDARY; AND ADOPTING A SEVERABILITY CLAUSE. (FIRST READING).

City Planner Mark Metzger presented the staff report on this item. Mr. Metzger said that in council's agenda, only one ordinance was listed. After talking with counsel, it was determined that it would be better to separate the ordinances covering inventory sites that the city fully

controls within the city limits and those outside city limits that the city and county would be working on together.

Mr. Metzger said tonight's public hearing would be regarding Springfield's Natural Resource Inventory. This inventory was created in compliance with OAR 660-23 which covers riparian corridors and upland areas. OAR 660-23 describes the requirements and procedures for completing Goal 5 planning responsibilities. The administrative rule allows cities to choose between the "standard process" and "safe harbor" provisions in completing the mandated inventory of their natural resources. In September 2003, the Planning Commission recommended that the safe harbor approach be used for the inventory and protection of upland wildlife habitat and that the standard process be used for riparian corridors. At issue is whether the city should adopt the standard process or the safe harbor approach for the inventory and protection of riparian corridors and upland wildlife habitat within its planning jurisdiction.

Staff compiled and presented a Draft Inventory of Natural Resource Sites to the Planning Commission for public hearing on April 15, 2003. At their meetings on April 15, May 6, and September 16, 2003, the Planning Commission received testimony and deliberated at length on the Draft Inventory and on whether to apply the "safe harbor" or "standard process." At their September 16 meeting, the Commission voted 5 to 0 (2 absent) to recommend that the Council adopt the Draft Inventory based on the significance criteria that Council had approved and apply the "safe harbor" provisions of Statewide Goal 5 (described in OAR 660-23) to "upland" resource sites and the "standard process" to "riparian" and "wetland" sites.

Attachment 2, included in the agenda packet, contains an adopting ordinance with exhibits needed to implement the Planning Commission's recommendation to apply "safe harbor" to upland wildlife habitat sites and the "standard process" to riparian corridor sites. The exhibits would be modified to reflect any other approach that council chooses to pursue.

Lane County will need to adopt the ordinance as it applies to sites outside of the city limits, but inside the Springfield UGB.

Planning Commission minutes and briefing packets for the April 15, May 6, and September 16 meetings are available for review in the City Manager's office. These briefing memos contain the record of public comment submitted to the Commission as well as staff response documents.

Mr. Metzger said the issue regarding this item as a Metro Plan Amendment is in the way the staff report was crafted and in the criterion staff would be asking council to consider. The Land Use Board of Appeals (LUBA) has held that some working papers that support the Metro Plan that contain some references to natural resource sites and significance criteria are in essence a Goal 5 Inventory, even though they were created in 1973 prior to the current Goal 5 being in place. What staff is recommending as a Goal 5 Inventory does replace the Lane Council of Government (LCOG) working papers which were adopted by reference as part of the Metro Plan for sites within Springfield's planning jurisdiction.

Mr. Metzger said in considering the criteria for a Metro Plan Amendment, the city's proposals must not conflict with statewide planning goals and the change under consideration does not make the Metro Plan internally inconsistent. In adopting a Goal 5 Inventory the city is complying with Goal 5 as it is laid out in the Oregon Administrative Rules. By making sure this inventory does replace the language that is in the working papers, the city is avoiding a situation where there is an inconsistency between what the city is doing and the language already in the working

papers. Staff found that the proposals are consistent with the criteria for supporting a Metro Plan Amendment and would recommend the inventory proposed.

Mr. Metzger discussed significance criteria, a term that comes from the Oregon Administrative Rules. The city would be approving an inventory that reflects a list of significance criteria. On September 2, 2002, the Springfield City Council gave staff direction to take a list of significance criteria that had been approved to craft an inventory. Staff presented the inventory and criteria to the Planning Commission last spring. Through a series of hearings and deliberations, the Planning Commission made a recommendation on September 16, 2003 that council adopt the inventory, with the recommendation that safe harbor provisions would be used on the upland areas on the inventory. They also recommended that the standard process be used on wetland and riparian corridors. The ordinance in the packet reflects that recommendation. If council adopts the ordinances as worded, upland areas would be treated under safe harbor provisions which would change the inventory by removing upland sites from the inventory. Adopting the ordinance would also mean adopting the standard process for riparian corridors. That would commission staff to move ahead to do an initial analysis on riparian areas and prepare protection regimes that balance the economic, environmental, social and energy concerns about development and preservation.

Mayor Leiken asked council to hold questions until after the public hearing.

Mayor Leiken opened the public hearing.

1. Andy Burnette, 8045 Thurston Road, Springfield, OR. Mr. Burnette said his property is in the urban growth boundary. He met with Mr. Metzger the other day after he had received the letter. Gray Creek borders Mr. Burnette's property and was listed as containing trout. This creek is dry nine months of the year and is basically a run-off. Having this creek on the inventory would cost him 10,500 square feet of property. He would like to have Gray Creek removed from the inventory.
2. Stephen Richardson, 2585 Lawrence Street, Eugene, OR. Mr. Richardson is presenting on behalf of Mr. Roy Gray, Manager for the Brentwood Estates LLC. Mr. Richardson distributed a letter from Mr. Gray to the Springfield City Council. Mr. Richardson read from the letter which asked council to remove the Q Street Ditch along Mr. Gray's lots 9, 10, 11, 12 and 13 from the inventory. The letter listed seven reasons why Mr. Gray felt this designation was in error.

Mayor Leiken noted for the record he would have to remove himself from any decisions regarding this issue because of a personal transaction he has with Mr. Gray.

3. Paul Dixon, 1055 and 1015 S. 28th Street, Springfield, OR. Mr. Dixon said his property is bordered by and surrounds the Mill Race and Gorrie Creek. He asked what the current setback is and how it varies from the proposal. He said the hearing notification stated that "the future standards, if adopted, will affect the permissible uses of your property and may reduce or enhance the value of your property". He asked for an example of how the value of the property could be enhanced and/or how it may be reduced. He asked if the city had a plan in place, if this plan is adopted, to provide compensation to the property owner if their property is reduced in value. Mr. Dixon said the city approached him through a realtor last August indicating they would like to purchase his property. It is his contention that if this rule is adopted, since his property is zoned from future development under medium density

residential (MDR) and he would be giving up 50 feet on each side of his property, that this plan would have a huge impact on the value of his property. It would be a conflict of interest for the city to approach him with regard to the purchase of the property and then take action that may have a negative impact on it. He asked for clarification on those questions.

4. Steven Bergstrom, 701 Sherrill Lane, Roswell, NM. Mr. Bergstrom owns property in Springfield in the area labeled S23 on the Inventory. He commended city staff for doing a good job on this project. The property he owns is in the uplands areas and he supports the safe harbor recommendation for his property. Mr. Bergstrom submitted for the record reports from a consultant showing that there are no wetlands on his property. He also hired Satre and Associates to prepare a rare plant survey and wildlife report. Neither exists on his property. Mr. Bergstrom supports what the city is doing in part because it would mean his property would not be included.
5. Rick Satre, Satre and Associates, 132 E. Broadway, Suite 536, Eugene, OR. Mr. Satre spoke on behalf of Mr. and Mrs. Bergstrom and the property they own near South 32nd and South 42nd and Daisy Street. He said he appreciated the opportunity to speak to council and the availability of Mr. Metzger as they sought clarification of these recommendations. He said Mr. Metzger is an excellent example of private and public communication and cooperation. Mr. Satre said he is speaking in favor of the Inventory, the significance criteria, and the dual provision of standard process and safe harbor. He said they know the standard process allows the community greater flexibility in how to protect resources. The safe harbor takes away that flexibility. The safe harbor approach gains the savings of time and gaining certainty in the regulatory environment. Adopting the safe harbor approach may take some sites off the list, but there are other ordinances in place that would continue to protect those upland habitats. He referred to the Springfield Development Code which has provisions for hillside and tree felling. There are state and federal requirements that will also protect threatened and endangered species.

Mayor Leiken closed the public hearing.

Councilor Fitch asked if Mr. Metzger could answer the questions asked by the citizens who spoke.

Mr. Metzger said he could answer some of the questions at this time. He said staff went to Oregon Department of Fish and Wildlife (ODF&W) in the last two weeks reviewing each site on the map and noting sites with fish. He said staff met with Dick Irish and Kelly Reece, ODF&W's fishery biologist. They pointed out that although Gray Creek is seasonal, in the spring and winter there are cutthroat trout in those areas. Even under safe harbor, protections must be taken for fish bearing stream for riparian corridors. The ORS doesn't distinguish between seasonal and perennial streams. The recommendation for applying the standard process gives the most flexibility in dealing with situations such as this. ODF&W are the authority and they say this is a fish bearing creek. He referred to the Q Street Creek which also is listed as having fish in portions. ODF&W claim there are cutthroat trout in various segments of this creek. He could not say if the particular segment affecting the Gray property is amongst those listed. He recalled Mr. Gray writing a letter last spring regarding his property. Upon receipt of that letter, Mr. Metzger drafted a memo to council addressing Mr. Gray's concerns. Mr. Metzger said he believes there are wetland issues and other impairments on this site, but could revisit this property to see if it does or doesn't fit the criterion for being in our Inventory.

Councilor Fitch asked if council could get a report from ODF&W stating there are fish in the creeks mentioned in the testimonies.

Mr. Metzger said his understanding is that ODF&W does have such reports and he can get that in writing from them.

Mr. Metzger said there is a fifty foot setback for small streams that are fish bearing and in riparian corridors if the safe harbor is applied and a seventy-five foot setback for the McKenzie and Willamette Rivers. There is no flexibility with safe harbor. If standard process were applied, it would allow the city to work with the property owners and ODF&W to find a compromise. It may be possible to shrink setbacks in some portions of the site and increase it in areas that are not as adversely affected. It is a matter of weighing and balancing the economic and the environmental issues.

Councilor Fitch asked what the current setback is for these sites.

Mr. Metzger said the Mill Race, as a stormwater facility, requires a 50 foot setback; therefore, there would be no change. He said there could be some doubling up of regulations through this process as some sites may be protected under both the Natural Resource Inventory and the stormwater provisions.

Councilor Ralston said he knows the two supposed creeks very well. He asked if the city could remove these creeks from the list if it was determined they were not fish bearing creeks.

Mr. Metzger said we would have more flexibility in dealing with the stream if it was not fish bearing. If there are trout or other game fish, the city would have difficulty pulling it from the list. If there are no fish, the city could have some flexibility in moving the boundary. Adopting safe harbor for riparian areas without fish could be dropped. The city is required to inventory any streams with fish present.

Councilor Ralston asked what are considered fish; only game fish or any fish.

Mr. Metzger said staff contacted the Department of Land Conservation and Development (DLCD) for clarification of what qualifies as a fish. Oregon Revised Statutes simply says fish bearing. The DLCD did not give a clear definition and suggested that minnows would also be included. In the process of the Metro wide study, staff has considered fish bearing as including trout or salmon. Staff has not considered minnows.

Councilor Ralston said it is wrong to inhibit the ability to develop this property because it is considered fish bearing.

Councilor Ballew asked if Mr. Metzger would be responding to the questions from Mr. Dixon.

Mr. Metzger said he would be providing a more formal response to council after researching the questions.

Mayor Leiken asked about Mr. Dixon's question regarding compensation for property owners if their property value decreases. He asked if it was a Measure 7 issue that was ruled unconstitutional.

City Attorney Joe Leahy said there is no city compensation for regulatory impacts to property, just as there is no compensation to the city for enhancements to property as the result of regulatory pronouncements. He said the City Attorney's office would look into the issue related to the conflict of interest regarding Mr. Dixon's property and include that in the written report to council.

Councilor Woodrow asked if an upland area with wildlife would be considered protected.

Mr. Metzger said under safe harbor, those sites could be dropped from our inventory if only animals that are not listed on the state or federal sensitive, threatened or endangered species list were located there. If an area is home to an endangered species, the city would work with ODF&W to determine how much land is needed to protect the animal. Using the standard process, the city could choose to protect some areas to make room for animals that are not on the sensitive, threatened or endangered list.

Mayor Leiken asked if ODF&W supercedes the city's authority.

Mr. Metzger said ODF&W requires the city to consider a stream as part of our inventory. Under standard process the city could work with ODF&W to determine other options regarding protection regimes in some of these areas. He gave an example of allowing a backyard to abut a creek, rather than pavement. In this example, the creek could be an amenity for the property.

Councilor Fitch asked if the term fish bearing had not been tested and if it would have to go to court to determine what is or is not fish bearing.

Mr. Metzger said when they asked DLCD what defines fish bearing, they said it had not been interpreted, but conceivably could include minnows. In forming the inventory, staff looked at streams that held salmonids or other game fish.

Councilor Fitch asked if staff's definition of what types of fish are included would be in the report and if ODF&W would take exception with that definition.

Mr. Metzger said staff has crafted their inventory based on presence of fish recognized by ODF&W as being game fish and salmonids.

Mayor Leiken complimented staff for their work regarding the mandates from the state they must follow. Staff does the best they can even without clear direction from the state. The city tries to present something to the public and find a different interpretation from the state. It is difficult to make the compromises that accommodate both. He said it shows the professionalism of the city's staff and he thanked staff. He referred again to Measure 7.

Mr. Metzger said this item has been scheduled for April 19 for further deliberation if council feels it is necessary. If not, it is scheduled for May 3 for a second reading and decision.

Mr. Leahy referred to the Ballot Measure No. 56 notice referred to by Mr. Dixon. The language is equivocal because property owners may find their property value either increases or decreases in value because of the inventory. Each property owner could then do some research and make their own conclusion as to whether it would be a benefit or a burden to the property.

NO ACTION REQUESTED. FIRST READING ONLY.

2. Vacation of a Portion of Laura Street Public Right-of-Way Located on Assessor's Maps 17-03-22-44 Tax Lot 7500 and 17-03-27-10 Tax Lot 5000. Journal Number LRP2003-00030, City of Springfield Public Works Department.

ORDINANCE NO. 2 – AN ORDINANCE VACATING APPROXIMATELY 203 LINEAR FEET AT 30 FEET WIDE OF A DEDICATED PUBLIC ROAD RIGHT-OF-WAY KNOWN AS LAURA STREET, FROM ITS TERMINUS AT THE INTERSECTION OF HARLOW ROAD/HAYDEN BRIDGE WAY AND SOUTH APPROXIMATELY 203 FEET ALONG LAURA STREET (FIRST READING).

City Planner Kitti Gale presented the staff report on this item. The County Road #3 right-of-way, known as Laura Street, was dedicated May 16, 1969. There were no acquisition costs to the city.

The city has approved a transportation infrastructure project that involves the re-alignment of Laura Street, Project No. P20205 (known as Laura Street Re-alignment Project). The project includes the construction of a new street through a portion of what is known as the Smith Property to intersect Harlow Road further to the west. The city intends to acquire a fee title to that portion of the Smith Property required for the new street and to vacate the portion of the old right-of-way that currently intersects Harlow Road/Hayden Bridge Way. On October 15, 2003 the City of Springfield and the property owner entered into an agreement to facilitate the proposal of Project No. P20205, which obligates the city to initiate and complete proceedings to vacate a 30' portion of Laura Street right-of-way abutting Tax Lot 7500 and Tax Lot 5000. The vacation will revert public property to private ownership.

A public hearing was conducted before the Planning Commission on March 15, 2004. Attachment #4, included in the agenda packet, is Planning Commission *Recommendation to City Council* to approve the vacation request. This ordinance is scheduled for a Second Reading and adoption on April 19, 2004.

Mayor Leiken opened the public hearing.

1. Christine Larson, 839 Royaldel Lane, Springfield, OR. Ms. Larson represents the business and property owners of Timber Valley Clinic which is located on the east side of Laura Street between Pioneer Parkway East/West, Hayden Bridge Way and the future Martin Luther King Jr. Parkway. She said they support this vacation and are pleased the city is going forward with this project. She discussed the access lost on Hayden Bridge Way. She asked that the city not change the name of Hayden Bridge Way to Harlow Road. She thanked the staff for their hard work. She said the Larson family is working with the Smith family on some ideas to coordinate the two properties.

Mayor Leiken closed the public hearing.

Councilor Fitch said she appreciates all the Larson's have done regarding this project.

NO ACTION REQUESTED. FIRST READING ONLY.

3. Public Hearing and Adoption of a Resolution Amending Ambulance and Emergency Medical Services Fees.

RESOLUTION NO. 04-10 – A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD AMENDING THE MASTER SCHEDULE OF MISCELLANEOUS FEES AND CHARGES, RATES, PERMITS, AND LICENSES IN ORDER TO AMEND THE AMOUNT OF THE AMBULANCE AND EMERGENCY MEDICAL SERVICES USER FEES.

Deputy Chief John Garitz presented the staff report on this item. Ambulance and Emergency Medical Services (EMS) user fee rates are reviewed to ensure that user fee revenue is adequate to support operation of the EMS system.

At the work session held on March 29, 2004, staff presented to City Council a proposal to amend the fee scheduled for ambulance and emergency medical services. Council consensus directed staff to proceed toward formal council action on the proposed rates at tonight's regular council meeting. Mr. Garitz described the changes in the fee which would be for the base rate, the mileage charge and the standby charge. The increase to the patients' bill would be approximately ten percent. This rate increase is part of the normal review to make sure they are adequate for expenditures of the EMS program.

Councilor Ballew confirmed that the process hasn't changed but the base rates have changed. Insurance companies will continue to be billed. Mr. Garitz said that is correct.

Councilor Woodrow asked how much the Fire and EMS would lose without this increase.

Discussion was held regarding Medicare Revenue.

Mr. Garitz said about \$170,000 would need to be used from the EMS reserve fund if the rates were not increased.

Councilor Ballew said this increase reflects the increased costs of the EMS.

Mr. Leahy confirmed the resolution recites this is to cover costs. A fee is only to cover costs, not to profit.

Mayor Leiken opened the public hearing.

No one appeared to speak

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-10. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE

1. Dave Carvo, 4010 East 16th, Eugene, OR. Mr. Carvo represents the Glenwood Water District residents. He said the residents recently received a proposal from the city for their fire service contract with a twelve percent profit added. He spoke with members of the other districts affected by this contract and none are happy with this increase. They do not appreciate paying a twelve percent tax to give the city an increase in their General Budget.

He is opposed to this charge. He referred to the statement that fees are not charged for profit, but to cover cost, but this is a contradiction. He is coming to council to ask them to do away with the twelve percent profit margin so Glenwood residents do not have to increase their taxes for something their taxes are not intended for. He said it may be legal, but he has a moral issue with this. He asked council to direct staff to remove this increase.

2. Carmen Urbina, 788 Blackfoot, Eugene, OR. Ms. Urbina is the Executive Director for Centro Latino Americano which is a social service agency located in Eugene. She spoke on behalf of the Matricula Consular and thanked council for taking on this issue. She spoke on the needs and issues of the clients served by Centro Latino Americano. She said they currently serve about 1800 people a month; thirty-five of whom are Latinos and ninety-seven percent are from Mexico. She said the Matricula Consular would be an extra piece of identification that would support and help their clients. She gave her congratulations on the community health center that recently opened in Springfield. She discussed the other cities and police departments that have accepted the Matricula Consular. She gave examples of families who benefit from acceptance of the card. She thanked council for discussing this and hoped for a positive vote.
3. Guadalupe Quinn, 3820 Greenwood, Eugene, OR. Ms. Quinn said she is here as a staff person for CAUSA ("cause" in Spanish). She is the Lane County regional coordinator for CAUSA which is a statewide immigration rights coalition in Oregon. She asked council to please support the resolution regarding the use of the Matricula Consular as a form of identification. Working in Lane County for over twenty-five years, she has seen a large growth of their community in Springfield. For those individuals that work, live and do business in Springfield, having this identification would be very important. She encouraged council to pass the resolution and allow people to use the Matricula Consular as another form of identification to enhance their ability to participate in our community.
4. Michael Sorondo, 938 5th Street, Springfield, OR. Mr. Sorondo is an independent business owner in Springfield. He is in favor of passing the resolution regarding the Matricula Consular. He feels as an independent business owner and also working with the Mercado Latino as a liaison for the merchants who are proposing buying property in Springfield to house a permanent structure of Mercado Latino, it would be a positive move economically. He also works as an independent contractor for Interface Network in Salem who is doing business through the Latino business connection in hopes of starting business classes for Latino small businesses in Springfield and Eugene. He would hope the council would move forward on accepting the Matricula Consular.
5. Rosalia Marquez. Ms. Marquez is a former liaison to the Consulate of Mexico, Consul General Gustavo Maza-Padillo. Ms. Marquez thanked council for acknowledging a resolution for the Matricula Consular. She discussed the number of cards issued in Oregon. This card is acknowledged by 14 states, 100 plus cities and 900 police departments. Accepting the Matricula Consular as another source of identification would be a tremendous asset to Mexican Nationals in Oregon and in Lane County. She understands the need for valid identification in America and believes that could be why the Mexican Consulate is engaging in a campaign to convince state and local government to accept the card as valid identification.
6. Thelma Barone, 545 E 34th Avenue, Eugene, OR. Ms. Barone is the Latino liaison with the Springfield Police Department. She gave her opinion as a person who serves the Latino

community and the mainstream community at the Springfield Police Department and also as a United States citizen and a Mexican immigrant whose experience is very similar to that of the Mexican immigrant community in Springfield. Ms. Barone's job is an advocate for victims of domestic violence, sexual assault and other crimes. Part of her job is to facilitate communication between the immigrant community and the city and Police Department. In her opinion, the Matricula Consular is a good way to establish identity. She would also like to note that Mexican immigrants in general are not illegals, not inhuman and not criminals even if many were not able to obtain legal documents to come to this country. One reason is that poor people do not get visas and many of those who come to America to work are poor people. Most are good people working to make a better life so it is not a fair argument. She thinks this document helps the city know who we are dealing with. In her job, she tries to encourage people to call when they need services. To do good police work we need the whole community. We need them to call with information on crimes, safety, domestic violence, sexual assault and other crimes. She believes the children should be part of this community as they grow to become U.S. Citizens. She said the children should not suffer in silence when the parents have problems. They need a positive experience which will make them love this community and this country. She discussed the historical and geographical perspective of this issue.

7. Debi Baker, 340 S. 58th Street, Springfield, OR. Ms. Baker lives in the Thurston area where, currently, there is no council representation. In speaking with some neighbors in her area she found there are some concerns. It is not clear if there are photo portions to this card, how soon or how much the Mexican Consulate will be tracking these documents or how soon the security measures would be put in place. Her neighbors are not against individuals having identification, but it is not clear if undocumented alien means illegal immigrant. She and her neighbors would like clarification on these issues. She said they have heard it could help the Police Department, but she is not clear on how that could help. She gave an example she had heard. If council chooses to adopt this document, she would request that the cards accepted are those with the most stringent security measures in place. There is no computerized system to show who has been issued which cards.
8. Juan Carlos Monjaras, 3231 Coraly Ave., Eugene, OR. Mr. Monjaras is the Lane Community College (LCC) Latino Student Union co-chair. As he sat in the audience, he read the City Council goals that were listed on the wall behind the City Council and decided to speak. He is here to support the Matricula Consular in Springfield because 1) we will be utilizing resources efficiently and effectively to meet citizens' needs, 2) continue to make Springfield a safe community, and 3) create ownership with citizens and other public agencies in the community.
9. Robert Linahan, 2417 N. 17th Place, Springfield, OR. Mr. Linahan is the Director for Electrical Engineering and Operations for the Springfield Utility Board (SUB). He spoke regarding the agenda item scheduled for tonight's council meeting regarding the addition to the Metropolitan Plan for major electric facilities. SUB is interested in building a transmission line between the Laura Street substation, which is at the corner of Shelly and Laura Streets, and the new proposed substation, called Marcola substation, at the corner of Olympic and 28th Streets. The line would travel north up Olympic on 28th Street to Q Street, then along Q Street to Pioneer Parkway West. It would be in the same electrical line as their distribution line that currently runs along Q Street. The transmission line is needed for a new source for the Marcola substation and is part of their major plan which will be finished in 2007 to increase reliability to the 115kV system. He explained the difficulties they now

face when a transmission line goes out. Reliability is a major concern. He described a storm in 2002 and the number of customers that were out of power. This new line would enable them to maintain power in such a situation.

CORRESPONDENCE AND PETITIONS

1. E-Mail from Lyneil Chase, 22262 SW Stafford Road, Tualatin, OR 97062 Regarding the Matricula Consular Card.
2. Correspondence from Peter W. Roberts, 2366 Washington Street, Eugene, OR 97405 Regarding Replacing Joseph Lane as the Namesake of Lane County.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ACCEPT AND FILE THE CORRESPONDENCE. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY COUNCIL

BUSINESS FROM THE CITY MANAGER

1. Matricula Consular.

RESOLUTION NO. 04-11 – A RESOLUTION ACKNOWLEDGING THE MATRICULA CONSULAR ISSUED TO MEXICAN NATIONALS BY THE MEXICAN CONSULATE IN PORTLAND, OREGON AS A FORM OF IDENTIFICATION AND DIRECTING THE CITY MANAGER TO DETERMINE WHICH DEPARTMENTS, PROGRAMS AND SERVICES OF THE CITY WILL ACCEPT THE MATRICULA CONSULAR FOR CERTAIN CITY PURPOSES.

Training Assistant Rita Wallace-Ostrowsky presented the staff report on this item. The Mexican Consulate in Portland has officially requested Oregon municipalities to accept the Matricula Consular as valid proof of identification for Mexican nationals. The Matricula Consular is an official identification issued by the Mexican government to its citizens living abroad. The Matricula is accepted as a form of identification by 14 states, 100 plus cities and over 900 police departments throughout the United States. Included among them are Hillsboro and Beaverton.

According to the Office of the City Attorney, passing a resolution recognizing the Matricula Consular, "...does not find the document determinative of anything, but merely authorizes the City Manager to work with departments to use where appropriate. It also represents a positive response to the Mexican Consulate."

Ms. Wallace-Ostrowsky said the Mexican Government has been issuing identification cards for over one hundred years. The Matricula Consular's primary purpose is to prove the holder of the card is a Mexican National. The ability to prove identity is important and especially since the events of 9-11. She said the resolution states that the city would recognize only cards from the Portland, Oregon Mexican Consulate office. Cards issued from this office would be accepted because this office knows of the concerns about reliability and has assured staff they are very rigorous in following the procedures when issuing a card. The cards issued are a higher security card with photo identification. There are additional security systems built in as well. The decision by the City of Springfield to acknowledge the card as a form of identification is not in violation of a federal law. She said the ability to provide identification assists the holder of that

card to perform business and be identified. There could be a benefit for the card holder and the city.

Mayor Leiken said that he received a large number of e-mails on this issue. He said that the company he works for, Wells Fargo, accepts these cards as do other financial institutions. The financial institutions have come under a great deal of scrutiny with security issues since 9-11. Knowing these banks accept this card as a form of identification should give assurances to those concerned about security. These financial institutions would not be willing to put their credibility on the line in accepting something that could be fraudulent. He is comfortable with the city accepting this card as a form of identification.

Councilor Fitch said there is a growing Latino population and there is a need to include these citizens in our community. She would like to encourage these citizens to join one of the boards, committees, and commissions throughout the city. Interested citizens could contact the City Manager's Office or Councilor Fitch.

Councilor Ralston is opposed to this resolution. He has a number of problems with this card. He said he had discussions with his Mexican American friends who have told him that the city would be making a mistake in accepting this card. He said it is a backdoor attempt to legitimize illegal residency. This is not a racial issue, but from a security standpoint, only an illegal person would need this card. If someone really wants to live in this country and get a job they should secure a passport and a green card. The Matricula Consular cards are not secure documents and do not require birth certificates to obtain. In Mexico, only ten of their thirty-two states accept this card as identification. Mexico's marking of this card is a direct challenge to United States sovereignty. He said we should not leave the integrity of a secure document to a foreign government. This card is a way for illegal aliens to come into our community and use government services at taxpayers' expense. His experience is vast because he has a wide range of constituents. Business owners have explained to him how things are working. People are coming in by the hundreds of thousands per year claiming they will take jobs Americans won't take. Employers will hire immigrants under the table and other contractors cannot outbid them at these low prices. He appreciates that they want a better life for themselves, but he feels they should quit hiding and be recognized or attempt to be recognized as a citizen. There are also security issues where people with this card would be issued a driver's license and be allowed on airplanes where an illegal person shouldn't go. Department of Motor Vehicles (DMV) admits they are giving voter registration cards to those that are not legal citizens. He is more adamantly opposed to this than anything else.

Councilor Woodrow agrees with some of what Councilor Ralston said. He said the constitution says that policy with foreign nationals shall be developed solely by the federal government. The city does not have the right to supersede the state or federal government. He is grateful that banks and other institutions accept this card. It is also a great tool for the Police Department and whether or not the city approves it, the police and banks could continue to use it as identification. He said he would not support this resolution.

Councilor Lundberg said she has struggled with this issue. She does not feel they have enough information. Banks are willing to take this card because they want the money in their bank. It is a complicated issue with our growing Latino population. Part of her agrees it is not a good way to go, because it doesn't support how business is done here and in the United States. She feels council needs more outreach from the Latino community on how this card would be used. Education is needed from those who know it best so she is more comfortable supporting it.

Councilor Ballew is supportive of this resolution. It is identification issued by a foreign government and states a person's identity. It can be fraudulent, as can any identification documents that exist. If the DMV is giving a voter registration application to someone that identifies themselves as a citizen of a different country, then DMV should be reprimanded. To not recognize people in the community is to say they don't exist. The majority of the people would use it only for identification. She supports this as an acceptable identification document.

Councilor Fitch agrees this should be an acceptable form of identification. If council passes this resolution, they are directing the City Manager to determine which city departments and program and services could use this card as identification. Some departments, including our Library and Police, are currently trying to use this card as identification. In making this decision tonight, council is using their leadership ability to say this is a form of identification. Some restraint and control would be used on the card, but there are appropriate places where this card could be used. There has been great debate and discussion. Once the decision is made, she hopes the council can come back together to face other issues.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-11. THE MOTION PASSED WITH A VOTE OF 3 FOR AND 2 AGAINST (RALSTON, WOODROW)

Mr. Leahy suggested council ask Mr. Kelly for a report on where acceptance of this card would be implemented.

Mr. Kelly said it was his intention to look at all the departments where this identification may be applicable and bring back a report to council. The report would list how this card may or may not be applicable in each department. The city is not issuing the cards, but would bring back a list of which departments and areas this card could be allowed with council's consent. When he brings that report back, council could reconsider this item.

2. Council Initiation of an Amendment to the Metropolitan Area Public Facilities and Services Plan Table 8 and Map 4: Planned Electrical Facilities.

Planning Manager Greg Mott presented the staff report on this item. Springfield Utility Board (SUB) is proposing to construct a 115 kV transmission line from the Marcola Substation site, 28th and Olympic Streets, to the Laura Street Substation at Laura and Shelly Streets in Springfield. This line will provide an adequate alternate source of power to the Marcola, Gateway and Laura Street Substations. The project needs to be added to the Public Facilities and Services Plan in order for SUB to obtain city approval to construct the line consistent with Metro Plan Policy G.2, Chapter III, Section G: "Use the Planned Facilities Maps of the Public Facilities and Services Plan to guide the general location of water, wastewater, stormwater, and electrical projects in the metropolitan area. Use local facility master plans, refinement plans, and ordinances as the guide for detailed planning and project implementation."

Springfield Utility Board is proposing to construct a 115 kV transmission line from the Marcola Substation site, 28th and Olympic Streets, to the Laura Street Substation at Laura and Shelly Streets, both of which are situated in Springfield. The transmission line will follow the route of an existing 20.8 kV distribution line. The transmission line will consist of single pole structures with the transmission conductors on top of the pole and distribution conductors just above the middle of the pole.

This line will be used to provide an adequate alternate source of power to the Marcola, Gateway and Laura Street Substations. The existing backup capacity to the Laura Street substation is not capable of supplying the required power with an outage to the Laura – Tenth Street 115 kV line during winter conditions. The transmission line will provide additional reliability to the Gateway Substation, which serves the new Sacred Heart Hospital. This transmission line is part of the transmission system upgrade to provide adequate reliability during certain transmission outages to the substations listed above and to the other substations in the Springfield Utility Board transmission system.

Policy #G.2 referenced above requires that the project be included in the Public Facilities and Services Plan in order to be approved by the city. By definition, this is a site specific Type II amendment within the city limits of Springfield. A referral will be sent to the City of Eugene and Lane County because this is an amendment to a jointly adopted functional plan. The amendment is tentatively scheduled for the May 4, 2004 regular meeting of the Springfield Planning Commission. The item will be decided solely by the Springfield Planning Commission and City Council if the other two jurisdictions determine that they will not participate. This item will come back to council sometime in June 2004.

Mr. Mott referred to Mr. Linahan's testimony on the project they are proposing. He said this should be a city matter only and not be of concern to the City of Eugene or Lane County. City staff will, however, send over a referral tomorrow to confirm that.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPROVE INITIATION OF A METROPOLITAN AREA PUBLIC FACILITIES AND SERVICES PLAN AMENDMENT TO ADD PROJECT S-18 TO TABLE 8 AND MAP 4. THE VOTE PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

3. Approval of Martin Luther King Jr. Parkway Resolution.

RESOLUTION NO. 04-12 – A RESOLUTION ADOPTING THE ALIGNMENT, RIGHT OF WAY WIDTH, AND DESIGN ELEMENTS FOR THE MARTIN LUTHER KING JR. PARKWAY PROJECT.

Transportation Manager Nick Arnis presented the staff report on this item. The City Council and Lane County Board of Commissioners must approve conceptual design elements in order to move forward with the final design process for the Martin Luther King Jr. Parkway (MLK Jr. Parkway) project. The council conducted a public hearing and approved fifteen design elements for the Parkway project contained in the resolution in Attachment A. The resolution was edited by staff to reflect the council action on the fifteen design elements.

The following fifteen design elements were approved by council:

- 1) Alignment of the parkway
- 2) Bike and pedestrian paths
- 3) Parkway elevation in the floodplain
- 4) Typical cross sections and right-of-way
- 5) Intersection layouts
- 6) Intersection form for the Harlow/Hayden Bridge Way intersection
- 7) Seward Street connection
- 8) Hayden Bridge Way parking

- 9) Septic drainfields along southern narrow segment
- 10) Soundwalls in the southern segment
- 11) Criteria to establish soundwall height
- 12) Beltline soundwalls
- 13) Springfield Utility Board (SUB) transmission lines in the southern segment
- 14) Allow undergrounding southern segment transmission lines if agreement reached by SUB and Lane Transit District (LTD)
- 15) Bus Rapid Transit (BRT) in the southern segment

Of the fifteen design elements, the following were not unanimously approved:

- Design element #4: Typical cross sections and right-of-way. Vote was four for and one against (Fitch)
- Design element #6: Intersection form for the Harlow/Hayden Bridge Way intersection (two lane roundabout). Vote was three for and two opposed (Councilors Woodrow and Lundberg)
- Design element #14: Allow undergrounding southern segment transmission lines if agreement reached by SUB and Lane Transit District (LTD). Vote was four for and one against (Lundberg)

Mr. Arnis said the Lane County Board of Commissioners set a work session for Tuesday, April 13. City and county staff will both be there for this work session. On Wednesday, April 14 at 1:30pm there will be a public hearing on this resolution.

Councilor Woodrow asked what would be done on Hayden Bridge Road east of Pioneer Parkway with the additional traffic. He asked if the road would be widened.

Mr. Arnis said it would be widened within the existing right-of-way. He explained how the four lanes would eventually go into two lanes at about 1000 feet east of Pioneer Parkway.

Councilor Woodrow asked how that would impact the added traffic.

Mr. Arnis said it is designed to impact it positively, in that there would be a four lane section that allows traffic to merge into a two lane section. He explained that parking along the road would be removed and driveways would be modified. He discussed issues with people getting out of their driveways and of people getting in and out of Manor Drive. Staff predicts that with the roundabout the queues won't be as great allowing traffic to go through. Congestion will be less severe.

Councilor Woodrow asked if there were plans in the future to go beyond the 1000 feet to make it a four lane roadway.

Mr. Arnis said it is a county road and they do not have it on their upcoming project lists. There may eventually be a need, but it is not scheduled at this time.

Councilor Woodrow is voting to approve this resolution, but does not approve the roundabout.

Councilor Fitch said Mr. Arnis has done a great job answering the many questions that have been put to him by the council and the public.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO ADOPT RESOLUTION NO. 04-12. THE VOTE PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder