

City of Springfield  
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY, FEBRUARY 14, 2005.

The City of Springfield council met in a work session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, February 14, 2005 at 5:30 p.m., with Mayor Leiken presiding.

ATTENDANCE

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

1. Historic Commission Application Interviews.

City Planner Kitti Gale presented the staff report on this item. The Historic Commission has two openings on its seven-member commission. The recruitment for these openings began November 30, 2004, and closed December 27, 2004. The city accepted four applications, one of which was subsequently withdrawn. The three applicants are James A. McNett, Maren L. Tomblin, and Mellany K. Wittkop.

Section IX, 3.8 of the Springfield City Council Operating Policies and Procedures, states that the *"...Mayor and Council will hold formal interviews of applicants for positions on the Budget Committee, Historic Commission, and Planning Commission and a recommendation from these bodies is not necessary although they may have a representative present to participate in the interview process. . ."*

Springfield Code 1-10-1, Historic Commission Charge, requires that the 7-member commission shall be residents, electors, or property owners within Springfield, appointees of other Springfield public agencies such as Willamalane Park & Recreation and School District #19, or specialists with expertise in such fields as architecture, history, architectural history, planning or archaeology who live within the Metro-area General Plan boundaries. A majority of the commission meeting professional qualifications for State Certified Local Governments (CLG) for accreditation is desired for State funding.

Ms. Gale introduced Michelle Dennis, Historic Commission member, and John Tuttle, Historic Commission Chair, who were present in the audience to observe the interviews.

Councilor Lundberg said most of the candidates appear to be from Eugene.

Ms. Gale said in looking back at the interview process, there is a strong recommendation from the commission and the state that the applicant has professional background. Recent applicants with the professional background have been from Eugene rather than Springfield.

Councilor Ballew said it would be very important for the members to have hands-on experience as well as professional experience.

Ms. Gale said they did emphasize hands-on experience during one of their recruitment periods. She said from her perspective as staff liaison the people on the commission are wonderful to work with and they work well together.

Mayor Leiken said historic preservationists have no jurisdictional boundaries.

Ms. Dennis said that was correct. Often members enjoy learning about the historical backgrounds of different communities.

The Mayor and council chose which questions they would ask and interviewed the following candidates:

- James (Jim) A. McNett
- Maren L. Tomblin
- Mellany K. Wittkop

Mayor Leiken thanked each candidate for applying for this position.

The councilors agreed that any of them would make excellent commissioners. The Historic Commission always has excellent candidates.

Councilor Woodrow asked for input from the attending members of the Historic Commission.

Mr. Tuttle said any of the candidates would make strong commission members. He noted some of the reasons he thought Mr. McNett would be a strong candidate because of his interest in the downtown and Glenwood area, which would add another dimension to the commission. All of the applicants would be an excellent addition to the commission.

Council discussed the strengths of each candidate. Council consensus was to appoint Maren Tomblin and James (Jim) McNett to the Historic Commission during the February 22, 2005 Regular Meeting.

Councilors asked to keep Mellany Wittkop involved somehow and to let her know when new vacancies open up on the commission.

Ms. Gale said she would notify all candidates of the council's decision. The two new members would be appointed at the February 22, 2005 Regular Meeting.

## 2. Level of Service Policy – Gateway Intersections.

Transportation Planner Gary McKenney presented the staff report on this item. Congestion spillover from the Gateway/Beltline intersection is now starting to limit capacity at other nearby intersections. Staff proposes that level of service standards for the affected intersections be lowered until Gateway/Beltline improvements planned for 2010 are completed.

Mr. McKenney referred to a map on the wall showing the intersections that are affected. These intersections are not having immense problems yet, but will in the near future. Staff feels it doesn't make a lot of sense to perform Traffic Impact studies when there are improvements scheduled for the near future which will make the system function well for a long time. Until

those improvements are completed, however, there will be congestion that needs to be dealt with and that is why the resolution has been written.

Councilor Fitch said we have dealt with this before. She asked how they could avoid having this become a larger problem if new development comes along, causing them to come back to do this again.

Mr. McKenney said the city has anticipated the development of the vacant land in that area as permitted under the current zoning. If the city was going to rezone a large parcel of land allowing an intense use, that would require some additional work, similar to what PeaceHealth has been required to do with their plan amendment.

Councilor Lundberg referred to the Beltline intersection and the other two intersections to the north which are traveled by those coming and going between Springfield and Eugene. She asked if the development in that area is going as predicted and modeled. She noted the amount of housing going in near Crescent Drive in Eugene. These are things the City of Springfield has no control over.

Councilor Ballew said the Chad Drive connection is also planned for that area.

Mr. McKenney said there is traffic coming from the west side of I-5 coming from Crescent and will come from Chad Drive. People will drive to this area by one route or another. All routes are fairly equal. People would prefer to drive down Crescent or Chad rather than Coburg Road. However they travel, they would still arrive at the Gateway/Beltline intersection. He said he is not aware of any plan amendments to the Chad/Crescent area.

Councilor Fitch asked about the connection from Chad Drive.

Discussion was held regarding the connection of Chad Drive from Eugene and Springfield.

Mr. Arnis said it was scheduled to be constructed in 2006, although it could be delayed. He discussed the bridges on Game Farm Road which will be removed by the Oregon Department of Transportation (ODOT). He said he did not know the growth rates in the Chad Drive area, but they were factored in for the twenty-year look at the Gateway/Beltline intersection interchange. That area is expected to build out, most likely prior to the twenty-years. He discussed the expansion of North Game Farm Road being done by Lane County.

Councilor Ralston asked what lowering the level of service standard would do for the city and if it prevented something from happening.

Mr. McKenney said it doesn't affect anything other than development that would be proposed that would affect these intersections. The city's standards are what are applied when someone comes in to build a large development in the area that would feed new traffic into the area immediately. Without any more impact, the traffic will already exceed the city's standards. The city would be faced with evaluating someone's application in a land use approval where the standards are not currently being met, regardless of the impact of the new development. Without this change, land use applications would be difficult to process.

Councilor Pishioneri summarized that the city is stopping someone from doing work that wouldn't matter to the city anyway and saving staff time on doing that analysis.

Councilor Ballew asked when the improvements would be made so the higher level of service could be resumed.

Mr. Arnis explained the timeline. Construction should be started in two years.

Councilor Fitch said this makes a lot of sense. She asked staff to remind council of tonight's action if a request for a change of zoning that would drastically change the traffic impact is submitted between now and 2010.

Mr. Leahy said the first thing this change does is set the city in a position to continue some approvals we might otherwise have to deny. Springfield is not the only city that is implementing this type of strategy. Some areas in Eugene also have lower levels of service for these reasons. He noted that the level of service would not be constant all the time, but only during certain times of the day.

Councilor Woodrow asked if there were plans in the near future to change any of the other intersections, such as Kruse.

Mr. McKenney said those are not scheduled in the near term.

Mr. Arnis said some of those intersections are being evaluated now.

Councilor Ralston asked if the city was assuming a large development was going to occur. When Royal Caribbean is completed, it will change all the traffic in that area.

Mr. McKenney said the Royal Caribbean traffic study did trigger tonight's action. The city is not anticipating anything else specific, but if the future follows the past, there could be other significant changes before the roadways are improved that could affect the traffic.

Councilor Ralston said this all seems to relate to PeaceHealth. He asked how other property owners in that area would have to participate in this.

Mr. Arnis said council took action a number of years ago to allocate a certain percentage of the System Development Charges (SDC's) Transportation towards the Gateway area. That is from the entire city. There are no agreements with the other property owners in that area to participate with the intersection. The PeaceHealth annexation agreement calls for PeaceHealth to contribute \$7M for the Gateway/Beltline intersection.

Ms. Pappas said if future vacant property came in to be annexed, annexation agreements would be signed with those property owners to address transportation impacts. That is the process the city has used over the last three to four years. For property already within city limits and already modeled within the regional model, nothing different would be done.

Mr. Arnis said there are other ways to distribute trips throughout the system. The city has also discussed with property owners and businesses in the area a possible land management program where the work trips are staggered and bus service is utilized. As the area matures, the city will work with businesses on those types of options.

Councilor Lundberg asked about the Best Buy store that is coming in to the area where the Clarion Hotel was located. She said the original assumptions were based on the layout of the

hotel regarding the intersection. She asked if the new Best Buy store is being taken into consideration regarding the layout of the intersections. She discussed the entrance and exit issues with the Clarion Hotel and wondered if those issues were being addressed.

Mr. McKenney said the overall traffic impact of the Best Buy is comparable to the Clarion Hotel; however, there is vacant land adjacent to this property that could be developed. The access to the Best Buy is different than that of the Clarion. Staff will bring the proposal by the developer to make some access improvements for that area to council sometime in the future. Staff is considering this proposal when looking at the long term improvements.

Mr. Arnis said the Best Buy will be changing the access. Sycan has participated with the Gateway Owners for Positive Change (GOPC) so they are familiar with how that intersection should be designed.

Mr. Pappas said council will receive a request on March 7 from the developer of that center for a traffic signal.

Mayor Leiken asked about the MLK Parkway timeline.

Mr. Arnis said it should be completed by the fall of 2006. It will be a two phased approach and phase one will be started this summer. It is anticipated this road will move 30,000 – 35,000 cars per day.

Mayor Leiken said it would be logical for drivers coming from the McKenzie Gateway industrial area to use the MLK Parkway. He discussed Oregon Medical Lab (OML) relocating some of their labs in that area and Symantec possibly growing to their second phase. He asked if phase one of the I-5/Beltline interchange was scheduled to be completed by 2008 with the completion of the intersection being completed by 2009. That was correct. He asked if the level of service would drop back to where it is today once the MLK Parkway is completed.

Mr. McKenney said he is also anxious to know the answer to that question. The analysis that has been done to date shows that the Parkway will improve the conditions at Beltline and Gateway.

Mayor Leiken agreed that drivers would prefer a 45 miles per hour, four lane highway over Gateway Road with the traffic lights.

Councilor Lundberg asked if that was one of the assumptions.

Mr. Arnis said that was correct. There is a lot of development that will occur in that area and the prediction may or may be correct.

Councilor Ballew said the resolution for the change is a reasonable thing to ask for as it is temporary and will most likely improve in the future.

Mr. McKenney said he appreciates Councilor Ballew's view. He said it will be of great interest to see the result of the MLK Parkway construction. A lot can be learned by the outcome of that road. For now staff is doing the best they can with studies, etc.

Mayor Leiken added that he has heard some great comments about the improvements to Laura Street.

Mr. McKenney said he would bring the resolution back on February 22 under the Consent Calendar for council consideration.

3. Public Contracting Procedures.

City Attorney Joe Leahy, Finance Director Bob Duey and Technical Services Manager Len Goodwin presented the staff report on this item. The Oregon Legislature adopted HB 2341 (2003 Oregon Laws, Chapter 794) a new public contracting code which provides new requirements set forth in the Oregon Revised Statutes ORS 279A, 279B and 279C and implemented by the Attorney General of the State of Oregon through Oregon Administrative Rules, the "Model Rules." The new law requires the City of Springfield to designate a local Contract Review Board and Contracting Agency to adopt contracting rules.

The proposed City of Springfield Public Contracts Ordinance implements the Model Rules adopted by the Attorney General and also makes some permitted specific exceptions in order to meet the specific needs and requirements of the City of Springfield.

As the Memorandum included in the agenda packet indicates, staff requests council direction on specific text language regarding authority of the staff relating to the award and execution of certain value of contracts and whether to include certain requirements in the Ordinance.

Mr. Leahy discussed some key points in the ordinance that are different from the current public contracting ordinance. Some of the items added had previously been handled by Standard Operating Policies (SOP) through the Finance Department. He referred to section 2.704 in the draft ordinance included in the agenda packet. He noted that the amount the City Manager would be authorized to sign under the new ordinance was raised from \$15,000 to \$25,000. This amount is still relatively low compared to other communities. Council could choose to lower or raise that amount.

Mayor Leiken said that amount seemed too low. He asked for council's thoughts on this amount.

Discussion was held regarding whether or not the dollar amount should be raised and the expectation of the citizens that the council review certain contracts.

Council consensus was to change the amount to \$35,000.

Mr. Leahy said they would make that change. The ordinance would come to council on the consent calendar and they would choose to pull it at that time to make changes. He referred to sections 2.706(2)(a), 2.706(2)(b), 2.706(2)(c) and 2.706(3) in the draft ordinance included in the agenda packet. Staff could change the \$25,000 to \$35,000 to reflect the change in 2.704 as agreed upon by council. He discussed the allowable percentage of increase as stated in section 2.706 in the proposed ordinance. He explained how those increases might occur.

Councilor Woodrow said he was not comfortable with a \$5000 quote being raised one hundred percent, but would agree with fifty percent. He agreed with thirty-five percent on the contracts over \$5000.

Councilor Pishioneri said the disparity between the three quotes is not going to be much. If the amount starts to change there could be interpretation by those that lost out on the bid. He gave an

example. It could have the appearance of being inappropriate. He noted that the change in the contracting law does not mean we have to take the lowest bid, but the best bid. It would be necessary to articulate why the city took the best bid if it is not the lowest. He would be uncomfortable with the one hundred percent.

Councilor Ralston said fifty percent would be enough for contracts under \$5000. He discussed the percentage for contracts over \$35,000. He would prefer twenty-five percent on contracts over \$35,000.

Councilor Lundberg said a \$5000 contract is very small. She asked for examples of amendments that might be made that would raise the amount of the contract.

Mr. Leahy read the first sentence of Section 2.706(3) "Amendments to the contracts must fall within the scope of the original contract or solicitation or proposal." If the scope of the contract were to be changed, a new bid process would need to take place.

Mr. Goodwin said there have been some small contracts that have required some amendments. He gave an example and explained how going back to re-bid in that situation would have cost the city more staff time and money. On large scale contracts other issues could arise that would require amendments. Those amendments would normally be brought back to council for approval. He gave an example.

Mr. Leahy said that related to Section 2.706(4) which referred to amounts exceeding the limits in subsection (3).

Mayor Leiken asked where staff came up with thirty-five percent figures.

Mr. Leahy said in discussing this with Carole Knapel and Len Goodwin, who both have extensive experience with contracts, it was determined that twenty-five percent was too low.

Councilor Fitch said she would agree with the fifty percent for contract up to \$5000 and thirty percent for contracts of higher amounts.

Council consensus was to change that amount to thirty percent.

Mr. Leahy referred to section 2.708(3) in the draft ordinance. He discussed the Personal Service Contracts criteria.

Councilor Fitch referred to 2.708(3)(g) and asked if that was the new section which allowed for local contractors.

Mr. Leahy said local contractors could be considered. None of the criteria are determinative.

Councilor Fitch said she got a call from someone who works with the City's Public Works Department regarding consideration of local contractors.

Mr. Leahy referred to the Council Briefing Memorandum included in the agenda, As a Matter of Information, Item 2 which states "If the bidder is a non-resident bidder and the state in which the non-resident bidder resides gives a preference in bidding to bidders who reside in that state, then

we are required to add a percentage increase to the bid of the non-resident bidder equal to that percentage preference (OAR 137-046-0310)". He gave an example.

Mr. Leahy referred to the Council Briefing Memorandum included in the agenda, Council Direction, Item 4 – "Council direction is also needed on whether to include a provision limiting competition on public contract for goods or services or on other public contracts with an estimated cost of less than \$50,000 to carry out affirmative action policies (OAR 137-046-0200 and ORS 279A.100, see attached copies)". He described the program and said it was not required.

Councilor Ralston said it is more important to get a good bid and quality service rather than target a specific group.

Mr. Leahy said there could be a fall back position. If the city could identify some major contract that was upcoming and it became apparent that there might be some minority businesses in the larger community that might be interested, staff could come to the council stating that the city would be letting a contract and would like to set aside a portion of it for consideration. It could be handled on a case by case basis.

Mr. Leahy referred to the Council Briefing Memorandum included in the agenda, Council Direction, Item 5 – "Council direction is also needed on whether to include a provision requiring a contractor to subcontract with or obtain materials from an emerging small business (OAR 137-046-0210 and ORS 279A.105, see attached copies)".

Councilor Ralston said all businesses should compete on their merits.

Councilor Fitch said she would prefer giving preference to local contractors rather than either of the others as outlined in Items 4 and 5.

Discussion was held regarding the best bid and local contractors.

Council consensus was to leave out the affirmative action clause and to focus on good price and local contractors.

Mr. Goodwin described the benefit of a local contractor and their ability to have back-up and follow-up more readily available.

Mayor Leiken asked about Section 2.706(3)(e) which referred to the educational and professional record. He asked if someone would be disqualified if they had only professional experience and not a degree.

Mr. Goodwin said it actually means that if they have the professional record but perhaps do not have the right academic credentials, they could be considered.

Mr. Leahy referred to the Council Briefing Memorandum included in the agenda, As a Matter of Information, Item 1 – "When the Contracting Agency receives offers identical in price, fitness, availability and quality the Contracting Agency shall give a preference for Oregon goods and services (OAR 137-046-0300)" and Item 3 – "We are required to give preference to the procurement of goods manufactured from recycled materials (OAR 137-046-0320)". He said he may add some specific things that are exempted under state law to the list of exempt contracts,

Section 2.703 and will show those in italics on the final ordinance submitted February 22. He gave several examples. He said that a number of cities are putting exemptions in the Personal Services section including computer programmers, psychiatrists, communication consultant, etc. and he may add some of those as well. This will be brought back to council on February 22, 2005 on the Consent Calendar. If there is something council does not like at that time, they may pull it off for further changes.

Mr. Goodwin said this ordinance included a tremendous amount of work by the City Attorney's Office. The public contracting law was completely rewritten.

Mr. Leahy said like Ballot Measure 37, there will be additional recommendations in the future as changes are responded to by the legislature. That is not unusual when there is a comprehensive change.

Councilor Ballew asked who sponsored the comprehensive changes.

Mr. Goodwin said there was a broad range of industrial and business constituencies involved in this project. It was difficult to build that coalition so it was held until the 2003 session. Every business group in the state was looking at how to make this more efficient.

Mr. Leahy said it recognized a lot of realities and could very well be better in the long run.

Councilor Fitch said the downside of this is that the special districts and small communities around the state will be in difficult times without the money to pay for legal aide to draft a new ordinance. After March 3 they will no longer be their contracting board and will be in violation when reviewing the first contract after that date. The state was going to offer a class to give these smaller communities step-by-step instructions on how to draft this, but the class was cancelled.

Councilor Ralston asked if smaller communities could get a sample ordinance from larger communities.

Mr. Leahy said there are examples that the smaller communities can access. The League of Oregon Cities (LOC) and the Small Districts Association should have created a sample contract for all communities. There will be a lot of small entities that will not have this in place.

#### 4. Standards for Outdoor Café Seating in the Downtown.

Councilor Lundberg excused herself from this topic due to a conflict of interest. She left the room.

Technical Services Manager Len Goodwin presented the staff report on this item. Members of the council have expressed interest in facilitating outdoor café seating on public sidewalks in the downtown while protecting sidewalks for public use and protecting the city from unnecessary liability. In response to that request, staff has prepared a draft ordinance for the council to review.

Last summer, it came to the attention of staff and council members that some Downtown restaurants had placed settings of tables and chairs outside their establishments without obtaining the required permits. The violation was unintentional, but it brought attention to the existing procedures governing outdoor café seating. The general consensus was that tasteful outdoor

seating should be encouraged, but that the city had a responsibility to establish guidelines for such seating to assure that the safe use of the sidewalk by the public was guaranteed.

Staff was directed to contact Downtown restaurant operators and provide them interim guidelines for outdoor seating while a more comprehensive review of the city's policy was conducted. In early September a letter was prepared and distributed to Downtown restaurants which included standards for keeping doorways clear and maintaining unobstructed use of the sidewalk by the public.

Staff has since completed its review of the existing procedures and has incorporated a revised approach to outdoor café seating on public sidewalks in the area between A Street and South A, west of 10<sup>th</sup> Street. The highlights of the rules are outlined below:

- The ordinance requires the submission of an application and the payment of a fee (to be established by the council) for establishing outdoor seating.
- Applicants will provide a drawing showing where the seating will be located with respect to the building and sidewalk.
- Staff will review the drawing for compliance with standards for safe access to the restaurant and to maintain a minimum 60-inch unimpeded walkway.
- No certificate of insurance is required, but the application form includes a 'hold harmless' statement that limits the liability risk to the city for the seating.
- Permits that are issued are valid for one year and are renewable. The permit may be revoked with 24 hours notice if the conditions of the permit are not observed.

If the draft ordinance appears to serve the purposes appropriately, council may direct staff to present it for the first reading and public hearing.

Mr. Goodwin said that Planner Mark Metzger was out in the downtown community to see what business owners would like regarding outdoor seating. This ordinance could increase traffic on the sidewalks of Main Street in downtown. Staff feels it could be managed efficiently without having small businesses spend a large amount of money in research. The city is trying to make it a simple process. Staff tried to draft something that meets the broader economic development and business goals that the council has for the downtown area and protects the public.

Councilor Ralston said this is a great idea to enhance certain businesses. He asked if the ordinance needed to be specific as far as the number of tables allowed.

Mr. Goodwin said that is something the council can consider. There is a specified amount of room needed around the table and along the sidewalk. The draft ordinance does not regulate the number of tables. That would be left to the discretion of the owners.

Councilor Ralston asked about smoking or drinking alcohol outside.

Mr. Goodwin said service of alcohol outside is regulated by the Oregon Liquor Control Commission (OLCC).

Discussion was held regarding what was and wasn't allowed under OLCC regulations regarding service of alcoholic beverages outside. Special permits need to be obtained. Under the draft ordinance only food and non-alcoholic beverages would be allowed.

Councilor Woodrow asked about the width of the sidewalk.

Mr. Metzger said the sidewalks on Main Street are approximately twelve feet wide. Many of the restaurants that have asked for outdoor seating are not on Main Street, but along the side streets.

Councilor Fitch referred to Section 7.900(1) and suggested that any restaurant owner should look over this carefully and discuss this with their insurance carrier. Signing this agreement may waive all of their rights under their insurance policy, leaving them totally liable without any coverage. It may be beneficial for the city to require a certificate of insurance approved by the insurance.

Mr. Goodwin said this was developed with the help of Ron Cramer, who said there had never been a claim filed in the Eugene/Springfield for sidewalk cafes.

Mr. Leahy said they could add that a certificate of insurance acceptable to the Public Works Director would need to be filed.

Public Works Director Dan Brown confirmed that the certificate of insurance would not mean that the city is not insured, but covers the business.

Mr. Leahy said the insured's insurance company needs to know that they are going to be operating on the sidewalk and their insurance policy covers that operation.

Councilor Pishioneri said renewing this each year seems frequent. Perhaps this permit could be extended without a new application to save time and money.

Mayor Leiken noted other processes that are done annually.

Mr. Goodwin said the permit would be specific to the business owner, so any change in ownership would cause the permit to lapse. It could be extended to two years and if it seemed to be a problem they could go back to one year. The permit application is one sheet.

Mayor Leiken said that each business has to abide by property line and right-of-way issues which would limit the number of table and chairs they could set-up. There would also be fire inspection rules.

Councilor Fitch asked about the fee for the permit.

Mr. Goodwin said he was going to ask council for direction on the fee. Staff was considering \$10-\$25.

Council consensus was to cover costs, but keep the cost low.

Mr. Goodwin said they would calculate the costs.

Councilor Pishioneri asked how precise the scaled drawing needed to be.

Mr. Goodwin said it did not need to be a particular size, just close to scale.

Mr. Metzger showed an example of an application used for an interim basis that a business filled out including their drawing. It does not need to be computer generated.

ADJOURNMENT

The meeting was adjourned at 7:38 pm.

Minutes Recorder – Amy Sowa

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Sidney W. Leiken  
Mayor

Attest:

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Amy Sowa  
City Recorder