

City of Springfield  
Regular Meeting

MINUTES OF THE REGULAR MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY NOVEMBER 7, 2005

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, November 7, 2005, at 7:05 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Fitch, Ralston, Lundberg, and Woodrow. Councilor Pishioneri participated via cell phone. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, 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. Recognition of John Tamulonis for Twenty Years of Service to the City of Springfield.

Mike Kelly introduced John Tamulonis and gave a brief summary of his history with the city. He commended Mr. Tamulonis on his service in economic development. Mr. Kelly presented a plaque to Mr. Tamulonis.

Dan Egan, Executive Director from the Springfield Chamber of Commerce came forward to also acknowledge Mr. Tamulonis. Mr. Egan said Mr. Tamulonis had made a tremendous difference in Springfield, not only with existing businesses, but for businesses considering moving to Springfield. He noted that Mr. Tamulonis had supported the Chamber in many ways. Mr. Egan said they appreciated Mr. Tamulonis' willingness to get involved in the private sector to make sure it brought what it could to the citizens of Springfield. Mr. Egan presented Mr. Tamulonis with a clock with the following engraved on it: "John Tamulonis, in recognition of twenty years of service to Springfield and many more to the Chamber".

Mayor Leiken said Mr. Tamulonis was not only recognized in the City of Springfield, but throughout Lane County as the expert on economic development. Mr. Tamulonis received an award at the Lane Metro Partnership dinner last year for that recognition. Mayor Leiken said Springfield was grateful to have Mr. Tamulonis here as a leader in economic development.

2. Recognition of Jim Donovan for Ten Years of Service to the City of Springfield.

Mike Kelly introduced Jim Donovan and gave a brief summary of his history with the city. He noted that Mr. Donovan was the city's expert on hillside development. He discussed Mr. Donovan's love of the outdoors. He noted other humorous events in Mr. Donovan's life. Mr. Kelly presented a plaque to Mr. Donovan.

Mr. Donovan said it was a pleasure to serve the citizens of Springfield, the council and to work with the staff.

### CONSENT CALENDAR

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR WITH ITEM 4.E. REMOVED. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

#### 1. Claims

- a. Approval of the October 2005, Disbursements for Approval.
- b. Acceptance of the Financial Reports for 4<sup>th</sup> Quarter Ended June 30, 2005.
- c. Acceptance of the Financial Reports for the 1<sup>st</sup> Quarter Ended September 30, 2005.

#### 2. Minutes

- a. October 10, 2005 – Work Session
- b. October 11, 2005 – Joint Elected Officials Meeting
- c. October 17, 2005 – Work Session
- d. October 17, 2005 – Regular Meeting
- e. October 24, 2005 – Work Session

#### 3. Resolutions

- a. RESOLUTION NO. 05-51 – A RESOLUTION TO ACCEPT PROJECT P20411 FROM ASPHALT MAINTENANCE ASSOCIATES, INC. IN THE AMOUNT OF \$363,917.12.

#### 4. Ordinances

- a. ORDINANCE NO. 6142 – AN ORDINANCE VACATING A TEN-FOOT WIDE WALKWAY IN THE CITY OF SPRINGFIELD, LANE COUNTY OREGON.
- b. ORDINANCE NO. 6143 – AN ORDINANCE AMENDING THE METRO PLAN DIAGRAM BY REDESIGNATING 3.6 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF SOUTH 32<sup>ND</sup> STREET AND BOOTH-KELLY ROAD FROM LIGHT MEDIUM INDUSTRIAL TO LOW DENSITY RESIDENTIAL.
- c. ORDINANCE NO. 6144 – AN ORDINANCE AMENDING THE METROPOLITAN AREA GENERAL PLAN DIAGRAM BY REDESIGNATING PORTIONS OF THE MOHAWK DISTRICT FROM MAJOR RETAIL CENTER, MEDIUM DENSITY RESIDENTIAL AND LOW DENSITY RESIDENTIAL TO NODAL DEVELOPMENT AREA, HIGH DENSITY RESIDENTIAL AND LOW DENSITY RESIDENTIAL AND ADOPTING A SEVERABILITY CLAUSE
- d. ORDINANCE NO. 6145 – AN ORDINANCE REZONING PROPERTY IN THE MOHAWK DISTRICT FROM MAJOR RETAIL COMMERCIAL, COMMUNITY COMMERCIAL, LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL TO MIXED USE COMMERCIAL, MIXED USE RESIDENTIAL AND LOW DENSITY RESIDENTIAL.

5. Other Routine Matters

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. e. ORDINANCE NO. 5 – AN ORDINANCE AMENDING ARTICLE 40 OF THE SPRINGFIELD DEVELOPMENT CODE TO REMOVE POTENTIAL BARRIERS TO IMPLEMENTATION; AND ADOPTING A SEVERABILITY CLAUSE.

City Planner Mark Metzger said there was a last minute request to pull this item due to some confusion over language not added to the ordinance. Staff wanted to try to resolve the issue before bringing it back to council.

No action was taken on this item.

PUBLIC HEARINGS

1. Annexation of Territory to the City of Springfield (Williams Journal Number LRP2005-00030).

RESOLUTION NO. 05-52 – A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVES THE ANNEXATION BY EXPEDITED PROCESS.

City Planner Sarah Summers presented the staff report on this item. The applicant and owner have requested annexation of 0.91 acre of property located at 7297 Holly Street. The site currently contains one residence. The purpose of the annexation is to incorporate the house and driveway into property which was previously annexed.

The City Council is authorized by ORS 199.490(2)(a)(B) to initiate annexation upon receiving consent in writing from a majority of the electors registered in the territory to be annexed and the owners of more than half of the land to be annexed. Consent from all the property owners has been given, and the applicant has provided evidence that there is one registered voter on the site.

The area to be annexed contains a house that is served by city utilities that was supposed to have been located on Tax Lot (TL) 5202. Instead, the house and driveway were built on TL 5201. The intent of this annexation, along with a concurrent Property Line Adjustment, is to incorporate the house into TL 5202. The property to be annexed is located within the UGB, and it is adjacent to the Springfield City Limits. The site already has some city services, including sanitary sewer and SUB water and electricity. The site can be served with the minimum range of urban services including but not limited to police, fire protection, library, parks and recreation, and schools. The City Council Resolution will be forwarded to the Lane County Local Government Boundary Commission. The owners are requesting Expedited Annexation through the Boundary Commission.

Councilor Ballew asked if this property had been brought before council in the past for annexation. She asked how the home was built in the wrong place.

Ms. Summers said the larger lot, TL5201, had come to the council in the past, but was not approved. Tonight's proposal was for a small portion of that lot to be joined with TL5202. The property that was supposed to have the home on it had been annexed for a number of years.

Councilor Ballew asked if this annexation was to put the home inside the city. She asked if the larger lot was still outside the city.

Ms. Summers answered yes to both of those questions.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 05-52. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

2. Consideration of Exemption from the City of Springfield Contract Review Board Rules to Allow us of the Construction Manager/General Contractor (CM/GC) Project Delivery System for Construction of the Springfield Justice Center.

RESOLUTION NO. 05-53 – A RESOLUTION EXEMPTING THE SPRINGFIELD JUSTICE CENTER PROJECT FROM COMPETITIVE BIDDING, AND AUTHORIZING THE USE OF CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) PROJECT DELIVERY SYSTEM FOR THE DESIGN AND CONSTRUCTION OF THE SPRINGFIELD JUSTICE CENTER IN SPRINGFIELD, TO BE IMPLEMENTED ACCORDING TO THE RULES DESCRIBED IN THE CONTRACT DOCUMENTS.

Project Manager Carole Knapel presented the staff report on this item. Oregon Revised Statutes (ORS) allow for alternative methods of contracting when the project presents unique construction requirements and when there are budget limitations, time constraints and a complex project scope. The Justice Center project may benefit from use of the CM/GC strategy because it meets these four characteristics. In order to utilize the CM/GC strategy, council must conduct a public hearing, consider testimony, and adopt a resolution exempting the project from competitive bidding.

Staff initially presented the CM/GC strategy to council at a work session on April 18, and again on October 17, 2005. In order to use the CM/GC strategy, the project must meet certain requirements, including: 1) using the CM/GC method will likely result in substantial cost savings and that 2) it is unlikely that the exemption will encourage favoritism or substantially diminish competition. The attached findings and conclusions of law detail how the project meets these requirements.

Because of statutory requirements, the timing of council meetings, and in order to give potential proposers an opportunity to understand the project, a Request for Proposals for the CM/GC services has been advertised. The RFP was written in conformance with the applicable state statutes which address requirements for CM/GC contracting. Proposals are due on November 14,

pending council approval of the CM/GC request. The Selection Committee will include a City Councilor (as a non-voting member), Cynthia Pappas, Len Goodwin, Jerry Smith, Rich Harrison, Dave Puent, Carole Knapel and Susanna Julber. A representative of Robertson/Sherwood will also participate in a non-voting role. If the council approves the CM/GC request, the Selection Committee will recommend the top-ranked firm to the council. If the council does not approve the CM/GC request, staff will cancel the solicitation.

Ms. Knapel noted that the CM/GC process was chosen for this project for several specific reasons. She said the Justice Center was a very specialized type of construction project which required an understanding of the security issues being designed into the project. She said staff felt it was important that the builder have justice center type experience. She said staff did not believe this process would limit competition. She said all work under the CM/GC project that was over \$100,000 would require bids with open books. She said the city would negotiate a guaranteed maximum price at the end of the design/development phase of the project by approximately May 2006. From that point on, it would be known what was included in the project and what the budget would be, including actual construction costs. She discussed the benefit of the CM/GC and the architect working together. During the design a variety of schemes would be presented by the architect and the CM/GC would help evaluate the cost range for each of the schemes. She said the city wanted to look at the cost benefit of doing phased construction versus doing the construction of the facility as one building. The contractor would be able to assist with that. For those reasons, staff felt this would be an appropriate process for construction of the Justice Center.

Mayor Leiken opened the public hearing.

1. Shawn Hyland, 2535 Grand Vista Drive, Springfield, OR. Mr. Hyland said he was the general contractor for John Hyland Construction. He spoke against the CM/GC process. He said it left out local general contractors because it had such a high emphasis on the criminal justice facility experience. He said Hyland Construction had built a lot of buildings with a lot of different technicalities, including hospitals, schools, and libraries. He said he would prefer to see it as a competitive bid process to save the city money. He said the CM/GC project allows a general contractor to staff a project with heavier staffing. He gave an example of a project bid for a UofO project. He said Hyland Construction had a bid of \$2M less than the other contractors and that was a cost saving for the university. He said that the CM/GC proposal was geared toward a national firm which could come in and take subcontractors from local contractors. He said it would limit local contractors. He said some things written in the proposal would make the fee go up. He discussed that the CM/GC would be responsible for architect errors and code compliance issues and how that could affect the project. He said the fee for the CM/GC would be about two and a half percent higher.
2. John Hyland, 89906 White Road, Springfield, OR. Mr. Hyland said he was the owner of John Hyland Construction and Hyland Business Park LLC. Mr. Hyland said he also opposed this proposal. He said he had worked in the Springfield area for over forty years. He said his company built the Coos County jail in 1987, but he did not qualify for this job as written. He discussed the number of jobs his company had completed in Eugene and Springfield and noted that his company did not qualify for this project. He said the way the specifications were written, local contractors were being eliminated from this project. He discussed the difference in how national companies staff a project compared to how local companies staff a project. He said the UofO project was finishing ahead of schedule and below budget. He said in reviewing CM/GC proposals, they found that they usually went at 5.5 to 6 percent,

compared to local contractors at 2.5 percent. He said this could translate into a \$1M fee over and above what could be done if a few extra months were taken for the architects to prepare a good design. He said if the architect did their job, there were three or four local contractors that were more than capable of building this facility. He urged council to consider this carefully. He said he was a taxpayer and wanted the tax money to be used efficiently.

Mayor Leiken closed the public hearing.

Councilor Ballew asked about the profit margin issue raised by the Hylands.

Mr. Kelly said there was a difference in process between what staff had proposed and the speakers discussed. He said the one thing gained with the CM/GC arrangement was certainty. He said there was a certain amount of funding that was approved by the voters for this project. Under the recommended process, the selected CM/GC would work with the architect through the design phase on material selection, site location and a number of other things and would agree on a guaranteed cost. If the standard process was used, the architect would do their best to stay within the range of expected bids, but the low bid could go higher. If that was the case, the design and process would need to start over. He said there could be a fee difference in the two processes, but the trade-off was certainty that the project could be completed within the budget approved by the citizens.

Ms. Knapel added that no one had been disqualified from the process at this point. She said they had asked that people show they had experience building a justice center. She discussed three other justice related facilities in the region that had used the CM/GC process with agencies that had previous justice center experience. There was recognition that there was a specialty requirement for this type of building. She said certainty was a big concern to staff. She said the city would want to maximize the use of the funds in the budget efficiently. She said that could be difficult with the amount of construction activity going on in the region that could influence the low bid process. She discussed factors that could change the profit margin on a project. She said if agreement could not be reached with a CM firm, the city could go back to the low bid process.

Mr. Kelly said as discussed during the work session, there would be a selection process where people could compete for the CM/GC. A recommendation would be made to the council from the selection committee. He said council could make a decision on the criteria the selection committee used and how each criterion could be weighted. It was council's decision which process was used.

Councilor Lundberg said her biggest concern was that local contractors might be excluded. She said she was concerned about the criteria. She said she would vote against this unless she could feel no one was excluded. The criteria needed to allow everyone a fair chance. She would like to see a finance person on the committee. She asked if council would have another opportunity to weigh in on this issue.

Mr. Kelly said tonight staff would like to get direction from council on which process to use. If the majority of council would like to proceed with the CM/GC, they could give staff direction to change how the criterion was weighted. The selection committee would make the recommendation, but council would make the decision. He noted that twenty points out of one hundred had been applied for experience in building justice center type facilities. Council could reduce the number of points for that or any other criterion.

Councilor Lundberg said she would like the criteria to change with less weight on experience or the alternative of having the contractor bring someone on board with experience.

Ms. Knapel said the contractor could note in their proposal that they would bring someone on board that had justice center experience.

Councilor Lundberg suggested lowering the justice center experience to ten points, rather than twenty points and offer more flexibility.

Councilor Woodrow asked why the Hyland's thought they had been excluded from the process.

Mr. Hyland said they had received an email stating that the weight would be heavy on justice center experience within the past ten years, and their experience building a justice center type facility was over ten years ago.

Councilor Ralston agreed that the amount should be reduced to ten points.

Mayor Leiken asked how the criterion was developed.

Ms. Knapel said they used criteria that had been used in other similar projects in the area. They had looked at proposals and other criminal justice facilities. This would be standard with what others were doing. She said the criteria were currently weighted as follows: overall construction experience – 10 points; qualifications of proposed personnel on CM/GC work – 25 points; justice facility experience – 20 points; proposed approach – 20 points; local knowledge – 10 points; and fee – 15 points.

Councilor Fitch said she thought CM/GC was the correct method, but agreed the weight for the criterion could alter on the experience side. She said there were key issues regarding security and if someone had no experience in such a facility, it would be a concern. She suggested lowering the experience to 15 points and raising the overall experience to 15 points. She said that would give local contractors that had done a great job on other projects to show that they had been able to bring in large projects at a reduced amount. She suggested adding one more city councilor to the selection committee. She said in doing the RFP, experience and knowledge must be shown. She discussed the issue of not yet knowing if the jail would be built and the possibility of change orders that could cost additional money.

Councilor Woodrow asked Ms. Knapel what the process was from here.

Ms. Knapel said if council approved of this process, staff would receive the RFP's next week, the selection committee would screen them to determine who they would interview, interviews would occur the week of November 21 and the selection committee would bring a recommendation to council on November 28.

Councilor Woodrow asked if the whole council would see all the applicants.

Ms. Knapel said if council directed staff, all applicants could be interviewed. Generally, they would interview the top four or five.

Mr. Leahy said the RFP schedule could be changed if council chose. Staff could send out an amendment to the RFP that those considering proposals could make their changes before the deadline.

Councilor Woodrow said he felt the CM/GC was the way to go, but he wanted local contractors to have an equal chance as anyone else.

Ms. Knapel pointed out that local knowledge was part of the criteria.

Councilor Ralston asked if the final cost was one of the determining factors.

Ms. Knapel said the fee proposal was weighted with 15 points.

Councilor Ralston said the local knowledge could be increased if experience was decreased. The bottom line was to be fiscally responsible and it seemed an out of area contractor could boost the cost.

Councilor Pishioneri said he concurred that the CM/GC was the best for this project. He also concurred that using local talent was important. He said the points could be reconsidered. He said he would support using local people when possible, but the city needed to get the best building for the best dollar spent.

Mr. Kelly said at this time, one councilor sat on the selection committee as an ex-officio member. He said if council would like, another councilor could be added to the selection committee. Council could give staff direction on the criteria or could ask the council liaison to work with staff for criteria.

Councilor Lundberg said she thought council could figure out the criteria during this meeting. She said she was okay with 15 points for past experience, but she questioned that the experience had to be within the last ten years.

Ms. Knapel said it did ask for justice center experience over the past ten years, but they were not prohibited from disclosing experience prior to that.

Councilor Lundberg said the principles in this type of facility had not changed much over the years. She said it was still unknown whether or not the jail would be built, if operational funding was not found. The jail would be the most specialized piece to this facility. She said as long as there was no prohibition on timing, she would suggest bumping up the local knowledge from 10 to 15 and drop experience from 20 to 15.

Ms. Knapel said once council agreed on the new criteria figures, an addendum would go out to all interested parties.

Councilor Fitch said if an addendum was added, it would be best to give the applicants an additional week and she suggested this come back for a Special Regular Meeting on December 5.

Discussion was held regarding the timeline if an addendum was added.

Councilor Ballew said she thought the CM/GC was the way to go. She said the council's primary responsibility was not to local businesses, but to every citizen in Springfield. She said it was the council's responsibility to get the best product at the best price. She said she would support increasing the points for price, rather than local knowledge, from 15 to 20 points.

Councilor Fitch said local experience did not necessarily mean the most cost effective product for the citizens. If the points were weighted more towards the cost, which was the fee charged by the contractor, it would create a more efficient proposal.

Councilor Lundberg said local experience did not necessarily mean a local firm. She would agree with adding points to the low price.

Mayor Leiken said Springfield had a can-do way. He said it would have been beneficial if the city had talked with contractors and asked for their advice. That had been the Springfield way and something to be proud of. He said ultimately council was accountable to the citizens of the community. He said he appreciated the hard work done by staff.

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 05-53 WITH THE JUSTICE CENTER EXPERIENCE WEIGHTED AT 15 RATHER THAN 20 AND THE FEE WEIGHTED AT 20 RATHER THAN 15 AND TO HAVE THE COUNCIL AWARD OF THE CONTRACT ON DECEMBER 5 IF NEEDED. THE VOTE PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

3. Springfield Natural Resources Study.

ORDINANCE NO. 6 – AN ORDINANCE ADOPTING THE SPRINGFIELD NATURAL RESOURCES STUDY AND AMENDING THE SPRINGFIELD DEVELOPMENT CODE TO INCLUDE PROTECTION MEASURES FOR WETLANDS AND RIPARIAN AREAS (FIRST READING ONLY).

City Planner Mark Metzger presented the staff report on this item. The Springfield Natural Resources Study (Study) provides the analysis required by state rules for Goal 5 wetland and riparian planning. The Study also recommends a package of protection measures that will be embodied in Article 31—Site Plan Review and other sections of the Springfield Development Code if this ordinance (Attachment 2) is approved. At issue is whether the recommended approach and the protection measures in the ordinance are appropriate.

The Study proposes a package of protection measures whose objective is to bring the city into conformance with Statewide Planning Goal 5. Three issues are likely to capture most of the testimony: 1) the adequacy of the measures for protecting resource sites; 2) the impact of the measures on property owners, and 3) the impact on the buildable land supply.

The Study recommends adopting an approach which “limits” the impact of conflicting land uses on resource sites. This approach allows flexibility for some development while preserving the essential functions and values of Springfield's significant wetlands and riparian areas. The recommended protection measures are based on the standards found in the Oregon Wetland Planning Guidebook published by the Oregon Department of State Lands.

The proposed development setback of 25-feet is minimal but meaningful. The ordinance applies to future development and requires no remediation by owners of existing development. A variety of uses are allowed within the proposed setback to help reduce the impact to the owner. A hardship variance is provided that allows staff to work with property owners whose land might be rendered unbuildable by the protections.

The Planning Commission received testimony concerning the proposed protection measures at a hearing on October 18. Staff worked with citizens and partner agencies to make changes that are reflected by comments received in advance of the hearing. Testimony that was received and a staff response are included in Attachment 4. At the conclusion of the hearing, the commission voted unanimously to recommend approval of the Study and the protection measures that are embodied in the proposed ordinance.

Mr. Metzger said he would like ask council to direct staff to make additional findings for their record in response to testimony that might be received during tonight's meeting. He discussed the findings included in the agenda packet.

Mayor Leiken opened the public hearing.

1. Chris Zilka, 1648 Barton Drive, Eugene, OR Mr. Zilka said he was not from Springfield, but was born in Oregon and was a veteran concerned about the environment in this area. He said the Willamette Valley was a hot spot for development and he did not want to see the same mistakes made here as in other places regarding riparian areas. He said the State of Oregon lacked a systematic program to assess status of riparian areas that included a continuing monitoring component. He said riparian areas were some of the most dynamic and economically rich portions of the landscape. Riparian areas did not exist in thick state for long periods of time, but were in a state of change. He noted the many ecological functions to aquatic systems, habitat diversity, organic matter input, wood input, regulation of channel morphology, stream flow, and temperature mediation. He said riparian areas provided cover for fish resting or hiding from predators, food for aquatic in vertebrates, refuge from floods, habitat for invertebrates and fish. Riparian management zones varied by stream size and flood plain width, but also according to riparian ecosystems function under consideration and according to attributes of a particular system. He said in addition to the length of riparian management zones, it was just as relevant that the width of terms of protection of riparian ecosystems function. He said woody vegetation was in decline in Western Oregon. He said riparian management zones were common site specific strategies that could be managed to provide ecosystem functions. He gave examples. He discussed the human benefits of protecting streams, wetlands and riparian areas. If nature loses, we lose.
2. Roxie Cuellar, Homebuilder's Association (HBA), 2053 Laura Street, Springfield, OR. Ms. Cuellar said the HBA had been supportive of the riparian setbacks. She said they were a valued resource and a great amenity for residential developments. She said Goal 5 made a formal recognition of what the HBA typically had to do regarding setbacks. She said she had concerns about the ordinances. She said one of the issues was the section regarding replacement of a building. The Study noted that someone could replace the building with the same footprint, as long as the surrounding areas were not disturbed, if the footprint was in the conservation zone. She said that was a problem because if the construction phase could not disturb any of the area outside the house, the house could not be rebuilt within the original footprint. She noted the second issue regarding taking out invasive species only if native vegetation was restored. She would suggest modifying that section. She said it wasn't right

to punish people for taking out blackberry bushes. She said if a property owner removed blackberry bushes and did not replace with native vegetation, they would be in violation of the code. She said that had happened to builders in Eugene. She said erosion could be a problem, but there were other ways to address that issue. She said the biggest issue HBA had with Goal 5 was the land supply. She said she knew Springfield was only impacting land supply by fourteen acres of residential land. The problem was that Goal 5 was a metropolitan periodic review and that included 440 acres.

3. Al King, 2387 North 32<sup>nd</sup> Street, Springfield, OR. Mr. King said he had a waterway on his property and explained where it was located. He said he had served on the legislature and served on the Salmon Committee and the Water Environment Committee and said he felt the city was dealing with this issue in the right way. He gave an example of a time when an exception might need to be made when it was very close. He said Springfield was the riparian richest city in Oregon, outside of Portland. He said this was a chance to do something right. He discussed the Portland area and how that was not protected as it should have been. He noted the biologicals that were affected, as well as the aesthetic quality. He said the property owner before him had made some mistakes with the waterway and this study gave a tool for education to owners to do a good job with riparian areas. He discussed blackberries along the Willamette River as erosion prevention. As a member of the Springfield School Board, he noted that Springfield had one of the best water riparian education programs in the country. He said it would be great if the school district could work with the city to incorporate some of the smaller waterways into the education process for water quality monitoring.
4. Mary Schaufler, 532 Mansfield Street, Springfield, OR. Ms. Schaufler noted her concerns with the Goal 5, number E. That section stated: “public multi-use paths, access ways trails, picnic areas are interpretive and education displays and overlooks, including benches and outdoor furniture” which are underneath the Goal 5 activities that would be allowed within the wetland and riparian development setback areas. She said if a nature trail was allowed in the 25 foot setback of her property, it would be on her deck. She noted issues with the Willamalane Park District when they wanted to put in a bike trail along the McKenzie River. That bike trail would have been on her deck. She said she didn’t see anything in the terminology that the property owner had protection regarding multi-use paths. She said she was in favor of setbacks, but said there were already two protections along the McKenzie River and she didn’t see why the City of Springfield needed an additional 25 foot setback. She said she was paranoid about the multi-use path from past experience. She said she had attended two other meetings regarding this subject and didn’t feel she had gotten a direct answer to her concern. She said she would like reassurance that a multi-use path would not go through her deck within the near future.
5. Jada Prane, 36292 Graves Lane, Springfield, OR. Ms. Prane said she owned property at 6079 Main, 1520, 1542 and 1544 North 66<sup>th</sup> Street. She said she was here to talk about the property on 6079 Main Street. She said her property ran from Main Street to the top of Potato Hill, six hundred and sixty feet deep. She said she had concerns and was opposed to the measure. She said she was in favor of protecting wetlands in general, she did not feel the strip along Potato Hill was viable wetlands. It was only a winter creek and she had concerns about what would happen when Mountaingate was developed and how that would affect the run-off. She said in addition if these wetlands were protected at this location it would landlock half of her property. She said she would be the one to bear the cost of the property taxes so the city could protect the wetlands and the area south of wetlands. She said she was also concerned about the timing of the protection measures. She recently sold a strip across the property heading east and west for the sewer. She said she had tried to find out if the

future Aster Street would be located on top of that area or somewhere to the right or left of it. She said the location of Aster Street would increase or decrease the amount of distance between the new street and the beginning of the wetland setback. She said that could result in a non-viable piece of property as far as development. She discussed the concerns of losing the value of the property. She said the minimum size mattered when identifying wetlands and the size of the wetland at the bottom of Potato Hill was very narrow. She discussed her neighbor to the east who had converted their wetland to lawn.

Mayor Leiken closed the public hearing.

Mr. Metzger addressed some of the issues raised by the speakers.

Mr. Metzger referred to Ms. Cuellar's comments about the replacement of a building. He said her comments were well taken. The intent was not to prevent someone from rebuilding their house on their footprint and it was assumed there would be some construction traversing around the building to rebuild the house. He said if wording needed to be added for clarity, staff could do that. In regard to the invasive species issue, he said it was not required that people remove blackberries. Where vegetation was removed, however, something else needed to be put back to avoid erosion issues. He said if replacement vegetation was put in, it would need to be in sufficient density to prevent erosion.

Mr. Metzger referred to Ms. Schaufler's comments. He said properties on the McKenzie and Willamette Rivers were already protected under a stormwater policy with a seventy-five foot setback. The plan discussed tonight would not affect her property. She was concerned that something in this plan would allow a multi-use path on her property. He said what was in the plan would allow for a board walk to a wetland for an interpretive purpose, but there would have to be a public action to condemn property in order to take such a walkway across private property. He said there was nothing in the plan that allowed that type of condemnation. That would be a separate public action. The plan simply states that a multi-use path or boardwalk would be a permissible use inside the setback or access way and in some cases would be allowed into a wetland. He said Willamalane had talked to the city about creating an interpretive center with a boardwalk going out to a wetland and this plan would allow that. There was a separation of what was allowed and the condemnation of property that would have to occur in order for a bike or multi-use path to be built.

Mr. Metzger said Ms. Prane would be impacted by the wetland at the base of Potato Hill. He said there were a number of properties that were narrow and deep in that area. He said the wetland at the base of Potato Hill was an ash forest and was wet most of year, but dried out in the summer. Mr. Metzger said state criteria were used to determine whether or not an area was considered significant or non-significant wetlands. The areas at the base of Potato Hill met the state criteria and were reviewed by a professional consulting firm. He said there was a hardship process. If Ms. Prane's property was rendered unbuildable, there was a variance process to try to get as much value in her land and still protect the resource. He said the plan would impact some people. He said the purpose of the plan was to preserve as much value as possible, but there would be setbacks that would affect property owners. He said he couldn't address the timing issue regarding the sewer and construction of Aster Street. He said he would need to confer with Public Works staff on that.

Councilor Lundberg said there was no way she interpreted the Natural Resources Study to mean the city would be putting a bike path behind those houses along Mansfield. She said she worked for Willamalane when the issue first came about, but it was no longer on any plans for the future. She agreed there was no place for a bike path on those properties.

Ms. Schaufler asked why it was still in the terminology.

Mr. Leahy said the terminology was generic and included property across the city. For a path to go in Willamalane would have to go through a siting process, an eminent domain process and there would be opportunity for public input.

Ms. Schaufler spoke again of concerns.

Mr. Metzger said this plan would not directly apply to McKenzie River property because it was already protected under the stormwater plan. None of the provisions in this plan would directly apply to McKenzie properties.

Councilor Lundberg said the new Willamalane Comprehensive Plan did not include a bike path proposed in that area. She suggested Ms. Schaufler get a copy of the new Comp Plan from Willamalane.

Ms. Kieran said the Willamalane Comprehensive Plan was also part of the Metro Plan for the region.

Mayor Leiken asked Mr. Metzger to speak with Ms. Schaufler further regarding her concerns.

Mr. Metzger referred to Mr. King's testimony.

Councilor Woodrow asked about additional findings.

Mr. Metzger said in response to tonight's testimony, staff would add material that could substantiate the record if necessary.

Ms. Kieran and Mr. Leahy said changes could be made to the ordinance that would not affect it enough to delay bringing it back for a second reading and adoption.

Councilor Pishioneri said he would like to see more wording on invasive species so it was very clear to homeowners that the city encouraged removal of invasive species and replacement of native plants. He was concerned about properties that had already done landscaping into the riparian zone. He asked what would prevent others from landscaping into the riparian zone.

Mr. Metzger said the protection measures allowed property owners to continue to manage their existing landscaping. He said they tried to preserve the vegetation at undeveloped sites.

Councilor Pishioneri discussed Ms. Prane's property and the prospect of devaluation of her property and her neighbor who has lawn into the riparian area.

Mr. Metzger said there were houses that violated aspects of the ordinance because they had done something prior to this plan being put into affect. He said it was a given that predevelopment had

occurred before these standards were proposed. The plan did not require property owners to go in and remove their lawns.

Councilor Pishioneri said that was not wrong, but was something that needed to be listened to.

Mr. Metzger said he was not sure of a way to change that. The plan was to preserve riparian and wetland areas and be reasonable.

Councilor Woodrow asked if he would be addressing the hardship issue with Ms. Prane.

Mr. Metzger said he could not address her specific issue, but the state had a variance through their Oregon Administrative Rules (OAR) that would allow a process.

**NO ACTION REQUESTED. FIRST READING ONLY.**

BUSINESS FROM THE AUDIENCE

1. Brian Antone, 6790 Jacob Lane, Levi Landing, Springfield, OR Mr. Antone said the City Council could be faced with taking legal action against him and his neighbors based on a no-build and no-fill line. He said when he and his neighbors purchased their property, they were misled on what could and couldn't be done on their property. Many had made improvements to their properties and were now faced with potential legal action as they may or may not be in violation. He asked that the city and council examine the terms of the easement and what they were allowed to do. He wanted to enjoy his backyard; however, under unreasonable terms of the agreement, he was unable to do that. He asked that the city not take action, but to give them the go ahead to work with other involved property owners to reach a more reasonable resolution.
2. David Calderwood, 28104 Spencer Creek Road, Eugene, OR Mr. Calderwood discussed the rabies reporting ordinance from Lane County. He provided information which the City Recorder distributed to the Mayor and council with information regarding this issue. He said he had provided information in the past as well. He said Oregon had not had a confirmed case of rabies in a dog in thirty years, with the exception of one that came from Mexico. He said council had been told that the incident rate of rabies in bats had been rising in the past few years. He referred to data provided to council by him that refuted that information. He referred to the correspondence in the council agenda packet from a member of the Lane County Animal Task Force stating that rabies reporting was the norm across the county. He said he also provided information that showed that was not true. He discussed a letter from a law firm in Eugene that was included in the material distributed tonight that dealt with the privacy issue. He said when this item came before council, there would be a number of veterinarians who would be present to speak in opposition. He said in the interim, he had provided council with a number of letters from other veterinarians that bring up interesting points, such as a concern that pet owners would stop inoculating their pets for rabies if the ordinance passed. He noted the information received by the county and where they got their information. He discussed information regarding New Hampshire.
3. Rob Ridge, 6694 Jacob Lane, Levi Landing, Springfield, OR Mr. Ridge noted that the actions for the no-build, no-fill were put in place before they became property owners. He said the statements from contractors could have been construed as misleading. He said he and his three neighbors purchased land behind the bioswale with no intention of developing that property. He said there could be different interpretations of the covenants of their homes,

including planting trees or hedges, or not planting any trees within thirty feet of each other because they would then be considered a permanent structure. He asked council to bring all parties together. He said they were taxpayers that did not want to break the law, but follow the guidelines as interpreted by all parties. He said they had no intention of offending the Thurston Neighbors. He said the guidelines were very vague. He said it would be nice to know the interpretations.

4. Sam Harrison, 6718 Jacob Lane, Levi Landing, Springfield, OR Mr. Harrison said he had a significant piece of property similar to Mr. Ridge. According to the covenants, conditions, and restrictions (CCR's) it was not clear what they were allowed to do, including plant grass. He discussed the Willamalane access path next to his property and that he was not allowed to fence it other than with thirty-foot post centers and two strands of wire, which may be electrified, according to the rules. Common sense would not allow such a fence because of children and others using the path. He said they were looking for security and privacy from the public. He said the rules seemed very vague and they would like clarification on what they could or could not do.
5. William Vonlessen, 6736 Jacob Lane, Levi Landing, Springfield, OR Mr. Vonlessen said he was asking that council not take action on the homeowners who live in the Levi Landing addition, but rather bring all parties back to the negotiation table. He noted the people that came to the park with their dogs that ran through his property. He said his children, ages three and eight, were terrorized and chased by dogs including pit bulls, Dobermans and German shepherds. He said he put up a fence to protect his children from the public and the dogs. He said he was in violation, but could not risk his child being mauled by an irresponsible pet owner traveling from the park to their car. He said he also installed the fence to protect himself from a lawsuit if someone were to hurt themselves on his property while trespassing on it to and from the park. He said the neighbors were asking for a review and a chance to work through what they could and could not do on their property. He said he hoped this could be resolved without any legal or civil action.
6. Rod Johnston, 967 68<sup>th</sup> Street, Levi Landing, Springfield, OR Mr. Johnston said there were a couple of questions about the documentation that had caused this disagreement. He discussed the declaration of the conservation easement which noted that the properties were in the FEMA flood insurance hazard, but a low-risk hazard. He said he talked with other civil engineers in the city who were part of the 9-1-1 call center. He said the property was in Zone X, and the property owners were not required to have flood insurance. He said he and his neighbors were trying to understand the no-fill and no-build line. He asked that council review with all parties, including Thurston Rural, Inc. and Levi Landing neighbors. He said the restrictions and the declaration under the recitals was to assure that the property remained unobstructed by structures so floodwaters could move over it freely. He said the properties were in a flood plain, not a floodway. In all documentation on this area, the water did not move across the property, but had backed up. He said he wanted to live in the City of Springfield and feel safe and secure and part of the rural Thurston area as neighbors.
7. Jason Genck, 6772 Jacob Lane, Levi Landing, Springfield, OR Mr. Genck noted his appreciation of staff attending to this situation, particularly Bill Grile and Jim Donovan. He said he appreciated the letter and detailed documentation from Mr. Leahy. He requested an extension past the deadline that was given to the homeowners to be in compliance. The original deadline was October 1, 2005. He said there were a number of homeowners that were not clear on the specifics of the issues. He said he would appreciate it if the city would extend their deadline long enough for the residents to continue to meet with staff and discuss what was accepted for compliance. He asked for some reasonable flexibility on this issue, and enforcement considerations because of vagueness of the restrictions.

Councilor Fitch asked how long Mr. Genck wanted for the extension.

Mr. Genck asked for a reasonable deadline that council could come up with. He noted the upcoming holidays. He discussed neighbors who had received letters.

Councilor Woodrow asked how that would impact the city if the deadline was extended.

Mr. Leahy said some of the encroachments in the no-fill, no-build line were already in place. He said the city sent two letters to everyone who lived along the no-fill, no-build line whether or not they had encroached. He said he planned to schedule a meeting with council for direction. He said people testified of vagueness, but there were some items that were not vague that could be enforced tomorrow. He said he may recommend to council to proceed with citations in situations where the encroachments were not vague. He said fences were clearly prohibited. He said the range of questions would be from pavers to fences. The city did not plan to cite anyone until direction was received from council.

Councilor Woodrow asked those that spoke to guarantee council a moratorium on any further buildings at this point.

Mr. Leahy said there was no one here that stated this was the action of the homeowners' association, but rather were six individuals. He said he had included the president of the homeowners' association in the correspondence. Any guarantee would have to come from the homeowners' association.

Councilor Woodrow said it would not hurt to postpone action until the first of February, which would give the City Attorney time to get information needed to council to make a decision.

Councilor Pishioneri said he had spent a lot of time looking at this matter. He asked Mr. Leahy if the city would be in a liable situation for non-action based on the Thurston Rural, Incorporated.

Mr. Leahy said that would be a claim that could be made if no action was taken, but he could not say whether or not that claim would be meritorious. The present conservation easement which encumbers the properties provided enforcement by city, the Thurston Neighbor Association or individual property owners. If the status quo continued without the city taking action, the city would hear from the Thurston Neighbor Association. He said he believed the city could put off and let the Levi Landing residents and the Thurston Neighbors know there would be no action unless directed by council. He said it was up to council. He said no one that spoke mentioned whether or not they had contacted or spoke with the Thurston Neighbors. He said he had recommended the Levi Landing neighbors contact the Thurston Neighbors.

Councilor Pishioneri asked if we knew how Thurston Neighbors felt about this issue and if they were willing to sit down with the Levi Landing neighbors to discuss the issue.

Mr. Leahy noted the history of the compromise and the amount of documentation used in coming to that compromise. He said those at the table during these early discussions were Al Johnson, representing the developer, Doug DuPriest representing the Thurston Neighbors and three or four city staff people along with the developer and the Thurston neighbors. Both parties were represented by counsel at that time. Mr. Leahy said Mr. DuPriest had since sent a letter to each of

the neighbors and indicated that it was a no-fill, no-build zone and there should be no building. Mr. Leahy also met with Mike Whitney, president of the Thurston Neighbors, who expected the city to follow-up on its commitments. Mr. Leahy said it was his recommendation that the city not take any action until the City Council has been able to discuss the pros and cons and what they would like to do. He said he had about twelve to fifteen feet of files in his office related to this subject.

Councilor Ballew recalled it was a compromise in order to move forward with the development. Once the city assisted the neighbors in reaching the agreement, they were out of it. If someone was in violation of a city ordinance, a complaint could be made to our code enforcement officer who would go out to look at the situation. She said she would like to see the city step back and let the parties deal with the issues.

Mr. Leahy said that was something they could discuss during their Executive Session in January. He said when the development was first proposed, the developer had data showing there was no flooding in the area, but the Thurston Area Neighbors brought photos and anecdotal information that showed there was flooding. He said the hearing official approved the development application, and then the Thurston Neighbors appealed to Land Use Board of Appeals (LUBA). All parties then decided to work together to try to find a win-win situation to allow the development to go forward and the concerns of the Thurston Neighbors would be addressed. A bargain was struck that was a compromise for both. The developer got the certainty to move forward with development and the Thurston Neighbors got the certainty of having the flood control measures taken not to build in a certain area. The Thurston Neighbors expected council to take action and would be looking at the council's handling of the Cedar Creek area on this particular item and other Cedar Creek issues council may be addressing in the future with other development.

Councilor Ralston said the agreements were forged with good intentions. He said he would like more information. He said it was reasonable for people to build a fence to protect their yard. He was wondering why a fence was considered a problem regarding flooding.

Mr. Leahy said the developer wanted to get his development approved and the Thurston Neighbors didn't want it approved, but if it were approved, they wanted to have on impediments to the water flow that could redirect it. He said it was a compromise. He recalled one of the developers discussing the two-strand barbed wire fence and how horrible that was, but when the bottom line was writ, the name was on the compromise. That was the deal in the CCR's which was on record at the time the property was purchased and on the plat line. He said some people chose not to buy property because of those issues.

Councilor Ralston said he would like to review it further.

Councilor Fitch suggested delaying the matter until after the council had a chance to meet with Mr. Leahy in Executive Session.

Councilor Lundberg said the city would have to be involved. She said council would revisit the compromise issues.

Mr. Leahy said the city may not need to be involved legally. He said he would look into that further. If the city didn't need to be involved legally, council could determine if they wanted to

become involved because of other issues. He said that would be council's decision. His job was to bring council as much information as they needed to allow them to make the decision.

Councilor Woodrow asked staff to contact the Thurston Neighbors to let them know that the council would be discussing this during Executive Session and would postpone any actions until they had a chance to review it.

Mr. Leahy said he would let the neighbors know when the Executive Session would be held and give them a date that they could come before council during a Regular Meeting prior to the Executive Session to speak on this subject.

Mr. Kelly said this would be a significant work topic for staff and the council and would probably take place in late January.

Councilor Fitch made it clear to those that spoke from Levi Landing that if someone were to build in the no-build, no-fill area following tonight's meeting, it would affect her decision, as it would appear that the time given for council to look over this matter had been taken advantage of.

#### COUNCIL RESPONSE

#### CORRESPONDENCE AND PETITIONS

1. Correspondence from Nick Shevchynski, 2445 Skyline Blvd., Eugene, OR Regarding Property Located at 2315 Marcola Road.

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE FOR FILING. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

#### BIDS

#### ORDINANCES

1. Amendments to the Metropolitan Area General Plan Diagram; the Downtown Refinement Plan Diagram; the Downtown Refinement Plan Text; and the Zoning Designation of Properties within the Downtown Refinement Plan Mixed-use Area.

ORDINANCE NO. 6146 – AN ORDINANCE AMENDING THE METROPOLITAN AREA GENERAL PLAN DIAGRAM BY REDESIGNATING THE DOWNTOWN MIXED-USE AREA FROM MIXED-USE TO NODAL DEVELOPMENT/MIXED-USE.

ORDINANCE NO. 6147 – AN ORDINANCE AMENDING THE DOWNTOWN REFINEMENT PLAN DIAGRAM BY REDESIGNATING THE DOWNTOWN MIXED-USE AREA TO NODAL DEVELOPMENT/MIXED-USE, EXCEPT FOR THAT PORTION LYING EAST OF 8<sup>TH</sup> STREET AND THAT PORTION LYING BETWEEN 7<sup>TH</sup> AND 8<sup>TH</sup> STREETS NORTH OF A STREET CONSISTENT WITH THE METROPOLITAN AREA GENERAL PLAN DIAGRAM DESIGNATION FOR THIS AREA.

ORDINANCE NO. 6148 – AN ORDINANCE AMENDING THE DOWNTOWN REFINEMENT PLAN TEXT CONSISTENT WITH THE METROPOLITAN AREA GENERAL PLAN DIAGRAM DESIGNATION OF NODAL DEVELOPMENT/MIXED-USE FOR THIS AREA AND WITH THE RECOMMENDATIONS CONTAINED IN THE SPRINGFIELD STATION SPECIFIC AREA PLAN REPORT.

ORDINANCE NO. 6149 – AN ORDINANCE REZONING PROPERTY WITHIN THE DOWNTOWN MIXED-USE AREA BOUNDARIES FROM COMMUNITY COMMERCIAL AND HIGH DENSITY RESIDENTIAL TO MIXED-USE COMMERCIAL AND MIXED-USE RESIDENTIAL CONSISTENT WITH THE METROPOLITAN AREA GENERAL PLAN DIAGRAM DESIGNATION FOR THIS PROPERTY.

Councilor Fitch recused herself from this item as she owns property in the existing Downtown area.

Planning Manager Greg Mott presented the staff report on this item. The council conducted public hearings on these Ordinances on October 17, 2005. The council requested staff to contact the owners of Springfield Buick and Lithia Motors to determine their preference on remaining in the Downtown Mixed-Use Area, but outside the nodal overlay.

The discussion at the council hearing focused on public testimony from Springfield Buick requesting exclusion from the nodal overlay, grandfather clause notwithstanding. Springfield Buick prefers to remain in the Downtown Mixed-Use Area, but outside the nodal overlay. Lithia Motors is uncertain of the advantages and disadvantages and as of October 31<sup>st</sup> had not expressed a preference. Staff amended 4 sections of Attachment 3 to exclude these properties from nodal overlay, keep them in the downtown mixed use area, and allow either MUC or CC zoning.

Mr. Mott said this was not placed on the consent calendar due to issues addressed during testimony given during the initial public hearing by the owners of Springfield Buick. He said the context of the testimony was how this would affect the continued use of that property for auto sales. Council suggested at that time a compromise to enable that business to continue unabated and unaffected. He said the downtown mixed-use boundaries that existed predated the Refinement Plan, were in the Development Code and enabled property owners within the district to develop all of their property without off-street parking, etc. The proposal to apply nodal designation would affect that, so the compromise was to apply the nodal on the whole area except the lots between 7<sup>th</sup> and 8<sup>th</sup> on the north side of A Street and everything between 8<sup>th</sup> and 10<sup>th</sup>. Those properties would continue to be in downtown mixed-use area, and in the downtown exception area as defined in the Springfield Development Code, but not in nodal overlay. He referred to page 3-7 of the staff report included in the agenda packet, which showed the new Refinement Plan text, and was included in the third ordinance. He said that also referred to the nodal overlay applying in the downtown mixed-use area except in the areas noted above, which would remain just mixed-use. Property outside the nodal designation, but within the downtown mixed-use, may be zoned either mixed-use commercial or community commercial. He said that maintained the existing zoning on those properties outside the nodal overlay. In response to that, a few changes were made to Exhibit B of Ordinance 4, the rezoning ordinance. He referred to the second page of the exhibit which referenced the four lots in that area showing that they would remain in the mixed-use area and would not be designated nodal. He referred to pages 8 and 9 of Exhibit B which identified every tax lot that was in the downtown refinement area, but was proposed to be outside the nodal. The exhibit would be changed under the Refinement Plan designation to indicate that. He referred to page 9 of Exhibit B and explained.

Mr. Mott said Mr. Scherer of Springfield Buick was satisfied with the proposal, but Lithia was not sure of their preference. The folks from Lithia did not follow-up.

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NOS. 6146, 6147, 6148, AND 6149, INCLUDING THE CHANGES. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 RECUSED – FITCH).**

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments.

a. City Manager Recruitment.

Mr. Leahy referred to the proposed offer of employment letter for the position of City Manager by Gino Grimaldi that was distributed to council members. This offer was negotiated by Councilor Woodrow as council president and the result of those negotiations was set forth in the offer by Mr. Grimaldi.

Human Resources Director Bill Spiry discussed the recruitment process. He said council identified the preferred candidate as Gino Grimaldi. The Finance and Judiciary Committee authorized Council President Woodrow to engage in negotiation with Mr. Grimaldi with the objective of identifying the terms that would be acceptable for the purpose of making a job offer to Mr. Grimaldi. At Councilor Woodrow's direction, Mr. Spiry prepared a letter of understanding reflecting the terms of those discussions. That letter was reviewed and signed by Mr. Grimaldi reflecting his acceptance of those terms. To formalize the offer to Mr. Grimaldi, council action was required.

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT OFFER OF EMPLOYMENT FOR THE POSITION OF CITY MANAGER BY GINO GRIMALDI AS OUTLINED IN THE ATTACHED LETTER. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

b. Budget Committee Appointments.

Finance Director Bob Duey presented the staff report on this item. The Budget Committee has a vacancy in Ward 3 due to the December 31, 2005 term expiration of Maureen Sicotte. Ms. Sicotte has served only one term and is eligible to reapply. The person appointed will serve a three year term which will expire on December 31, 2008.

The Budget Committee has a vacancy in Ward 4 due to the December 31, 2005 term expiration of Dwight Dzierzek. Mr. Dzierzek has served two terms and is not eligible to reapply. The person appointed will serve a three year term which will expire on December 31, 2008.

In response to the news release dated September 2, one application has been received for the Ward 3 opening and one application for the Ward 4 opening for the two available positions on the Budget Committee

The council interviewed one applicant for Ward 4 (Ms. Ellen L. Manzer) and agreed to appoint her to the Ward 4 position. Council determined from past knowledge of the Maureen Sicotte, to reappoint her to the Ward 3 position.

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPOINT ELLEN MANZER TO THE WARD 4 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2008. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

**IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPOINT MAUREEN SICOTTE TO THE WARD 3 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2008. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

2. Business from Council.

a. Committee Reports

1. Councilor Ballew went to Portland last Wednesday as a member of the Freight Advisory Committee, Policy Committee and Project Committee. On Friday, she and several others went to an Oregon Metropolitan Policy Organization (MPO) meeting in Corvallis. She said this Thursday was an MPO meeting where discussion would be held regarding the Metropolitan Transportation Improvement Plan (MTIP) and the recent action by the Eugene Council on the West Eugene Parkway (WEP).
2. Mayor Leiken said he participated in the Veteran's Day Parade on Sunday and it was very enjoyable. He said Councilor Ballew, Mike Kelly and he would be meeting with representatives from Eugene. He said Councilor Woodrow would be attending the Metropolitan Policy Committee (MPC) meeting as the Mayor would be attending the League of Oregon Cities (LOC) Conference on Thursday, Friday and Saturday.
3. Councilor Ralston said the Fire and Life Safety Blue Ribbon Committee was meeting tomorrow night to go through proposals of options. He and Councilor Ballew were there to listen to the citizens input.
4. Councilor Woodrow attended the grand opening of Maurices in the Gateway Mall last Thursday. Maurices is a clothing store that has returned to the Gateway Mall after a ten year hiatus.
5. Councilor Ballew said she appreciated staff giving the council the major construction information sheets weekly.
6. Councilor Fitch thanked Mr. Kelly for his 16 years of service. She said it was a difficult process to go through to look for a new City Manager. She thanked the finalists. She said the process may not have been done perfectly, but hopefully the outcome mitigated that. She appreciated staff allowing council to find someone the whole council could get behind and lead the community into the future. She thanked Mr. Kelly for his time and effort for the city.

7. Councilor Ralston said Lane Regional Air Pollution Authority (LRAPA) had been making good progress over the last three or four months. He said the board liked Merlin Huff and had suggested offering him the director position. There are now rumors that Eugene Mayor Kitty Piercy was going to let Eugene representative, Gary Rayor's term expire and appoint David Monk. Mr. Rayor had been a reasonable and objective member. Mr. Monk would likely be very controversial as he had been considered as being very hostile to the business community. Councilor Ralston said this would be presented to the board tomorrow. Mr. Huff had written a letter to Mayor Piercy to reconsider her decision.

BUSINESS FROM THE CITY MANAGER

BUSINESS FROM THE CITY ATTORNEY

Mr. Leahy said that as a constituent and taxpayer, he wanted to thank council for the time and effort they spent on the City Manager recruitment. He said he knew they gave up recreational, professional and personal time and spent a lot of time in anguish and emotion over this issue. He said he believed that came up with something that would be good for the community. Their goal was to work hard and come up with a common goal and they succeeded in that as they had done on other issues that had come before them.

ADJOURNMENT

The meeting was adjourned at 9:28 p.m.

Minutes Recorder Amy Sowa

\_\_\_\_\_  
Sidney W. Leiken  
Mayor

Attest:

\_\_\_\_\_  
City Recorder