

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
TUESDAY, FEBRUARY 21, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Tuesday, February 21, 2006 at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ralston, Lundberg, Woodrow, and Pishioneri. Also present were Interim City Manager Cynthia Pappas, City Attorney Joe Leahy, Finance Director Bob Duey, City Recorder Amy Sowa and members of the staff.

Councilors Ballew and Fitch were absent (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

Mayor Leiken recognized Fire and Life Safety Department for excellent service delivery. He received a letter from Jay and Rachell Sardeson thanking the Department for assistance in response to an auto accident on January 30, 2006. While Fire and Life Safety (F&LS) personnel were on the scene, they were concerned for the Sardeson's safety and well being and exercised professionalism. Thanks was conveyed to the Department.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR WOODROW, WITH A SECOND BY COUNCILOR LUNDBERG, TO APPROVE THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 ABSENT – Ballew and Fitch).

1. Claims

- a. Approval of the January 2006, Disbursements for Approval.

2. Minutes

- a. February 6, 2006 – Work Session
- b. February 6, 2006 – Regular Meeting

3. Resolutions

4. Ordinances

5. Other Routine Matters

- a. Authorize the City Manager to Enter into Agreement No. 23,035 with the Oregon Department of Transportation (ODOT) for Right-of-Way Services for the Construction of Sidewalks at the Glenwood Boulevard and McVey Highway Intersection.

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS

1. Business License Program.

ORDINANCE NO. 1 – AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE TO IMPOSE A FEE AND TAX UPON THE PRIVILEGE OF DOING BUSINESS WITHIN THE CITY OF SPRINGFIELD, ADDING NEW SECTIONS 7.000 THROUGH 7.038, REGARDING THE LICENSING AND TAXATION OF BUSINESSES; AMENDING SECTIONS 7.000 THROUGH 7.808 ESTABLISHING REQUIREMENTS FOR THE LICENSING AND REGULATION OF CERTAIN BUSINESS ACTIVITIES (FIRST READING).

Finance Director Bob Duey presented the staff report on this item. Council requested that staff bring before Council in a public hearing the previously proposed business license program. Consideration would be given to dedicating any revenue in excess of cost to the operation of the municipal jail. Research has been completed and an ordinance has been drafted to alter the City's current business license program from a specific business license to general business license. The Business Tax Ordinance would require that all businesses located in Springfield, unless specifically exempted, be subject to an annual business license charge for the privilege of doing business in Springfield. The charge would be comprised of a set fee to recover the administrative costs of the program and an additional tax based upon the number of employees at each business. If adopted, staff would conduct a public information campaign beginning in the summer of 2006 with billings and collections beginning in December of 2006.

Councilor Ralston asked for clarification regarding exemptions to the proposal. Mr. Duey clarified information regarding exemptions as well as noting the difference between commission and a business license fee.

Councilor Lundberg discussed both business licenses and liquor licenses. The proposal may need to include language to clarify that those with liquor licenses (selling alcohol) would need both a business license as well as a liquor license. Mr. Duey will follow-up on this request and possibly revise the ordinance language. Mr. Duey stated that this license would repeal and replace all other existing ordinances that speak to the issue of business licensing.

Councilor Woodrow asked for clarification regarding exemptions for 501(c)4 organizations, such as the Christmas parade. At this time the draft ordinance does reference exemption for Internal Revenue Code Section 501(c)(3) but is silent on 501(c)4 organizations. Mr. Duey will follow-up on this.

Mayor Leiken opened the Public Hearing.

1. Dan Egan, 830 N. 6th Street, Springfield, OR. Mr. Egan was representing the Springfield Chamber of Commerce and spoke in opposition of the proposal. He provided a handout of a survey that was conducted regarding the proposal. Mr. Egan said discussion on this topic was held during the last Chamber Governmental Affairs Committee meeting. It is recommended that the Mayor and others he might suggest, meet with community/chamber members to discuss alternative proposals and identify other revenue solutions.
2. Roxie Cuellar, 735 South 70th Street, Springfield, OR. Ms. Cuellar spoke in support of the proposal.
3. Fred Simmons, 312 So. 52nd Place, Springfield, OR. Mr. Simmons spoke in support of the proposal. He recognized benefits of the proposal. He said from a taxpayer stand point, he recognizes the concerns. He said we should support the business license fee and see that it is apportioned to the jail operation expenses. If it does assist with this need it should not have the application of the indirect fee.
4. Gery Vander Meer, 2604 J Street, Springfield, OR. Mr. Vander Meer spoke in opposition of this proposal. He said this proposal does not support Springfield as being business friendly. There is no logical reason we should impose this restriction on the people of Springfield.

Councilor Woodrow suggested that he participate, along with the Mayor and others as the Mayor may recommend, to meet with Chamber representatives to review and consider proposals to meet this need. It was suggested the public hearing remain open until March 20, 2006.

City Attorney Joe Leahy said their office would like the opportunity to further review this proposal and evaluate it in more detail. Due to the directive to bring this topic back quickly, there was not adequate time for a comprehensive review of the proposal.

Councilor Lundberg said there are a significant number of individuals that run a small business and they may fall within the category of only 1-3 employees for the company. It is possible that we might consider a sliding scale or lower license fee for this category of businesses. It was suggested that the funding from this proposal be retained within the Police Department (not General Fund), until all needed funding is secured for the public safety (justice center) proposal.

Interim City Manager Cynthia Pappas said under current structure, revenue would be funneled into the General Fund and the General Fund supports the Police Department. Mr. Duey can bring back a proposal to address the issue of where the funding would be received in and tracked specifically for police.

IT WAS MOVED BY COUNCILOR WOODROW, WITH A SECOND BY COUNCILOR LUNDBERG, TO LEAVE THE PUBLIC HEARING OPEN UNTIL MARCH 20, 2006. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 ABSENT – Ballew and Fitch).

Mayor Leiken referenced the Toxics Right-to-Know program and asked staff to provide information regarding the number of businesses that were impacted or relocated from Eugene as a result of the program.

NO ACTION REQUESTED. FIRST READING ONLY.

2. Five Year Jail Operations Local Option Tax.

RESOLUTION NO. 1 – A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY
A BALLOT MEASURE AUTHORIZING THE LEVY OF A FIVE YEAR LOCAL OPTION
TAX FOR JAIL OPERATIONS PURPOSES IN THE AMOUNT OF \$0.35 OF ASSESSED
VALUE BEGINNING IN 2008/09.

Finance Director Bob Duey presented the staff report on this item. A revised resolution was provided to the Council. The Secretary of State made one revision of 'will' to 'would'. The revised resolution reflects this change. At the February 6 public hearing on the May 2006 special option levy, Council asked staff to complete additional analysis on an alternative proposal presented by members of the Police Planning Task Force. This response and the remaining options for a May 2006 special option levy are being brought back to Council for a second reading. A decision on the May election is scheduled for this evening but no later than March 6, 2006. If Council's decision is to not hold an election in May, in order to provide the justice center architects with adequate instruction, staff requests that Council reschedule the jail operations funding decision for March 6, 2006 to discuss the Police Planning Task Force and other alternatives for acquiring jail operations funding.

Mr. Duey discussed the different options Council could consider. He referred to Attachment C, page 1, included in the Agenda Packet, regarding review of the three levy proposals. He noted that all the fees were included, but there were differences in when those fees would become available. He discussed timing of revenue from fees being available and timing of when jail beds could be leased. He discussed cash flow and the renewals of the Police levy and the Fire and Life Safety levy. He further discussed the alternate levy options and the amounts for each. Tonight's decision was whether or not to go out for the May ballot.

Mayor Leiken reconvened the public hearing from the February 6 public hearing.

1. Curtis Greer, 357 S. 55th Street, Springfield, OR. Mr. Greer spoke to the options being presented to the Council for jail operations. He discussed cuts ratepayers had made to their own budgets and noted that the City should do the same. He felt Council was following a similar path as Eugene and would find itself in a similar situation. He was opposed to a local option levy and felt the cost of the indirects could cover the costs of operating the jail.
2. Roxie Cuellar, 739 S. 70th Street, Springfield, OR. Ms. Cuellar was opposed to putting a levy on the May ballot because there would be no time for a strong campaign. She said there was only a small gap of funding to fill and it could be filled without going out for a levy. She voiced her concern that a 'no' vote on the levy in May would adversely affect the Police renewal levy in November. She said a permanent funding source for the jail needed to be found. If a levy was needed for start up costs, that could be done in conjunction with the Police levy in November. She said that would allow time for a

strong campaign, explaining to voters that a portion would be for one-time start-up costs for the jail. She said it was important to establish a reserve fund for jail operations now.

3. Fred Simmons, 312 S. 52nd Place, Springfield, OR Mr. Simmons asked Council not to forward the levy for a vote in May as he felt it would fail. He asked Council to look at the numbers introduced by the Police Planning Task Force (PPTF) and the staff memorandum on fees and charges that could be imposed. He said a reserve fund for jail operations should be established now. He discussed using the reserve money to assist in putting criminals in the Lane County jail until the Springfield jail was built. He said the Council had the responsibility to defer the levy until November and exhausting all other funding possibilities. He believed it could be done. He said the indirect fee on the jail reserve fund should not be there.
4. Ed Bergeron, Chair, Springfield Chamber Government Issues Committee, 101 South A Street, Springfield, OR. Mr. Bergeron said during a recent meeting of the Chamber Government Issues Committee, they discussed this issue and came out with a split vote. He discussed the importance of timing of such a levy and the lack of time for a successful campaign if a levy was put on the May ballot. He referred to County measures that had failed due to lack of time for a successful campaign. He also expressed concern that a negative result in May could harm the Police and Fire and Life Safety levies in November. He said he appreciated the Council, staff and the Citizen Advisory Committee and their pledge of support for a solution, but he felt May was not the time for this election.
5. Gery VanDerMeer, 2604 J Street, Springfield, OR. Mr. VanderMeer distributed a document titled "Springfield City Jail Funding, Income review and recommendations II". He asked Council not to put a levy on the May ballot. He said this needed to be further analyzed and issues regarding leasing jail space addressed. He noted that the City was currently paying \$1.2M for people that failed to show up for court, yet in all the analysis and proposals presented, none of that had been allocated to cover jail costs. He discussed the cost of paying defense attorneys, court staff, police, and clerical staff when someone doesn't show up for court. He said this was an opportunity to present a solid foundation that would make sense to the community and would not include imposing additional fees. It was an opportunity for the City to do something right. He said Council needed to forego going out for the May election and focus on putting together a well thought-out program to allow the jail to open. He suggested the City put a two-year cap on jail operations costs and re-evaluate at that time for future costs.

Mayor Leiken closed the public hearing.

Councilor Lundberg said this dilemma was caused by not including jail costs in the original bond measure. She noted that she did not like the words "jail beds" and would like to see different language used that would better portray the space used to house criminals. She said the public needed to be told that the jail would keep criminals off the street. She discussed the Lane County jail and the fact that it was not fully operational because the County did not have adequate funding. She noted the good arguments for waiting until November to put a levy to the voters, but she said it was important to put something out to the voters. She referred to Attachment B and the technology fees. She said indirect charges needed to be discussed. She discussed the Telephone Contract and the differences of estimated cost: \$14,000 estimated by EcoNorthwest;

\$40,000 estimated by the consultant; and the compromise of \$25,000 by the PPTF. She discussed growth that was occurring in Springfield that could also be taken into consideration. She questioned whether or not to include the Business License since Council had not yet approved putting that in place. Councilor Lundberg asked about savings regarding costs associated with failure to appear.

Ms. Pappas said that the \$1.2M was a combining of the costs for our local costs such as police officers, clerks, municipal judges, court paid attorneys as well as costs for the District Attorney and circuit court. Certain real cost, such as the additional costs for attorneys and people performing language interpretation that have been incurred because of the FTA issue could be saved. The City would not be able to save the full \$1.2M because those officers would still be working, being back on the street rather than at the courts.

Mr. Duey said the figure of \$1.2M came from the EcoNorthwest report and was a combination of costs related to failure to appear for both Municipal Court and the Circuit Court. He said nearly two-thirds of that \$1.2M was for Circuit Court and the opening of the Springfield jail would not have an impact on those costs. The current proposals that the Council is reviewing does begin to address the potential of savings from the reductions in FTA by recommending that the renewal of the police special option levy in November decrease by 3 employees the numbers of police officers being requested to be funded through the levy.

Councilor Lundberg said she didn't have an issue of waiting, but felt strongly that the City needed to go out sometime to ask for part of the funding because fees and charges didn't cover all the costs.

Councilor Ralston said the voters were clear regarding building and operating a jail. He agreed that going out in May could be risky and felt the PPTF had come up with a solution without having to go out for a levy. If needed, the City could go out in November for a levy for one-time start-up costs for the jail. He said that would make sense. He agreed to go forward with the PPTF suggestions. He said he did not want to go out for a May measure, but perhaps a November measure to help with start-up costs.

Councilor Woodrow said Council had heard strong arguments against a May election. He would agree with going out for a levy for start-up costs in November or next May. PPTF had good recommendations. He said it would be best for the City to institute the fees and charges that could be put in place and allocate those revenues to a dedicated fund for jail operations or police service. He suggested setting aside technology fees as soon as possible. He asked if Springfield could charge booking fees on criminals put into the Lane County jail by Springfield officers and courts until our jail was ready to operate.

Mr. Leahy said he would check into that to see if it could be done.

Councilor Lundberg said she supported additional fees and looking at those fees to recoup costs.

Mayor Leiken said he had asked Bob Duey for some rough estimates on future property tax revenues. Mr. Duey estimated that Royal Caribbean, the second phase of Symantec, Williams Bakery and the Mountaingate subdivision would bring in approximately \$2.5M in property taxes by 2011. Mayor Leiken discussed the strategy Springfield had used in bringing in these large developments knowing the taxes would be coming in the future. Trying to get the jail operations

jump-started in November could be beneficial. He said eventually, additional tax revenues would come in to sustain the operations. He said there had been great vision from the Council and staff working together to put these things in place. He noted that the last measure Lane County passed was for the construction of the Serbu Center in 1996. He discussed further cuts to the County and that the idea of a jail in Springfield was more important now than ever. He said there were good arguments against a May measure and agreed that looking to November for a possible levy to jump start the operations of the jail could be a good idea. He thanked the PPTF for putting together their proposal and encouraged them to continue looking for revenue. Council represented citizens and liked to save taxpayers money.

Councilor Ralston said Council should make a clear statement now that the jail would be built.

Councilor Pishioneri said he had listened to a lot of arguments and figures. He said citizens that voted against the jail may actually want a jail, but were concerned the City couldn't afford to operate the jail. He said the voters were very insightful and he shared their skepticism. He said this was a huge project and he wanted to be part of a team that was 105 percent there. He said the Mayor brought up good arguments about future revenue coming into the General Fund, but we needed to look at the money we have available now. He said he did not favor levies, but a start-up levy made sense. He agreed with the arguments against a May election. He concurred that the City should look at a levy down the road, but said the PPTF needed to get to work on other revenue. He said that in November, if he was not completely sold, he would vote no.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO NOT ADOPT RESOLUTION NO. 1. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 ABSENT – Ballew and Fitch)

3. Vacation of Public Right-of-Way (Assessor's Map 17-03-26-13) Jo. NO. LRP2005-00037 (Hiatt).

ORDINANCE NO. 2 – AN ORDINANCE VACATING A TEN-FOOT WIDE PORTION OF Q STREET IN THE CITY OF SPRINGFIELD, LANE COUNTY OREGON (FIRST READING).

City Planner Sarah Summers presented the staff report on this item. The applicant, Bernie Hiatt, is requesting the vacation. The subject right-of-way (ROW) consists of a 10-foot wide by 194.28-foot long strip that was created with the Fuchsia Gardens Subdivision Plat as part of a 40-foot wide ROW dedicated for Q Street. The Q Street ROW was dedicated to the City by the applicant in 1963. The requested vacation area will become a Public Utility Easement (PUE) to accommodate an existing underground natural gas line as well as any future extension of utilities. The extra 10 feet of site is proposed to be used as a bioswale for stormwater since no buildings would be permitted on the PUE. No objections to the proposed vacation were received because the vacation area will be encumbered with a public utility easement. Public Works and Development Services staff have determined that any appreciation in value would be diminimus. The Planning Commission held a public hearing on February 7, 2006 and has recommended that the City Council approve the proposed vacation. As directed by the Planning Commission, staff contacted ODOT to inquire about the existence of any planned I-105 improvements that would likely involve this application. ODOT does not have any concern with the subject vacation.

Ms. Summers noted the section of the Springfield Code regarding value of property to the property owner when land was vacated. Staff from Public Works and Development Services

found the value would be diminimus and an assessment on the property would not seem to be appropriate. She discussed the criteria for vacation and noted that the subject property was in conformance of the criteria of approval.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

(Note: The next 5 public hearings for Ordinance Numbers 3, 4, 5, 6 and 7 regarding Water District Withdrawal were held at one time.)

4. Rainbow Water District Withdrawal EC SP 05-31, Journal Number LRP2005-00018 (Symantec).

ORDINANCE NO. 3 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS SYMANTEC CORPORATION, LOCATED IN NORTHWEST SPRINGFIELD, NORTH OF GAME FARM ROAD EAST, SOUTH OF INTERNATIONAL WAY, EAST OF GAME FARM ROAD NORTH/GATEWAY STREET AND INVOLVING APPROXIMATELY 14.68 ACRES IDENTIFIED AS TAX LOTS 500, 600 AND 800 T17S R03W S15 MAP 30, HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT (FIRST READING)

City Planner Sarah Summers presented the staff report on this item. Oregon Revised Statutes (ORS 222.520) require that territory located in the Rainbow Water District, which is annexed to the City of Springfield, be withdrawn from that district to prevent double taxation. ORS requires withdrawal prior to March 31st of each calendar year. The owner requested annexation in order to prepare for expansion of an existing building. The subject property was annexed to the City of Springfield effective on July 25, 2005.

Once a year, the Council is asked to approve the withdrawal of all properties within the Rainbow Water District which were annexed during the past calendar year. This is done so that the properties are located only within the Springfield Utility Board's (SUB) assessment area. Approval of the withdrawal prevents the owner of the annexed property from being assessed by both Rainbow Water District and SUB. The requested action is a routine procedure which follows annexation and will have no fiscal impact on the City.

Legal notice was published in the Springfield News as required by ORS 222.520 and notices were posted in five public places. A second reading and adoption is scheduled for the March 6, 2006 consent calendar.

NO ACTION REQUESTED. FIRST READING ONLY.

5. Rainbow Water District Withdrawal EC SP 05-12, Journal Number LRP2005-00032 (Proden).

ORDINANCE NO. 4 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS PRODEN LOCATED IN NORTH SPRINGFIELD, NORTH OF YOLANDA AVENUE AND DELROSE AVENUE, WEST OF GRAND VISTA DRIVE, WEST AND EAST OF VERA STREET AND INVOLVING APPROXIMATELY 5.45 ACRES IDENTIFIED AS TAX LOT 500 T17S R03W S24 MAP 31; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT (FIRST READING)

City Planner Sarah Summers presented the staff report on this item. Oregon Revised Statutes (ORS 222.520) require that territory located in the Rainbow Water District, which is annexed to the City of Springfield, be withdrawn from that district to prevent double taxation. ORS requires withdrawal prior to March 31st of each calendar year. The owner requested annexation in order to prepare for a residential subdivision. The subject property was annexed to the City of Springfield effective on May 23, 2005.

Once a year, the Council is asked to approve the withdrawal of all properties within the Rainbow Water District which were annexed during the past calendar year. This is done so that the properties are located only within the Springfield Utility Board's assessment area. Approval of the withdrawal prevents the owner of the annexed property from being assessed by both Rainbow Water District and SUB. The requested action is a routine procedure which follows annexation and will have no fiscal impact on the City.

Legal notice was published in the Springfield News as required by ORS 222.520 and notices were posted in five public places. A second reading and adoption is scheduled for the March 6, 2006 consent calendar.

NO ACTION REQUESTED. FIRST READING ONLY.

6. Rainbow Water District Withdrawal EC SP 05-05, Journal Number LRP2005-00026 (Summers Development).

ORDINANCE NO. 5 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS SUMMERS DEVELOPMENT LOCATED IN NORTHWEST SPRINGFIELD, EAST OF GAME FARM ROAD, SOUTH OF DEADMOND FERRY ROAD, WEST OF BALDY VIEW DRIVE AND INVOLVING APPROXIMATELY .43 ACRES IDENTIFIED AS TAX LOT 1500 T17S R03W S15 MAP 40; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT (FIRST READING)

City Planner Sarah Summers presented the staff report on this item. Oregon Revised Statutes (ORS 222.520) require that territory located in the Rainbow Water District, which is annexed to the City of Springfield, be withdrawn from that district to prevent double taxation. ORS requires withdrawal prior to March 31st of each calendar year. The owner requested annexation in order to prepare for medium density residential development. The subject property was annexed to the City of Springfield effective on February 1, 2005.

Once a year, the Council is asked to approve the withdrawal of all properties within the Rainbow Water District which were annexed during the past calendar year. This is done so that the properties are located only within the Springfield Utility Board's assessment area. Approval of the withdrawal prevents the owner of the annexed property from being assessed by both Rainbow

Water District and SUB. The requested action is a routine procedure which follows annexation and will have no fiscal impact on the City.

Legal notice was published in the Springfield News as required by ORS 222.520 and notices were posted in five public places. A second reading and adoption is scheduled for the March 6, 2006 consent calendar.

NO ACTION REQUESTED. FIRST READING ONLY.

7. Rainbow Water District Withdrawal EC SP 05-16, Journal Number LRP2005-00008 (Myers/Rogers).

ORDINANCE NO. 6 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS MYERS/ROGERS, LOCATED IN SOUTHWEST SPRINGFIELD, NORTH OF KELLOGG ROAD, EAST OF ANDERSON STREET, WEST OF OAK MEADOWS PLACE AND ASPEN STREET AND INVOLVING APPROXIMATELY .52 ACRES, IDENTIFIED AS TAX LOT 916 T17S R03W S34 MAP 22; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE RAINBOW WATER DISTRICT (FIRST READING)

City Planner Sarah Summers presented the staff report on this item. Oregon Revised Statutes (ORS 222.520) require that territory located in the Rainbow Water District, which is annexed to the City of Springfield, be withdrawn from that district to prevent double taxation. ORS requires withdrawal prior to March 31st of each calendar year. The owner requested annexation in order to prepare the site for additional residential development. The subject property was annexed to the City of Springfield effective on June 2, 2005.

Once a year, the Council is asked to approve the withdrawal of all properties within the Rainbow Water District which were annexed during the past calendar year. This is done so that the properties are located only within the Springfield Utility Board's assessment area. Approval of the withdrawal prevents the owner of the annexed property from being assessed by both Rainbow Water District and SUB. The requested action is a routine procedure which follows annexation and will have no fiscal impact on the City.

Legal notice was published in the Springfield News as required by ORS 222.520 and notices were posted in five public places. A second reading and adoption is scheduled for the March 6, 2006 consent calendar.

NO ACTION REQUESTED. FIRST READING ONLY.

8. Glenwood Water District Withdrawal EC SP 05-43, Journal Number LRP2005-00005 (Tumck Tonsh Investment Co.).

ORDINANCE NO. 7 – AN ORDINANCE WITHDRAWING CERTAIN REAL PROPERTY KNOWN AS DND LAND COMPANY LLC, LOCATED IN GLENWOOD REGION OF SOUTHWEST SPRINGFIELD, SOUTH OF JUDKINS ROAD, NORTH OF INTERSTATE 5 AND INVOLVING APPROXIMATELY 0.34 ACRE IDENTIFIED AS PART OF TAX LOT 600, T17S R03W S33 MAP 44; HERETOFORE ANNEXED TO THE CITY OF SPRINGFIELD FROM THE GLENWOOD WATER DISTRICT (FIRST READING)

City Planner Sarah Summers presented the staff report on this item. Oregon Revised Statutes (ORS 222.520) require that territory located in the Glenwood Water District, which is annexed to the City of Springfield, be withdrawn from that district to prevent double taxation. ORS requires withdrawal prior to March 31st of each calendar year. The owner requested annexation in order to develop the property for urban use. The subject property was annexed to the City of Springfield effective on August 29, 2005.

Once a year, the Council is asked to approve the withdrawal of all properties within the Rainbow Water District which were annexed during the past calendar year. This is done so that the properties are located only within the Springfield Utility Board's assessment area. Approval of the withdrawal prevents the owner of the annexed property from being assessed by both Rainbow Water District and SUB. The requested action is a routine procedure which follows annexation and will have no fiscal impact on the City.

Legal notice was published in the Springfield News as required by ORS 222.520 and notices were posted in five public places. A second reading and adoption is scheduled for the March 6, 2006 consent calendar.

Mayor Leiken opened the public hearing for Ordinance Numbers 3, 4, 5, 6 and 7.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

9. Springfield Municipal Code Chapter 5 Amendment.

ORDINANCE NO. 8 – AN ORDINANCE AMENDING CHAPTER 5, “PUBLIC PROTECTION” OF THE SPRINGFIELD MUNICIPAL CODE ADDING A NEW ARTICLE “DRINKING WATER PROTECTION” (SECTIONS 5.800 ET SEQ.) SECTION 5.800, “INTENT”, SECTION 5.810, “USES PROHIBITED”, SECTION 5.820, “ENFORCEMENT”, AND AMENDING SECTION 5.604(1)(A), “APPLICATION AND AMENDMENT” AND SECTION 5.606, “INFRACTION PROCEDURES” OF THE SPRINGFIELD MUNICIPAL CODE.

City Attorney Joe Leahy said as a result of the testimony from the January 17, 2006 Council meeting, Bob Linahan, General Manager of the Springfield Utility Board (SUB) and the Board members wanted more time to work with the City, SUB staff and property owners to determine if some of the concerns could be eliminated. SUB didn't want to be under a deadline and wanted time to discuss this issue. At this time, Mr. Leahy said staff was withdrawing this ordinance. SUB will re-notice when it comes back to Council this summer or early fall.

Councilor Lundberg said it was much appreciated that more time was being taken on this item to address those concerns.

Mr. Leahy also noted that Ordinance Number 9, listed under Ordinances on the agenda this evening, would be pulled and rescheduled to a later date.

Councilor Lundberg referred to Ordinance Number 9 and asked if the person damaging City property would still be liable under this ordinance.

Mr. Leahy said that was correct.

BUSINESS FROM THE AUDIENCE

1. Scott Olsen, 1137 B Street, Springfield, OR. Mr. Olsen thanked Council for their time. He said he was a member of the Citizen Advisory Committee for the Justice Center Siting and felt compelled to be here. He said he was unhappy with where we were in the project. He said he wanted to see the Justice Center and Jail built and in downtown. He thought it presented an opportunity to contribute to the downtown and believed that was possible within budget. He was, however, opposed to closing any streets in order to proceed with this project. He said he had been involved with building public projects that had involved closing streets in nearby communities. He discussed the criteria needed to vacate streets and that this project would not be able to meet that criteria. He said he didn't want to put up barriers for the project, but the City needed to work within the context of the plans already in place. He discussed reclassification of B Street if the vacation was to occur, putting us out of compliance with the TransPlan.

Mayor Leiken asked Mr. Olsen if he could provide his comments in writing.

Mr. Olsen said he could do that. In conclusion, Mr. Olsen said there should be one option that was within budget and fit within the Comp Plan.

2. Jim Womack, 1363 Windsor Court, Springfield, OR. Mr. Womack is co-pastor of the First Christian Church in Springfield. He noted that the church had long and cordial relations with the Police Department and he had a great appreciation for the Police Department. He said the church had used the Police services frequently. Mr. Womack said he and his wife were also citizens of the community and had followed this project. He said they had no objections with building a jail a block from the church, but had concerns about the entrance to the jail directly across 4th Street from the church's main entrance and sanctuary. He said the church would be affected in a serious way by those coming and going to the jail. He noted the many activities that occur at the church including many weddings. He noted that closing 4th and B Street would also impact the church negatively. He said the churches discussions had been on other options rather than closing the streets. He commended Mr. Tamulonis for making himself available and working with the church. He said he realized it had been pointed out at previous meetings, but wanted to reaffirm that the parking shown on the option maps as public parking was, in fact, church and Carter property parking. He said any separation of the church parking and the church building would be fought against by the church.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Dan Rupe, President, Lane County Veterans Day Parade Association, P.O. Box 42147, Eugene, OR Regarding the 2006 Veteran's Day Parade Location.
2. Correspondence from Bill Dwyer, Chair of Lane County Board of Commissioners, 125 East 8th Avenue, Eugene, OR Regarding the Justice Center Site Options.

Councilor Lundberg said she would like to pull the letter regarding the Veteran's Parade for further discussion.

Councilor Woodrow said he would contact the Veterans and talk to them about the parade. He said he would report back to Council.

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 4 FOR AND 0 AGAINST (2 ABSENT – Ballew and Fitch).

BIDS

ORDINANCES

1. Rewards in Connection with Damage to City Property.

(This item was pulled by Joe Leahy – see discussion after the last public hearing.)

ORDINANCE NO. 9 – AN ORDINANCE AUTHORIZING THE CITY MANAGER AND THE COUNCIL TO OFFER REWARDS IN CONNECTION WITH DAMAGE TO CITY PROPERTY, AND ADDING SECTION 2.800 THROUGH 2.804 TO THE SPRINGFIELD MUNICIPAL CODE (FIRST READING)

NO ACTION REQUESTED. FIRST READING ONLY.

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments
 - a. Library Board Appointment.

Library Director Bob Russell was not present for this item. His staff report on this item was listed on the Agenda Item Summary in the Agenda Packet and is as follows: The Library Board has one vacancy, due to the expiration of the term of Dorothy Velasco. Ms. Velasco's term expired December 31, 2005, and she was not eligible for reappointment.

To be eligible for appointment to the Library Board, applicants must be registered voters and live within the city limits. (One member of the board may live outside the city if he or she owns property within the city.) Both applicants are registered voters living within the city limits.

There were two applicants for this position. The Library Board interviewed both applicants at its February 9 meeting. The Board felt that both candidates were well-qualified, but after lengthy discussion voted to recommend Trevor Lian for appointment. The Board asked staff to encourage Mr. Bunde to apply for the next Board opening, and/or to become involved with the Library Foundation or Friends.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPOINT TREVOR LIAN TO THE LIBRARY BOARD WITH A TERM TO EXPIRE DECEMBER 31, 2009. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 ABSENT – Ballew and Fitch)

2. Business from Council

a. Committee Reports

1. Councilor Woodrow said he met with members of the Kennel and Breeders Clubs to discuss the animal control issues. Police Chief Smith had also attended the meeting and would be working on this issue. Councilor Woodrow also spoke with three veterinarians to ask if they would be willing to provide license applications when they give rabies vaccinations and most have said they would be willing to do that at no additional cost to the City. He said the Kennel Club members would work with the veterinarians as well and would work on putting on a low-cost or free spay and neuter clinic.
2. Mayor Leiken said he had received a request from Jim Johnson, to attend a Lane County Public Task Force Reunion on March 9 from 6:00-8:00pm. He also noted that the Lane County Board of Commissioners planned on doing a twelve city tour to provide updates on their Public Safety proposal that they are planning to put on the November 2006 ballot.

BUSINESS FROM THE CITY MANAGER

1. Justice Center Site Design Selection – P50434.

Project Manager Carole Knapel presented the staff report on this item. On November 28, 2005, the Council approved an Agreement with Robertson Sherwood for the design of the Justice Center facility. The first step in the design process is the development of the site use concept. Once this is developed, the design of the facility can begin.

When the City selected the architect for the Justice Center project, the selection criteria addressed the importance of this project and the impact that this facility would have in the downtown area. The architect has developed four site options based on the approved Functional and Space Program. The site options were developed to combine the functionality required for a cost-effective operation and to allow for a facility design which would reflect and enhance the downtown area.

The four options have been reviewed by City staff and by the Community Advisory Committee (CAC). In addition, the CAC has hosted two Public Forum/Open House events. The first of these was conducted on January 18, 2006. On that date, the architect did a brief presentation of the four options. Following the presentation, participants had the opportunity to discuss the options with the architect and with members of the CAC. The second event occurred on February 9, 2006. Notices of this event were mailed to all property owners and residents of the Washburne District and to all property owners and residents within 300 feet of the perimeter of the project.

At this event, participants were able to review the options and discuss the advantages and disadvantages of each option. Participants were asked to provide written comments and to rank the options. Based on their own review of the options and the input received in these forums, the CAC has developed a recommendation regarding the selection of a preferred site option. (Attachment C).

Because some of the options involve the vacation of streets, a traffic study has been conducted. The study concludes that the street closure scenarios are feasible from a traffic operations standpoint without major mitigation. A summary of the impacts is provided in Attachment A.

The project schedule has been developed to allow for construction to commence in early 2007. In order to meet this goal, the architect must be given direction regarding which option should be used for development of the schematic design.

Mayor Leiken declared that he was currently serving on the Board or Trustees of Northwest Christian College (NCC) and Pastor Womack was the past president of NCC. He said it would not affect any decisions or his judgment.

Ms. Knapel pointed out the display of the site options and reviewed each option. Council had asked about other locations for the facility and she noted that the bond measure passed by the voters had identified the project be located at the site of the existing facility. Traffic impacts were researched including closure of 4th and B Streets. The closure of 4th Street would have no significant impact. The closure of B Street alone or in conjunction with the closure of 4th Street would have an impact on the neighborhood streets, however there would be no capacity problems at the intersections. She said there would be an increase on 5th and A Streets, however it would not be significant due to the classifications of those streets. She said p.m. peak traffic on C Street between 5th and Pioneer Parkway would increase from 50 to 100 vehicles during peak hours, increasing the daily traffic from 500 to 1000 cars per day. Other options were identified during discussion with Council. These additional options were titled 2A and 2AX. Option 2A would involve the purchase of the Carter Building and switching parking areas with the existing church. Option 2AX looked at relocating the church to another area. She said the options, other than Option 2AX, had been reviewed by the Community Advisory Committee (CAC). The CAC had a couple of public forums and invitations were sent out to property owners and residents in the Washburne District and anyone located within 300 feet of the perimeter of the project. Some people that attended the public forums ranked the options. Those that ranked the options, ranked Option 2 as the highest. She introduced the CAC Acting Chair John Tuttle and CAC Vice Chair Maren Tomblin. She said they helped put together the recommendation that was included in the Agenda Packet.

Ms. Tomblin, CAC Vice Chair, residing at 532 5th Street in Springfield. She said the CAC agreed that Option 3 was the preferred conceptual design. The CAC would like to know the costs involved with purchasing the Church and Carter properties. If purchasing those properties was not a viable choice, the CAC selected Option 2, with the condition that design options were explored that kept B Street open. She referred to the design criteria the CAC had when looking at the options, including not closing streets. If a street had to be closed they would prefer 4th Street rather than B Street. They wanted to put buildings along A Street to create the civic street and did not want to push parking or traffic into the Washburne neighborhood. Option 3 satisfied the needs for both the neighborhood and the downtown and provided a functional, cost-effective solution that left room for future expansion. She said Option 3 did that by not closing B Street,

placing buildings along A Street, utilizing parking to act as a buffer to residential areas and utilizing the prominent corner on 5th and A to create a civic space. She said Option 3 satisfied functional program needs, allowed phased construction so the police did not need to relocate and allowed room for future expansion. She said personally it was important for the City to take action now to put the pieces in the proper, best locations that would serve the community for years to come. She said the additional costs with Option 3 would seem slight 50 years from now and it was easier to explore the best solution now than to repeat this process in a few years.

John Tuttle, CAC Acting Chair, residing at 656 D Street in the Washburne neighborhood. He said the CAC all agreed that Option 3 provided the best flexibility in the design of the Justice Center. The CAC wanted to look more closely at the costs associated with that option to see if it might fall within the budget. He asked Council to look further into that option to make that determination. If that was not realistic, the CAC agreed Option 2 would be the best leaving B Street open.

Councilor Lundberg asked the architect, Carl Sherwood about the entrance into the jail in Option 2. She asked how that entrance would work once in operation.

Mr. Sherwood explained that it would be gated with a wall blocking the view. He said it was a function necessary for the jail. The architects could explore another location for the entrance and it could perhaps be placed on A Street.

Councilor Ralston discussed the option of moving the church. He asked about the possibility of turning the church rather than moving it.

Ms. Pappas said the costs would be about the same as moving it.

Councilor Pishioneri asked if the only activity at the entrance would be vehicle traffic with the arrestees. The foot traffic would be off of A Street. He said the foot traffic would not be high, especially on Sundays. The side of the jail for vehicular traffic only could be prohibited to foot traffic.

Councilor Woodrow said any decision would not make everyone happy. He referred to Councilor Ralston's comment that the Council needed to decide a jail would be built and he agreed. He agreed with the Washburne neighbors about not wanting to close 4th and B Streets, but he didn't see any other option. Option 2 was the baseline and was set within the budget. He discussed the church parking. He said he hoped staff and the architects could get better direction and move forward to bring Council additional information. He said Option 2 seemed to be the only choice at this time, but staff could continue to look at other options to keep B Street open. Staff had looked at options of moving the church and buying the Carter property, but that would drain the City's reserves.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE SITE OPTION #2 FOR THE SPRINGFIELD JUSTICE CENTER, LEAVING IT OPEN THAT STAFF AND THE ARCHITECTS BRING IMPROVEMENTS BACK TO COUNCIL. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (2 ABSENT – Ballew and Fitch).

2. Social Games – Texas Holdem Tournament Style Poker Games Update.

Police Chief Jerry Smith presented the staff report on this item. Council requested a six month report from the Police Department on problems with the ordinance and associated activities related to permitted gambling. The Police Department has received no complaints of gambling associated with the Texas Holdem games authorized by City Ordinance since it was enacted.

Council adopted an ordinance in August, 2005 enabling taverns to engage in a specific game of Tournament style Texas Holdem under the City's Social Games Ordinance. The ordinance specifically describes the game and requires a license be obtained by the business and the tournament organizer and that the ordinance be posted on the premises conducting such games.

Since adoption of the ordinance, the Police Department has received no complaints from citizens regarding the operation of the games.

Nine establishments have obtained a City of Springfield license to hold Texas Holdem tournament games. Eight are Taverns open to the public, five of which are not conducting tournament games at this time. Shakers, the Pour House and the Woodsman taverns are conducting the games.

Upon inspection of these establishments, we discovered that Shakers, located at 1836 S. A Street was in violation of not having a licensed tournament organizer on site as required by ordinance and that the ordinance was not posted on the premises.

The Pour House at 444 42nd Street did not have the ordinance posted as required. The Woodsman, located at 117 S. 14th Street was in compliance.

All were in compliance with regard to the "buy in" limitations. The businesses in violation of the ordinance were advised of the noted violations and a follow-up to ensure compliance will occur.

Chief Smith noted that a tavern owner asked that the ordinance be modified to allow family members, employees, the owner of the establishment and the organizer to be able to play the game. He said according to state statute, that was prohibited under state law.

Mr. Leahy agreed and said it was consistent with the advice of the counsel at the time to have a game that passed the legal test.

Councilor Lundberg said she understood Eugene's ordinance allowed those members to participate in the game. She understood the reasoning and explained. She asked staff to look into it further.

Mr. Leahy said he felt it was in violation of state law. He said the current ordinance did have an issue with state law in that it did allow the organizer to collect \$5 for the buy-in. He said he had received calls from the State Attorney General's Office saying Springfield was in violation of the law. He asked the Attorney General's Office to send him a letter stating that. He asked Council if they wanted him to look further into that. He said he recommended running as clean an operation as possible.

Councilor Lundberg discussed the \$5 buy-in.

Councilor Woodrow said he would like to look into the violation Mr. Leahy spoke of.

Councilor Lundberg would like to look at Eugene's ordinance and State statute.

Chief Smith said the organizer cannot be paid by the business, so the only profit allowed by our ordinance was the \$5 buy-in fee from the player to the organizer. He said the business cannot make a profit directly from the game or pay the organizer.

Mr. Leahy said he didn't want to field complaints from people who didn't get a fair game because there was a member of the establishment who won.

Chief Smith said he had received no complaints from citizens with the current ordinance.

Councilor Pishioneri said he voted against this because the ordinance was countering the state statute. He said the City needed to have high integrity and needed to follow the law. He said Council was approached by the business owners saying that allowing the tournaments would bring in more money by increased business, but now they are asking to participate in the game. He proposed to change Springfield's ordinance to make it compliant with state law and then check to see if the other change could be made. He encouraged staff to check into Eugene's ordinance and notify the Attorney General's office if it was out of compliance with state law.

Councilor Ralston said he did not want to participate in anything illegal. He asked staff to look at the other communities and their ordinances. He said it seemed reasonable to allow family members of the owners to join the games. He said he would rather have people come to Springfield to participate in the tournaments rather than going to Eugene. He said the buy-in could be considered the cost of doing business. He said he did not oppose someone getting paid for providing a service and he didn't have a problem with the owners joining the games. He would like the definitive answer whether or not it was legal.

Mr. Leahy said he would provide Council with a definitive answer regarding the owners playing. He said they do have the definitive answer regarding the \$5 for the organizer and it is not legal. He said that would be removed from the ordinance as per the Attorney General.

Discussion was held regarding the buy-in.

Councilor Woodrow said the City had to be in compliance with state law. He asked Mr. Leahy to bring the modified ordinance back to Council.

Mr. Leahy said when he requested a letter from the Attorney General's office regarding the buy-in, they said they would not send a letter, but informed him that they had received a number of complaints, a number of those from charitable organizations who sponsored gambling because of the competition. Technically, the \$5 buy-in was not consistent with state law.

Councilor Pishioneri said it may be all right for the establishment owner to pay for services of the organizer as a set fee, not on winnings. If it did not come out of the player or the play, it should be fine. If the owner wanted to put on a tournament, they could pay the organizer.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder