

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JULY 17, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, July 17, 2006 at 7:05 p.m., with Mayor Leiken presiding.

ATTENDANCE

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

Councilor Fitch was absent (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Low Erosion Award.

Three contractors, nominated by the City, recently won Regional Erosion Prevention Awards for their work in environmental protection. The award is to encourage sustainable practices during construction, while developing partnerships within the community. Categories included both residential and commercial contractors.

There were two residential winners: Anslow and Degeneault and Walter Custom Homes. Mayor Leiken introduced Gordon Anslow and Tom Walter. Both were building in a hillside development located in the Mountaingate Subdivision. These homes were built on steep slopes, required tree protection, had conservation zones and vegetation easements that were to be preserved and enhanced.

There was one commercial winner: Turner Construction. Mayor Leiken introduced Tim Housely from Turner. Turner was constructing the new PeaceHealth hospital. The site had tree protection zones, riparian areas to be preserved and enhanced, and was located inside the drinking water overlay.

Mayor Leiken said these contractors worked to prevent erosion in those types of development and the City should be proud.

Mayor Leiken thanked all the winners on behalf of the Council.

2. Check Presentation from the Chamber of Commerce for Reward Fund.

Mayor Leiken introduced Dan Egan, Executive Director from the Springfield Chamber of Commerce and Mike Donnelly, President of the Chamber Board. Council recently increased

the City's monetary reward for information leading to the arrest and conviction of anyone guilty of destroying City property from \$200 to an amount up to \$1,000. In an effort to help further curb vandalism throughout the City, the Springfield Chamber of Commerce has graciously committed up to \$1,000 to match the amount the City pays. The goal of this partnership is to further protect our community's resources.

Mayor Leiken thanked Mr. Egan and Mr. Donnelly on behalf of the Council. Their efforts were appreciated and showed the strong partnership between the City and the Chamber.

3. KZEL Day Proclamation.

Mayor Leiken proclaimed July 21 as KZEL Day in honor of KZEL going back to live morning radio. KZEL will be doing a live broadcast at IHOP in Springfield on July 21.

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 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

3. Claims

- a. Approval of the June 2005, Disbursements for Approval.

4. Minutes

- a. June 12, 2006 – Work Session
- b. June 12, 2006 – Special Regular Meeting
- c. June 19, 2006 – Work Session
- d. June 19, 2006 – Regular Meeting

5. Resolutions

- a. RESOLUTION NO. 06-32 – A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD UPDATING THE FISCAL YEAR 2006-2007 REGIONAL WASTEWATER SYSTEM DEVELOPMENT CHARGE (SDC) FEE SCHEDULE TO COMPLY WITH THE METROPOLITAN WASTEWATER MANAGEMENT COMMISSION SYSTEM DEVELOPMENT METHODOLOGY ADOPTED BY THE METROPOLITAN WASTEWATER MANAGEMENT COMMISSION ON APRIL 20, 2006 AND THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ON JUNE 5, 2006.
- b. RESOLUTION NO. 06-33 – A RESOLUTION APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT TO ADVANCE \$1.5 MILLION TO THE SPRINGFIELD ECONOMIC DEVELOPMENT AGENCY FOR COST OF URBAN RENEWAL PROJECTS.
- c. RESOLUTION NO. 06-34 – A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD COMPETITIVE BIDS AMOUNTING TO MORE THAN \$35,000 AND APPROVE AMENDMENTS TO PUBLIC CONTRACTS DURING THE

PERIOD OF JULY 25, 2006 TO SEPTEMBER 10, 2006, WHILE THE CITY COUNCIL IS IN RECESS.

6. Ordinances

- a. ORDINANCE NO. 6176 – AN ORDINANCE VACATING ALL THE INTERIOR SUBDIVISION LOT LINES OF LOTS 1, 2, 3 AND 4 OF SYCAN COMMERCIAL PARK 1ST ADDITION AS PLATTED AND RECORDED IN FILE 75 SLIDES 1039 AND 1040, LANE COUNTY, OREGON PLAT RECORDS, SPRINGFIELD, LANE COUNTY, OREGON.

7. Other Routine Matters

- a. Approval of the Liquor License Endorsement for Springfield Timber Bowl, Located at 924 Main Street, Springfield, Oregon.
- b. Approval of the Liquor License Endorsement for Wal-Mart Supercenter #3239, Located at 2659 Olympic Street, Springfield, Oregon.
- c. Authorize the City Manager to Execute the Proposed Agreement with David Logan for Prosecutor Services for the Period from July 1, 2006 to June 30, 2007.
- d. Authorize the City Manager to Execute an Amendment to the Contract with URS Corporation for \$43,648 (revised contract amount of \$357,175) for the Stormwater Facility Master Plan.
- e. Authorize the City Manager to Ratify Collective Bargaining Agreements with American Federation of State, County, and Municipal Employees (AFSCME), Local 1148 and SEIU/OPEU (Oregon Public Employees Union), Local 503.
- f. Authorize City Manager to Execute Memorandum of Agreement with Springfield Police Association (SPA) for Partial Implementation of Negotiated Collective Bargaining Agreement.
- g. Authorize the Mayor to Sign a Contract with the Firm of Leahy and Associates for General Counsel Services.

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS - Please limit comments to 3 minutes. Request to speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

1. Dedication of Property as Public Road.

RESOLUTION NO. 06-35 – A RESOLUTION DEDICATING LAND OWNED BY THE CITY AS A PUBLIC STREET, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECT SUCH DEDICATION.

Assistant Public Works Director Len Goodwin presented the staff report on this item. The developer of the proposed Westwind Estates subdivision has requested that the City permit public streets to be constructed crossing property, commonly know as the Booth-Kelly Haul Road, acquired by the City from the Georgia-Pacific Company. City staff have met with the developer and agreed upon terms to recommend to the Council under which the developer would be allowed to construct such streets. Those terms include the commitment by the developer to construct a public street running within the Booth-Kelly Haul Road and connecting the street crossings he

proposes, an agreement to dedicate certain property which may be necessary to extend 48th Street south to a point near the development and an agreement to financially participate in the cost of constructing that portion of South 48th, in an amount not to exceed \$175,000. The City, in consideration of those agreements, would dedicate the requested right-of-way, grant the developer a right to cross the Weyerhaeuser Haul Road in the vicinity of 49th Street, in the event the City acquires the Weyerhaeuser Haul Road, and grant the developer a right of first refusal on certain property now owned by the City if such property is not required for the extension of South 48th Street. Those recommended terms have been reduced to writing in a letter agreement between counsel for the developer and staff. Staff believes the consideration is fair and reasonable, and recommends that Council approve the Agreement and the Declaration of Dedication.

Mr. Goodwin explained the street and the process to convert it to right-of-way. He noted that the map included in the agenda packet was not very clear. He distributed a map that gave a better outline of the area and the dedication.

Councilor Ballew asked if the final arrangement would be in writing.

Mr. Goodwin said an agreement was attached and would be approved if Council approved the attached resolution.

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. 06-35. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

2. Proposed Amendments to the Metropolitan Area General Plan Diagram, the Mid-Springfield Refinement Plan Diagram and Text, and the Springfield Zoning Map.

ORDINANCE NO. 6177 – AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN GENERAL PLAN DIAGRAM BY REDESIGNATING 5.32 ACRES OF LAND FROM HEAVY INDUSTRIAL TO COMMUNITY COMMERCIAL/NODAL DEVELOPMENT AREA; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

ORDINANCE NO. 6178 – AN ORDINANCE AMENDING THE MID-SPRINGFIELD REFINEMENT PLAN DIAGRAM BY REDESIGNATING 5.32 ACRES OF LAND FROM LIGHT – MEDIUM INDUSTRIAL TO COMMUNITY COMMERCIAL /NODAL DEVELOPMENT AREA AND AMEND THE PLAN TEXT TO IMPLEMENT TRANSPLAN NODAL DEVELOPMENT AREA 9C AND ALLOW THE APPLICATION OF THE NODAL DEVELOPMENT AREA DESIGNATION AND ZONING OVERLAY; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

ORDINANCE NO. 6179 – AN ORDINANCE AMENDING THE SPRINGFIELD ZONING MAP BY REZONING 5.32 ACRES OF LAND, TAX LOT 05200, ASSESSOR’S MAP 17-

02-31-00, FROM LIGHT – MEDIUM INDUSTRIAL TO COMMUNITY COMMERCIAL /NODAL DEVELOPMENT OVERLAY DISTRICT; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

City Planner Gary Karp presented the staff report on this item. On June 20th, the Planning Commission held a work session and public hearing on these applications. Other than the applicant, there was no additional testimony at the public hearing. During the Planning Commission deliberation, two issues were raised resulting in a split vote: 1) Converting industrial land to commercial land; and 2) Protecting single-family residential properties from industrial incursions in Adams Plat. Staff had the same concern about the conversion of industrial to commercial land and stated so in the staff report's Section I., Executive Summary. However, the applicant addressed the existing adopted inventories that demonstrated a lack of commercial and a surplus of industrial land and staff concurred with that finding. In the refinement plan text amendment discussed in Section V. of the staff report, the Commission's concern related to the Adams Plat neighborhood north of the subject property. The subject property is located in the North Main neighborhood (Attachment 5 included in the agenda packet) and is also in proposed Nodal Development Area 9C as shown in TransPlan. There is newly constructed multi-family housing to the northeast and commercial properties to the south and east. The proposed Mid-Springfield Refinement Plan text amendment does not change the original intent of Industrial Policy 7. The Planning Commission voted 4-1 to forward the Metro Plan diagram and the Springfield Zoning Map amendments and 3-2 to forward the Mid-Springfield Refinement Plan diagram and text amendments to the Council for their consideration. The applicant requested that the Council adopt these Ordinances by emergency because the summer recess doesn't allow for a timely second reading. This would delay the Site Plan and building permit applications for the DMV office.

Mr. Karp distributed a packet that belonged to the Planning Commission staff report. He referred to Attachment 4, page 9 in the agenda packet. He introduced Exhibit 1, Proposed Nodal Development Areas from TransPlan, Exhibit 2, Potential Zoning Map, Exhibit 3, Vacant Commercial Land Table from the Springfield Commercial Land Study, and Exhibit 5, Existing Zoning Map. Attached to the exhibits was a letter from the applicant asking Council to adopt these ordinances with an emergency clause.

Mr. Karp discussed the location of the subject property, the current zoning for this property and the proposed changes. He said the intent of the applications was to convert a Day Care Facility and the remaining portion of the property to Commercial use. He discussed the two issues that were raised during the Planning Commission hearing which lead to a split vote.

Mr. Karp referred to Attachment 5 included in the agenda packet which showed Adams Plat and the subject property. He explained why an emergency clause had been placed on these ordinances.

Councilor Ralston referred to Attachment 4, page 3. He said it appeared the site to the west of the subject property would become landlocked.

Mr. Karp said the lines on the map didn't coincide with the partition that was done to create the site on the map. The partition done three or four years ago split this property off and there was now access from 30th Street down to the second parcel. The site was vacant.

Councilor Ralston asked if they could access that property from Main Street.

Mr. Karp further described the access from 30th Street.

Councilor Ralston said the MDR was directly across the street. He asked what would be going into that vacant area.

Mr. Karp said they were only aware of the Day Care Center on the proposed site. One of the conditions of approval would be a trip cap to the site. High volume uses would not be permitted.

Mayor Leiken opened the public hearing.

1. Jim Nelson, 355 Seneca Road, Eugene, OR Mr. Nelson is the Director of Finance for Goodwill Industries. He discussed the mission of the Goodwill Industries and said they had to take care of the assets they did have. He discussed the Day Care Center on 30th Street. Once the building was constructed, Goodwill found they were not able to afford the Day Care service. He discussed the challenges of putting a Day Care Facility at this location. The building had remained unoccupied since 2003. When the Department of Motor Vehicles (DMV) approached Goodwill to lease the space, it seemed like a good fit. DMV would fulfill the purpose of serving the community.
2. Karl Mueller, Agent for Goodwill, 380 Q Street, Suite 220, Springfield, OR Mr. Mueller addressed Councilor Ralston's concern regarding access to the other parcel. He said that vacant area was owned by Goodwill Industries and would not be landlocked. He addressed the reasons for the emergency clause. He said this site was the preferred and only site that DMV was considering in Springfield for their relocation. Their present facility was on a one year lease which expired in February of 2007. If Goodwill's request was approved prior to the summer recess, they could enter into negotiations with DMV for a lease agreement and DMV could design modifications for the structure. DMV would need to update the parking facilities. He said the site plan review process would take about six months. If this were not approved with an emergency clause, it could mean a lapse of service from DMV to Springfield. He discussed the merits of the application and referred to Mr. Karp's discussion of the need for commercial land. He thanked Council for their consideration of their request

Mayor Leiken closed the public hearing.

Councilor Ballew asked if a left turn could be made onto 30th.

Mr. Karp said there was access. A median had been removed.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6177. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch)

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6178. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch)

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6179. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch)

3. Staff Initiated Interpretation of Cluster Standards Within the Hillside Development Overlay Districts of the City of Springfield.

RESOLUTION NO. 06-36 – A RESOLUTION INTERPRETING TEXT OF SPRINGFIELD DEVELOPMENT CODE ARTICLES 16 AND 26 AS PERMITTING CLUSTER SUBDIVISIONS WITHIN THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT SUBJECT TO ALL APPLICABLE OVERLAY AND CODE STANDARDS.

City Planner Jim Donovan presented the staff report on this item. This interpretation is initiated by staff to clarify whether the Hillside Development Overlay District (Article 26 of the Springfield Development Code) permits Cluster Subdivisions and to ratify staff's past practice of allowing Cluster Subdivisions on portions of property within the Hillside Development Overlay District with slopes of 15% or less. City Council endorsement of staff's interpretation will provide a measure of security for the development community and resolve any interpretation questions which may arise during future development review or appeals.

The Planning Commission did conduct a public hearing and considered the proposed interpretation on June 20, 2006. The Planning Commission's unanimous recommendation is forwarded to the City Council for final determination in accordance with Section 4.050 of the Springfield Development Code.

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. 06-36. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch)

4. Annexation of Territory to the City of Springfield (Wirfs, Journal Number LRP2005-00025).

RESOLUTION NO. 06-37 – 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 Jim Donovan presented the staff report on this item. The applicant and owner have requested annexation of 5.44 acres of property located at Rocky Road and North 47th Streets in Springfield. The purpose of the annexation is to allow the development of a Low Density Residential (LDR) cluster subdivision. No annexation agreement was required.

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 the property owner has been

given, and there is no residence or registered voters on the site. The property is within the urban growth boundary (UBG) and surrounded by Springfield City Limits. The City can ensure a minimum range of key urban services including but not limited to police, fire protection, library, parks and recreation, storm sewers, sanitary sewer and schools. The Springfield Utility Board (SUB) will serve the future subdivision.

The City Council Resolution, if approved, will be forwarded to the Lane County Local Government Boundary Commission. The owner is requesting the Expedited Annexation procedure through the Boundary Commission in order to be able to proceed as quickly as possible with the subdivision process which must be completed so houses can be built.

Mr. Donovan distributed a new map for clarification. He said the map would be entered into the staff report as Attachment 1 – 3, in addition to the other two maps. He said other surrounding areas had been developed. The applicant had proposed a subdivision and staff had reviewed and was preparing a tentative decision of approval subject to annexation approval.

Councilor Ralston said the new map was helpful. He asked about the primary access to this property.

Mr. Donovan said South 47th Street went through to the property from Jasper Road. The developer would construct a loop street, an extension of South 47th Street, and looped it back to Rocky Road. The only service issue was the limited stormwater capacity. Staff required the developer do a ‘no net increase’ approach and the applicant responded with wetland mitigation and preservation and a detention facility that met that requirement.

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. 06-37. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch)

5. Amendment to the Metro Plan Diagram and Springfield Zoning Map (Artie Mae Harlow/MAIA LLC).

ORDINANCE NO. 5 - AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN GENERAL PLAN DIAGRAM BY REDESIGNATING 1.59 ACRES OF LAND, TAX LOT 09200, ASSESSORS MAP 17-03-25-14, FROM LOW DENSITY RESIDENTIAL TO LIGHT-MEDIUM INDUSTRIAL AND ADOPTING A SEVERABILITY CLAUSE (FIRST READING).

ORDINANCE NO. 6 - AN ORDINANCE AMENDING THE SPRINGFIELD ZONING MAP BY REZONING 1.59 ACRES OF LAND, TAX LOT 09200, ASSESSOR'S MAP 17-03-25-14, FROM LOW DENSITY RESIDENTIAL TO LIGHT-MEDIUM INDUSTRIAL AND ADOPTING A SEVERABILITY CLAUSE (FIRST READING).

City Planner Mark Metzger presented the staff report on this item. Artie Mae Harlow /MAIA LLC has submitted a request to change the Metro Plan Diagram designation and zoning for a 1.59 acre parcel on the southwest corner of 28th and R Streets from Low Density Residential to Light-Medium Industrial. At issue is whether the criteria for approving amendments to the Metro Plan Diagram and the Springfield Zoning Map have been satisfied.

The context of the subject property generally supports the proposed Plan amendment. Properties to the north have LDR Plan designations, but the properties are zoned Heavy Industrial. These represent another example of the "Plan/zone conflict" issue that Council addressed not long ago in the Adams Plat neighborhood. Property to the east across 28th Street has a Heavy Industrial (HI) Plan designation and zoning (Kingsford Charcoal Co.). The southern boundary of the subject property is adjacent to I-105 (Hwy 126).

The property to the west is a manufactured home subdivision, MAIA Park. The subdivision is planned and zoned LDR. Evidence has been provided by the applicant showing that the owners of the properties in MAIA Park bordering the subject site were notified of the intended mini-storage and RV storage at the time they purchased their lots (Attachment 4 to Exhibit A for each Ordinance). Letters from the current owners of abutting properties have been submitted by the applicant affirming their knowledge of and support for the proposed Plan/zone designation change and the proposed development of a RV and mini-storage use (Attachment 5 to Exhibit A for each Ordinance).

The staff reports enclosed as Attachment 1 to Exhibit A for each of the ordinances examine the criteria for approval and offer analysis and pertinent findings. Based on the analysis and findings, staff finds that the requested amendments satisfy the criteria of approval.

No opposing testimony was submitted at the Planning Commission hearing held on June 20th. The Planning Commission unanimously recommended approval of the proposed amendments (Attachment 2 to Exhibit A for each Ordinance).

Mayor Leiken opened the public hearing.

1. Steve Cornacchia, 180 East 11th, Eugene, OR Mr. Cornacchia said he was from the law firm Hirshner, Hunter and represented the applicant. He said he understood Council had been briefed during the Work Session. He said he was available for questions.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

6. Vacation of Mid-Block Alley Right-of-Way (Within Assessor's Map 17-03-35-31), Case No. LRP2006-00019.

ORDINANCE NO. 7 – AN ORDINANCE VACATING A 14 FOOT WIDE, EAST-WEST ALLEY IN BLOCK 1 OF THE MAP OF SPRINGFIELD, BOOK 1, PAGE 1 OF PLAT RECORDS OF LANE COUNTY, OREGON, DATED APRIL 5, 1872 (FIRST READING).

City Planner Andy Limbird presented the staff report on this item. On May 15, 2006, City Council initiated an action to vacate public right-of-way for the mid-block alley west of 4th Street between A Street and B Street to facilitate development of the Springfield Justice Center.

The subject right-of-way is a 14-foot wide by 264-foot long alley running east-west behind the existing police, courts and commercial lease space in the 300 Block of A Street. The alley presently serves as a driveway exit onto either Pioneer Parkway East or 4th Street for public and police parking lots in the north half of the block. Proposed development phasing of the Justice Center would maintain the utilities and public access provisions of the alley until construction starts on the jail facility (and the area occupied by the alley) in 2008. The City owns all 10 tax lots within the city block, and 9 tax lots directly abut the alley proposed for vacation. The Planning Commission voted unanimously to recommend conditional approval of the vacation at a Public Hearing meeting on July 5, 2006. Tentative site plan approval for the Justice Center - conditional upon vacation of the subject alley - was issued on July 10, 2006.

Mr. Limbird entered the following into the public hearing record.

- Affidavit of service documenting public notice of the public hearing. This document was at the request of someone who provided testimony during the Planning Commission public hearing. Staff did re-notify people within 300 feet of the subject alley as well as the people that provided testimony at the Planning Commission hearings and the representatives of the Washburne neighborhood as a courtesy.
- Copies of cassette tapes from the June 20, 2006 Planning Commission Work Session and the June 20, 2006 Planning Commission Regular Meeting (these tapes will be kept on file in the Development Services Department). Mr. Limbird noted that the tapes from the July 5, 2006 Planning Commission meeting would also be entered into the record upon their completion and would be maintained in the Development Services Department.

Staff requested that the public hearing be concluded this evening with a two-week period until July 31, 2006 for submittal of any written testimony. This item would then be placed on the Council's Regular Meeting agenda on September 18, 2006 for a 2nd reading and consideration. He noted that the Planning Commission voted unanimously to approve vacation of the alley right-of-way at their July 5 meeting.

Mayor Leiken opened the public hearing.

1. Curtiss Greer, 357 55th Street, Springfield, OR Mr. Greer noted his impression of this vacation. He said the vacation application seemed to follow a democratic process rather than a constitutional republic form as we are supposed to have. Constitutional republic allowed the government to only do that which is expressly authorized to do. All Councilors take an oath to uphold the laws of the United States, Oregon and Springfield, including the Constitution of the United States of America. He discussed the questions that arose in his mind following the Planning Commission meeting. He addressed those five questions in a letter, and received a written reply to one. He discussed a fraud report by an employee that raised his questions. At the next meeting, he questioned why he had received only one answer and was informed by a Council appointee that four of his questions had been looked upon as statements. He said during that same meeting, another former Council member, not now under the oath of Council, said we could move ahead with mistakes and take care of it later. He would like to see the code line that approved this action. Additional information in a letter he received, "the application and all documents submitted by or on behalf of the application and application criteria were available for inspection at City Hall at no cost and would be provided at a reasonable cost". He said staff declared many documents need not be made available and he asked

what they were hiding. Moving forward with this vacation was contrary with Council's oath of office. The only remedy would be to show code lines that allowed the action. A government may only do that which it is expressly authorized to do. He read from a quote from James Madison.

2. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons alleged that the two hearings before the Planning Commission were defective. He said the original application was not complete. He asked Council to refer this issue back to staff to do it properly. There was a dispute as to whether or not it had been done properly. If it were to be re-done properly, the procedural errors would be corrected and it would be done. He noted Mr. Limbird's testimony of public notification for this hearing, including the Washburne neighborhood, but he said they did not do that. He discussed the land use process. He recommended Council return this back to the staff to start over to do it right. He said he raised questions about the record. He said there were documents that should be part of the record. He discussed ex parte contact. He said it would be simpler to go back and do it right rather than go through the LUBA process and he would like to see it done correctly rather than going through the LUBA process. He said he had a request into the City Manager's Office for access to those records which had not been responded to yet. He would like to see those records and keep the written record open until July 31.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO LEAVE THE WRITTEN RECORD OPEN UNTIL JULY 31, 2006. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

7. Public Hearing for Project P20340 – West I Street: Kelly Street to Water Street and Vicinity.

ORDINANCE NO. 6180 – AN ORDINANCE ADOPTING THE REPORT OF THE CITY ENGINEER FOR IMPROVEMENTS ON WEST I STREET: KELLY STREET TO WATER STREET, AND VICINITY (P20340), AND DECLARING AN EMERGENCY.

Assistant City Engineer Steve Rodolf presented the staff report on this item. A public hearing must be held prior to the adoption of the Engineer's Report and selection of a contractor for the subject project. We are requesting an emergency declaration to allow for bids to be advertised and a contract awarded during the Council's recess.

The property owners on West I Street, between Kelly Boulevard and ½ block east of Water Street., petitioned Council to initiate a street improvement project in March, 2002. On June 2, 2003, Council reviewed the petition and the project and adopted Resolution 03-25 initiating the project. Initiation states the City's intent to construct the defined project, and its intent to recover cost through assessment of the properties benefited by the project.

Since adoption of the resolution, staff has applied three times for CDBG funds to assist low income property owners. As of March of this year, enough CDBG funds have been assigned to the project for the City to proceed. During this time, some of the properties have changed ownership, but the majority has stayed the same.

Staff held a neighborhood meeting at 7:00 pm, Tuesday, June 6, 2006, at City Hall. Owners of three properties attended that meeting. We discussed the details of construction, project costs and

assessment formulas. Owners of two of the properties expressed reservations about the project at the beginning of the meeting. By the end of the meeting their opposition to the project was less clear. It was reported that owners of at least three properties not in attendance still strongly support the project. Attendees were informed of tonight's public hearing and asked to provide testimony at or before the hearing to make their preferences known. This hearing has been duly noticed.

The current construction cost estimate for the project is \$249,000. CDBG funds will offset assessments up to \$135,500. The remaining project costs, less the City's un-assessable share, will be borne by the adjacent and benefited property owners, as defined by Title 3 of the Springfield Municipal Code, and City policy. Funds are available in the adopted FY07 Capital Budget to cover the City's share; however, funds will need to be moved to this project in the first supplemental budget, as shown in section 5.00 of the Engineer's Report.

Mr. Rodolf referred to photos showing the current condition of the street. He gave a brief history of the initiation to go forward with this project. He noted the public hearing and where it was noticed. He highlighted and discussed the two elements of the resolution: 1) notice of pending assessments; and 2) the emergency clause. Staff would like to proceed with this project. If approved, they would proceed and open bids in August. Assessments would be filed after acceptance of the project, which would be around January 2007.

Councilor Lundberg asked when the assessments were normally seen by Council.

Mr. Rodolf said the formal assessments were normally set at the end of the project.

Mayor Leiken opened the public hearing.

1. Clay Parker, 244 West I Street, Springfield, OR Mr. Parker said he appreciated the time from the Council and the Mayor. He also appreciated all the time from staff in Finance and Engineering in working with him on this project. He said he was here in support of this project. He said it was important when he undertook the project that there was little tension between the neighbors. He has received very little resistance, however there was one person who stood to lose the most and gain the least and he was also here to testify.
2. Ken Wilson, 965 Kelly Boulevard, Springfield, OR Mr. Wilson said he did stand to lose the most from this. He said he had lived on the corner for sixteen years. During that time he had planted and grown large hedges, fruit trees, flower boxes, etc. which would all be taken away by the widening of the street. He said he would also stand to lose the most out of pocket as he did not qualify for low or mid-income and he had the largest frontage. He said he understood the power of the City to use eminent domain to do this project. He realized the proposed project only took about six feet of his property compared to the actual right-of-way the City had. He said because one-third of it would be covered by the Federal Community Development Block Grants, he acquiesced to the inevitability of the project with protest.

Mayor Leiken closed the public hearing.

Councilor Ralston asked if Mr. Wilson would be losing so much property because the curve was so round.

Mr. Rodolf clarified that Mr. Wilson would be losing part of his yard, rather than his property. A large part of the land he is occupying is City right-of-way. All of the property was to be built within the City right-of-way. The part of Mr. Wilson's yard that would be removed was very nicely landscaped and was independent of the location of the curb. He said there were two properties that had 130 feet of frontage. He said there were some discounts for corner lots. There had already been improvements to the Kelly Street side of Mr. Wilson's property. He noted there was an additional discount where the City picked up the first twenty feet of the first one hundred feet.

Councilor Pishioneri asked about the width of H and J Streets.

Engineer Technician Ram Meier said they were normally 28 feet. He referred to the map. Currently, I Street was at 32 feet, narrowing down to 28 feet. He discussed parking. He referred to Mr. Wilson's property and the City right-of-way. The City would provide a new fence to Mr. Wilson, but would be taking out a large piece of his yard. They use a standard twenty foot radius by code. He said the policy in this neighborhood was consistent throughout this area. Some had setback sidewalks, but all that Mr. Meier had been involved with had curbside sidewalks.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6180. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch)

BUSINESS FROM THE AUDIENCE - Limited to 20 minutes. Please limit comments to 3 minutes. Request to Speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

1. John Brown, 101 East Broadway, Eugene, OR Mr. Brown said his statements were not representative of any position he held on any board he was on in this community. He thanked Council for what they do for their community. He said although he was a resident of Eugene, he knew that what the Springfield Council did affected him. He discussed the efforts he had undertaken over the last twelve year to clean the Willamette River. He asked Council again to make this a higher priority than it appeared to be. He said there were several areas that were very bad and police had to sweep the areas before clean-up crews could go in and that wasn't right. Volunteers found thousands of pounds of disgusting material on the riparian area between the railroad bridge and the passenger bridge. He said there were active camps inside Island Park and volunteers didn't clean up that area for fear of being confronted. Eugene Police and Lane County Sheriff's office assisted in Glenwood. He said the economic capacity should not be a license to not respect the environment. He said City staff and Willamalane staff were great, but anything further they could do would be appreciated. He asked Council to make this a higher priority.

Mayor Leiken thanked Mr. Brown for his efforts and his commitment.

2. Jeff Boartfield, 2145 31st Street, Springfield, OR Mr. Boartfield said he would like to speak about how people were neglecting their animals. He said there was a major cat population in his neighborhood. He said there needed to be rules for spaying and neutering pets. He said he had to save about 30 cats' lives in the last few months because

they were neglected, unfed, and ill. People abandon cats and allow more kittens to be born. No one was taking responsibility and he wished there was something to do about this. He said he took care of his dog, and made sure he had his shots and was licensed.

3. Mark Molina, 146 E Street, Springfield, OR Mr. Molina said he hoped the Mayor had a great trip with the Governor overseas and while on vacation. He said it had been an exciting summer so far, especially with the large amount of building going on in Ward 1. He said he had some funds leftover from his campaign. He discussed the event at the Springfield Museum that honored the Mayors of Springfield. He said it had been interesting seeing the Springfield Museum grow and all they had done. After the Mayor's event, he felt he wanted to make a contribution to the Museum as well as the Special Olympics. He presented a check for \$367.34 to the Springfield Museum for the continuation and support of the City and Community connecting to its rich history.

Mayor Leiken noted the real legends that were former Mayors of Springfield and who had attended that event at the Museum.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Cheryl O-Neill, Executive Director, Womenspace, and Chair, Human Services Network, P.O. Box 50127, Eugene, OR Regarding Funding for the Human Services Network and its Services.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE AND PETITIONS FOR FILING. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Business from Council
 - a. Committee Reports
 1. Councilor Ballew said she had a call from a constituent and she felt it was a good time to remind citizens to clean up blackberries and keeping their alleyways cleaned out. She would like something to go out in a newspaper or other publication reminding people of those responsibilities.
 2. Councilor Lundberg said she was going to meetings to promote the upcoming Police levy. She referred to the calendar of upcoming events in Springfield and asked Council members to attend at least one event this summer to talk to people about the levy and operations funding. She said she would try to coordinate with the other Councilors. She distributed a calendar full of summer events to attend.

3. Councilor Woodrow reported on the Thai Princess visit last week. He discussed the event at the Library and the dinner. It was a great opportunity to build great relationships with the Princess and the Thai embassy. He thanked Mr. Grimaldi and his staff (particularly Julie Wilson, John Tamulonis and Niel Laudati) for their excellent work in arranging everything. He also thanked Library Director Bob Russell and his staff and Police Chief Jerry Smith and his staff.
4. Councilor Ralston reported on Lane Regional Air Protection Agency (LRAPA). He said the board evaluated the executive director during the last meeting. They had been getting complaints about Rexius, similar to complaints that had been received about Baxter in Eugene. He felt they were two different situations, but were being treated the same. He asked Councilor Ballew about a seminar she attended regarding a ten year plan to eliminate homelessness that was through the Human Services Commission. He asked her what her impression was of the seminar.

Councilor Ballew said it was a consciousness raising event, with lots of enthusiasm, but no money. She said she could provide him with the materials from the seminar.

Councilor Ralston said it could be a mandate to try to achieve the elimination of homelessness. He noted the difficulty in solving this issue without lots of money.

5. Councilor Ballew reported on Metropolitan Policy Committee (MPC). She said it was a quiet meeting. Lane County Commissioner Bobby Green brought forth a motion to select a southern route, but Eugene voted no. Eugene proposed the Metropolitan Transportation Improvement Program (MTIP) without the West Eugene Parkway (WEP) and it was approved.
6. Councilor Ralston discussed the joint elected officials meeting (JEO) held on July 12 and his comment that both cities should look at doing a residential lands study. A suggestion was made by a Eugene councilor following that meeting that the City of Springfield send a letter to the City of Eugene recommending Eugene conduct a study. He asked if that had been done. The Housing Policy Board had discussed this issue and would be drafting a letter strongly suggesting Eugene conduct a study. He discussed land banking, which was common in Eugene, and the affect that had on the ability to afford low-income housing. He felt Eugene should be contacted in as many ways as possible about this.

Mayor Leiken asked Development Services Director Bill Grile if we were waiting for John VanLandingham, Chair of Land Conservation and Development Commission (LCDC) to return from out of town. The Mayor understood that Mr. VanLandingham was going to make that recommendation to Eugene.

Mr. Grile said Mr. VanLandingham had some concerns, but he could not speak for him regarding his recommendation. It would be best for Springfield if there was one residential study that dealt with both sides of the freeway. From a market standpoint, it would also be beneficial.

Mayor Leiken said before the City proceeded with a letter of recommendation, he asked staff to follow-up with Mr. VanLandingham to get information from him.

Councilor Ballew said she was reluctant to do anything rather than invite Eugene to conduct a study.

Mr. Grile said the planning directors and his counterparts would be meeting on Thursday to debrief and examine opportunities for next steps. He would inform Council of the outcome of those meetings.

Councilor Pishioneri said during the JEO meeting, he did not see information on how much of the commercial /industrial land fell adjacent to Springfield property.

Mr. Grile said staff would get that information to him. The next step after receiving the data would be to compare the supply with the expected demand. That would be a policy decision on marketing the area for its growth potential.

7. Councilor Pishioneri thanked Councilor Woodrow for representing the City during the Thai Princess's visit.
8. Mayor Leiken discussed the trade mission trip he took to South Korea and Japan with Governor Kulongoski. He said it was very educational and he saw first hand how much business Oregon did with those two countries. The meeting with Hynix was a highlight. The facility in Eugene is the only one located in the United States, and he noted 400-500 Springfield residents work there. There was a strong commitment from the State and the Governor to work with Hynix to help them expand and start work on a second phase. Hynix was now ahead of Micron and was number two in the world as a semi-conductor supplier. The second phase would be dedicated to technology. It would be a regional effort by regional elected officials and the regional Economic Development folks to encourage Hynix to work on that expansion. He said it was a great opportunity. Hynix gives a lot back to community. While in Japan he saw what the Port of Portland meant for the State of Oregon. He said he had invited the executive director from the Port of Portland to come to Springfield and speak about it. He said it was the number 1 port on the west coast for the trade with Japanese vehicles. He said Tokyo was a very clean city and it was an amazing trip. The Governor would be announcing an opportunity with Japan for the State along the I-5 corridor.

BUSINESS FROM THE CITY MANAGER

1. FY06 COLA and Benefits Recommendation for Non-Union Employees.

Human Resources Director Bill Spiry presented the staff report on this item. This memorandum addresses compensation recommendations for the City's non-represented employees including non-public safety management, confidential, Fire management, Police management, and appointed personnel. For purposes of cost of living adjustments to be effective July 1, 2006, staff recommends that as a minimum, increases applied to the respective bargaining units be used for this determination. This is important to ensure maintenance of an appropriate relative compensation rate for management positions in the overall City pay structure, which is in turn critical in the context of employee development, retention, and successor recruitment.

Staff recommends the following compensation adjustments to be effective July 1, 2006, for City non-represented personnel:

General non public safety management, confidential, & appointed (same as SEIU/OPEU & AFSCME):

- 2% COLA effective 7/1/06
- City to assume .46% supplemental LTD premium share effective 7/1/06.

Fire Management & appointed (same as IAFF):

- 2% COLA effective 7/1/06
- 1% city deferred compensation contribution effective 7/1/06.

Police Management & appointed (same as SPA):

- 3% COLA effective 7/1/06.

Additionally, the proposed FY08 City budget will reflect a Staff recommendation that the City assume the 6% employee contribution to retirement plans for non union (PERS and City Retirement Plan-Police), to be effective 7/1/07.

The estimated cost for the recommended compensation adjustments for City non-union employees in FY07 is \$166,502.

Councilor Ralston asked about the 6 percent employee contribution towards PERS.

Mr. Spiry said that was a recommendation that would be reflected in next year's fiscal budget. He said it aligned with the negotiated agreement with AFSCME and OPEU. Non-union employees were dealt with annually and this reflected that next year's fiscal budget would reflect a recommendation for that 6 percent assumption. The COLA would be the first year.

Mr. Grimaldi said Council would look at that recommendation and make a decision next year. He noted that there was no negotiating with non-union employees.

Mr. Spiry said these employees were not represented by any bargaining unit. Their increases were set by Council. The recommendation was developed by the City Manager and came to Council for their decision.

Councilor Ballew asked for a chart showing the current wage packages compared to the new wage packages for all of the groups, both union and non-union.

Mr. Spiry said staff could provide that information for Council.

Councilor Ralston asked about the figure of \$166,502 listed at the bottom of the agenda item summary (AIS).

Mr. Spiry said that would be the additional cost in this fiscal year for the increases affective for all non represented employees. That amount was within the projected budget for FY06-07.

Councilor Ralston asked how many people it represented.

Mr. Spiry said it was about 94 employees.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE RECOMMENDED PAY INCREASE AND BENEFITS

CHANGES FOR CITY NON-UNIONIZED EMPLOYEES FOR FY2006/2007. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

2. Approve Schematic Design and Cost Estimate for the Justice Center Project – P 50434

Project Manager Carole Knapel presented the staff report on this item. On March 21, 2006 the City Council approved the site design for the Justice Center project. Based on the approved site design, the project team has worked with staff to develop a building layout. A cost estimate has been prepared to reflect the construction cost for the facility. The proposed schematic design and cost estimate was presented to the City Council in a Work Session on July 10, 2006.

The project design team has been working with representatives of the Police Department, Municipal Court and Prosecutor's Office to develop a building layout which incorporates the Functional and Space Program as approved by the City Council. Schematic design review meetings were concluded with these User Groups in May 2006. The project team has also worked with the Community Advisory Committee (CAC) to develop an exterior design which reflects the character and values of the community and the downtown neighborhood. The CAC hosted an Open House on the schematic design on June 14, 2006 and received positive comments during that event.

Cost estimates have been completed on the schematic design as presented. To obtain the best estimate, the project architect and the construction manager/general contractor (CM/GC) each completed a separate estimate. These estimates were reviewed and reconciled by the project team. The final estimate indicated that the project was over budget by approximately \$2.148 million. Attachment A is the Reconciled Schematic Design Estimate. This document represents the collaboration of the architect, CM/GC and the City staff. The City Finance Director participated in some of these discussions regarding the cost estimate. He indicated that his bond sale schedule demonstrates an opportunity for interest earnings which would provide additional revenue for the construction costs. He suggested that the project team include approximately \$1 million in interest earnings to the construction cost budget. Following this direction, the project team agreed to identify approximately \$1.148 million in project cost reductions.

The project team worked to develop a list of value engineering items which would reduce the cost of construction by \$961,300 without affecting the building functions or requirements. Attachment B is the Schematic Design Value Engineering list. These items include reductions which have been selected as preferred by the project team and User Groups. The CAC met on July 5 to review these proposed reductions. The CAC voted 5 – 1 to recommend the reductions as presented. During the Work Session presentation to Council, consideration was given to retaining the inmate storage system. If the Council approves the schematic design and cost estimate, the project team will proceed with the design and consider the option to retain the storage system within the project. The project engineers will also continue to evaluate the need for a lightning protection system. The result of these efforts will be presented to Council at the completion of the Design Development phase in Fall 2006.

Ms. Knapel noted that if the schematic design was approved, staff would continue to the next stage of design which would take about three months. Staff would come back to Council in the fall with the next level of design and cost estimates.

Councilor Ballew referred to the schematic design and asked if it included the closure of B Street.

Ms. Knapel said the schematic design included what would be required if B Street were closed so staff could represent to Council that the entire project, including closure of B Street, could be accommodated within the project budget. The design of the facility was outside of B Street, so if Council determined not to close B Street, design of the Police/Court building and the Jail building could begin without closing B Street. There would be some impact on the ancillary building and the connection with the rest of the building.

Councilor Ballew said she would not support this because it included the closure of B Street. She did feel they had done a good job in trying to find some money.

Councilor Pishioneri commended them for selecting materials that saved money. He said the shelving was a very important item and operationally would be very important in the future. Operations exceed aesthetics.

Ms. Knapel said putting that back in was their first priority and they would try to work on the budget to accommodate that.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE SCHEMATIC DESIGN AND COST ESTIMATE FOR THE JUSTICE CENTER PROJECT. THE MOTION PASSED WITH A VOTE OF 4 FOR, 1 AGAINST (Ballew) AND 1 ABSENT (Fitch)

BUSINESS FROM THE CITY ATTORNEY

1. Amendments to Springfield Municipal Public Contracting Code, Section 2.703 "Exempt Contracts;" 2.706 (Public Contracts for Goods and Services;" 2.708 "Personal Services Contracts;" and 2.710 "Public Improvement Contracts."

ORDINANCE NO. 6181 - AN ORDINANCE AMENDING SECTIONS 2.703(1), 2.706(1) AND (2), 2.708(4) AND 2.710(2) OF THE SPRINGFIELD MUNICIPAL CODE RELATING TO PROCEDURES FOR PUBLIC CONTRACTING AND ADOPTING, EXCEPT AS HEREIN SPECIFIED, STATE OF OREGON PUBLIC CONTRACT REQUIREMENTS AS SET FORTH IN ORS 279A, 279B AND 279C, "THE PUBLIC CONTRACTING CODE," AND THE MODEL RULES ADOPTED BY THE ATTORNEY GENERAL OF THE STATE OF OREGON AS SET FORTH IN APPLICABLE OREGON ADMINISTRATIVE RULES, DIVISION 46, GENERAL PROVISIONS RELATED TO PUBLIC CONTRACTING OAR 137-046-0100 ET SEQ., DIVISION 47, PUBLIC PROCUREMENTS FOR GOODS OR SERVICES, OAR 137-047-0100 ET SEQ., DIVISION 48, CONSULTANT SELECTION: ARCHITECTURAL, ENGINEERING, LAND SURVEYING AND RELATED SERVICES CONTRACTS, OAR 137-048-0100 ET SEQ., AND DIVISION 49, GENERAL PROVISIONS RELATED TO PUBLIC CONTRACTS FOR CONSTRUCTION SERVICES, OAR 137-049-0100 ET SEQ., AND DECLARING AN EMERGENCY.

City Attorney Joe Leahy presented the staff report on this item. The 2005 Legislative Session brought many changes to our state's public contracting law. Together with key City public contracting staff (including Bob Duey, Terri White, Len Goodwin, Jon Hiltbrand and Marcy Parker), the City Attorney's office has been conducting a comprehensive review of the City's public contracting ordinance to incorporate any needed legislative.

On June 12, 2006, an amended Ordinance was brought to Council for review and discussion. Council directed the City Attorney's office to make several changes to the ordinance before bringing it back for Council consideration and adoption. Those changes are described in the attached memorandum.

Mr. Leahy discussed the changes made to the ordinance following the June 12 work session.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6181. THE MOTION WAS APPROVED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

2. Social Games (Gambling).

ORDINANCE NO. 10 – AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE (SMC) SECTION 5.258, “THE SPRINGFIELD SOCIAL GAMING CODE/TEXAS HOLD’EM POKER CARD TOURNAMENT” ORDINANCE (FIRST READING).

Police Chief Jerry Smith presented the staff report on this item. Adoption of this amendment to “The Springfield Social Gaming Code/Texas Holdem Poker Card Tournament” Ordinance would amend the Texas Holdem Ordinance to eliminate the provision in Section 5.258(2)(c) that the Tournament Organizer may charge a fee of not to exceed \$5 per player for each tournament.

Ordinance adoption in August of 2005 enabled businesses to engage in the specific game of tournament style Texas Holdem under the City's Social Games Ordinance. The Ordinance specifically described the game and required a license to 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 game. Nine establishments have obtained City of Springfield licenses 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 Poor House, and The Woodsman Tavern are conducting games currently.

In addition to licensing, the original ordinance allowed the Tournament Organizer (not the house) to charge a fee of not to exceed \$5 per player for each tournament.

The City of Springfield has issued 8 licenses to tournament organizers.

Subsequent to the passage of our ordinance, the City Attorney's Office and the Chief of Police have had further discussions with the State of Oregon Attorney General's Office and again reviewed Oregon Revised Statutes and the City of Springfield ordinance. On the basis of those discussions and review, summarized in the attached March 7, 2006 memorandum from the Office of City Attorney, the Chief of Police and the City Attorney's Office are now recommending the deletion from the ordinance of the provision, Section 5.258(2)(c) allowing the charging of a fee of not to exceed \$5 per player for each tournament to be charged by the Tournament Organizer (not the house).

Changes to the SMC regarding license application deadline are made at the suggestion of City staff after some confusion was expressed by the public and/or tavern owners. The language provided will make it clearer that an applicant for a social gaming license under this section must

submit an application prior to July 1st of each year and if submitted after that time, the \$100 fee will not be prorated.

There would be no financial impact.

Mr. Leahy said he had a staff member who was very familiar with Texas Holdem. He said they were not eliminating the buy-in fee, but eliminating the \$5 tournament organizer fee due to a memo received from the Attorney General's office and an analysis of case studies.

Councilor Lundberg said the organizer would still be paid by the owner of the establishment. The City needed to stick to the law.

Mr. Leahy said this amendment did not impair the right of the organizer to strike a payment deal with the owner of the establishment.

Councilor Ralston said the City did need to stick by state law, but he felt the owner of the establishment should be able to run the game. He asked if the owner of the establishment could run the game.

Mr. Leahy said the owner could run the game, but could not derive any income from the buy-in.

Councilor Pishioneri said nothing in this amendment would eliminate the game or hinder the opportunity for the owner to bring people into their business. It took away the extra money a player would have to pay for the organizer.

Councilor Ralston said he agreed. He noted that establishments in Eugene charged \$5, and it should be uniform.

Mr. Leahy said they had inquiries from Eugene and also spoke with the Attorney General.

Councilor Ralston said this could increase this type of gaming in Springfield because it would cost the player less money.

NO ACTION REQUESTED. FIRST READING ONLY.

ADJOURNMENT

The meeting was adjourned at approximately 8:50 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder