

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, MAY 15, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, May 15, 2006 at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. Plaque Presentation to Millie Krey.

Police Chief Jerry Smith presented a plaque to Millie Krey for her contributions to the City and most currently to the Springfield Police Department for the purchase of a new Police Dog. Three K-9 officers were in attendance with their K-9 partner dogs. Chief Smith noted that one of the K-9 dogs in attendance had served with the Springfield Police Department for seven years and was responsible for 171 captures during his career. Chief Smith read from the plaque "In Appreciation for your Generous Donation to the Springfield Police K-9 Unit in Memory of Your Husband Kenneth". The plaque was signed by the Springfield K-9 Unit, including the four officers and the supervisor.

2. Volunteer Recognition – Kate Wallace and Steven Dwyer.

Mayor Leiken presented a letter to Kate Wallace who was honored as Volunteer of the Year for 2006 by the United Way of Lane County. He noted the many hours of volunteer work Ms. Wallace had contributed to the Springfield Public Library as well as other organizations. He thanked Ms. Wallace for her contributions to our community.

Mayor Leiken presented a letter to Steven Dwyer who was honored as Youth Volunteer of the Year 2006 by the United Way of Lane County. Mayor Leiken acknowledged Steven's many volunteer activities and thanked him for his contributions to our community.

3. Recognition of Scott Price for Fifteen Years of Service to the City of Springfield.

City Manager Gino Grimaldi acknowledged Scott Price of the Springfield Fire and Life Safety Department for his 15 years of service to the City of Springfield. Mr. Grimaldi discussed Scott's professional background and accomplishments of the last 15 years. Mr. Grimaldi said Scott was

an example of one of the many dedicated City employees and he was proud to have him as a member of our organization.

4. Recognition of Al Gerard for 15 Years of Service to the City of Springfield.

City Manager Gino Grimaldi acknowledged Al Gerard of the Springfield Fire and Life Safety Department for his 15 years of service to the City of Springfield. Mr. Grimaldi discussed Al's professional background and accomplishments over the last 15 years. Al relayed a humorous story about a Captain working to rescue what he thought was a trapped cat, but turned out to be a toy kitten that made cat sounds. Mr. Grimaldi noted the many arson cases that the Fire Marshal's office had been involved in and had helped to solve.

5. Recognition of Ed Black for Thirty Years of Service to the City of Springfield.

City Manager Gino Grimaldi acknowledged Ed Black of the Public Works Maintenance Department for his 30 years of service to the City of Springfield. Mr. Grimaldi discussed Ed's professional background and accomplishments over the last 30 years. Mr. Grimaldi relayed several humorous incidents related to Ed's employment with the City. Mr. Grimaldi said Ed was a key member of the Springfield team and he looked forward to working with him in the years to come.

Mayor Leiken said it was great that the City recognized its employees in this way. He recalled when he first met with Ed Black and the service he had received from Mr. Black over the years.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR WITH ITEMS 4.A. AND 5.A. REMOVED. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

1. Claims

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

2. Minutes

- a. April 17, 2006 – Work Session
- b. April 17, 2006 – Regular Meeting
- c. April 24, 2006 – Work Session

3. Resolutions

- a. RESOLUTION NO. 06-18 – A RESOLUTION FOR ACCEPTANCE OF PROJECT P30356; ALLEY PAVING CALVARY TEMPLE.

4. Ordinances

5. Other Routine Matters

- b. Award the Contract to Eugene Sand and Gravel, Inc., in the Amount of \$195,712.55 for Project P20480: Mt. Vernon Street Milling and Overlay, from South 57th Street East to the Jasper Road Extension and the Overlay of North 42nd Street from the I-105 Bridge, North 2,200 Feet, and Vicinity.
- c. Initiate the Vacation of the Alley Located Behind the Existing Police Facility to Allow Construction of the Justice Center.

ITEMS PULLED FROM THE CONSENT CALENDAR

Assistant City Manager Cynthia Pappas read the following ordinance into the record.

4. a. ORDINANCE NO. 6164 – AN ORDINANCE PROHIBITING OFFENSIVE/INDECENT EXPOSURE IN A PUBLIC PLACE OR VISIBLE FROM A PUBLIC PLACE.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 1.

5. a. Authorize the City Manager to enter into an Agreement with the Oregon Department of Transportation (ODOT) for the City of Springfield to Operate a Temporary Traffic Signal during the Interstate 5 at Beltline Road Project.

Councilor Lundberg said it was unclear where this traffic signal was to be installed. She asked for clarification on the location.

Traffic Engineer Brian Barnett and Public Works Director Dan Brown brought forward a large map and noted the location of the signal.

Councilor Pishioneri asked about approaching speeds and if those would be decreased.

Mr. Barnett said he had no information that would indicate a reduction in speed. He said ODOT would have notified the City if a change were to be made.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE ITEM 5.A. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

PUBLIC HEARINGS

1. Public Safety November 2006 Special Property Tax Levies.

RESOLUTION NO. 06-19 – A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY A BALLOT MEASURE AUTHORIZING THE LEVY OF A FIVE YEAR LOCAL OPTION TAX FOR PUBLIC SAFETY PURPOSES IN THE AMOUNT OF \$1.09 OF ASSESSED VALUE BEGINNING 2008/09.

RESOLUTION NO. 06-20 – A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY A BALLOT MEASURE AUTHORIZING THE LEVY OF A FOUR YEAR

LOCAL OPTION TAX FOR FIRE SERVICE PURPOSES IN THE AMOUNT OF \$0.40 OF ASSESSED VALUE BEGINNING 2007/08.

Finance Director Bob Duey presented the staff report on this item. At the April 17 Council meeting, Councilors Fitch and Lundberg volunteered to work with staff to develop additional options for securing funding for jail operations. The purpose was to review the progress that had been made to date on identifying a preferred alternative for securing jail operations funding and to provide suggestions to Council on how to proceed with finding a preferred alternative. A recommendation has been prepared and will be presented at the May 15 work session.

Mr. Duey discussed the two levies. He said the first levy, A Five Year Local Option Tax for Public Safety, included two parts. The first was to renew the Police levy passed in November 2002, which was in affect from July 1, 2003 and was scheduled to expire June 30, 2007. The second part was to fund jail operations at the new Justice Center. He discussed some of the other funding options Council had considered before putting out this measure. The new proposed Police levy would be to close the gap in funding needed. He explained the other funding sources such as jail bed leasing, citation fees and court fines. He said it would be a five-year levy, with a delayed effective date and would run from July 1, 2008 through June 30, 2013. He said the revised ballot title was before Council and had been reviewed by the Secretary of State's office. He discussed the amounts for each levy.

Mr. Duey said part of the funding package for jail operations had been consideration of a Business License. The public hearing on that item had been held open from the April 17, 2006 meeting and would be continued tonight. He said indications from Council during the work session were that the Business License would not be part of the jail funding package.

Mayor Leiken opened the public hearing.

1. Mike Donnelly, Springfield Board of Directors, Springfield Chamber of Commerce, 1315 Aspen, Springfield, OR Mr. Donnelly reaffirmed the strong support of the Chamber for the levy in the interest in the continued positive growth for strong economic development in our community. In addition, the Chamber would provide support in time, energy and resources from the Board and members of the business community represented by the Springfield Chamber of Commerce.
2. Dan Egan, Springfield Chamber of Commerce, 850 North 6th Street, Springfield, OR Mr. Egan said he appreciated work from the Council and citizens who had looked into the options. Operations was a stumbling block in this issue. The Chamber of Commerce had always been supportive of the jail issue and would continue to be supportive. It was important not only for the residents, but also the businesses. He said they wanted the levy to pass and were willing to pledge \$10,000 to the Political Action Committee (PAC) that would be formed, as well as fifty to one hundred volunteers. He said it gave the citizens an opportunity to speak once more about the importance of safety in Springfield.
3. Curtiss Greer, 357 55th Street, Springfield, OR Mr. Greer said that until he saw some effort to lower the cost in building and staffing the jail, which he felt could be done, he would oppose this or any measure.
4. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons said the Committee that dealt with the issue for funding felt that the first best option was to get money from those that

occupied the jail. The Business License fee then came up, but was apparently not going forward. He said the Committee had talked about ten or twelve cents per thousand, but it was now being proposed at nearly thirty-five cents per thousand. He said he thought it was important to allow the people to vote on the issue. He said he strongly supported the Fire levy and the portion of the Police levy that was reasonable for the Police Department. With the Police and Jail funding combined, he would have to consider whether he could support it or not. He said it was wise to get started early to get the information out to the public. He asked that the City clearly identify advocacy, education and staff involvement in dollars because if there was advocacy and public money spent, that would be questioned.

5. Roy Varin, 6862 Glacier Drive, Springfield, OR Mr. Varin said Springfield needed a jail with our growing population. He said he was tired of the catch and release program at the County jail. He suggested making the inmates pay for the last quarter of their stay to help reduce costs. He said he had children in college and he noted the cost of room and board. The City could assess the prisoners those costs as well. He said there would be transitional costs to get the inmates back into society. He noted set up costs when children moved out on their own. He said the Springfield Economic Development Agency (SEDA) was trying to get businesses to come to our community. He said if it took \$4M to run the jail, the City should spend \$40,000 on economic assistance on a PETE (pursue excellence through education) scholarship to help graduates transition to college. He said most kids going to college were from the upper twenty-five percentile and this could help level the playing field. He said he would be willing to donate toward such a scholarship and noted that other businesses in the community would probably be willing to contribute. He said if businesses knew Springfield offered scholarships to students, it could bring in more businesses. It would be a better option than paying infrastructure costs, etc. to bring in these businesses.
6. Roxie Cuellar, 739 South 70th Street, Springfield, OR Ms. Cuellar welcomed Mr. Grimaldi back. She said if the City had planned to totally fund the jail through a levy, she would not have been supportive. She said the reality was that there was just a small gap to close and she would support using a levy to fill that gap. That would give the City time to find other ways to fund operations of the jail. She also supported the levy because the major portion was the Police levy and she was very supportive of that. She urged Council to support both the Police and Fire levies and she hoped Council would support putting them both on the ballot.
7. Gery VanderMeer, 2604 J Street, Springfield, OR Mr. VanderMeer said he would be glad to see the Business License gone. He said the jail was important to Springfield and with the problems Lane County was having it could be even more beneficial. He said he also supported fiscal responsibility on the part of the City. He said new revenues would be coming into the City under proposal Number 6 that would raise fines, fees and penalties. He said there had been no discussion about the additional revenue that would be generated from these increases. He said this revenue should be dedicated toward the funding of the operation of the jail. It could eliminate the need for the thirty-four cent portion of the levy to be dedicated to the Jail, reduce the amount of the levy to the voters, and increase the probability of its passage. He discussed the \$1.2M that had been discussed for jail operations and that not one nickel had been identified from the elimination of failure to appear that could be dedicated to funding of the jail. He said these things should be considered to be fiscally responsible to the citizens. He asked Council to consider these things.

Mayor Leiken closed the public hearing.

Councilor Fitch said in a perfect world there would be a perfect answer. This was a first step. She noted the importance of public safety and said the Council was looking at a way to utilize the different fees and fines that would be enacted tonight. The thirty-four cents was to fill the gap that remained along with the seventy-six cents to renew the Police levy. The two together would allow the City to have the public safety that was needed and the citizens had asked for. She said Council would be putting this out to the voters to make the final decision. She said the Jail would not be built without the identification of that stop gap funding. In order to do groundbreaking for the Jail in November, the vote of the people was needed. She said the Police and the Jail had to be tied together. The Police levy did what they initially asked by increasing the officers on the street, reduced response time and increased arrests. Just arresting people did not send enough of a message, there needed to be a deterrent. The citizens had told the Council this was important, Council believed it was important and that was why they had spent so much time looking into this issue. Council wanted to put it out now to give citizens time to study the issues, look at the revenue sources and to give the citizens all the information they needed to hopefully support these levies.

Councilor Woodrow thanked Councilor Lundberg and Councilor Fitch for their work on this. He said they had looked at using court revenues, booking and jail bed charges, a telephone contract, cancellation of the current contract with Lane County, leasing out jail beds and a surcharge imposed upon citations as well as the prisoners themselves. He said the Failure to Appear (FTA) money was not real money, but was money that the City paid to the police officers in their normal process of work. It was not a savings, but would allow them to fulfill their jobs better than they can do now. He said he was previously prepared to support a Business License, but would not go forward on that. He said he was fully supportive of the levy, and acknowledged that it wasn't the perfect solution. Hopefully, with the additional taxes that would come on line in the future, this levy may not need to be renewed. He appreciated all the work that had been done and would be supportive.

Councilor Lundberg said they chose to put this resolution out early to give ample time for campaigning. As Councilors, they were in a position to advocate and she encouraged anyone and everyone that was willing to help to participate as soon as possible.

Councilor Pishioneri said he agreed. He said he was familiar with this type of facility and that the estimates were conservative for this type of facility. He said it was important to go to the citizens and allow them to make the decision. He said he was supportive of this. If it were to pass, there would still be a lot of work to do. He said this was the best way for the City and the best way for the citizens. He said he appreciated the work that went into this.

Mayor Leiken thanked those that worked so hard on the Task Force that met to come up with the many options. The Task Force brought forth many options for Council to consider and a Business License was considered. He said these options energized the debate and conversations to get us to this point. He said that was democracy at its best. He said this was one of the most important votes this Council would have and would be a very important vote for the public. He discussed the cuts to counties that would be reflected in decreased funding for public safety and enforcement, making Springfield's Jail even more important than ever. He said this was crucial. He said he was proud of Springfield and its residents because we didn't just let things happen, but took care of business. He said there were times we had to solve an issue on our own and we had come to that point with this issue. He said he hoped the citizens would see that. It would be a close vote because people didn't want their taxes increased, but there weren't many choices. He said he would advocate for this levy because he strongly believed it was such an important issue

that Springfield needed to address. He said he appreciated Councilors Lundberg and Fitch and the citizens on the Task Force. They energized this debate and their work got us to this point.

Councilor Ralston said he originally wanted to tie the police levy and jail operations together. He felt Council had done their due diligence and this was the best option. He said he was pleased Council came back to this as the best solution.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-19. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-20. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Business License Program.

ORDINANCE NO. 2 – 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.

Finance Director Bob Duey presented the staff report on this item. The City Council held a first reading and public hearing of an ordinance for a Business License Program on February 21st. A second reading and public hearing was held on March 06, and the hearing has remained open for the March 20 and the April 17 Council meeting to allow for a continuing dialogue on this topic with the Springfield Chamber.

At their April 17 meeting, the Council continued a public hearing on an ordinance for possible changes to the City's Business License Program. The hearing was held open until that evening while the Chamber and the City staff discussed with the Springfield Utility Board the possibility of that agency serving as the billing agent for a surcharge on electricity customers within Springfield. The intent was to use any revenue generated from this activity as a source of dedicated funding for the planned jail facility. It was determined that this was not a viable option. Direction from the Council that evening was to hold the public hearing open until May 15 and for staff to return at that time with a fully completed ordinance for Council's consideration.

The City Attorney's office and staff have completed their review and are submitting the attached ordinance for your review and consideration.

Mayor Leiken continued the public hearing.

1. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons said it looked like this was going down anyway. He said while the City had been offered funding and volunteers from Chamber, thirty to fifty percent of property crimes would be against businesses. He said he felt from the beginning that a mechanism to monitor businesses was valid. He hoped Council would consider that at some point. If Council was not going to consider this as a mechanism for funding, that was their privilege. The issue would have been well served by

having those resources going towards the jail. The critical issue was to get the Jail fund put together and start collecting the fees and putting them in the bank, drawing interest. There would be costs not already estimated in the operational process.

Mayor Leiken closed the public hearing.

Councilor Ballew said there was opposition to a Business License tax, but perhaps not a fee that would make a directory of businesses within the City to give the City a better opportunity to know who was there and to help regulate. She said a Citizen Advisory Committee would be worthwhile to look further into this, including business people, workers and everyday citizens. The fee could be just to pay for the cost of issuing a Business License.

Councilor Fitch clarified that such a committee would be a short-term committee. She said she would also support such a committee to look at the issues and ascertain from the information the benefit from it and what the City needed.

Councilor Pishioneri said a committee was a good idea. He said he would like to see what kind of parameters or standards and which businesses could operate in the City.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO NOT ADOPT ORDINANCE NO. 2. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

3. Proposed Resolution Setting Local and Regional Wastewater User Fees and Local Drainage User Fees.

RESOLUTION NO. 06-21 – A RESOLUTION OF THE CITY OF SPRINGFIELD
COMMON COUNCIL SETTING LOCAL AND REGIONAL SEWER USER FEES AS
SET FORTH IN THE SPRINGFIELD MUNICIPAL CODE.

Ravi Brooksbank from Environmental Services presented the staff report on this item. Each year, staff brings to Council proposed user rates for local wastewater and drainage programs. These rates are established to provide adequate revenue to fund operation and maintenance (O&M) and a portion of the Capital Improvement Program (CIP) at the City of Springfield. In addition to these rates, the Metropolitan Wastewater Management Commission (MWMC) develops user rates necessary to maintain the Regional Wastewater Program (RWP).

Last year, as part of the FY 05-06 budget development, Council was presented with several local user rate options. The approach ultimately taken by the Council (beginning with the FY 05-06 fiscal year) was to approve a two year phasing plan for user rate increases in an effort to collect adequate revenues for unmet capital needs, and simultaneously mitigate the likelihood of a large rate spike. This involved a local wastewater and drainage user rate increase of approximately 7 percent per year over a two year period.

At the Council's May 1st work session, staff presented proposed local wastewater and drainage user rate increases that were consistent with the aforementioned course of action and discussed their impact on the FY 06-07 budget. In addition, staff informed Council that MWMC conducted a public hearing and adopted a 10 percent rate increase at their April 20th meeting. The Council discussed the proposed rates and gave no direction to change the rate schedule that will be brought to the public hearing. Therefore, the attached resolution and rate schedule (Exhibit A

included in the agenda packet) are substantively the same as what was presented in the work session. Both local and regional wastewater fees and local drainage fees are anticipated to be effective on July 1, 2006, pending adoption of the attached resolution.

Ms. Brooksbank discussed the increases approved by the MWMC. She discussed the average increase per household. No public comment was received at the MWMC public hearing and the MWMC adopted the user rate schedule reflecting a ten percent increase.

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. 06-21. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

4. Liquor License Endorsements for the Renewal Period of 2006-2007.

Community Services Manager Dave Puent presented the staff report on this item. On December 19, 1994, Council approved Ordinance No. 5768 that established specific criteria to be used when reviewing an application for a liquor license endorsement. Council may recommend denial based upon reliable, factual information as it relates to any of the criteria listed in Section 7.302 of the Springfield Municipal Code.

Some of the required information for liquor license renewal, i.e., ownership of the establishment, cannot be determined until staff receives the actual application. However, some determination about meeting the listed criteria can be made now since the criteria relates to the level of police activity associated with the establishment.

The public hearing this evening is scheduled for Council to receive community testimony relative to the liquor license renewal endorsement. At the conclusion of the public hearing, Council is requested to provide one of the following recommendations to the Oregon Liquor Control Commission for the license renewal of the listed establishments (see agenda packet for this meeting): 1. Grant; 2. No Recommendation; 3. Do Not Grant Unless (applicant demonstrates commitment to overcome listed concerns); or 4. Deny.

Councilor Ballew said she was surprised at the number of warrants that were served on these calls.

Chief Smith said when they responded to calls they ran checks on everyone involved.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Pishioneri discussed concerns about the businesses that had the highest number of calls. He noted Club 420. He said he didn't know if he could concur with a recommendation to go forward with their renewal.

Mr. Leahy said they could approve/deny or put conditions on approval. He said the Council could only make a recommendation because the Oregon Liquor License Commission (OLCC) made the final decision. He referred to Section 7.302 of the Springfield Code, which identified Council action related to criteria. He said that was the same criteria that OLCC had. If there were one or two businesses that Council did not want to recommend approval, their denial would hold greater weight if it was tied to the criteria along with information.

Councilor Pishioneri referred to a memorandum that suggested that if the activity continued to occur it could cause extraordinary services from the Police Department.

Chief Smith explained what was referred to in the memorandum. He said he did not see the 53 calls for service unnecessarily extreme. He referred to other establishments in the past that had extremely high instances. Many of those businesses went out of business.

Councilor Pishioneri asked if the Council could send something to the OLCC with comments citing concerns about the two businesses. He asked if OLCC could then issue warnings to those businesses.

Chief Smith said the problem he could see regarding the 7-11 Store was that it was difficult to know whether or not the calls were triggered by the establishment because it was a congregation point. The same was true at Club 420.

Councilor Pishioneri said it could prompt the business to hire security.

Councilor Lundberg noted the number of liquor licenses that had been reviewed over the years, some with extremely high numbers in the six hundreds in terms of calls. She said a program was set up to do some monitoring of that business and that establishment was no longer in business. She said OLCC was good about trying to keep things under control, but it was only under extraordinary circumstances that OLCC would deny a license. She said the City was limited in what it could or couldn't do. She agreed with Chief Smith that the incident may not necessarily be in the building, but in the proximity and the establishment was used to make the call. She said she was not seeing any red flags about the businesses. She said there was a situation downtown that needed to be addressed.

Councilor Ralston said the numbers did not cause alarm as some had in the past. He said with the number of people coming and going to these establishments, the numbers were not enough to cause him to remove them from the list.

Councilor Pishioneri said he was not suggesting taking away their license, but he wanted to have a message sent to them that the City was aware of their increased activity. He would like to see if there was any way those businesses could receive that message.

Councilor Fitch said there was the potential that the Police Chief could relay to those businesses that there was a lengthy discussion by Council on this issue and it would not be advantageous for a business to be listed as the top three on this list next year.

Councilor Pishioneri said that would be fine if the Chief was willing to relay that message.

Chief Smith said he would communicate that information to the establishments noted. He said one concern he had in doing that was that people might quit calling when there was a need for police response. He said the business needed to understand that it didn't mean for them not to call, but to mitigate the problem.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE LIQUOR LICENSE ENDORSEMENTS FOR THE RENEWAL PERIOD OF 2006-2007. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE

1. Curtiss Greer, 357 South 57th Place, Springfield, OR Mr. Greer referred to Ordinance No. 10 listed in the agenda packet. He said the ordinance did not address many things about firearms that he was familiar with. He said the way he read it, a person would not have probable cause to stop someone even though they had a loaded firearm. He said the ordinance was written as if the weapon were unloaded. He said the City needed someone working with these ordinances that was familiar with firearms and the terminology and not change the definition of a word from one paragraph to the next.
2. Fred Simmons, 312 South 52nd Place, Springfield, OR Mr. Simmons thanked Matt Cox from the City Attorney's office for his work on these many ordinances and making the corrections. He discussed the loaded firearm question, which was actually Ordinance No. 11. He discussed the definition of a loaded firearm as noted in the ordinance. He gave an example of a police officer approaching someone with a weapon, not knowing if it was loaded or unloaded, and the difficulty that could present. He discussed different firearms and what would be considered loaded or unloaded. He said the average officer would be advised to proceed carefully, but he hoped that the unintended consequence was not to have an officer wounded in the line of duty. He said it was a challenge for the writer of the ordinance, but more of a challenge for the officer in the field to determine if the weapon was loaded. He suggested revisiting this ordinance. He said he did not want police officers injured or killed.

Mr. Cox said the City Attorney's office dealt with the loaded weapon issue in Ordinance No. 3. He read that definition. He said that was the standard the police officers would use in the field. He said an officer did not need probable cause to stop someone, but rather reasonable suspicion, which could be just seeing a gun. It gave the officer the opportunity to approach the person in question. He said they had talked this over with counsel and the police, and it was a difficult ordinance. The City was only allowed to regulate the possession of loaded firearms. He said if citizens saw someone with a gun in the park, they should leave. The City was bound by ORS 166.173.

3. Shirley Gauthier, 538 West M Street, Springfield, OR Ms. Gauthier thanked the Mayor and Council for considering her language changes in the nudity ordinance which Council voted to support tonight. She said she had not approached Council often in the past. She said she had sent two emails to the Mayor and Council and had only received one response back. She encouraged Council to reply to those who send emails. She discussed the commitment of the citizens who took on these issues and said she hoped Council would reply to email just to say they got the email so the citizen knew they had been heard.

4. Deanna Martin, 176 South 69th Place, Springfield, OR Ms. Martin said she lived in east Springfield and said there was no safe place to ride bikes or go on long walks. She said she talked to the transportation department to see what it would take to make something like this happen. She said she spoke with Kristi Krueger who explained there was a plan in process. Ms. Martin visited the City's webpage to do some research and it appeared the 42nd Street bikepath was the last thing that was done. She asked what she could do to get a path from Highbanks to 42nd Street. She noted the great connectivity throughout the City if that could be done. She noted the dangers of riding down Main Street or along the highway. She asked what she could do to get this going. She said if it was funding, she had experience in fund raising. She suggested using volunteers, such as Boy Scouts and high school groups.

Mayor Leiken said he would have Public Works Director Dan Brown contact her or have someone from transportation talk to her more about this. He said the plan in place was a twenty-year plan. He liked the suggestions Ms. Martin had brought forward.

Councilor Fitch said partnerships were great and sometimes it just took a champion to make things happen. She encouraged Ms. Martin to keep pursuing it.

Councilor Pishioneri also suggested contacting Bob Keefer at Willamalane.

5. Roxie Cuellar, HomeBuilders Association (HBA), 2053 Laura Street, Springfield, OR Ms. Cuellar said the HBA would pledge \$17,000 - \$20,000, depending on what equaled half of the demand side of the Residential Lands Study if it went forward. She said the HBA appreciated that the City was willing to look at the land supply. She had talked to Development Services Director Bill Grile, Mayor Leiken and HBA members. She said the study would probably cost about \$35,000 and the HBA would pledge up to \$20,000. If half of the cost was more than that, she would try to raise additional funding. She said she was concerned about whether or not Springfield was actually doing a land study because she had heard they might not do a study, but rather just look at the criteria. She needed to know if Springfield was actually going forward with a lands study and asked for confirmation. Part of the pressure for Eugene to do a study was that Springfield was taking a leadership role in this.

Mr. Leahy recommended Council not speak on this tonight, but give staff an opportunity to discuss. The matter was brought up and there were confirmations, but an issue was raised and the City was in litigation. He said a commitment needed to be made carefully. There had been issues that needed to be agreed upon.

Councilor Fitch asked if this would be coming back to Council soon.

Mr. Leahy said he and Meg Kieran would meet with the City Manager and make a recommendation to bring to Council for their decision.

Ms. Cuellar said the sooner they could know for sure the better in order to raise the funds.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Stefano Viggiano, LTD Director of Development Services, P.O. Box 7070, Eugene, OR Thanking Council for their Approval to Proceed to the Next Step of the Pioneer Parkway EmX Project Development.
2. Correspondence from Buck Biggs, Best Cash, 1840 Main Street, Springfield, OR Regarding Electronic Data Reporting.
3. Correspondence from Bill Dwyer, Chair, Lane County Board of Commissioners, 125 East 8th Avenue, Eugene, OR Regarding Lane Metro Partnership.

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

BIDS

ORDINANCES

1. Amendments to Springfield Municipal Code, Section 5, Public Protection, Section 1.205 General Penalties.

Matt Cox from the City Attorney's Office presented the staff report on this item. The City Attorney's office, at the request of the Springfield City Council following the public reading of the proposed ordinances at the City Council meeting on May 1, 2006, has made revisions to the ordinances. The revisions are in accordance with the instructions of the City Council and take into consideration comments from the public and Springfield Police.

ORDINANCE NO. 6165 – AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE (SMC) SECTION 5, PUBLIC PROTECTION, TO ADOPT BY REFERENCE PORTIONS OF OREGON REVISED STATUTES (ORS CHAPTER 153) THEREBY ADOPTING STATE ENFORCEMENT PROCEDURES FOR VIOLATIONS.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6165. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ORDINANCE NO. 6166 – AN ORDINANCE AMENDING SECTION 5.104 “MISDEMEANORS AND VIOLATIONS – STATE STATUTES ADOPTED” OF THE SPRINGFIELD MUNICIPAL CODE (SMC) TO ADOPT BY REFERENCE, OREGON REVISED STATUTES (ORS) CHAPTER 181 THEREBY ADOPTING STATE ORS CRIMINAL STATUTES.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6166. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ORDINANCE NO. 6167 – AN ORDINANCE AMENDING SECTIONS 5.058 “DISORDERLY CONDUCT” AND 5.059 “HARASSMENT” OF CHAPTER 5 OF THE SPRINGFIELD MUNICIPAL CODE (SMC) TO DELETE THE SMC LANGUAGE REGARDING THESE SECTIONS AND ADOPT THE OREGON REVISED STATUTES (ORS) REGARDING THESE CRIMES; DELETING FROM SECTION 5.604 ANY REFERENCE TO DISORDERLY CONDUCT AND HARASSMENT AS CIVIL

INFRACTIONS; AND AMENDING SECTION 5.118 "FIREARMS" TO LIST UNLAWFUL DISCHARGE OF A DANGEROUS WEAPON AS AN A OR C MISDEMEANOR;

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6167. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ORDINANCE NO. 6168 – AN ORDINANCE AMENDING SECTION 5.624 "SCHEDULE OF FORFEITURES" AND SPECIFICALLY SECTION 5.624(4) OF THE SPRINGFIELD MUNICIPAL CODE CHANGING THE ASSESSMENT OF A FORFEITURE FOR A CIVIL INFRACTION FROM NOT EXCEEDING \$250 TO NOT EXCEEDING \$1,000 FOR CLASS 1 CIVIL INFRACTIONS AND FROM NOT EXCEEDING \$150 TO NOT EXCEEDING \$500 FOR CLASS 2 CIVIL INFRACTIONS;

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6168. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ORDINANCE NO. 6169 – AN ORDINANCE AMENDING CHAPTER 5, PUBLIC PROTECTION OF THE SPRINGFIELD MUNICIPAL CODE TO CLEARLY DESIGNATE ALL NONCRIMINAL OFFENSES AS EITHER VIOLATIONS OR CIVIL INFRACTIONS;

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6169. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ORDINANCE NO. 6170 – AN ORDINANCE AMENDING SECTION 1.205 "GENERAL PENALTIES" OF CHAPTER 1 OF THE SPRINGFIELD MUNICIPAL CODE TO ADOPT THE OREGON REVISED STATUTES (ORS) IN REGARDS TO CRIMES AND PUNISHMENTS, SPECIFICALLY "JAIL TERMS FOR MISDEMEANORS" AND ORS "FINES FOR MISDEMEANORS" AND REVISING THE FINE FROM NOT EXCEEDING \$500 TO NOT EXCEEDING \$720 FOR NON-CRIMINAL OFFENSE OR VIOLATION OF THE SPRINGFIELD MUNICIPAL CODE OR ANY OTHER CITY ORDINANCE;

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6170. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ORDINANCE NO. 6171 – AN ORDINANCE AMENDING CHAPTER 6, VEHICLES AND TRAFFIC, DELETING SECTION 6.070 AND ADDING SECTION 6.560 OF THE SPRINGFIELD MUNICIPAL CODE SO AS TO PROVIDE THAT THE PENALTY SECTION OF CHAPTER 6 APPLIES TO THE ENTIRE CHAPTER 6; and,

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6171. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

ORDINANCE NO. 6172 – AN ORDINANCE AMENDING SECTION 5.418 “GENERAL REGULATIONS,” “CONTROL OF DOGS AND OTHER ANIMALS,” SECTION 5.448 “KILLING AND CHASING OF LIVESTOCK,” SECTION 5.450 “DANGEROUS ANIMALS,” SECTION 5.456 “VICIOUS DOGS,” SECTION 5.460 “CRUELTY TO DOGS OR OTHER ANIMALS, SECTION 5.462 “POISON,” AND SECTION 5.472 “RESISTING AN ANIMAL CONTROL OFFICER OR PEACE OFFICER,” TO CLEARLY DESIGNATE CERTAIN OFFENSES AS CLASS C MISDEMEANORS.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6172. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Amending Springfield Municipal Code (SMC), Specifically SMC 5.286, “Possession of Firearms Prohibited”.

ORDINANCE NO. 6173 – AN ORDINANCE AMENDING THE SPRINGFIELD MUNICIPAL CODE (SMC) SECTION 5, PUBLIC PROTECTION, SPECIFICALLY SMC 5.286, “POSSESSION OF FIREARMS PROHIBITED,” BY DELETING A PORTION OF SMC 5.286, AND ADDING “LOADED” TO THE CAPTION TO BRING THIS SECTION OF THE SPRINGFIELD MUNICIPAL CODE INTO COMPLIANCE WITH STATE LAW AND DECLARING AN EMERGENCY.

***Ordinance Enactment and Effective Date:** In the event an ordinance contains an emergency clause, the ordinance shall become operative immediately upon passage by the council by a two-thirds majority of all members of the council. Ordinances not containing an emergency clause shall not take effect until 30 days after its passage.*

Matt Cox from the City Attorney’s Office presented the staff report on this item. When drafting 8 ordinances amending the Springfield Municipal Code (SMC), Section 5, Public Protection, Section 1.205 General Penalties, the City Attorney’s office found an error in SMC 5.286 regarding - Possession of Firearms Prohibited. This error was brought to the attention of Council during their May 1, 2006 public hearing.

A new ordinance has been drafted amending SMC 5.286 at the direction of the Council and public comment. Attached is a draft copy of the newly drafted ordinance. Thereby, Section 5.286 – Possession of Firearms Prohibited will be amended to only apply to “loaded” firearms.

To have this ordinance adopted in conjunction with the 8 ordinances amending SMC Section 5, Public Protection, it has been written with an emergency clause.

There would be no negative financial impact to the city.

Councilor Ralston noted his strong support for concealed weapons holders. He said in reading the ordinance, it sounded like a person could be carrying a gun without bullets in it and still have bullets in their pocket. That was correct. He said he was in support of this ordinance.

Mr. Leahy reminded Council that this ordinance related to a public place or park.

IT WAS MOVED BY COUNILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6173. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY COUNCIL

1. Business from Council.

Mayor Leiken presented a resolution recognizing Cynthia Pappas for service to the City of Springfield as Interim City Manager from December 6, 2005 through April 30, 2006. The Mayor read the resolution.

RESOLUTION NO. 06-22 – A RESOLUTION RECOGNIZING CYNTHIA PAPPAS FOR SERVICE TO THE CITY OF SPRINGFIELD AS INTERIM CITY MANAGER FROM DECEMBER 6, 2005 THROUGH APRIL 30, 2006.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-22. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

Mayor Leiken presented Ms. Pappas with a bouquet of roses from the Mayor and Council.

Ms. Pappas said it was her pleasure to serve and she had a great time. She thanked the Mayor and Council.

a. Committee Reports

1. Mayor Leiken reported on the I-5/Beltline Groundbreaking Ceremony which took place earlier in the morning. Governor Kulongoski and Congressman Peter DeFazio attended this event. This project had been a great partnership and Councilor Lundberg's dedication to the I-5/Beltline Decision Team helped make it possible. He said it provided a great opportunity for Congressman DeFazio to take the project idea back to Washington DC. He also thanked Lane County Commissioner Bobby Green for his important part in this project. He said he was glad the Governor recognized that as well as the OTIA III funding, there would be hundreds of people working on this project at family wages. He said this flyover was going to be thirty percent larger than the one at Highway 217. He again thanked Councilor Lundberg for her service and leadership on this project. He said there was a lot of energy at the event and he thanked all who attended.
2. Councilor Pishioneri discussed the McKenzie Watershed Council and the potential loss of funding through the Bonneville Power Administration (BPA). The City sent some letters off to the appropriate senators and congressman regarding that issue.

Councilor Pishioneri reported on the Jail Policy Committee. He said they had been meeting and going over many ordinances that related to how officers would be handling violations. He said they had been working hard on that issue. He said they would be meeting tomorrow to discuss the Jail Program and architectural design issues. He said there had been a lot of work from the Courts on this and it was very

much appreciated. He said due to changes in some of the State statutes, some City ordinances needed to be corrected to reflect those changes.

Councilor Pishioneri noted that today was National Peace Officers Memorial Day. He said in 1962, President Kennedy declared through an act of congress that May 15 of each year be honored for police officers who gave the ultimate sacrifice. He said he was honored to be part of that event and he appreciated those councilors who were able to attend. He said it was an important thing to honor.

Mayor Leiken said Springfield hosted the National Peace Officers Memorial Day event and Frank Carpenter did a great job emceeding. He asked Chief Smith to relay that to Mr. Carpenter. He said it was very moving and he appreciated the service of police officers.

3. Mayor Leiken said he had been invited to attend a Trade Mission to Japan and South Korea with the Governor and a delegation next month. He said it was a great honor, but he wanted to get approval from Council as he would be representing the Council. He said there could be some great opportunities for the community.

Council was very supportive.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO RESOLVE THAT SID LEIKEN, MAYOR, BE AUTHORIZED AS THE CITY'S OFFICIAL REPRESENTATIVE ON THE GOVERNORS TRADE MISSION TO JAPAN AND SOUTH KOREA. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY MANAGER

1. Council Initiation of an Amendment to the Metropolitan Area General Plan Diagram, Glenwood Refinement Plan Diagram, and Concurrent Rezoning.

Planning Manager Greg Mott presented the staff report on this item. This property has been in the continuous ownership of Mr. Macauley since 1974. During this period Mr. Macauley was never approached by a public entity with an offer to purchase the land for public purpose even though a government action (Metro Plan and refinement plan adoption) resulted in the land being changed from Industrial to Park and Open Space.

As the attached Council Briefing memorandum describes, the Public Land and Open Space (PLO) land use designation is intended to identify lands primarily in public ownership, most commonly park lands. Past Councils limited this designation and implementing zoning to land publicly owned, if not always exclusively park use. As recently as 2002, the Council re-designated property in Gateway from PLO to Campus Industrial (CI) and at 32nd Street from LMI to PLO when ownership changed from public to private (gateway) and private to public (32nd Street). Other than cemeteries, which are infrequently listed as needed commercial opportunity sites in our inventories, there really aren't any permitted uses in the PLO zone that would generate revenue for the property owner.

Initiation of this action by Council would result in a joint hearing of the Springfield and Lane County Planning Commissions followed by a joint hearing of the City Council and Board of Commissioners because the property lies between the city limits and the urban growth boundary.

Ms. Pappas noted a memo from Mr. Mott related to this issue that had been put at the Mayor and Council places.

Mr. Mott said the original request was to initiate rezoning of just the one property. He referred to a map posted on the wall that designated four other properties surrounding the McCauley property that had come to staff's attention that had received this same zoning. He said those properties were all privately owned. Staff had tried to contact all the property owners in that area and had contacted two of them who also wanted to re-designate their properties to LMI. Springfield City Council and the Lane County Board of Commissioners would have to act on initiation of any change. He said Council would receive staff reports and findings regarding these properties when it was brought back as a Metro Plan amendment. He did note, however, that it was very rare for private property owners to have property designated public land and open space. He said the only circumstance he knew of in Springfield was the cemetery. All other land that was zoned public land and open space was owned by a government entity or quasi-governmental agency.

Councilor Ballew said a couple of the emails stated that they wanted to maintain Low Density Residential (LDR).

Mr. Mott discussed each of the properties and how they were zoned. A couple of the properties had been designated LDR because they each had a house on them. He said Council could establish any type of trigger to implement the plan designation. When the jurisdictional transfer of Glenwood occurred, the Council and Board of Commissioners worked out an arrangement to allow certain activities to continue as long as the property owners wanted those activities to continue. What would change that to be in compliance with the plan would be annexation and development consistent with the Plan. He said Council could allow the use to continue on these properties under the current zoning, but require upon annexation or extension of services that the property would be rezoned to LMI.

Councilor Ballew asked if the properties were in the City. No. She confirmed that the City had assumed the duty for zoning those properties. She asked if we would go to a Metro Plan change that would be financed by the City.

Mr. Mott said that was correct. He said part of this was in response to the fact that no private property owner would actively solicit park and open space designation and BM37 claims could be made. The property owner would prefer to get the zoning back that was there when he purchased the property. The other property owners wanted the same thing. He said there was no other suitable designation for this property. He explained.

Councilor Fitch said it sounded like a good compromise.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO MOVE TO INITIATE A METROPOLITAN AREA GENERAL PLAN DIAGRAM AMENDMENT TO REDESIGNATE THE FOLLOWING PROPERTY FROM PARK AND OPEN SPACE TO LIGHT MEDIUM INDUSTRIAL: TAX LOTS 200, ASSESSOR'S MAP 18-03-10-10, TAX LOT 1000, ASSESSOR'S MAP 18-03-03-14, TAX

LOTS 300, 700, 800 and 900, ASSESSOR'S MAP 18-03-03-4. IT IS UNDERSTOOD THAT THIS MOTION INCLUDES THE INITIATION OF IDENTICAL AND CONCURRENT AMENDMENTS TO THE GLENWOOD REFINEMENT PLAN DIAGRAM FOR THESE PROPERTIES AND THE REZONING OF TAX LOTS 300 AND 700 FROM PUBLIC LAND AND OPEN SPACE TO LIGHT MEDIUM INDUSTRIAL. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at 8:53 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder