

City of Springfield  
Regular Meeting

MINUTES OF THE REGULAR MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY, JULY 2, 2007

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, June 18, 2007 at 7:02 p.m., with Mayor Leiken presiding.

ATTENDANCE

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

Mayor Leiken reminded everyone to vote for Springfield, Oregon for the Simpson's Movie Premiere Contest.

SPRINGFIELD UPBEAT

CONSENT CALENDAR

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE THE CONSENT CALENDAR WITH ITEM 3.B REMOVED. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

1. Claims
2. Minutes
  - a. June 18, 2007 – Work Session
  - b. June 18, 2007 – Regular Meeting
3. Resolutions
  - a. RESOLUTION NO. 07-30 – A RESOLUTION OF THE CITY OF SPRINGFIELD AMENDING AND RESTATING THE CITY OF SPRINGFIELD, OREGON RETIREMENT PLAN.
  - b. Removed
4. Ordinances
5. Other Routine Matters

- a. Award the Subject Contract to Brown Construction in the Amount of \$196,328.80 for Project P20524, Olympic Street Restriping.
- b. Award the Subject Contract to Brown Contracting, Inc. in the Amount of \$416,490.00 for Project P20526, Martin Luther King Parkway Barrier Rail.
- c. Authorize the City Manager to Execute a Fourth Amendment to the Contract with URS Corporation for the Stormwater Facility Master Plan Contract P50281.
- d. Accept the Bid from Clyde West Equipment for Purchase of One (1) Vibratory Roller in the Amount of \$32,475.

ITEMS REMOVED

Mayor Leiken recused himself from item 3.b. as he had a personal involvement in the development.

3. b. RESOLUTION NO. 07-31 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30408; CLEAR VUE ESTATES

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE ITEM 3.B FROM THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

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. Vacation of One Block Segment of B Street Public Right-of-Way Between 4<sup>th</sup> Street and Pioneer Parkway East, Case No. LRP2007-00019.

ORDINANCE NO. 1 – AN ORDINANCE VACATING A 66 FOOT WIDE BY 264 FOOT LONG PORTION OF PUBLIC RIGHT-OF-WAY SHOWN IN BOOK 1, PAGE 1 OF PLAT RECORDS OF LANE COUNTY, OREGON, DATED APRIL 5, 1872.

City Planner Andy Limbird presented the staff report on this item. On May 7, 2007, City Council initiated an action to vacate public right-of-way for the segment of B Street between 4<sup>th</sup> Street and Pioneer Parkway East to facilitate development of a secure police parking lot and ancillary building serving the Springfield Justice Center.

On February 28, 2006, the Springfield City Council considered four site options for the Justice Center project. The site option selected by the City Council utilizes City-owned property which is located between 4<sup>th</sup> Street and Pioneer Parkway East, and which extends from A Street to the mid-block alley north of B Street. The selected site option incorporates a one-block segment of B Street right-of-way into the development area for use as a secure police parking lot, and a building pad for an ancillary building serving the Justice Center.

The subject right-of-way is a 66-foot wide by 264-foot long segment of public street running east-west along the northern edge of the existing police and courts parking lot. The City owns all abutting tax lots that have frontage on the public right-of-way proposed for vacation. The Planning Commission held a Public Hearing on June 5 and 19, 2007, and adopted a

recommendation in support of the proposed vacation at the Public Hearing meeting on June 19, 2007. Nine people presented testimony at the public hearing before the Planning Commission. Seven of those nine provided verbal testimony in support of the vacation, two provided written testimony in opposition to the vacation and one individual provided verbal testimony in addition to his written testimony in opposition of the vacation.

Mr. Limbird noted that the approved Justice Center site plan could be constructed without the vacation of this portion of B Street.

Mayor Leiken opened the public hearing.

Mayor Leiken asked if any of the Councilors had a conflict of interest or exparte contact.

Councilor Woodrow said he was on the Citizen Advisory Committee (CAC) for the Justice Center.

Councilors and Lundberg did not have any conflict or exparte contact to declare.

Councilor Ballew observed that the current temporary closure of that section of B Street for construction was inconvenient, interrupted a collector street, and interfered with access to the river.

Mr. Leahy spoke regarding the Quasi-judicial hearing. He said criteria were set forth in the staff report. Speakers should address their comments to that criteria and if they had specific comments for or against this land use request, they should address their comments with sufficient particularity or specificity so Council could consider them in relationship to the criteria. If speakers wished to raise concerns about the substance or legality of this, they should do so with sufficient specificity so it was in the record. If speakers had concerns about this action that they planned to file an appeal about, they needed to state their concerns sufficiently so that they could be identified and addressed. If a speaker failed to raise a particular matter through the public record with the Planning Commission or through public testimony, and it wasn't raised tonight, the speaker may be precluded from filing an appeal on the basis of a particular concern, alleged irregularity or illegality. Those concerns needed to be put into the record so the Council could address those and think about them. If anyone wished the record to remain open, they had an opportunity to do so by request.

Councilor Pishioneri said he also attended the CAC meetings and public information gatherings during the process for the design phase. That would not sway his judgment in either direction.

Councilor Ballew said the case made for a greater public use to vacate B Street was not demonstrated to her.

Mr. Leahy said the purpose of Council declaring their observations was to let those testifying know before they testified.

1. Scott Olson, 1127 B Street, Springfield, OR. Mr. Olson said he had two requests tonight. He hoped Council would drop this effort, but if not he would expect to be appealing this decision to the Land Use Board of Appeals (LUBA). He asked that the record remain open for the *submittal of additional materials* supporting his objections. He said he would demonstrate that

the City had constrained the ability of the public to affect the initial decision to build in the street and was requesting that the minutes and public process records for the following City decisions related to the Justice Center be added to the record for this decision: 1) the basis for the bond measure funding level (was it an acceptable taxing level or was it based on a functional space requirement); 2) the functional space planning process; 3) the alternatives, development and selection process; 4) code change that allowed the Justice Center as an allowed use in the zone; 5) the zone change; 6) the discretionary use approval; and 7) the site plan review. Mr. Olson said he was not opposed to this project, although that is the manner in which staff had characterized his complaints. He remained steadfastly committed to preventing the vacation of B Street. He said his objections were primarily founded in his belief that the integrity of the street grid and the functional continuity of the collector and arterial street system was the foundation upon which great communities were created. He said he had worked over the last fifty years to make the Oregon land use system meaningful. The City could have both the Justice Center and the downtown planned and envisioned. The Justice Center would be a desirable addition to the neighborhood; however, it must be built within the greater planning context. In his opinion, the manner in which the City had stifled consideration of viable alternatives and manipulated the land use approval process had significantly weakened the City's position upon appeal. The problem was that well-intentioned people saw the closure of the street as a relatively minor thing and the lowest cost way to build the most Justice Center. They were not correctly informed or did not accept the fact that Springfield's rules, aka the land use impediment, would not accommodate the street closure. A thinly veiled effort to insert alternative criteria in the Code to allow the street vacation in spite of the Comprehensive Plan policies, the Transportation System Plan, the Downtown Refinement Plan and other specific Code criteria related to block links and street connectivity. The City had failed to provide any balance and consideration of the issue of street closure. The applications had been incomplete and inadequate for all of the land use decisions. This put the burden on the review staff to develop all of the supporting arguments. It was disappointing that all of the Development Services review comments throughout this process were supportive of the street closure and tend to be argumentative against any issues that were raised questioning the wisdom of doing so. In the end, he believed that would work against the City. He recommended Council drop the misguided effort now and get on with spending the rest of the funds on building a great facility and leave the street to all citizens. A LUBA appeal would be expensive and he found no personal satisfaction in carrying this matter out. He was doing this because he felt it was the best thing for Springfield. He suggested putting the secure parking across the street where it belonged, designating the on street parking adjacent to the building for Police and Court use and get on with it.

2. Steve Singleton, 252 North 65<sup>th</sup> Street, Springfield, OR. Mr. Singleton served as the Chairman of the Police Planning Task Force (PPTF) and as Vice Chair of the CAC that was formed to consider all of the options for the Justice Center. He reiterated four points that Police Chief Smith had already said. As a PPTF member and in his position on the CAC, these points stood for him and for his decision to stand in support of this closure: 1) Security, functionality and control were the three main issues involved. Regardless to what those opposed say, any Justice Center facility that was split was going to greatly hinder security, traffic, safety and functionality. If the building needed to be evacuated, where would the Police go to control prisoners? Part of the enclosure of having it all on one site allowed that to be done and also provided security for the employees; 2) Secure fleet and employee parking was a problem; 3) Safety for Police officers and other citizens was also a problem. The property would remain in the public trust no matter what happened in the future. Down the

road it would not be sold for private use. It was being closed for the purpose of creating a Justice Center. The people of Springfield had spoken. There were many, many options and plans for the building. This was not adopted haphazardly or by a misinformed group. The CAC was well informed throughout the process. People of Springfield spoke loud and clear twice – one to fund the construction of the building and one to fund the function of the center. It would not be in good faith or the public interest to incur the added expense of major changes to the project at this late date or send everything back to the drawing board, which would occur. The result in security and effective usefulness of this entire project, in his mind, far outweighed the inconvenience of an added few seconds of drive time. He noted that downtown Eugene had opened and closed their through streets in that area several times over the years and people adjusted. He said the roundabouts put in throughout Springfield, including the first one in his Thurston neighborhood, were met with skepticism, but had turned out to be the greatest thing that happened to Thurston. At best, the traffic closure and reroute would be a minor inconvenience. Please compare that to the major changes that would have to be undertaken if Council were to deny this closure; changes to a plan that was discussed at great length, and agreed to and voted on by a majority of the CAC and the people of Springfield. He said he believed everyone dreamed of a new revitalized downtown Springfield and the Justice Center was a giant step in that direction. Unfortunately, nothing new or nothing changed came without some cost. If a few seconds of drive time is the cost, he was willing to pay that.

Mayor Leiken noted that Mr. Olson had requested that the record be left open.

Mr. Leahy said per that request, the record needed to remain open for at least seven days. During that time, information would likely be added to the record so there should be an opportunity for the staff to review it after the seven days and submit information in response. Mr. Leahy asked about the upcoming Council agenda schedule. He asked staff how much time they would need for their response. The Planning Director indicated that staff could provide a response in one day. The record would remain open until 5:00pm July 9, with staff response by July 11.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO HOLD THE RECORD OPEN UNTIL 5:00PM ON JULY 9 WITH A TWO DAY REBUTTAL PERIOD FOR STAFF IF NEEDED. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

NO ACTION REQUESTED ON THE ORDINANCE. FIRST READING ONLY.

2. Proposed Amendments to Article 26 – Hillside Development Overlay District Extending the Potential Use of Density Transfer (Cluster Development).

ORDINANCE NO. 2 – AN ORDINANCE AMENDING SECTIONS 26.030, 26.050 (INCLUDING TABLE 26-1) AND 26.070 OF ARTICLE 26 “HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT” OF THE SPRINGFIELD DEVELOPMENT CODE TO EXPAND THE APPLICATION OF “DENSITY TRANSFER” TO MAKE MORE EFFICIENT USE OF REMAINING BUILDABLE RESIDENTIAL LANDS; REQUIRING DEVELOPERS TO PAY FOR PEER REVIEW OF TECHNICAL STUDIES REQUIRED FOR HILLSIDE DEVELOPMENT; AND ADOPTING A SEVERABILITY CLAUSE.

Planning Supervisor Mark Metzger presented the staff report on this item. Development standards currently allow a "density transfer" from steep slopes to areas of lesser slope on south-facing hillsides in exchange for the preservation of the steep slopes. At issue is whether to extend the density transfer provision to north, west and east facing slopes.

The proposed changes to Article 26 include: 1) various changes needed to implement an extension of density transfer to all-facing hillsides with a slope of 15 to 25%; 2) allowing "average slope" to be used when calculating the number of units eligible for density transfer; and 3) the addition of a requirement in the Development Code that the developer pay for "peer review" of the sophisticated geotechnical and engineering analysis by a consultant of the City's choice for hillside development in order to ensure safe development and stable slopes.

Density transfer is proposed for use in the Heritage Park development (Gray-Jaqua property in South Thurston Hills) on a north-facing hillside to allow an exchange of higher density development on lower slopes and the preservation of the upper slopes for park land. The pre-development agreement signed by the City with the developer of the Gray-Jaqua property includes a provision allowing consideration of a density transfer on the north facing slope of the property, provided that such density transfer is consistent with the City's development code and land use regulations. Other developments are being considered in the Thurston Hills that would benefit from an expanded application of density transfer to north, east and west facing slopes.

In work session on June 25th, Council requested a table showing the relationship between percent of slope and degree of slope. Attachment 4 includes a conversion table showing percent slope and degrees of slope. Additional information and illustrations are contained in the attachment describing grading and siting practices for hillside development.

The Planning Commission met three times between February and April 2007, to evaluate the safety and prudence of allowing the proposed expansion of density transfers and voted unanimously to approve the proposed changes. Minutes of those meetings and submitted testimony are found in Attachment 2 and Attachment 3.

Councilor Ralston asked about a conversion table regarding percent to slope.

Mr. Metzger said it was included as Attachment 4 in the agenda packet.

Councilor Ballew asked if staff could look back to see why the density transfer was originally only allowed on south facing slopes.

Mr. Metzger said considerable research was done on that condition. Initially, there was no answer, so staff considered if there was anything unsafe about building on south facing slopes, but there was not. The Development Services Department (DSD) staff joined the Public Works (PW) staff and it was reported that there was speculation that the south facing slope issues related to solar access issues. The authorization that Council would be approving would not waive any solar access standards, engineering design standards, or other building standards.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED. FIRST READING ONLY.

3. Concurrent Metro Plan/Refinement Plan Map Amendment and Zoning Map Amendment Regarding Property Near 44<sup>th</sup> and Main Street.

ORDINANCE NO. 3 – AN ORDINANCE AMENDING THE METRO PLAN DESIGNATION OF APPROXIMATELY 5.24 ACRES OF LAND, IDENTIFIED AS LANE COUNTY ASSESSOR’S MAP 17-02-32-00, TAX LOTS 400 & 402 FROM LIGHT MEDIUM INDUSTRIAL (LMI), TO COMMERCIAL WITH AN AUTOMATIC REDESIGNATION TO THE EAST MAIN REFINEMENT PLAN FROM LMI TO COMMUNITY COMMERCIAL (CC).

ORDINANCE NO. 4 – AN ORDINANCE AMENDING THE SPRINGFIELD ZONING MAP BY REZONING APPROXIMATELY 5.24 ACRES OF LAND IDENTIFIED AS LANE COUNTY ASSESSOR’S MAP 17-02-32-00, TAX LOTS 400 & 402, FROM LIGHT MEDIUM INDUSTRIAL (LMI) TO COMMUNITY COMMERCIAL (CC).

City Planner David Reesor presented the staff report on this item. The applicant requests approval of a Metro Plan / Refinement Plan Map Amendment to the East Main Refinement Plan and a concurrent Zoning Map Amendment. The request involves two parcels, and is located on approximately 5.24 acres identified as Tax Lots 400 and 402 on Assessor’s Map No. 17-02-32-00. Specifically, the applicant proposes to change the Metro Plan designation from Light Medium Industrial (LMI) to Commercial and a concurrent Refinement Plan Amendment and Zoning Map Amendment from LMI to CC. The applicant seeks approval of these applications in order to facilitate development of a future Medical Office building on the site.

On June 5<sup>th</sup>, 2007, the Planning Commission held a work session and public hearing on the subject applications (LRP2007-00013 & ZON2007-00012). One citizen, Nancy Falk, testified in opposition to the proposal at the first public hearing and requested that the record be left open for seven days. The Planning Commission granted the request and instructed Staff to leave the record open until Tuesday, June 12<sup>th</sup>, 2007. Staff received one written testimony from Lauri Segel, *Goal One Coalition* Planner, on June 12<sup>th</sup>, 2007. A written rebuttal to Ms. Segel’s letter was then submitted by the applicant the following day, June 13<sup>th</sup>, 2007. Both letters were received within the specified deadlines as noted in the Planning Commission public hearing on June 5<sup>th</sup>, 2007. The original Staff Report and exhibits are attached for Council’s review.

After reviewing all oral and written testimony, the Planning Commission deliberated on the applications on June 19<sup>th</sup>, 2007, and voted unanimously (5-0) to recommend that both applications be sent to the City Council for consideration and approval.

Mr. Reesor noted that the applications had been duly noticed in the newspaper to the general public, neighboring residents and Department of Land Conservation and Development (DLCD). The applicant referenced the 1992 Buildable Lands Study and the 2000 Commercial Lands Study to support their proposal. Staff and ODOT had reviewed the traffic concerns since ODOT had jurisdiction of Main Street. One condition of approval was recommended for a trip cap. Written comments received during the extended period of time the record was open, as well as the rebuttal from the applicant, were included in the agenda packet.

Mr. Leahy asked Mayor Leiken to ask Council for any bias or ex parte contact.

Mayor Leiken asked Council to disclose any bias or exparte contact.

Mayor Leiken and Councilors Wylie, Pishioneri, Woodrow, Lundberg and Ralston had none.

Councilor Ballew said she spoke with Philip Farrington to ask about the nature of the building.

Mr. Leahy reviewed the quasi-judicial process for this public hearing. Speakers were advised to direct their comments to the criteria, because those would have an affect on the Council's decision making. Speakers needed to speak with enough specificity or particularity so the Council could understand the speaker's concerns and consider them. If the speaker failed to bring matters to the Council's attention with enough specificity and particularity, they may waive those on any subsequent appeal to LUBA. If anyone requested the record remain open, Council would be required to leave the record open for at least seven days.

Mayor Leiken opened the public hearing.

1. Philip Farrington, PeaceHealth, 123 International Way, Springfield, OR. Mr. Farrington said this application was presented on their behalf for the larger parcel so they could have the entitlement to construct a future medical building. He said their model would include more consolidated offerings in one location that militated finding a bigger site. It had been a challenge to do that to serve the growing needs of the Springfield area. This site seemed to be suitable to develop a clinic similar to their Barger Clinic. The application would give PeaceHealth the entitlement to build this clinic, which was not currently allowed in the Industrial Zone. It would also allow the neighboring property to get out of nonconforming status. The application demonstrated that there was a surplus of LMI property, there was a deficit of needed commercial land as expressed in the Springfield Commercial Lands Inventory, and the clinical use must be located in a commercially zoned parcel. Other sites in east Springfield would have required rezoning much needed residential property Approval of this application would allow for long-standing commercial uses on the smaller parcel to no longer be nonconforming and allow for employment generating uses on the bigger parcel that were needed to serve this east Springfield area. Those employment opportunities would pay higher incomes than the traditional industrial uses that had been on this site and would result in a higher employment density than the industrial uses. The application demonstrated that Goal 12 had been met by imposition of a trip cap to limit traffic from future commercial uses to that which would be no higher than the worse case scenario for the existing industrial zoning. The application met Goal 9 standards by complying with the Springfield Commercial Lands Study's policies and the Metro Plan's policies without debiting the inventory of needed industrial land. This proposal fulfilled four of Council's goals: by utilizing resources efficiently to meet the needs of citizens by providing these needed services; maintaining the transportation infrastructure through the trip cap; facilitating redevelopment of Springfield; and enhancing the economy through the commercial development of this proposal.
2. John Hyland, 89006 White Water Road, Springfield, OR. Mr. Hyland said he was the current owner of the subject property and owned the Hyland Business Park to the east of the property. Rezoning this property to commercial for the clinic would enhance the area, and that was needed. He strongly recommended approval of this application. He said this area

was already saturated with business parks and felt the medical clinic would be a better use for this property.

3. Geoffrey Aguirre, 4475 Daisy Street #57, Springfield, OR. Mr. Aguirre said he was a resident living in Springfield and a 3<sup>rd</sup> year law student at the University of Oregon School of Law. He was speaking on behalf of Goal One Coalition. He noted that Goal One had several procedural concerns about this development.

- First, the proposed plan amendment didn't comply with provisions of the Metro Plan and Springfield's Development Code for the initiation of Metro Plan amendments. Staff failed to require the applicant to address the plan review policies of the Metro Plan and had erred in finding that the applicant's choice of applicable Metro Plan policies and elements was sufficient. PeaceHealth Oregon should not have been allowed to propose the subject plan amendment or zone change. Because they were not the owner of the subject properties, such a proposal was inconsistent with the proper initiation of proposed Metro Plan amendments explained in Section 7.010 and 7.030 of the Springfield Development Code. Metro Plan Amendment Policy 4, Initiation of Metropolitan Plan Amendments, established that a Type II amendment may be initiated at the discretion of any one of the three governing bodies or by any citizen who owned property that was subject of the proposed amendments. PeaceHealth Oregon was the applicant, but not the owner of the property, thus the initiation of these amendments did not comply with the requirements of the Metro Plan.
- Second, the applicant incorrectly referred to the subject properties as being subject to Mixed Use Area 2 policies. The subject properties were zoned Light Medium Industrial (LMI). Since the proposed development lot was not within the Mixed Use area, no Mixed Use area arguments were applicable and the property was not subject to East Main Refinement Plan (EMRP) Mixed Use Elements Policy 2, which was specific to Area 2. The policy did not say anything about criteria for rezoning or redesignations, but merely established what uses were allowed under CC zoning in Area 2 only. The EMRP definition of CC neither allowed nor encapsulated medical facilities, offices, clinics or hospitals.
- Third, the EMRP's commercial element under criteria for a commercial Refinement Plan designation at 1.d, specified that the CC Refinement Plan designation shall be applied under the following circumstances - where legally created commercial uses exist. The tax records for tax lot 402 did not reflect the three existing businesses actually conducting business on tax lot 402. The City staff had not been able to locate any recent permits for the three existing businesses; therefore, the three existing businesses did not appear to be legal and were not legally created commercial uses.

Mr. Aguirre thanked the Council for their time and the opportunity to speak

4. Andy Head, 25519 Fleck Road, Veneta, OR. Mr. Head said he was the owner of the property on the southwest corner of 4434, 4436, and 4440 Main Street. He had owned the property for about three years, but the business had been in existence since about 1951. When he purchased the property, there were three businesses located at this site. They were a barbershop, tanning salon, and a hair barber. He understood these were nonconforming since 1951. The barbershop had been established since 1953, and originally started out as a donut shop. He felt the medical clinic would be a great deal for Main Street on the east side of Springfield. It was beneficial for the surrounding businesses to have a business nearby that was comparable or nicer. He noted the assisted living facility that was just a block and a half away and this would decrease miles traveled for those tenants. He brought some maps

showing an aerial view of the structure as it was in 1960. The maps were entered into the record. Mr. Head said his building had about eleven employees and he felt this change could help business improve.

Mayor Leiken closed the public hearing.

Councilor Pishioneri asked Mr. Farrington about the building and the functions of the proposed building. He asked if there were plans for any type of emergency mitigation in that area, servicing the east side of Springfield. He referred to emergency preparedness.

Mr. Farrington said probably not. The proposed clinic would house general practitioners, and other services such as imaging, pharmacy and other ancillary services.

Mr. Leahy reminded Council that in making their decision, they stay with the criteria.

Mayor Leiken noted that during the Work Session it was identified that the City had a surplus of LMI and a need for CC.

NO ACTION REQUESTED. FIRST READINGS ONLY.

4. Conduct a Public Hearing and Adoption of an Ordinance Amending Fees in Springfield's Department of Development Services Community Services Division "Building Safety Codes".

ORDINANCE NO. 6199 – AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD AMENDING ARTICLE 1, TABLE 3-A, STRUCTURAL PERMIT FEES; TABLE 3-B ELECTRICAL PERMIT FEES, TABLE 3-C PLUMBING PERMIT FEES; TABLE 3-D MECHANICAL PERMIT FEES; TABLE 3-F OTHER INSPECTIONS AND FEES OF THE "SPRINGFIELD BUILDING SAFETY CODE ADMINISTRATIVE CODE" OF SPRINGFIELD'S DEVELOPMENT SERVICES DEPARTMENT, COMMUNITY SERVICES DIVISION "BUILDING SAFETY CODES" AND DECLARING AN EMERGENCY.

Community Services Manager Dave Puent presented the staff report on this item. The State of Oregon has delegated to the City of Springfield the authority to issue permits and perform inspection services required by the State Building Code. The City has the ability by statutory authority to adjust permit fees to recover all reasonable operational costs associated with performing permit and inspection services.

Springfield has not increased Specialty Code permit fees since calendar year 2001. During this period the Community Services Division has been able to recover all costs associated with providing permit and inspection services. As a result of the significant increase in development activity and the continuing demands for inspection services, two additional inspector positions were added to FY 08 Base Budget. The cost of the two inspector positions to Fund 224 (a permit and inspection service dedicated fund) is approximately \$264,000 including City indirects. Although past permit fee revenue has exceeded 100 percent cost recovery for the last several years, the proposed fee increase is necessary to offset a significant portion of the additional cost in order to sustain a reasonable reserve account and to maintain effective service levels to the development community.

The proposed fee increase allows the Community Services Division to continue to recover all costs associated with providing permit and inspection services.

The proposed fee increase is approximately a 10% increase of existing fees and should generate an estimated \$160,000 to \$170,000 of additional revenue at existing construction activity levels.

Mr. Puent explained that notice was sent around the state to interested parties and no appeal was filed. No negative comments were received from Mr. Puent. This was the first significant fee increase for building fees since the fall of 2001.

Councilor Ballew asked how much revenue this increase would raise.

Mr. Puent said it would bring in between \$160,000 to \$170,000.

Councilor Ballew noted that the estimated costs were over \$200,000.

Mr. Puent said that was at current activity levels. They expected to provide some other services that would bring in additional revenue. This would be self-supporting.

Councilor Pishioneri asked what would happen if our current activity dropped.

Mr. Puent said if activity went down, some services couldn't be provided.

Mayor Leiken confirmed that the HomeBuilder's Association had been contacted regarding these increases. Yes. He appreciated that.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT ORDINANCE NO. 6199. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

BUSINESS FROM THE AUDIENCE

1. H.P. Oldfield, 5196 Forsythia Drive, Springfield, OR. Mr. Oldfield spoke regarding the lack of control of cats in Springfield. He would like to see something done about it. He said it was a daily ritual trying to keep the cats out of his yard. Some people don't take care of their cats and he would like to see something done about it.

Councilor Ralston agreed. He noted the problems of dealing with cats. He said he would also like to have an answer, but didn't know what it would be.

Councilor Pishioneri asked if there were ordinances that limited any types of animals at residences for health reasons.

Mr. Grimaldi said in the past there had been situations where there were nuisances because of health issues. Those were rare. It had to be on the site the cats were residing.

Councilor Pishioneri asked if a resident could call in if they saw fifteen or twenty cats running around another residence and if the City had a mechanism to deal with that type of call.

Chief Smith said when they had encountered large number of cats, there were health issues and potential for cruelty to animals. The City had the ability to use the State law when that was the situation, but it did not limit the number of cats. The City did not have ordinances that restricted cats in any way.

Councilor Wylie asked about a policy for wild and feral cats.

Chief Smith said the animal control officer didn't deal with cats unless there was a health or cruelty issue.

Councilor Lundberg said there was a traveling van that dealt with feral cats twice a year. She had been asked to include this information in the TEAM Springfield newsletter. A low-cost spay and neuter clinic was put in and that was a starting place to control the numbers. She explained where the clinic was located. She would like to have that publicized as much as possible. Some progress had been made, but it was an enormous problem.

Councilor Woodrow said Dr. Kelly Rozen was the Veterinarian that had opened up the low-cost spay and neuter clinic. There was also a Feral Cat Coalition that could be called. They would come out, trap feral cats, have them spayed or neutered, but would return them because they couldn't displace them somewhere. Another group called SARA worked out of Eugene and helped relocate cats. He agreed with Councilor Lundberg that strides had been made, but with the set up at Lane County Animal Regulation Authority (LCARA) and the limited resources of the City, help was needed from the citizens that had cats.

Councilor Pishioneri asked about looking at limits per household on cats, not just for health issues. He would like to look at the pros and cons.

Mayor Leiken said that would be challenging to enforce.

Councilor Ralston said the issue was not whether or not they were taken care of, but that they ran outside. Limiting the number may not solve the problem. Cats were hard to control and the public needed to be educated. There needed to be a consequence for uncontrolled cats.

Councilor Woodrow said part of problem with an ordinance limiting cats, would only limit those that took care of their cats. Those with ten or fifteen cats, would not be likely to obey a limit law, but may turn them loose: As much as he would like to see something done with feral cats, it wouldn't be consistent with the Goals of this Council to punish those citizens that did take care of their animals.

Councilor Ballew said this issue had been debated often. The effort to do more neutering and spaying and providing public education was a good thing. This might be something sponsored by

TEAM Springfield because it was a livability issue. She suggested putting together a package of livability issues that could be provided to citizens.

Councilor Pishioneri said the difference was that both graffiti and littering were illegal and there were consequences for those. There weren't any consequences for cats. If a pet owner was responsible, they wouldn't draw the attention of enforcement. They couldn't solve this tonight, but he wanted it to be brought up so everyone was aware. Council needed to do something.

Councilor Ballew said the City didn't have the finances for a lot of things and didn't have the resources to enforce anything at this time.

#### COUNCIL RESPONSE

#### CORRESPONDENCE AND PETITIONS

1. Correspondence from Craig Enberg, 725 D Street, Springfield, Oregon Regarding the Simpson's Contest.

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

#### BIDS

#### ORDINANCES

#### BUSINESS FROM THE CITY COUNCIL

1. Business from Council

- a. Committee Reports

1. Councilor Woodrow said he attended the Lane Council of Governments (LCOG) meeting for Councilor Pishioneri. At the end of the meeting, Jane Lee from ODOT asked how she could help Council's communicate better with ODOT, so that ODOT could help negotiate for the cities. There was a discussion of lack of trust between cities and ODOT, and cities with each other. There was a suggestion that there should be better communication. Councilor Woodrow suggested Mayors getting together once a month along with a Council member, and reporting back to the full Council. Two of the Mayors thought it was a good idea and the other two didn't say.
2. Councilor Ballew reported on Lane Workforce Partnership. Annual awards were given for businesses and she thought perhaps Council could think about honoring some Springfield businesses next year.
3. Mayor Leiken said the Governor signed HB3337. The Official Eugene '08 One-Year Kick-off for the Olympic Trials was held last Saturday. There was an official clock counting down the days located at the 5<sup>th</sup> Street Market in Eugene. The Trials start on June 27, 2008 and it would be a special occasion for our area. Some of the greatest athletes in the world would be in our area for about two weeks. Springfield was

playing an important part in this and Council contributed funds for the efforts. The international scope of the media would be housed in Springfield.

#### BUSINESS FROM THE CITY MANAGER

##### 1. Lane County Adult Work Crew.

Assistant Public Works Manager Len Goodwin presented the staff report on this item. Because of budget reductions at Lane County, the Lane County Sheriff now is able to deploy adults serving their sentence outside of a secure facility by providing manual labor to other agencies. The Public Works Department can take advantage of these services to perform work that is needed but generally not within the priorities of assignments to regular personnel.

For a number of years the Lane County Sherriff has operated a road crew. Participants in the Road Crew have been convicted of criminal activity but are not incarcerated. These individuals are sentenced to serve a specified number of days performing general labor, as an alternative to incarceration. As part of the restructuring in anticipation of the loss of federal timber revenues, Lane County Public Works has terminated its road crew program. The Sheriff is now exploring opportunities to be able to continue to provide non-custodial supervision of these offenders. The Sherriff will charge \$75.00 per hour for services performed by the work crew.

City staff have identified a number of projects, including graffiti removal, alley cleanup and vegetation removal, which could be performed by the crew at a cost far below what would result if regular City staff were used. Public Works Environmental Services Division staff have also identified a number of projects, general involving vegetation management, that exist at various parts of the regional sanitary system. Money is available in the current budget to fund a modest program which would provide the City and the Regional Sewer System with the equivalent of two days of work each week.

Staff recommends that the Council approve the City's participation in the Adult Work Crew Program by authorizing and directing the City Manager to execute an intergovernmental agreement with Lane County substantially in the form of Attachment B.

Mr. Goodwin said the City was now keeping annual costs for this contract to \$40,000, but would evaluate to see if that amount could be increased at a later time. The road crew would not present any security issue and could provide a great service to the City. There were no issues with the City's collective bargaining group, but AFSCME would like to bargain on the practical impact of this change with the City. City staff would sit down with AFSCME representatives to discuss this issue, but didn't feel it would interfere with the contractual relations with AFSCME.

Mayor Leiken said he was personally touched by the fact that Sheriff Burger was present and made positive remarks during the groundbreaking of the Justice Center. Mayor Leiken felt this contract was a positive thing for our community and a good program.

Councilor Ballew asked if the \$75/hour, included sheriff staff. Yes, it was the entire cost. She asked if we had insurance liability for this.

Mr. Goodwin said the County assumed all liability. They were self insured.

Mr. Leahy said the agreement was in front of Council. He referred to the section that addressed the County's self-insurance program which was available to meet the indemnity requirements.

Councilor Pishioneri said he started overseeing the road crew when it first began. They had done a lot of work in our community. The workers worked very hard and showed a lot of pride in what they had done. He had high regard for this program and felt the City would benefit. He said he would recuse himself from voting since he was vested in the program, although it wouldn't affect his vote.

Councilor Ballew said it sounded like a great deal for the City and a great use of people's time.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH LANE COUNTY AUTHORIZING THE LANE COUNTY SHERIFF TO DEPLOY MEMBERS OF THE ADULT WORK CREW TO PROVIDE SERVICES TO THE MAINTENANCE DIVISION AND ENVIRONMENTAL SERVICES DIVISION OF THE PUBLIC WORKS DEPARTMENT. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 recused – Pishioneri)**

BUSINESS FROM THE CITY ATTORNEY

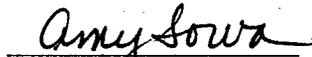
ADJOURNMENT

The meeting was adjourned at approximately 8:17 p.m.

Minutes Recorder Amy Sowa

  
Sidney W. Leiken  
Mayor

Attest:

  
City Recorder