

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JULY 16, 2007

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, July 16, 2007 at 7:11 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.

SPRINGFIELD UPBEAT

1. Recognition of K-9 Britt.

Police Chief Jerry Smith gave an introduction for this presentation.

Police Sergeant Rich Charboneau came forward to acknowledge K-9 Britt, along with Officer Brian Humphreys. K-9 Britt was born August of 1997 in the Czech Republic. Officer Rick Lewis worked with Britt from December of 2000 to May of 2004. Brian Humphreys worked with Britt from June of 2004 to May of 2007 when he retired. Britt now lives at home with Brian.

During his years as a police dog with the City of Springfield, Britt was directly responsible for the capture and arrest of 82 suspects and recovered \$37,429.00 worth of property. Britt was also a hit at K-9 demonstrations and competitions as he loved attention, especially from children. His playful, loving, and loyal demeanor made Britt a pleasure to handle and work with.

Sergeant Charboneau recalled two arrests that K-9 Britt was responsible for. One of the best things the K-9 department could do is make the public feel they had confidence in the dogs.

Chief Smith presented a plaque to Brian Humphreys for Britt. He read from the plaque.

2. Trig*Star Acknowledgement – Nick Aldridge, Springfield High School.

Mayor Leiken acknowledge Nick Aldridge for his accomplishment in the Trig*Star Competition. The Trig*Start Program Contest is an annual high school mathematics competition sponsored by the National Society of Professional Surveyors based on the practical application of Trigonometry. The program recognizes the best students from high schools throughout the nation.

The purpose of the Trig*Star Program:

- To promote the study of trigonometry in high school and to promote excellence in the mastery of trigonometry by honoring the individual student who has demonstrated superior skill among classmates at the High School level.
- To acquaint the high school trigonometry students with the use and practical application of trigonometry in the surveying profession.
- To build an awareness of surveying as a profession among the mathematically-skilled high school students, career guidance counselors and high school math teachers.

Nick Aldridge from Springfield High School won the local competition and has completed his test as the State representative in the national competition. Results of the national competition will be known sometime after July 19.

Mayor Leiken read from a letter to Nick and presented it to him.

3. Employee Recognition – Brian Barnett, 10 Years of Service.

City Manager Gino Grimaldi acknowledged Brian Barnett for his 10 years of service to the City of Springfield. He noted Mr. Barnett's involvement in a number of projects during his career with the City and his work with neighbors and citizens. He discussed his involvement in designing roundabouts in our community.

Brian Barnett thanked the Mayor and Councilor and senior staff for their support.

CONSENT CALENDAR

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

1. Claims

- a. Approval of June 2007, Disbursements for Approval.

2. Minutes

- a. June 25, 2007 – Work Session
- b. July 2, 2007 – Work Session
- c. July 2, 2007 – Regular Meeting

3. Resolutions

- a. RESOLUTION NO. 07-32 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30402; MOUNTAINGATE, PHASE 4.
- b. RESOLUTION NO. 07-33 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30490; FILBERT MEADOWS SUBDIVISION.
- c. RESOLUTION NO. 07-34 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30492; GOLDEN EAGLE SUBDIVISION.

- d. RESOLUTION NO. 07-35 – A RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD COMPETITIVE BIDS EXCEEDING \$35,000 AND APPROVE AMENDMENTS TO PUBLIC CONTRACTS DURING THE PERIOD OF JULY 17, 2007 TO SEPTEMBER 10, 2007 WHILE THE CITY COUNCIL IS IN RECESS.

4. Ordinances

- a. ORDINANCE NO. 6200 – 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 AND 402 FROM LIGHT MEDIUM INDUSTRIAL (LMI), TO COMMERCIAL WITH AN AUTOMATIC REDESIGNATION TO THE EAST MAIN REFINEMENT PLAN FROM LMI TO COMMUNITY COMMERCIAL (CC).
- b. ORDINANCE NO. 6201 – 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 AND 402, FROM LIGHT MEDIUM INDUSTRIAL (LMI) TO COMMUNITY COMMERCIAL (CC).
- c. ORDINANCE NO. 6202 – 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.

5. Other Routine Matters

- a. Accept the Bid from Farwest Truck Center for Purchase of One (1) Dump Truck in the Amount of \$86,490.
- b. Approval of the Endorsement of OLCC Liquor License for Aiyara Thai Café, Located at 1010-1012 Harlow Road, Springfield, Oregon.
- c. Ratify an Agreement with the International Association of Fire Fighters (IAFF) Bargaining Unit.

ITEMS REMOVED

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. Annexation of Certain Territory to the City of Springfield and Extra-Territorial Extension of Sewer Services. Betty Trotter Owner, File Number LRP2006-00007.

RESOLUTION NO. 07-36 – A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD INCLUDING EXTRA-

TERRITORIAL EXTENSION OF SANITARY SEWER SERVICE TO THE SUBJECT SITE AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE ANNEXATION BY EXPEDITED PROCESS.

Planning Supervisor Jim Donovan presented the staff report on this item. The applicant/owner has requested annexation of 0.45 acres of property located at 835 Anderson Lane in west Springfield. The property is within the UGB and is adjacent to the Springfield City Limits along its northerly boundary. The purpose of the annexation is to allow the partition and development of two additional single family residential lots. Annexation is required to partition the property to urban densities.

The City Council is authorized by ORS 199.490(2)(a)(B) to initiate annexation upon receiving consent in writing from a majority of the electors registered in the territory to be annexed and the owners of more than half of the land to be annexed. Consent from the property owner has been given, and there are no registered voters residing at the site. The City must also ensure a minimum range of key urban services including but not limited to police, fire protection, library, parks and recreation, storm sewers, sanitary sewer and schools. Street, storm and sanitary sewer facilities are available on an interim basis. The immediate provision of sanitary sewer service to the subject site requires extra-territorial extension across an un-annexed length of Anderson Lane as shown in Attachment 2. The applicant's participation in future sanitary, storm and local street improvement projects is required through the attached Annexation Agreement. The attached Resolution authorizes the City Manager to sign the Annexation Agreement negotiated with the applicant.

The City Council Resolution, if approved, will be forwarded to the Lane County Local Government Boundary Commission. The owner is requesting the Expedited Annexation procedure through the Boundary Commission in order to proceed as quickly as possible with the partition process.

Mr. Donovan said the property owner was in support of this annexation and was present in the audience.

Councilor Ballew said the map made it difficult to tell that this property abutted city limits.

Mr. Donovan agreed it was difficult to tell. He referred to Attachment 1-2, which showed this property as it abutted city limits. He explained how city limits abutted the property.

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 RESOLUTION NO. 07-36. THE MOTION PASSED WITH A VOTE OR 6 FOR AND 0 AGAINST.

2. Public Hearing on 2007 Justice Assistance Grant.

Senior Management Analyst with the Springfield Police Department, Mike Harman, presented the staff report on this item. The City of Springfield is eligible to receive \$33,059 in federal funds from the 2007 Justice Assistance Grant. The funds may generally be used for any purpose relating to the criminal justice system, excluding construction projects and security projects.

No match funding is required, however, grant funds may not supplant general fund resources.

The recommendation is to use the 2007 funds toward four specific areas as follows:

1. Contractual costs of the Public Safety Coordinating Council (anticipated contract \$18,166).
2. Support for Municipal Court programs (\$3,000).
3. Support for Police Crime Prevention programs (\$2,000).
4. Specialized Police Equipment (\$9,893).

The purpose of the public hearing is to solicit further suggestions from the community for possibilities to expend these funds. This public hearing is a requirement of the grant application process. No additional action is required by the Council.

Councilor Ballew asked what was included in specialized police equipment.

Mr. Harman said that was a general category for any kind of specialized equipment used by the Police Department. In the past, the grant funds had been used to purchase digital recording equipment and articulated furniture for those at a desk for many hours at a stretch.

Councilor Ballew asked if it would be appropriate for personalized tasers.

Mr. Harman said that could be possible. The Police Department was considering using those funds for specialized equipment in the new facility.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

NO ACTION REQUESTED.

3. Used Merchandise Dealer Ordinance – Automated Reporting Requirement.

ORDINANCE NO. 4 – AN ORDINANCE AMENDING ARTICLE 7 OF THE
SPRINGFIELD MUNICIPAL CODE REPEALING EXISTING SECTIONS 7.100, 7.102,
7.104, 7.106, 7.108 AND ADDING SECTIONS 7.100, 7.102, 7.104, 7.106, 7.108, 7.110
AND 7.112 (FIRST READING).

Police Captain Rick Lewis presented the staff report on this item. Eugene, Springfield and Lane County initiated an automated reporting pilot project in October, 2002 with voluntary

participation of several secondhand stores in Eugene, Springfield and unincorporated Lane County.

During the development of the draft ordinance, the participating law enforcement agencies met with secondhand store owners and managers for feedback on the proposed ordinance. There has been a mixed review from the dealers who are concerned about the additional costs to their businesses for implementing the program as well as a preferred vendor. Council has received correspondence from second hand business dealers expressing their concerns on the matter.

Council heard from a number of business owners affected by a proposed ordinance that would require Used Merchandise dealers to comply with an automated reporting system. Since the April 3, 2006 work session on this matter, the City of Eugene and Lane County have adopted ordinances requiring dealers to comply with automated reporting.

The proposed process for implementing and operating the automated reporting system would be administered by the Eugene Police Department. The actual cost (\$20,200) of automated reporting would be borne by the regulated secondhand stores, using a fee schedule based on the number of annual secondhand dealer transactions. It is anticipated that the annual cost to the individual secondhand store would range between \$200-\$700 per year.

In the event that BWI receives the bid from an RFP issued by the City of Portland, we have been advised that the local automated program will be permitted to interface with the Portland data base.

At the March 5, 2007 work session, Council directed the ordinance to move forward for a public hearing.

Captain Lewis said there were several concerns by some of the Second Hand Dealers. The first issue with businesses was the cost. He explained the average cost per business of \$200-\$700 per year per business. He said it was dependent on the number of transactions of the individual shop. The cost for hardware, computer, phone lines, and internet service was also a concern. Shop owners were also concerned that the cost would increase before the contract ran out. He noted that this would be administered through the City of Eugene. Another concern was that BWI was a Canadian firm. It had been suggested to wait until Portland went online. Portland did send out a Request for Proposals (RFP) and granted that RFP to BWI. Their system would be set up differently, however, as BWI would create software for Portland to run their own program. The City of Eugene and Lane County passed similar ordinances to the proposed ordinance before Council. Springfield included collectable coins and moneys and Eugene and Lane County did not.

Detective George Crolly with the Springfield Police Department, gave further information on this issue. He said he had been with the Springfield Police Department for about nine years and had recently assumed a position that dealt with pawn shops and stolen property. He said he recently met with Detective Randy Berger at the Eugene Police Department to go over how the BWI system worked. Eugene had a smooth transition with the pawn shops when it was implemented. Eugene had recovered a substantial amount of property through the system that had been stolen, and had been successful in tracking the criminals that brought in the items. The system was a helpful investigative tool with several search engines available. He described some of the search engine capabilities. He also noted that some businesses had monitors mounted on their personal computer to take photos of customers. This system benefited the police allowing them to identify

who brought in the property. It also benefited the shop in allowing them to know who they were dealing with. He said it also benefited the citizens, police department and shop owners by the efficiency of data entry and tracking items sold. It enabled information sharing between all agencies. Detective Crolley said there were alerts in the system that allowed police officers to enter details, including the name, of criminals into the system. If a transaction occurred on that person, an alert could be sent to the police officer's pager, cell phone or email. This allowed for a quick response to the shop which benefited the shop owner and police officers.

Councilor Pishioneri asked if Detective Crolley anticipated a decrease in the amount of time spent on cases once this system was in place, and making their work more efficient.

Detective Crolley said he did anticipate that efficiency with the rapid search capabilities rather than going through paper documents.

Councilor Pishioneri asked if the time savings was figured into this proposal.

Chief Smith said the time considered in the ordinance was the time spent picking up slips and entering data.

Councilor Wylie asked if the shops were capable of issuing an alert if stolen property showed up.

Detective Crolley said that capability was also available, as well as shops entering information on a problem customer that could be sent out to other dealers.

Councilor Wylie asked if there was a capability of sidestepping this program.

Detective Crolley said it could be a possibility.

Councilor Ballew said she had read that the State was interested in an integrated statewide system. She asked when that might occur.

Chief Smith said there had been discussions, but no efforts towards making that happen.

Councilor Ballew asked if there was any auditing to be sure all items were being reported.

Detective Crolley said BWI maintained the program, including auditing.

Chief Smith said they only knew if someone wasn't reporting something if they were told. That had occurred in the past.

Detective Crolley said it would still be important to maintain a human element and good relationships with the businesses.

Councilor Ralston asked if there were penalties for not reporting.

Detective Crolley said Eugene had penalties, but he hadn't yet studied the ordinance in Springfield.

Chief Smith said the ordinance had a penalty clause near the end.

Councilor Lundberg said part of her wanted to defend the industry that had second hand shops. The businesses were not made up of criminals. Receiving stolen items cost the business money. She was in support of electronic reporting because of the time it would save. There were criminals in any business. She said implementation should be done rapidly, but it would be an additional cost. She referred to the time frame for the shop owners to enter information on the items. She would like to make it convenient for data entry. She asked what Eugene was doing.

Detective Crollly said it was a 12-hour reporting requirement for data entry. Most shop owners used it immediately as it worked as an inventory tracking system. He also agreed that the businesses were upstanding. The business owners wanted to find the criminals as much as the Police did.

Councilor Pishioneri said the pawn brokers and dealers were very honest. He felt that the real time reporting would save the businesses from potential loss if the item was discovered stolen. Detective Crollly agreed. Councilor Pishioneri said this system could protect the business owner as well, and would add a lot of integrity industry-wide.

Mayor Leiken opened the public hearing.

1. O.B. Biggs, Best Cash, 1840 Main Street, Springfield, OR. Mr. Biggs said he had a couple of problems with the ordinance the way it was written. He referred to page 4, section (4) Reporting Fees. He felt that any associated fees or costs should be incorporated into a Second Hand Dealer's License Fee. That license fee would cover all costs. He also referred to page 5, section (6)(b). He felt that six months was too long to keep something on hold upon police request. Thirty days was a fair amount of time and if the police needed more time, they could ask the dealers to hold it longer. He referred to page 4, section (2) and page 6, Section 7.106 regarding alternate recording requirements. He said that was what the dealers were doing now with paper. The ordinance seemed to indicate that dealers had a choice on how to record the information. He said he was in favor of electronic reporting and it should have been done years ago. For about three years, he had been involved in this process. During that time, he had been watching BWI and LEADS Online, two electronic reporting firms. During that time, BWI had grown very little and had very few U.S. jurisdictions, most were in Canada. LEADS Online had more than doubled the number of jurisdictions to over 600, including Medford, Jackson County and many in California and Washington. He questioned why nearly all U.S. jurisdictions that had gone to electronic reporting had signed on with LEADS Online if BWI was the best choice.
2. Gerald Upshaw, ACE Buyers, 195 South 14th Street, Springfield, OR. Mr. Upshaw said he had sent the Mayor and Council information. The latest included comparisons on the current pawn statute. At the end of last year, the State mandated that Pawn Shops become a licensed Pawn Shop or close down. In doing so, it cut the shop's revenue considerably. For the year of 2007, if the shops had to pay the fee for BWI, the cost of doing business would be sixteen hundred percent higher than the previous year. Prior to 2007, they paid \$90 for the City license. This year, they would pay \$1000 for the State license and inspections, \$700 for the BWI system, plus the additional \$90 for the City license. That was quite a hit on businesses. When they ran as a consignment shop, they regulated themselves. He referenced the question about the businesses being audited and said the State's Department of Consumer and Business Services would be taking care of that. He questioned how much actual hard copy

information they had on how well the BWI system was going in Eugene with all the pawn shops reporting. Prior to last month, there were no licensed pawn shops in Eugene. The only one licensed in Eugene, was now in Glenwood, and under the County jurisdiction. Sheriff Burger talked to the Commissioners about this charge and the Commissioners would be picking up the cost of those in the County's jurisdiction going into BWI. He would like Council to look at the conflict and make sure they had hard copy on how well this was going. Currently, they had a twelve hour delay to report, so the police wouldn't be able to arrest the person at the time they were selling something.

Mayor Leiken closed the public hearing.

Mayor Leiken asked about the 'not to exceed 180 days' clause for holding certain items. He said 180 days seemed like a long time. He asked Chief Smith to comment.

Chief Smith said the 180 days gave more latitude for the investigator. The reality was that if they could identify property as stolen, the police would seize it immediately. There could be times that police believed something may be stolen and would like more time to look into the crimes. He felt that 180 days was the exception to rule.

Councilor Lundberg asked if it could be a shorter period of time, with a provision that police could request additional time if needed for an investigation. Most of it would be determined quickly. The business would be holding storage for the Police Department. She would like some certainty for the businesses.

Chief Smith said if police was going to put a hold on it for 180 days, it was a serious case. He said the 180 days was an outside exception to the rule. If police knew an item was stolen, it wouldn't take long for them to take care of it.

Councilor Ballew asked how frequently the 180 day provision would have been used in his experience.

Chief Smith said he couldn't remember a time in his career that they had asked a pawn shop to hold an item for 180 days.

Councilor Ballew said it would only occur if they were asked specifically to hold a specific item.

Mr. Leahy asked Chief Smith if language could be added that said an item "shall be held 90 days provided, however, this period may be extended up to 180 days at the request of the Police Department". Someone would have to monitor it at 90 days.

Chief Smith said that could work.

Councilor Pishioneri said he was not comfortable making that change. He said 180 days was reasonable and had not been abused.

Councilor Woodrow asked if it would be possible to include the fee in the pawnbroker's license.

Chief Smith said it could be possible. It would mean that each year, as the City of Eugene and BWI figured out what the cost would be, the license fees would be changed in the City of Springfield to accommodate that fee.

Chief Smith responded to a couple of questions brought forward by those testifying. He said in regard to alternative reporting, it was for dealers that dealt with less than ten transactions a month. He said it was noted on page 4 of the ordinance.

Councilor Ralston asked why we chose BWI instead of LEADS Online.

Chief Smith said there were over 13,000 police jurisdictions in the U.S. and LEADS Online serviced a very small percentage of those. BWI served an even smaller percentage of those jurisdictions. Springfield Police looked at LEADS Online, but it didn't interface with the regional records management system, so the entries would have to be duplicated into the system. It was not as good a product for the Springfield area purposes.

Councilor Ballew asked if this ordinance was the same as the one in Eugene.

Chief Smith said it was the same, except that Springfield had added an inclusion requiring electronic reporting of collectible coins and jewelry.

NO ACTION REQUESTED. FIRST READING ONLY.

BUSINESS FROM THE AUDIENCE

1. Robert Schroeter, Comcast, 2897 Chad Drive, Eugene, OR. Mr. Schroeter, Director of Government Affairs for Comcast, discussed some of the provisions on the telecommunications ordinance. He said he appreciated the opportunity to work with Springfield staff. The major provisions of difference in the proposal before Council had to do with the possibility that this housekeeping measure could be interpreted as affecting any existing franchises or contracts that the City had with particular providers. Mr. Goodwin drafted some language to address that issue which was acceptable. There were a couple of other areas that raised concerns and were grounds for further discussion. At the work session, the Mayor said it was time for Springfield to have discussions with businesses on how things might affect them. Mr. Schroeter's concern related to high speed internet, which was encompassed in the definition of telecommunications, and noted that the Federal Communications Commission's decision would exempt that. He also discussed IP enabled voice. There was discussion from Mr. Goodwin in the Council Briefing Memorandum in the agenda packet, that the FCC had taken IP voice under their jurisdiction, and had not made a determination. Until that determination was made or as communications continued with the City and other providers, they hoped to come back to Council with an agreed upon approach or the FCC decision. There were provisions within the ordinance to provide for an application fee set by Council on an annual basis. Comcast provided approximately \$400,000 per year to the City in franchise fees. To put fees on top of that was excessive and not directly related to maintenance. They would suggest an allowance for deductibility on other fees.
2. Leslie Markham, 542 South 4th Street, Springfield, OR. Ms. Markham noted the tragic death of a four year old little boy that had contact with fireworks. She said it was time to consider a ban on the sale and use of fireworks in Springfield. July 4 was no longer a celebration, but

was now a traumatic time for many residents. There were approximately three weeks of incessant explosions, noise, chaos and people fearing injury for themselves and their homes. She felt there could be a safe 4th of July with public events, such as that at Island Park. Last year, children 10-14 years of age had the highest injury rate for fireworks related injuries. There were 283 fires in Oregon in 2006 as a result of fireworks, an increase of 46 percent from 2005, causing more than \$1M in damage. Eighty-five of these fires occurred between June 1 and July 31. Sparklers were associated with more than half of the estimated injuries of children under the age of 5. Children were often curious and excited about fireworks, which increased their chance of being injured. The use of fireworks in our community puts an added strain on Police and Fire and Life Safety (F&LS). Ms. Markham had the fireworks log from the Springfield Police Department and noted that between June 18 and July 10 there were 189 fireworks related calls to Springfield Police. Between July 1 and July 11, there were 37 calls responded to by a patrol officer. There were fifty-two cities in Washington that had already banned fireworks and more cities were coming on board.

3. John Brown, 101 East Broadway, Eugene, OR. Mr. Brown spoke on two of the Council Goals: #2 – Utilizing resources efficiently and effectively to meet citizen needs for core services; and #7 – Partner with citizens and other public agencies to leverage resources. He spoke regarding SDC credits and creating an SDC credit bank. One of his clients had a number of SDC credits, some that couldn't be used. This client asked what they could do with the credits and he suggested donating them to a non-profit or agency that could use them. There would be no net loss to the community or added burden to the tax payers, and yet a savings to that entity for more beneficial uses. He asked that over the summer break, Council direct staff to explore the pros and cons of such a bank. Hopefully, it could be a win-win. The Council would determine who would receive the credits from the bank. Recipients could include non-profit agencies, economic development or anyone else in need. There could be a small administrative fee charged to manage this bank. He felt this concept merited further consideration.
4. Jack Roberts, 2330 Park Road Drive, Eugene, OR. Mr. Roberts said he was speaking in support of John Brown's suggestion of creating an SDC bank. This idea preserved the integrity of the SDC system. People had credits they would not be using and this would give them an opportunity to donate them to this bank maintained by the City. The use of those funds would be at the Council's discretion. He recommended using part of those credits for economic development as another tool to bring businesses in to Springfield. It would encourage the types of developments, both in terms of social service non-profits and economic development. It would be a tool for Springfield and would still maintain the integrity of the system. He said he spoke with Community Development Manager John Tamulonis who mentioned there would be some review on SDC's in the near term. He would ask Council to direct staff to consider this bank a part of that review. This would be another example of how Springfield was on the cutting edge and could set up a pilot for the rest of the state.
5. C.W. Walker, 1225 Lawrence, Eugene, OR. Mr. Walker said he was here in support of the City of Springfield investigating and working towards an opportunity to use SDC credits. To be able to use these credits toward economic development and non-profits at the City's discretion and in compliance with a dedicated policy set up by the City of Springfield, would be a great benefit to the City of Springfield. It would also be a benefit to those companies or non-profits that were looking forward to developing and improving the City of Springfield.

He looked forward to working with the City on this and helping with his experience on the use of the SDC credits.

Mayor Leiken thanked Mr. Brown and Mr. Walker for notifying him ahead of time that they would be speaking on this topic. He also thanked Mr. Roberts for his testimony. The Mayor asked Council for their thoughts on this request.

Councilor Woodrow said he would like to see staff bring something to Council.

Councilor Ralston said he liked the idea and would like to know if there was an actual cost to the City.

Councilor Pishioneri agreed it was a great idea and worth exploring. It could help with downtown redevelopment.

Councilor Lundberg said the State had a tax credit program that non-profits could use. She asked that staff get that information regarding certain requirements and how tax credits could be used. She would like information on the parameters of who might qualify and how the credits could be used.

Mayor Leiken thanked Ms. Markham for her testimony and asked Chief Smith to provide her with additional information. He said he wasn't sure it was something the City should do or if it was something that should be done by the State. Mayor Leiken appreciated her comments.

Councilor Ralston said the death of the young boy due to fireworks was a tragic accident. He said it was hard to believe that a fire like that could be started with legal fireworks.

Councilor Pishioneri said legal fireworks could start such a fire.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

Mr. Towery noted that in addition to the five items included in the Correspondence and Petitions, two additional items were received and placed at Council places.

Mr. Leahy said the B Street information was submitted after the public record closed. He asked Council not to review that before making their decision on the B Street vacation because it was received after the public record closed.

1. Correspondence from Peter Ferris, Lobbyist for Oregon Manufactured Homeowners United Regarding HB2735. (See attached staff response.)
2. Correspondence from Leslie Markham, 542 South 4th Street, Springfield, Oregon Regarding Fireworks in Springfield.
3. Correspondence from O.B. Biggs, Best Cash, 1840 Main Street, Springfield, Oregon Regarding the Second Hand Dealer Ordinance.
4. Correspondence from Jeff Thurn, North Star Coin and Jewelry, 643 Main Street, Springfield, Oregon Regarding the Second Hand Dealer Ordinance.

5. Correspondence from Don and Mary Jo Moloney, 922 B Street, Springfield, Oregon Regarding the B Street Closure (this letter was not received during the period the record was open, so it is not included in the packet for this item.)

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

1. Telecommunications Ordinance Update.

ORDINANCE NO. 6203 – AN ORDINANCE AMENDING ARTICLE 4 OF THE SPRINGFIELD MUNICIPAL CODE TO PROVIDE FOR LICENSING OF UTILITIES, AMENDING SECTIONS 4.600, 4.602, 4.604, 4.608, 4.610, 4.612, 4.614, 4.616, 4.618, 4.620, 4.622, 4.624, 4.700, 4.702, 4.704, 4.706, 4.708, 4.710, 4.712, 4.714 AND 4.716, DELETING SECTIONS 4.626 AND 4.628, AND SETTING AN EFFECTIVE DATE.

Assistant Public Works Director Len Goodwin presented the staff report on this item. The City's current telecommunications ordinance, which reverted to its 1997 form when the Utility Tax was repealed, is in need of updating. In addition, it is appropriate to modify the ordinance to account for the recent decision of the Federal Communications decision on franchising of competitive cable television providers.

It is timely to make housekeeping revisions to the City's telecommunications ordinance to assure that it continues to comply with recent interpretations of Section 253 of the Telecommunications Act of 1996. In addition, it is timely to modify the ordinance to accommodate the actions of the Federal Communications Commission in providing alternative cable television providers an accelerated path to access to public rights of way to provide their services. At the public hearing on June 18, a representative of Comcast testified and was granted leave to submit additional comments in writing. Those comments, as well as comments received from Qwest Communications, and a staff response to each set of comments are attached. In light of these comments, a second version of the proposed ordinance has been prepared. This Alternative Draft Ordinance makes *ONLY* the minimum changes necessary to conform the City's Code to what we understand to be the current state of the law and is presented in legislative format to make it easier to see the changes proposed.

Mr. Goodwin noted that Mr. Schroeter from Comcast met with staff and a representative from Qwest also met with staff to review details. The Council Briefing Memorandum included in the agenda packet outlined changes made as a result of those discussions. The people from Qwest pointed out a technical error in the ordinance. As it was written, it excluded from gross revenue wholesale transactions, specifically for electricity and gas. It was intended to exclude all wholesale transactions and the ordinance had been corrected to reflect that. In addition, Qwest raised questions about section 4.608 (4) which related specifically to the provision of cable television services. That provided that an alternative cable television provider would have to file, and comply with, a plan to serve all residential customers in the community within a reasonable time. Qwest pointed out that was a practical impossibility. There was no reason to believe there

was a market for a fifty percent split between the current provider and a new provider. An alternative formula was created to allow them to build up their service over a period of time under an agreed upon formula plan between the City and Qwest. Staff made a modification to the ordinance to make that possible.

Mr. Goodwin said that Comcast expressed concern about whether or not this ordinance would affect the existing franchise. Staff modified the language to make it clear that the provisions in this ordinance did not change existing contracts the City had with Comcast or any other provider. Comcast also raised concerns about the fees imposed. They felt the fees in general were excessive and also suggested there should not be an additional license fee for those companies that already had a license fee. He said the fee for the original license was \$1200.00, the annual fee was fixed at \$600, which represented about six hours of work for a license and a little over three hours work for an annual renewal. Staff spends about four times that on these processes and did not feel these fees were unreasonable. Mr. Goodwin said he would encourage Council to continue them as they were by providing an additional license and fees as additional services were provided. At the public hearing, questions were asked regarding the absolute minimum required to meet the recent court rulings and the Telecommunications Act of 1996. Appendix F included in the agenda packet included an ordinance that just met the minimum requirements to make sure the City was in compliance with the law. Staff did not recommend that Council adopt that ordinance, but rather the other ordinance with changes following conversations with Comcast and Qwest. There was still an issue between the City and Comcast regarding the treatment of Comcast's digital voice service. Federal Communications Commission (FCC) had made no decision about what sort of service that was and in staff's opinion, if a company was using right-of-way, the City had the right to regulate that service and collect a fee for using the right-of-way. Staff felt that right existed whether or not the new ordinance passed. He explained.

Councilor Woodrow disclosed that he had some dealings with Comcast over the past month or so that benefited his service with Comcast, but that would not affect his decision.

Mayor Leiken thanked Mr. Goodwin for working with Comcast and Qwest. He said the ongoing dialogue with Comcast and other telecommunications that did business in Springfield would be important as the government made additional rulings. It was important to continue that communication and partnership.

Councilor Lundberg said the Federal and State government would do all they could to get their fair share or to regulate cities. The telecommunications businesses were there to make a profit and the City was there to tax that profit. It was the City's job to watch when revenues increased because it was City right-of-way. It would most likely come back to the City because it did involve FCC rules and the City wasn't the final say. Everyone had done a good job trying to work together.

City Attorney Joe Leahy noted that the benefit received by Councilor Woodrow from Comcast had been as a private citizen and had nothing to do with his position as a Councilor.

Councilor Woodrow said that was correct.

Councilor Wylie asked for clarification on the two ordinances.

Mr. Grimaldi said the second ordinance was the alternative. Staff was presenting the original ordinance.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT ORDINANCE NO. 6203 THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Vacation of One Block Segment of B Street Public Right-of-Way between 4th Street and Pioneer Parkway East, Case No. LRP2007-00019.

ORDINANCE NO. 6 – 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 July 2, 2007, City Council conducted a public hearing on a request to vacate public right-of-way for the segment of B Street between 4th Street and Pioneer Parkway East. The vacation is intended to facilitate development of a secure police parking lot and ancillary building serving the Springfield Justice Center. The written record for public hearing written submittals was held open to 5pm on July 9, 2007. Three submittals were received during the extended written record period: two in favor and one opposed. Staff prepared responses to the letters received. He noted that Attachment 1, the recommendation from the Planning Commission, was inadvertently omitted from the Council packet. Copies were provided to the Council and had already been included in the record and the first reading. Also at the public hearing, Mr. Scott Olsen testified in opposition to the proposed vacation and requested that a series of land use actions and other preparation of Justice Center, including the functional planning and the bond measure, were provided in the public record. Materials had been included and copied and were present at tonight's meeting. The bulk of that was the land use actions that had been taken to this point.

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. City Council held a public hearing and conducted a first reading of the vacation ordinance at the regular meeting on July 2, 2007.

Staff recommended that Council provide direction to staff and staff would provide findings either in support or against the proposed vacation ordinance. Those findings would be brought back to Council on September 17 for formal action.

Councilor Ballew asked if the file in front of Mr. Limbird included any duplicate documents or just original documents for this vacation.

Mr. Limbird said most of it was single copies. There were a number of submittals that had been given to the Planning Commission and since the public hearing was opened on July 2 there had been additional written testimony.

Councilor Ballew said she had submitted written testimony to the Planning Commission meeting and did not see it in her packet.

Mr. Limbird said he had not seen that document.

Councilor Ballew said she had provided it before the end of the Planning Commission meeting.

Mr. Leahy asked if Councilor Ballew had an additional copy of that document.

Councilor Ballew said she could run it off of her computer.

Mr. Leahy said they would provide it in the record once received.

Councilor Woodrow asked if Council was in favor of staff providing findings in favor or against.

Councilor Ralston said he would prefer to take action now rather than waiting until September.

Mr. Leahy said the site plan that Council approved allowed the project to go forward either way. It was the recommendation of the applicant that B Street be vacated, but if it was not vacated, the project would still go forward. If Councilor Ballew had any recollection of what she had in the letter, he asked that she provide those comments now, followed by the letter.

Councilor Woodrow said he believed he saw that letter in one of the first public hearings.

Councilor Ballew said one point in her letter was that a parking lot and storage facility didn't outweigh the benefit to the public of an open public street for connectivity purposes.

Following an informational polling, it was noted that 4 were in favor and 2 opposed to the vacation of B Street. Staff would provide findings in favor.

Mr. Leahy reminded Council they could change their mind on September 17 if they chose.

Councilor Ballew said she also noted in her letter that 1100 people being diverted out of their destination point was not a good public policy and it interfered with connectivity.

3. International Fire Code Adoption, 2006 Edition.

ORDINANCE NO. 6204 – AN ORDINANCE ADOPTING A FIRE CODE FOR THE CITY OF SPRINGFIELD BY ADOPTING, AMENDING, AND ADDING ARTICLES TO THE STATE OF OREGON 2007 FIRE CODE AMENDMENTS REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIAL AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES AS HEREIN PROVIDED; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND, EACH AND ALL OF THE REGULATIONS, PROVISIONS, PENALTIES, CONDITIONS IN THE CITY OF SPRINGFIELD, REPEALING ORDINANCE NO. 6098 ADOPTED OCTOBER 18, 2004, OF THE CITY OF SPRINGFIELD, AND DECLARING AN EMERGENCY.

Fire Marshal Al Gerard presented the staff report on this item. The Department of Fire & Life Safety is currently enforcing the 2004 Edition of the International Fire Code with Oregon Amendments. The Fire Code adopted by the city must be consistent with State Fire Protection Statutes, and equal to or more stringent than the Fire Code promulgated by the State Fire Marshal. The State Fire Marshal has adopted the 2006 Edition of the International Fire Code with an effective date of April 1, 2007.

Adoption of the 2006 Edition of the International Fire Code with Amendments will enable the Department of Fire & Life Safety to provide a high level of fire safety protection within the City.

This is an emergency adoption in that this Ordinance shall take effect immediately upon its adoption by the Council and approval by the Mayor so that the City of Springfield Fire Code is compliant with the State of Oregon 2007 Fire Code Amendments which became effective April 1, 2007.

Replacement of International Fire Code books have totaled approximately \$1725 spent out of the 06-07 budget.

Items to Note:

- 2007 NFPA 10 Fire Extinguisher Standard has changed from allowing an owner/occupant to provide annual servicing of the fire extinguisher to requiring fire extinguishers to be serviced by a trained certified person.
- Excessive False Automatic Fire Alarm Activations are subject to citations under provision 109.3.1 of the Fire Code.
- Failure to comply with fire code regulations within the Springfield Urban Growth Boundary will be pursued through Circuit Court in areas outside the city limits.
- Vegetation capable of being ignited and hazardous to protected property of another will require a fuel break.

Councilor Pishioneri said page 1, 105.6.c. referred to fireworks retail sales permits. He then referred to page 2, 105.6.14 which also referenced a permit for explosives, which could include fireworks. He asked if fireworks sales would be required to get two permits.

Mr. Gerard said the retail sales referred to in 105.6.c was the retail sales to the general public. Section 105.6.14 allowed a business to create fireworks. There would not be double permitting. It was written from the State fire code. Springfield Fire and Life Safety would never intend by policy to double charge. He said that could be dropped if it caused confusion. It was at the Fire Marshal's discretion.

Councilor Pishioneri referred to Page 5, section 105.6.48, the last sentence regarding collection of permit fees. It indicated those fees went to the Hazardous Materials (HazMat) fund or the General Fund at the discretion of the City Manager. He asked for clarification.

Mr. Gerard said the HazMat fund was part of the General Fund.

Mr. Grimaldi said the allocation of funds would be determined through the budget process. There was not a separate fund.

Councilor Wylie said she assumed categories that had been deleted had been wrapped into other areas of the Code.

Mr. Gerard said they had been deleted either because of lack of resources or because there was no need to enforce those operational permits. He explained.

Councilor Wylie asked about carnivals or fairs.

Mr. Gerard said they were already covered by special events permits in Development Services Department (DSD).

Councilor Ballew asked about the provision on vegetation and fuel breaks. Previously people with grass over a certain height were required to keep it mowed.

Mr. Gerard said in 2001, the ordinance for dangerous vegetation was repealed. He explained that ordinance and the enforcement of that ordinance. The City had grown out to a point where there were a lot of fire breaks (streets) and there were very few segregated properties with long stretches of grass. In 2004, the City adopted the International Fire Code, which had provisions for dangerous vegetation. The definition in that Code was very vague. In the current Code adoption, there was a definition for fuel break on page 7, Section 302. On page 8, Section 304.1.2, parameters were put into place for protecting the property with a fuel break. He explained that a fuel break was a ten foot wide strip along the property line where there was a protected property beyond that property. A protected property was a property that could house people. That provision gave the Fire Marshal the ability to require that fuel break where there was dangerous vegetation.

Councilor Ballew noted a field next to one of the fire stations that had tall grass. She asked if they had required the property owner to cut the grass.

Mr. Gerard said this ten foot provision was new. Many of the issues they had tried to deal with in the past were small properties. This new provision addressed the fire hazard rather than the nuisance aspect. Mr. Gerard said in doing a search over the last five years, he wasn't able to find a situation where a field fire lead to a house fire. Along with the natural fuel breaks, the City had the F&LS response that would come in and handle the situation.

Mr. Gerard discussed the question regarding banning fireworks. He said the City could pass an ordinance that banned fireworks in Springfield. The City would need to be careful not to ban items that were considered fireworks, such as sparklers and party poppers, and also public fireworks display such as those in the Light of Liberty event.

Mayor Leiken said he was not requesting that an ordinance banning fireworks be drafted. He felt it was a much bigger problem than for Springfield alone.

Mr. Gerard noted that they were legal fireworks that killed the young boy on the 4th of July.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT ORDINANCE NO. 6204. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY COUNCIL

1. Business from Council

a. Committee Reports

1. Councilor Ralston spoke on the Human Services Commission (HSC). The HSC passed their budget after lengthy meetings. They discussed future governance of the HSC and the health centers. He would now be serving on a special committee that would be meeting two or three times a month. This committee would be looking at ways to cut costs while still providing services to citizens.

Councilor Ralston spoke on the Lane Regional Air Protection Agency (LRAPA). In addition to requests LRAPA had received to regulate dust, vehicle emissions, and global warming, they received a complaint from a citizen on B Street regarding a smell coming from Borden or Weyerhaeuser. Someone else wanted to regulate aerial spraying of herbicides in the forest lands and rural areas and another person wanted LRAPA to stop jets from flying over Springfield.

2. Councilor Pishioneri said he went to the Lights of Liberty show. Springfield Utility Board (SUB) did a great job; it was well organized, and well attended. The Police Department had the bicycle patrol on hand and F&LS were also there. It was a very nice community event and he thanked SUB and the donors for putting on this show.

Councilor Pishioneri reported on the McKenzie Watershed Council. The Council went up to the temperature control tower at Cougar Reservoir. They had opened up several miles of new habitat for Chinook.

3. Mayor Leiken said the Metropolitan Policy Committee (MPC) went well.

Mayor Leiken thanked everyone who put their heart and soul into the Simpson's contest. Springfield had a very good run. Some thought this was a negative, but Springfield, Vermont (the winning Springfield) was seeing great economic gains.

Mayor Leiken said the official kick-off for "Eugene 08" (Olympic Trials) was held. Springfield would be playing a role in this event.

4. Councilor Wylie thanked the Mayor for his energy, good humor and good will he put into the Simpson's contest. It was all meant in good fun and good spirit.

It was noted that the horse statute would be painted back to white shortly.

Mayor Leiken said Springfield would receive a private screening the day before the movie opened to the public (July 26).

5. Councilor Ballew referred to the Olympic Trials and said a lot of people, particularly the news media, would be housed in Springfield. She asked what else the City was doing regarding other events.

Chief Smith said the City wasn't doing any special events, but were working with City of Eugene, Lane County, State and other City law enforcement in doing some planning ahead of time. They had developed some protocol. There was no special event that he was involved with.

Councilor Ballew asked if we should be.

Mayor Leiken asked Community Relations Coordinator Niel Laudati to speak on that and also send out an email regarding any events.

Mr. Laudati said the City of Springfield had been partnering with Eugene on various committees including hospitality and emergency services. He had a detailed calendar he was working on with Willamalane for specific Springfield events. Once that was finalized, he could send Council a draft. There would be specific Springfield events that took place during the Trials.

6. Councilor Pishioneri added some information on the McKenzie Watershed Council. Chuck Gottfried, Environmental Services staff, had some car wash kits that would prevent petroleum products and soap going down drains. . These kits would be available for fundraising groups. He suggested letting those groups know of this kit and that they could contact Mr. Gottfried.

BUSINESS FROM THE CITY MANAGER

1. Approval of Contract for Design of the Thurston Fire Station – P20534.

Project Manager Carole Knapel presented the staff report on this item. On May 21, 2007, staff presented the recommendation of the Fire Station Architect Selection Committee. The staff recommended Paul L. Bentley, Architect for the design of the Fire Station. The Council authorized staff to negotiate a contract with the firm. Staff has completed the negotiation of the fee and is reviewing final estimates for reimbursable costs.

On May 21, 2007 the Council authorized staff to begin negotiations with the firm, Paul L. Bentley, Architect. The attached draft agreement provides for a fee of \$228,250 and reimbursable costs of approximately \$10,000. The proposed contract includes the provisions as required in the Request for Proposals, including full design and construction administration services. The first document to be prepared by the architect will be a space and functional program. This program document will set out the space requirements and functional adjacencies for Springfield Fire and Life Safety. The program will be used as the basis of design for Fire Station #16 (formerly Fire Station #1) and it will also be a valuable tool for any future remodeling of existing fire stations or design of other new fire station facilities.

The design of the facility will incorporate sustainable design and energy saving opportunities in order to ensure that the facility is as efficient as possible to operate. At each of the major design milestones, the architect will prepare a construction cost estimate in order to ensure that the project is within budget. The design schedule will also include opportunities for public review and comment on the design.

Ms. Knapel said there were three outstanding issues to wrap up in the next few days, but staff wanted to bring this to Council before their recess. The three items were:

- Itemizing some reimbursable costs
- Clarification on the indemnification clause language
- Addition of a clause clarifying project organization and communication

Ms. Knapel said with finalization of those issues, staff would ask that Council authorize the City Manager to execute the final contract.

Councilor Ballew said she didn't see Mr. Leahy's stamp on the contract yet.

Mr. Leahy said he had been involved in this contract from the beginning. The provisions that Ms. Knapel had outlined were still outstanding issues. Staff would like Council to see as much about this contract as possible, rather than presenting it to the City Manager during the Council recess. His recommendation was for Council to give approval subject to the resolution of those issues, and that it would not go forward for the City Manager's signature without the City Attorney's stamp.

Councilor Ballew said she appreciated the draft, but didn't feel comfortable taking action. She would like to see a more complete project when coming to Council for approval in the future. She said she understood there were always exceptions.

IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT WITH PAUL L. BENTLEY, ARCHITECT IN THE AMOUNT OF \$228,250 FOR SERVICES AND APPROXIMATELY \$10,000 FOR REIMBURSABLE COSTS TO PROVIDE FOR DESIGN SERVICES FOR THE THURSTON FIRE STATION AFTER APPROVAL BY THE CITY ATTORNEY. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Agreement to Annex Property to the City of Springfield (Progress Investment Group, LLC – Case Number LRP2007-00003).

Community Development Manager John Tamulonis presented the staff report on this item. As property owner, Progress Investment Group, LLC, has requested annexation of about 7.05 acres of property located in the 400 block north of International Way, currently vacant but for a filbert orchard. The annexation would facilitate development of three office buildings as a business park development in the Campus Industrial zone. The legal description and map of the property proposed for annexation is in Attachment 1, Exhibit A. The Annexation Agreement has unique aspects because of the location of the property proposed for annexation and its relation to likely key future transportation system improvements the City may need in Gateway.

The property proposed for annexation abuts the current City limits along its south and west boundaries and sits wholly within the Urban Growth Boundary (UGB). Existing utility connections are available to serve this property along its International Way frontage. In accordance with Springfield Development Code Article 6.030(2), the site can be served with key urban facilities and services, including but not limited to City utilities, police, fire protection, library, parks and recreation, and schools.

An Annexation Agreement negotiated between the applicant and City staff (Attachment 1) includes conditions for owner-built private transportation improvements and how they will connect to the public system at Maple Island Road's northern roundabout (Section 1.2). The Annexation Agreement also includes Progress' payment required to fund off-site transportation and stormwater improvements (Sections 1.4 and 1.5). Progress intends to build either a 2/3 or full private street to City standards as a north leg of the roundabout. The City would, through an Option Agreement (Exhibit B of Attachment 1) have the opportunity to acquire in the future the private transportation improvements by compensating Progress for land costs and private road construction. The City's future cost for acquisition would be Progress' actual land and construction costs inflated annually by 3% during the ten-year Option period. This unique arrangement was based in part on staff working to obtain and retain the opportunity of a key future link in the Gateway area's transportation system while considering how that link adversely impacts Progress' development--the future right-of-way and street represents nearly one-seventh of Progress' entire site. Legislation effective 7/1/07 is being researched regarding its potential impact on this agreement; results might include a minor modification to the attached agreement.

The Public Hearing and City Council action regarding a Resolution for recommending annexation would occur July 23, 2007. The City Council Resolution, if approved, would be sent to the Lane County Local Government Boundary Commission as an expedited process at Progress' request.

Mr. Tamulonis displayed maps showing the subject property and the roadways that would be affected. He explained the annexation agreement and option on part of the property for the right-of-way. He distributed a more current annexation agreement. The seventeen pages of the option agreement were included. There were outstanding questions regarding recent legislation passed by the legislature during the last session that went into affect July 1, 2007. Staff was trying to make sure all the appropriate information was included in the agreement to address that legislation. He explained the option for purchasing the right-of-way. He outlined some of the selected annexation agreement terms which showed the investment of Progress Investment Group and the costs by the City.

Councilor Ballew said normally with a development, the developer would construct the streets and sidewalks and the developer would give the City the right-of-way and the City would pay half the cost of construction.

Mr. Tamulonis that was the normal procedure provided the developer was taking access.

Councilor Ballew said in this case, the street would be built as a private road, but by the same standards as if it was a City street with sidewalks and improvements. Correct. Also in this case, the City could exercise the option, within the next ten years, to purchase the street and pay half of the construction costs.

Mr. Tamulonis said the City would pay them half the current value of the right-of-way of \$205,000, plus the actual cost of constructing the road, escalated over time.

Councilor Ballew asked why the City would pay for the right-of-way.

Mr. Tamulonis said the property owner could get access on to International Way, but the distance between the road and the proposed roundabout were too close, making it unsafe. Other options were explored, but it was determined it was easiest in the manner described in the agreement. The

reason the City was paying for half of it was because the City was asking for about fifteen to sixteen percent of the property, a substantial amount of property to be moved out of the development.

Mr. Leahy said at the time the City did the development for Royal Caribbean, there was discussion about the access through Royal Caribbean to the Knox property on the north. That access was eliminated by the City. There was an agreement with the owner of the Knox property and the City that the City would endeavor to complete access around to the Knox property. This agreement accomplished that. He said everything had been worked through on this project with the developer. Effective July 1, legislature became affective regarding developer built public improvements that were later turned over to the City. The Bureau of Labor and Industry (BOLI) lobbied for legislature that if seventy-five percent of the public improvement was going to be used by the public, it had to be built at prevailing wage requirements. The City didn't want to be in a position where the City was negotiating or accepting property that had not been built with BOLI prevailing wages. For this situation, and in all future public improvements of this type, the improvements would be built using prevailing wages, which would add unanticipated cost to the developer. It would be more costly to put public improvements in than in the past.

Mr. Tamulonis said the City might ask for dedication sometime in the future and then build a road in the future. Depending whether or not the developer wanted access on the road, there could be other options.

Councilor Ballew confirmed that the City was not obligated to assume that road. Correct.

Mr. Tamulonis said it would have to be a Council action with a specified cost at that time.

Councilor Ballew asked what would happen if the City didn't take any action on the street after the ten years.

Mr. Leahy said the option would disappear or the City could acquire it by eminent domain.

Mr. Tamulonis said the City could also renegotiate the agreement to extend the time.

Councilor Ballew said the City would be better off acquiring it at current land value.

Mr. Leahy said staff was trying to create a document that made sense.

Mayor Leiken thanked Mr. Tamulonis and the developers for working together on this agreement. He thanked the developer. It was a huge investment and the developer was looking to bring a large number of employees to Springfield. The legislature was not acting in the best interest for cities in Oregon. This may be the first test case scenario, and the City may have to continually review this option. It was a good creative way to work with the developer. This was a good way to move forward.

Councilor Ballew asked if there was intent to put utilities under the road.

Mr. Tamulonis said he did not know. That would be discussed tomorrow. He deferred to Public Works, Transportation and the Planning staff who would be bringing this back to Council on July

23. He also thanked the developer and his attorney for coming up with creative ways to address these issues.

Councilor Ballew asked when the Boundary Commission was out of existence.

Mr. Towery said the Boundary Commission would no longer exist as of July 1, 2008. The actions recommended to the Boundary Commission before December 31, 2007 would continue to be processed through the Commission. From January 1, 2008, there would not be any actions that would go to the Boundary Commission. Once the City took over that function, it would only go to the County if County action was required. The jurisdictions were working with Lane Council of Governments (LCOG) for adopting common ordinances and processes.

NO ACTION REQUESTED.

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at approximately 9:30 p.m.

Minutes Recorder Amy Sowa



Sidney W. Leiken
Mayor

Attest:



City Recorder