

City of Springfield  
Regular Meeting

MINUTES OF THE REGULAR MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY, DECEMBER 3, 2007

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, December 3, 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. "Be a Santa to a Senior" Proclamation.

Mayor Leiken read the first paragraph of the "Be a Santa to a Senior" proclamation. He explained the purpose of this proclamation and the focus of the Home Instead Senior Care organization. He proclaimed the month of December 2007 as "Be a Santa to a Senior" month.

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

2. Minutes

- a. November 13, 2007 – Work Session
- b. November 19, 2007 – Regular Meeting
- c. November 26, 2007 – Work Session
- d. November 26, 2007 – Special Regular Meeting

3. Resolutions

- a. RESOLUTION NO. 07-52 – A RESOLUTION TO ACCEPT PROJECT P20487 FROM WILLIAM J. BOFFING JR. CONSTRUCTION, INC. IN THE AMOUNT OF \$10,894.00 AND L.R. BRABHAM, INC. IN THE AMOUNT OF \$11,356.00. THE TOTAL COST OF THE PROJECT, INCLUDING LABOR, TOTALED \$29,258.46.

- b. RESOLUTION NO. 07-53 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30461, THURSTON PLACE SUBDIVISION.
  - c. RESOLUTION NO. 07-54 – A RESOLUTION TO ACCEPT PERMIT PROJECT P30466; COTTAGE HOUSE GARDEN.
  - d. RESOLUTION NO. 07-55 – A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AMENDED INDEPENDENT CONTRACTOR AGREEMENT WITH WEST YOST & ASSOCIATES IN THE AMOUNT OF \$125,900.00 FOR ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION MANAGEMENT OF THE HARLOW ROAD LIFT STATION P20381.
4. Ordinances
  5. Other Routine Matters
    - a. Approval of Liquor License Endorsement for Chuck E. Cheese's, located at 3000 Gateway Street, Springfield, Oregon.
    - b. Approval of the Purchase of Police Vehicles for Fiscal Year 2008 for a Total of not more than \$189,500.

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. Amendment to the Springfield Development Code Chapters 3, 4 and 5 Correcting Errors, Grammar, and Sequencing of Information in Proper Order.

ORDINANCE NO. 6211 – AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE CHAPTER 3 LAND USE DISTRICTS, SECTION 3.2-210; 3.2-215; 3.2-230; AND 3.3-910; CHAPTER 4 DEVELOPMENT STANDARDS, SECTION 4.2-140; 4.6-135; 4.6-145; 4.6-155; 4.7-195; AND TABLE 4.2-35 AND CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, SECTION 5.12-120; AND 5.17-120; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY (Jo. No. LRP2007-00027)

Planning Manager Greg Mott presented the staff report on this item. The recent Code reformatting project resulted in some errors of omission, grammar and proper sequencing of information. These proposed amendments will correct these known "scrivener's errors."

The Code reformatting project involved the comprehensive rearrangement of all the Development Code text from its former 44 Articles into 6 Chapters. The principle objectives were to place all of these regulations and standards in more logical groupings; eliminate repetitive occurrences of the same information; and make the document easier for everyone to use. The project was a

qualified success, that qualification being the sheer number of standards and regulations undergoing re-numbering inevitably created opportunities for a variety of niggling errors that have been discovered as time has passed and usage has increased. There could be, and probably are, other errors similar to those included in this Ordinance, but staff is requesting that the action requested today proceed and that the Council exercise its usual forbearance when the next similar ordinance is presented for consideration.

The emergency clause was requested to allow proper implementation of the Code to commence with Council action. He noted that the proposed changes in legislative format were on the last seven pages of Attachment 2 included in the agenda packet.

Mayor Leiken asked for the definition of Youth Hostel.

Mr. Mott explained. He said there had only been one in operation since he had been with the City.

Councilor Pishioneri said he had read through all of the changes. He asked if there was a way to show the changes made in a separate document rather than the ordinance as a whole.

Mr. Mott said Attachment 2 described the changes being made in the Code. He gave an example. A sentence in the AIS directing Council to the changes was noted in Attachment 2.

Mayor Leiken asked if further changes would be coming to the SDC regarding HB 3337.

Mr. Mott said he didn't foresee anything coming that would amend the SDC, but he did not know for sure. As the City did the work necessary to implement HB3337, there could be changes to address efficiency measures or to make better use of certain sites (residential, industrial or commercial). Any changes would be a result of the work that progressed on HB3337. For the most part, the SDC was not a policy document. The policy was in the plan and the SDC was used to implement those policies. He explained further.

Mayor Leiken said the City would need to address Metro Plan text with our partnering jurisdictions. That could cause other changes to be made to the SDC. He appreciated that our staff continued to work on this and adjusted to the changes.

Councilor Ralston asked about a change regarding RV's from a 'permanent new' to 'residential use'. He asked if that meant people could live in their RV's parked in their driveway.

Mr. Mott said they could not. He explained that the Code used to be definitive about permitted uses of RV's within the City. They were prohibited for any use other than in a licensed mobile home park or for a caregiver or person being cared for to reside. The exception regarding the caregiving was only on a temporary basis after going through a process. That was what the update referred to.

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. 6211. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

2. Amendment to the Springfield Development Code Chapters 3, 5 and 6 Establishing New Annexation Procedures.

ORDINANCE NO. 6212 – AN ORDINANCE AMENDING THE SPRINGFIELD DEVELOPMENT CODE TABLE OF CONTENTS PAGE, SECTION 5.7-100 AND 5.23-100; CHAPTER 3 LAND USE DISTRICTS, SECTION 3.3-825; CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS, SECTION 5.1-140; TABLE 5.4-1; SECTIONS 5.7-105 THROUGH 5.7-165; SECTION 5.12-120; SECTION 5.12-130; ADDING SECTION 5.23-100 THROUGH 5.23-125; AND CHAPTER 6 DEFINITIONS, DELETING THE TERM ANNEXATION AGREEMENT; ADOPTING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY (Jo. No. LRP2007-00026).

RESOLUTION NO. 07-56 – A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD AMENDING THE ADOPTED MASTER SCHEDULE OF MISCELLANEOUS FEES AND CHARGES, RATES, PERMITS, AND LICENSES TO PROVIDE FOR THE ADDITION OF “ANNEXATION FEES (MINOR BOUNDARY CHANGES)” AND “EXTRATERRITORIAL WASTEWATER OR WATER LINE EXTENSIONS.”

Planning Manager Greg Mott presented the staff report on this item. The 2007 Oregon Legislature abolished the Lane County Boundary Commission effective January 1, 2008. Pursuant to ORS 222 *City Boundary Changes* the City Council assumes sole responsibility for all annexations, including extraterritorial extension of services and territory withdrawals, effective January 1, 2008.

Based on new laws, the City Council is now the approval authority for annexations. All statutory provisions necessary for this transition to occur are included in this proposal. On November 20, 2007, the Planning Commission conducted a public hearing on these amendments; one person spoke in support. The Planning Commission forwarded a recommendation of approval (Attachment B).

The fees in Attachment C, Exhibit B, page 2 show new charges based on City processing cost recovery of 80 percent. No exceptions or waivers are included in this proposal. If Council prefers to include a fee waiver or reduction for health hazard annexations or other special circumstances, or special fee for expedited annexation proposals, staff can return in January with some amendment options for Council consideration.

Mr. Mott said because of the timing of implementation of the new law, it was necessary to implement this now for any annexations that came to staff before the end of the year. He described the amendments recommended by staff. Starting January 1, 2008, the City would be responsible for processing the applications, confirming tax lots, and notifying affected agencies of annexations. He described the proposed process for future annexation requests, including public hearings for all proposed annexations. The criteria was derived from policy that was within the Metro Plan.

Mr. Mott said the difference in the law was that in the past, non-contiguous annexations were allowed. ORS 222 did not allow non-contiguous annexations. He said definitions regarding contiguous had been included in the amendments in the SDC. He explained the definition. Council may be faced with options such as annexation of right-of-way, and that was included in the amendment. If a proposal was for service extension, by this statute the City could authorize service extensions - not technically considered an annexation anymore under this statute. The Code language remained authorizing that decision to be up to the City Council.

Mr. Mott said it was staff's objective to process these annexation requests in a timely fashion, with a benchmark of 65-70 days from the date the application was received to the public hearing. Current processes were not normally done any faster than this.

Mr. Mott referred to Attachment B included in the agenda packet. This attachment related to extra-territorial extensions. It was not required by law to include that, but if they did include it, they would have control over it. It was up to Council to determine whether or not it could be a consideration before Council. He noted that exceptions for fee waivers were not included in these amendments. If Council would like to think about that, staff could bring it back to them for consideration. He referred to the resolution which included the new fees. He explained the increase in these fees since the City would be performing the process. The fees were at about 80 percent cost recovery. Those fees could be adjusted at a future date.

Mayor Leiken opened the public hearing.

1. Jerry Ritter, 1865 Yolanda Avenue, Springfield, OR. Mr. Ritter acknowledged Mr. Mott, Mr. Grimaldi and other staff for their work on this and their communication with him. The work was not trivial. It was important to understand why we had this extra work and why the Lane County Boundary Commission (LCBC) went away. He said nearly the entire Lane delegation sponsored SB417, because of complaints going back over a decade about this commission being completely unaccountable to the public and unresponsive to public input. This was a part of a series of changes in State annexation laws that had been affected over the last two sessions. The reason for the changes was because there were a few cities (not Springfield), that had been abusing annexation authority and had shut the public out of the decisions. He referred to section "5.7.125(B)(2) and (B) (3)" which states that "publicly owned right of way could be added to annexation initiated by these two methods (in ORS 222.173) without consent". While that was true, abuse of this was a problem for some other cities. Those cities were doing it primarily to create islands after ORS 195 went away in 2005. He urged the Council, that when they were considering public right of way annexations, they have a very legitimate reason for doing so. He expressed his appreciation to Springfield for not following up on the aggressive annexation policies and proposals of the Metro Plan.

Mayor Leiken closed the public hearing.

Councilor Ralston said Council could decide if they wanted to have extra-territorial extensions. He asked if they needed to make that decision tonight.

Mr. Mott said Council could amend this in the future as they chose after it's adopted. He wanted them to know that they were not regulated by law to regulate extra-territorial extensions, whereas

in the past the LCBC had to regulate them. Staff included it in the amendment because they felt it left the City in a better position.

Mr. Leahy said the proposed amendments included the staff's best recommendation as a starting point. There could be some fine tuning as they went along. Mr. Mott and Mr. Leahy would be meeting with the County and the City of Eugene to discuss extra-territorial extensions and provide Council with more information. They had not yet had a chance to do that in the tight timeline available.

Councilor Ralston asked if the statewide planning goals still applied. Yes. He confirmed that Council could add this later if they left it out now. Yes.

Councilor Ballew said she was concerned about extensions, particularly for sanitary sewer. She understood the IGA with MWMC stated that services would only be provided to residents of the City. She felt leaving this in was contrary to that, and asked if it was too late to remove it.

Mr. Leahy said as those requests came to Council, they could articulate their concerns at that time. This allowed the Council with more flexibility and discretion.

Councilor Ballew said she did not want people asking for this service if they weren't becoming part of the City. She was concerned about making decisions regarding supplying water because she felt that was Springfield Utility Board's (SUB's) issue.

Mr. Mott said the LCBC had been in control of that because most circumstances were extending to an existing water district. There were laws that regulated that type of activity and moving from one water district to SUB. The agreement with SUB was that they were the water provider for the properties in the City out to the urban growth boundary (UGB). Normally, the property would need to annex first before getting water and sewer. He discussed the issue with the homes on South 79<sup>th</sup> Street. Currently, those residents couldn't be annexed but Council could choose to extend services.

Councilor Ballew referred to Grandview Estates. She said the property was non-contiguous, but was contiguous to an island. She asked how that worked and if it was legitimate to expand the island.

Mr. Mott said the definition of contiguous was any property that was currently in the City. Any property that abutted that City property would be continued contiguous. That was an interpretation that could be used.

Mr. Leahy said it would increase the size of the island annexation. He explained the new statute and how it related to restrictions on public streets.

Councilor Ballew asked about 80 percent cost recovery. She thought Council asked staff to get 100 percent.

Mr. Mott said he received information to get 80 percent cost recovery. He recalled that Council had asked staff to gradually build up from 50 percent recovery about 10 years ago. He discussed cost recovery.

Councilor Ballew asked for more information regarding cost recovery.

Mr. Grimaldi said staff would be coming back to Council after the break to discuss fees and charges and that information would be discussed.

Councilor Woodrow asked about if there was an expedited fee at the Boundary Commission. No.

Mr. Mott said staff was not recommending an expedited process for annexations. There was an expedited process for certain land use applications that did cost more.

Mr. Leahy said the expedited fee was for a system that was less staff intensive than the norm.

Councilor Pishioneri discussed the residents on South 79<sup>th</sup> Street. He asked if this would assist or hinder those folks from reaching that goal.

Mr. Mott said it was in the Council's purview to extend the sewer without annexing. In the past, in order for the City to extend water service, both the City and LCBC had to approve it. This change transferred the sole responsibility and decision making for this to the Council.

Mr. Leahy said if Council decided to include the extra-territorial provision in the SDC, staff would be back with more information. He further discussed the issues surrounding South 79<sup>th</sup> Street. Money issues had been a problem, as well as getting enough residents to back it.

Councilor Pishioneri noted a typo on Attachment C, Exhibit A, page 1 of 12.

Councilor Lundberg said this change to the annexation process was a huge undertaking and responsibility. It was a good thing, but carried a lot of weight. She appreciated having a say over the water services. All utilities were connected and it was good to have it all together. She referred to the issues at Santa Clara/River Road. She wanted to take a long-range look at this issue during Goal Setting, including annexation of right of way.

Mr. Mott said annexation was a growth management tool that was connected to the Metro Plan. Staff was not able to suggest changes to the Metro Plan text at this time. The Metro Plan was written with the LCBC as an entity. Some of those policies needed to be changed, but must be done in conjunction with Lane County and Eugene. The recommended amendments were an effort to have this in place when annexation requests came to Council.

Mayor Leiken said LCBC gave the City Council some cover in the past. It was now the responsibility of the City Council alone. The City was likely to be looking at expanding the UGB and when they did, there could be some issues with some of the residents and regarding infrastructure. Council would need to be very conscious about ex parte contact. It was going to be important for staff to communicate to the City Manager and the City Manager to the Council on how things were going. As they went through these issues, the City needed to be flexible as they were in other areas. This was new and he hoped staff would determine as they went through this what worked and what didn't. Annexation agreements could be very complex.

Mr. Mott said the element that was a constant was that the annexation agreement needed to be completed before coming to Council as part of the hearing.

Mayor Leiken said the annexation agreements were excellent tools to help fund the infrastructure. Staff had put together the best annexation agreements he had ever seen.

Councilor Ballew asked if this could be amended to add the extra territorial extensions later.

Mr. Leahy said they could add it in later.

Councilor Ballew said she would like to leave it out now because she had a lot of questions. It would be her preference to exclude the extra-territorial extension.

Mr. Leahy said if it was left out, the City would be silent on that issue and would have nothing to respond to if asked by a citizen. Staff would be back with some recommendation to address it later.

Councilor Ballew said she would like to leave out the extra-territorial item because one of the services you got when annexing to the City was water and sewer.

Mayor Leiken asked how staff felt about leaving it out.

Mr. Mott confirmed what Mr. Leahy had said about the City being silent on this issue if it's not included. He said he was not sure if there was language in the Metro Plan that said SUB acted on the City's behalf.

Councilor Ballew said there were too many questions to add this provision at this time.

Mr. Mott said they could delete the sections in the ordinance pertaining to extra-territorial extensions without interfering with the emergency clause. He said this would include deleting Section 20, Chapter 5, Sections 5.23-100 through 5.23-125 and also the definition. The motion from the Council could be to adopt the ordinance with that section and any other reference to extra-territorial extensions in the ordinance deleted.

Councilor Woodrow asked if staff could bring back answers in January to the questions brought up by Council on this topic.

Mr. Leahy said they could try. If Council adopted the ordinance with this section deleted, property owners would have to annex to receive water and sewer since the City would be silent on the extra-territorial extension.

Mr. Mott pointed out that this didn't relate to extra-territorial extensions when a health hazard existed. That was State law.

Councilor Ralston said he would prefer to leave this in because it would leave more flexibility. Council could choose not to apply it at a later date.

Councilor Lundberg said this was one policy direction with no answers. She agreed with Councilor Woodrow and would like to get answers to their questions in January. She said it was a huge change and responsibility for the Council. It was a policy choice not to extend services unless people wanted to annex. Council could discuss this and make a change later. She didn't foresee that waiting would hold anyone up on their annexation.

Councilor Woodrow noted Councilor Ballew's experience on the MWMC and preferred to wait until there were answers to her questions.

Councilor Pishioneri said he agreed with both Councilors Ballew and Ralston. This section was important for neighborhoods that needed something like this in place, but he understood that it could be in conflict with something already in place. If it didn't conflict with something else, he would support adding it back in.

Discussion was held regarding voting on the entire ordinance or just this part.

Mr. Mott said staff would bring the information back to Council. He reminded Council that the City would still regard the health hazard circumstances consistent with ORS 222, even if deleted from our Code now.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT ORDINANCE NO. 6212 WITH THE DELETION OF SECTION 20, CHAPTER 5.23-100 THROUGH 5.23-125 AND INCLUDING ANY OTHER REFERENCES TO EXTRA-TERRITORIAL EXTENSIONS IN THE ORDINANCE. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-56 . THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

3. Annexation of Territory to the City of Springfield (Jackson, Case Number LRP2007-00009).

RESOLUTION NO. 07-57 – A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE ANNEXATION BY EXPEDITED PROCESS.

Planning Supervisor Linda Pauly presented the staff report on this item. The Property Owners, Daniel and Shannon Jackson have requested annexation of approximately 9 acres of property located west of 19<sup>th</sup> Street and north of Yolanda Street, within Springfield's UF-10 Urbanizable Fringe Overlay District. The subject territory is described as Assessor's Map Number 17-03-24-31 portion of Tax lot 2000, and is more accurately described in Attachment 1, Exhibit A. The subject territory is no contiguous with the Springfield City Limits, but abuts other non-contiguous land which was annexed in 1998-99. The site contains one residence. The applicant requests annexation in order to seek development of additional residential uses, consistent with the standards of the Low Density Residential (LDR) zoning district. The proposed urban densities are not permitted in the Urbanizable Fringe Overlay District, thus annexation is required.

Article 6.030(2) of the Springfield Development Code requires that territories considered for annexation must be provided with "key urban facilities and services," as defined in Metro Plan Policies 8.a and b, Page II-C-4. Among these key urban services are water, sewer, storm water facilities, streets, electricity, parks, fire/emergency services, and schools. Staff finds, based on analysis, that key urban services are available to serve the territory, with the exception of public sanitary sewer service, public stormwater management service and street connectivity to

adjoining property that are being provided for in an Annexation Agreement which has been negotiated with City staff and the applicant (Attachment 4).

City Council is authorized by ORS 199.490(2)(a)(A) to initiate annexation using the triple majority method. This requires consent in writing from a majority of the land owners of the territory to be annexed, who also own more than half of the land in the territory proposed to be annexed and of real property therein representing more than half of the assessed value of all real property in the territory proposed to be annexed. According to Lane County Elections, there are two registered electors currently residing within the territory proposed for annexation. Signatures from 100 percent of the property owners and all registered electors have been obtained. With Council approval, this resolution will be forwarded to the Lane County Local Government Boundary Commission (LCLGBC) prior to the December 31, 2007 LCLGBC filing deadline and will be reviewed at their February 7, 2008 meeting. The City Engineer has provided the attached Draft Annexation Agreement. Negotiations on the annexation agreement have begun. This resolution will be forwarded to the LCLGBC only when the Annexation Agreement has been finalized and signed by the applicant and the City Manager.

According to the Lane County Regional Land Information database, the 2007 total assessed value of the applicant's property is \$241,783. Upon annexation, the applicant proposes to develop the property with a 31-lot subdivision in accordance with SDC 16.020.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Pishioneri asked if the intersection at 19<sup>th</sup> and Yolanda was still County. Yes. He asked who would be responsible for any required changes to that intersection because of development.

Mr. Benoy, Supervising Civil Engineer, responded to that question. The financial arrangements for the extension of 19<sup>th</sup> Street were part of the negotiation being worked out with the owner.

Councilor Pishioneri said some of the lots were large enough to be subdivided again, increasing that number of homes in that area and the amount of traffic.

Ms. Pauly said 19<sup>th</sup> Street was designated as a collector in the City's conceptual street plan. It was anticipated that 19<sup>th</sup> would be a major street in that part of the City. The right of way dedication in the annexation agreement would allow for a full collector street right of way, which may include a center turn lane if required. The City was anticipating that growth.

Mayor Leiken asked if they were planning 31 homes on 9 acres. If so, those would be large lots.

Ms. Pauly said the developer was still planning on how many houses to build.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-57. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

4. Annexation of Territory to the City of Springfield (Pickett, Case Number LRP2007-00004).

RESOLUTION NO. 07-58 – A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE ANNEXATION BY EXPEDITED PROCESS.

Planning Supervisor Linda Pauly presented the staff report on this item. The Property Owners, L. Russell and Lea Pickett have requested annexation of 0.48 acres of property located at 2320 Laura Street on the west side of Laura Street north of Lindale Drive, within Springfield's UF-10 Urbanizable Fringe Overlay District. The subject territory is described as Assessor's Map Number 17-03-27-11 Tax Lot 2700 and adjacent Laura Street right of way, and is more accurately described in Attachment 1, Exhibit A. The subject territory is contiguous with the Springfield City Limits and contains one residence. The applicant requests annexation in order to seek development of additional residential uses, consistent with the standards of the Medium Density Residential (MDR) zoning district. The proposed urban densities are not permitted in the Urbanizable Fringe Overlay District, thus annexation is required.

Article 6.030(2) of the Springfield Development Code requires that territories considered for annexation must be provided with "key urban facilities and services," as defined in Metro Plan Policies 8.a and b, Page II-C-4. Among these key urban services are water, sewer, storm water facilities, streets, electricity, parks, fire/emergency services, and schools. Staff finds, based on analysis, that key urban services are available to serve the territory, with the exception of public sanitary sewer service, public stormwater management service and street connectivity to adjoining property that are being provided for in an Annexation Agreement which has been negotiated with City staff and the applicant (Attachment 4).

City Council is authorized by ORS 199.490(2)(a)(A) to initiate annexation using the triple majority method. This requires consent in writing from a majority of the land owners of the territory to be annexed, who also own more than half of the land in the territory proposed to be annexed and of real property therein representing more than half of the assessed value of all real property in the territory proposed to be annexed. According to Lane County Elections, there are two registered electors currently residing within the territory proposed for annexation. Signatures from 100 percent of the property owners and all registered electors have been obtained. With Council approval, this resolution will be forwarded to the Lane County Local Government Boundary Commission (LCLGBC) prior to the December 31, 2007 LCLGBC filing deadline and will be reviewed at their February 7, 2008 meeting. The City Engineer has provided the attached Draft Annexation Agreement. Negotiations on the annexation agreement have begun. This resolution will be forwarded to the LCLGBC only when the Annexation Agreement has been finalized and signed by the applicant and the City Manager.

According to the Lane County Regional Land Information database, the 2007 total assessed value of the applicant's property is \$197,431. Upon annexation, the applicant proposes to redevelop the property with six housing units in accordance with SDC 16.020.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ralston asked about annexing the right-of-way and if it was Laura Street. Yes. He asked if it was a County road.

Ms. Pauly said the new improvement project that went in on Laura Street had been annexed into the City. That portion was about 50 to 60 feet from the subject property.

Councilor Ralston asked if the City was responsible for the road once the area was annexed. No.

Ms. Pauly said the next step would be for the applicant to develop the property, make improvements, and go through the public improvement process.

Mr. Leahy said the City and County would determine whether or not the City or County would discuss any type of jurisdictional transfer of the road once the property was annexed.

Councilor Ballew said this was medium density residential. She said it seemed there was a lot of industrial around this property.

Ms. Pauly said there was actually a lot of higher density uses around this property. The industrial is further away.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-58. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

5. Annexation of Territory to the City of Springfield (Springfield Faith Center – Case Number LRP2006-00030).

RESOLUTION NO. 07-59 – A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE ANNEXATION.

City Planner Andy Limbird presented the staff report on this item. The property owner, International Church of the Foursquare Gospel, has requested annexation of a 4.13 acre parcel located at 600 Hayden Bridge Way. The site currently contains a  $\pm 15,600$  ft<sup>2</sup> church and parking lot. The purpose of the annexation is to facilitate a future building expansion and to allow the existing church to connect with City sewer service. The legal description of the property to be annexed is more particularly described in Attachment 1, Exhibit A.

In accordance with Springfield Development Code Article 6.030(2), the site already is (or can be) served with a full suite of urban facilities and services, including but not limited to City utilities and police and fire protection. Although the property is zoned residential, there are no existing or proposed dwellings on the site that would generate demands for school, library, or park and recreation services. There are three existing public sanitary sewer lines in the vicinity of the subject site, thereby offering several options for extending a sewer service to the property. Because the required City utilities are available but not immediately adjacent to the property

lines, it is the determination of Public Works staff that an Annexation Agreement is required for this request. The Annexation Agreement language offers a choice from the three options.

The City Council is authorized by ORS 199.490(2)(a)(A) to initiate annexation by the triple majority method upon receiving consent in writing from more than half of the owners of land in the territory proposed to be annexed, who also own more than half of the land in the territory proposed to be annexed and representing more than half of the assessed value of all real property in the territory proposed to be annexed. Consent from 100 percent of the property owners representing 100 percent of the assessed value of the property has been given. The site does not contain any residential dwellings, and Lane County Elections advises there are no registered electors at the subject property. With Council approval, this resolution will be forwarded to the Lane County Local Government Boundary Commission (LCLGBC) for further consideration prior to the filing deadline of December 31, 2007, and prior to the abolishment of the LCLGBC on July 1, 2008. The City Engineer has provided the attached Draft Annexation Agreement. This resolution will be forwarded to the LCLGBC only when the Annexation Agreement has been finalized and signed by the applicant and the City Manager.

The property to be annexed contains an existing church building and is located inside the Urban Growth Boundary (UGB). The current City limits run along the eastern boundary of the site. The applicant requests annexation in order to connect the existing church to City sewer and to facilitate application for a future building expansion in accordance with the City's Site Plan Review process. Lane County Assessor's records attribute an assessment value of \$856,210 to the property. However, religious institutions are exempt from property taxes.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Ballew asked Mr. Leahy how they define 100 percent of the owners for a church.

Mr. Leahy said the by-laws of the church specified who the owners were.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-59. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

6. Consideration of Exemption from the City of Springfield Contract Review Board Rules to Allow Use of the Construction Manager/General Contractor (CM/GC) Project Delivery System for Addition/Remodel of the Springfield Fire Station #3 and to Combine the Fire Station #3 Project with the Fire Station #16 Project. (P20547; P20534).

RESOLUTION NO. 07-60 – A RESOLUTION AUTHORIZING AN EXEMPTION TO BIDDING REQUIREMENTS PURSUANT TO ORS 279C.335(2) AND SPRINGFIELD PUBLIC CONTRACTING ORDINANCE 2.710(2)(d) FOR ADDITION/REMODEL OF THE SPRINGFIELD FIRE STATION #3 AND TO COMBINE THE FIRE STATION #3 PROJECT WITH THE FIRE STATION #16 PROJECT.

Project Manager Carole Knapel presented the staff report on this item. Oregon Revised Statutes (ORS) allow for alternative methods of contracting when the project presents unique construction requirements and when there are budget limitations, schedule constraints and a complex project scope. The Fire Station #3 project may benefit from combining this project with the Thurston Fire Station #16 project and the use of the CM/GC strategy because it meets these characteristics. In order to utilize this strategy, Council must conduct a public hearing, consider testimony, and adopt a resolution exempting the project from competitive bidding.

The Fire Station #3 project was initiated in 2004 as a result of an overall review of the Fire and Life Safety facilities. At that time it was recognized that, at a minimum, the facility must be improved to provide individual sleeping rooms and restrooms in order to meet requirements of gender equity. Funding for this project was provided through a combination of G.O. Bond funds and Bancroft funds in the FY 04-05 budget. A total of \$285,000 is available for construction of these improvements.

Staff proposes to utilize a Construction Manager/General Contractor (CM/GC) method of contracting for the Fire Station #3 project by including this work in the contract for the construction of the Thurston Fire Station #16 project. In order to use the CM/GC strategy, the project must meet certain requirements, including: 1) using the CM/GC method will likely result in substantial cost savings, and 2) it is unlikely that the exemption will encourage favoritism or substantially diminish competition. The attached findings and conclusions of law detail how the project meets these requirements.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

Councilor Woodrow asked if Station #3 was on 28<sup>th</sup> Street. Yes.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-60. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

BUSINESS FROM THE AUDIENCE

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments

a. Budget Committee Appointment.

Finance Director Bob Duey presented the staff report on this item. Mark Molina was appointed to complete Hilary Wylie's term through December 31, 2007 representing Ward 2. At the expiration of the current three-year term for this position, Mr. Molina has applied for his first full three-year term beginning January 01, 2008 and would serve until December 31, 2010.

Interview of Mark Molina was conducted by the City Council on November 26, 2007. The candidate selected by council to serve as a member of the Budget Committee for Ward 2 must be appointed to the position and his appointment ratified.

Mr. Duey noted that positions for Wards 1 and 5 were still vacant as no applicants were received for those positions during the first recruitment period. Staff would be putting out the advertisement this month, interviewing applicants in mid-January and scheduling appointments on January 22. Staff decided to delay the Budget Committee meeting until those two positions were in place.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO RE-APPOINT MARK MOLINA TO THE WARD 2 BUDGET COMMITTEE POSITION WITH A TERM EXPIRING DECEMBER 31, 2010. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

2. Business from Council

a. Committee Reports

1. Councilor Ballew said the Governor had formed a task force on federal forest payments and county services and she had been appointed as a member.
2. Councilor Ralston reported on the Housing Policy Board (HPB). Discussion had been held at these meetings regarding the potential for setting aside property for affordable housing if the urban growth boundary were expanded. They found that State law prohibited that provision. There was something called voluntary, exclusionary zoning that allowed arrangements that could be made. John VanLandingham was going to forward some information on to Councilor Ralston which he would then forward to staff and the Council. He felt it was the only way we could guarantee affordable housing.
3. Councilor Woodrow said the subject of the ancillary building came up during the citizen advisory committee meeting for the police facility. If the City didn't build the full size ancillary building now, it would cost about one and a half times as much if increased to full size later. The committee asked staff to give them more information on that.

Councilor Woodrow also noted that the Tuba Concert would be at 1:00pm on Saturday, December 8 in the Museum Parking Lot and the Christmas Parade would start at 2:00pm.

4. Councilor Ralston reminded everyone that Roxie Cuellar moved out of area and would be off of the HPB by the end of December. They would need a replacement. Melanie Shinn had been taking her place and he didn't know if this might be something she wanted to do.

Last week the Human Services Commission (HSC) discussed reorganizing the structure. When discussing the Community Health Center becoming separate, it was brought up that they would go back and ask the cities for more funds. He noted that last year the Springfield Budget Committee allocated the requested amount but said it would be the last increase. Councilor Ralston told the HSC not to count on Springfield giving more money. Discussion during the HSC meeting was held about the jurisdictions and the amount each gave. He further discussed the funding difficulties the clinic would face.

Councilor Wylie commented on this issue. She said originally, a non-profit was going to make the application, which would have resulted in much lower costs, but the County chose to take it. The Oregon Health Plan would have funded it if they hadn't taken such a financial setback. She said she supported Councilor Ralston in this matter.

5. Mayor Leiken said he was named Chairman of the League of Oregon Cities (LOC) Transportation Committee. He congratulated Councilor Ballew and also noted that he had been appointed to the Governor's Statewide Transportation Committee, representing the LOC.

#### BUSINESS FROM THE CITY MANAGER

1. City Property Naming Privilege.

Community Relations Coordinator Niel Laudati presented the staff report on this item. The attached document outlines a proposed process for both Honorary and Philanthropic naming opportunities. Along with opportunities for public engagement, the policy stipulates that the final decision in all cases rests with the City Council. Additionally, the committee makeup will include input from Council and naming recommendations may also contain a termination date and/or a condition requiring reviewing the continuation of the naming privilege.

Mr. Laudati said he worked with Mr. Leahy on the attached policy. This was brought to Council during their work session and now included recommendations made by Council at that meeting. It now included a possible termination date or a review process – an unnamng privilege. The final policy also included that the final decisions rested with the Council.

Councilor Ballew suggested that when naming something, they should include 'City of Springfield' in the name so it was known as a City facility.

Mr. Laudati said they could do that.

Councilor Pishioneri thanked Mr. Laudati for his work on this policy.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE THE CITY PROPERTY NAMING POLICY. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

2. Contract Award for Consultant Services to Perform a Commercial and Industrial Lands Inventory; an Economic Opportunities Analysis (EOA); and any Required Goal 14 Urbanization Amendments Necessary to Accommodate Commercial, Industrial and Residential Lands Inventories.

Development Services Director Bill Grile and Planning Manager Greg Mott presented the staff report on this item. Two proposals were received for this RFP for Commercial and Industrial lands inventory, EOA, and Goal 14 urban growth boundary amendments for all land inventories: Johnson Gardner; ECONorthwest. The ECONorthwest proposal was significantly higher but more realistically addresses the true nature and scope of work to be performed. Section 2.708 of the Springfield Municipal Code requires competitive contracts for consultant services take into account experience and expertise, and does not consider cost alone.

This project fulfills a priority Council Goal and includes the following specific tasks: Commercial and Industrial lands inventories; Economic Opportunities Analysis; Economic Development Strategies; Goal 14 analysis of alternative sites for commercial, industrial and residential inventories; preparation of findings in support of comprehensive plan amendments re-designating sites within the urban growth boundary for alternative use; and expanding the urban growth boundary.

The following proposals were received and opened on October 16, 2007:

- Johnson Gardner \$67,830.00 (See Attachment 1 for a detailed cost summary)
- ECONorthwest \$131,976.00 (See Attachment 2 for a detailed cost summary)

Johnson Gardner is the low "bidder" on this project. However, staff who participated in the interview process and who will be charged with oversight of the project, recommend accepting the proposal by ECONorthwest for several reasons. The firm has directly applicable experience in 20+ Oregon communities; 30+ years experience in this metropolitan area; has co-authored state-wide goal and administrative rule provisions governing this work; and is currently completing residential lands contract with Springfield on time and on budget. A detailed staff analysis supporting this recommendation is contained in Attachment 3.

Negotiations with ECONorthwest could reduce the final contract figure. The project would be funded using approximately \$80,000 from this fiscal year's (contract services) with the remainder funded from next year's budget.

Mr. Grile described the services that the awarded company would need to provide and why staff believed ECONorthwest had a better understanding of those services. Staff would like to negotiate the contract to a lower amount.

Councilor Ballew asked if ECONorthwest would get paid on actual billable hours. She asked if staff would have some control over the tasks performed and costs.

Mr. Grile said that was correct and staff would have some control.

Mayor Leiken asked if there was anything negative on Johnson Gardner or did they just feel that ECONorthwest was willing to put more into the project.

Mr. Grile said he was familiar with one of the partners of Johnson Gardner. He didn't feel they would be able to do what the City needed with the work they identified in their proposal. During the interview there was plenty of opportunity to answer how they would provide those services. Staff felt this was an important project and they didn't want to present Council with a product that wasn't their best.

Councilor Ralston said integrating the industrial, commercial and residential land supply was key. ECONorthwest was in a better position to integrate those and was worth the extra dollars.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE AWARD OF THE SUBJECT CONTRACT TO ECONORTHWEST LLC IN THE AMOUNT OF \$131,976.00. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

Mr. Grile said staff would do their best to negotiate the contract to a lesser amount.

3. Springfield Fire Station #16 – Recommended Construction Manager/General Contractor P20534.

Project Manager Carole Knapel presented the staff report on this item. The City received two proposals in response to the Request for Proposals (RFP) for CM/GC services for the Springfield Fire Station #16 Replacement project. Proposals were submitted by John Hyland Const. Inc. and McKenzie Commercial.

The proposals were reviewed in accordance with the published selection criteria including the experience of the firm, the experience of the proposed staff, the firm's approach to the project, the firm's knowledge of the local construction industry and the proposed fee for the work. The Selection Committee included Dave Puent, Al Peroutka, Carol Stineman, Mark Walker, Paul von Rotz, and Carole Knapel. The project architect participated as a non-voting member.

Each proposal was reviewed and scored by each committee member and the firms were then interviewed on October 29, 2007. Each member could award up to 175 maximum points combined for the written proposal and the oral interview. Both firms were determined to be well-qualified to complete this project. The average of all scores for John Hyland Construction Inc. was 154.33 and the average of all scores for McKenzie Commercial was 154.25. While the scores are virtually tied, the staff is recommending the selection of John Hyland Const. Inc. based on two factors. First, Hyland proposed a fee of 4.95% (approximately \$87,615) for the work, while McKenzie was slightly higher at 5.5% (approximately \$97,350). Second, Hyland's proposed on-site project manager has served in this role on other projects of a similar size while McKenzie's proposed on-site staff did not have the same level of previous experience.

Staff is requesting authorization to proceed to negotiate a contract with John Hyland Const. Inc. for Construction Manager/General Contractor services for the Thurston Fire Station #16 Project. Once a contract has been negotiated, staff will return to the City Council in January 2008 to request approval of the agreement.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO AUTHORIZE STAFF TO CONDUCT NEGOTIATIONS WITH JOHN HYLAND CONSTRUCTION, INC. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

4. Approve Exterior Design Option for the Justice Center – P50434.

Project Manager Carole Knapel presented the staff report on this item. On January 22, 2007, the City Council approved the Design Development Phase and cost estimate for the Justice Center Project. At that time, the Council approved a list of items which would be added back to the project if funds were available. The User Groups and the Community Advisory Committee have reviewed the exterior finishes of the project and have developed a recommendation for a modification which is a change in scope that will require the use of contingency funds. This modification will therefore change the priority list of items to be added back to the project.

During the design development stage of the Justice Center Project the initial cost estimates indicated that the construction cost exceeded the approved project budget. At that time, the project team worked to identify value engineering items which would reduce the cost of the project without impacting the functions within the building. One of the items recommended at the time was the reduction in the amount of brick veneer on the exterior of the building. The brick was replaced with a metal panel system at several locations. This produced a cost savings of \$23,000.

As the construction has progressed and project team members have had the opportunity to review the metal panels, they have identified some concerns regarding the maintenance and the appearance of the panels. As a result, they requested that the architect develop some options to the metal panel system. The architects developed two options to the metal panel system and presented those options to the Community Advisory Committee (CAC) on November 27, 2007. The CAC reviewed the options and are recommending that the Council approve a modification of the design to replace the metal panels with brick veneer in some specific locations along the west, east and north sides of the Police Courts building. The cost of this modification is estimated by the architect to be approximately \$16,500. Ms. Knapel noted that a more current estimate for this change was closer to \$21,000. The CAC had proposed to move forward with this change if it came to less than \$25,000.

Because this modification affects the exterior of the building, it is critical that a decision on this change be made immediately.

Councilor Woodrow said he and Councilor Pishioneri were both on the CAC. The CAC was in agreement that the brick provided better safety for the building, and was also more attractive. The biggest concerns with the metal siding were graffiti and weatherization. He asked that the brick option remain open for the north side of the building in the event B Street was not vacated.

Councilor Ballew asked what type of metal had been considered.

The architect described the type of metal and said it was made of steel. If it deteriorated to the point where the finish was gone, the entire panel would need to be replaced.

Councilor Ballew said it seemed it would be easier to get graffiti paint off metal than brick.

Councilor Woodrow said not necessarily. He explained further.

Councilor Pishioneri said the CAC looked at this thoroughly and this looked like the best option. He supported replacing these at locations A, B and C and waiting on location D until the vacation of B Street was final.

Councilor Ballew asked if this would reduce the contingency fund. Yes. She asked if they anticipated using the rest of the contingency.

Ms. Knapel said they had used some contingency for other items, such as unanticipated site conditions. They were carefully guarding the contingency so they could come back to Council to determine how to use any remaining funds. The Police and Courts building was being done now, but they didn't know if there would be additional cost on the jail until they got started.

Councilor Ballew asked about balance of contingency.

Ms. Knapel said it was about \$600,000+. It started out at about \$746,000.

Mr. Leahy asked Ms. Knapel how the \$600,000+ figure was affected by the Balheizer and Hubbard issue.

Ms. Knapel said that was accounted for already.

Mr. Leahy said he had wanted Council to have all the numbers.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO APPROVE THE PROPOSED EXTERIOR DESIGN OPTION FOR THE JUSTICE CENTER PROJECT. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

BUSINESS FROM THE CITY ATTORNEY

1. City Representatives to the 2<sup>nd</sup> Annual Festive Holiday Gala Concert at the Wildish Theater, December 7, 2007.

**RESOLUTION NO. 07-61 – A RESOLUTION AUTHORIZING CITY COUNCIL REPRESENTATION TO THE 2<sup>ND</sup> ANNUAL FESTIVE HOLIDAY GALA CONCERT AT THE WILDISH THEATER IN DOWNTOWN SPRINGFIELD ON DECEMBER 7, 2007.**

City Attorney Joe Leahy presented this item. The Richard E. Wildish Community Theater is holding its 2<sup>nd</sup> Annual Festive Holiday Gala Concert. The Mayor and Council members are invited to attend as representatives of the City.

The Richard E. Wildish Community Theater is holding its 2<sup>nd</sup> Annual Festive Holiday Gala Concert in downtown Springfield. The event is scheduled for Friday, December 7 at 8:00pm and the Mayor and Council have been invited as representatives of the City.

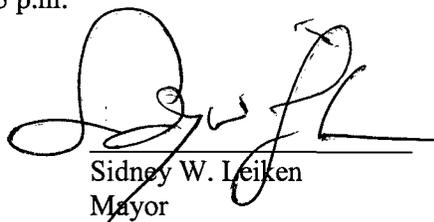
The City has supported the Wildish Theater project by authorizing the use of Community Development Block Grant (CDBG) funds, Booth Kelly funds, and Room Tax funds for the completion of the Wildish Theater. Also, the Common Council wishes to encourage events and economic endeavors downtown as part of the City's downtown urban renewal effort. A resolution has been attached to appoint Mayor Sid Leiken and Councilors Ralston, Woodrow and Pishioneri as representatives to the 2<sup>nd</sup> Annual Festive Holiday Gala Concert scheduled for December 7, 2007.

**IT WAS MOVED BY COUNCILOR LUNDBERG WITH A SECOND BY COUNCILOR WOODROW TO ADOPT RESOLUTION NO. 07-61. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.**

ADJOURNMENT

The meeting was adjourned at approximately 9:13 p.m.

Minutes Recorder Amy Sowa



Sidney W. Leiken  
Mayor

Attest:

Amy Sowa  
City Recorder