



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

October 13, 2014

5:30 p.m. CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

7:30 p.m. CITY COUNCIL MEETING

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

**Meeting of October 13, 2014;
Her Honor Mayor Kitty Piercy Presiding**

Councilors

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

**5:30 p.m. A. WORK SESSION:
Annual Report from Police Commission**

**6:00 p.m. B. WORK SESSION:
Annual Report from Human Rights Commission**

**6:30 p.m. C. WORK SESSION:
Annual Report from Sustainability Commission**

**CITY COUNCIL MEETING
Harris Hall**

1. CEREMONIAL MATTERS

2. PUBLIC FORUM

3. CONSENT CALENDAR

(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)

- A. Approval of City Council Minutes**
- B. Approval of Tentative Working Agenda**
- C. Adoption of a Resolution Annexing Land to the City of Eugene (Olson, William and Jana - A 14-4)**
- D. Adoption of a Resolution Annexing Land to the City of Eugene (Barger Drive and Cedar Brook Drive - A 14-5)**
- E. Resolution Authorizing Issuance of Revenue Bonds for Cascade Manor**
- F. Adjustment to Stellar Apartments Low-Income Rental Property Tax Exemption**
- G. Termination of Evergreen Low-Income Rental Property Tax Exemption**

4. PUBLIC HEARING:

An Ordinance Concerning Public Contracts; Amending Sections 2.1400, 2.1405, 2.1410, 2.1415, 2.1420, 2.1425, 2.1430 and 2.1445 of the Eugene Code, 1971; Repealing Sections 2.1435, 2.1440 and 2.1450 of that Code; and Adding Section 2.1451 to that Code

5. WORK SESSION:

Traffic Island at Crest Drive and Lincoln Street

Mayor: The Eugene City Council will now meet in Executive Session to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. The executive Session is held pursuant to ORS 192.660(2)(h).

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in

executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un intérprete avisando con 48 horas de anticipación. También se provee el servicio de intérpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo están grabadas en vivo en Metro Television, canal 21 de Comcast y después en la semana se pasan de nuevo.

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[visit our online at www.eugene-or.gov](http://www.eugene-or.gov)

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Annual Report from Police Commission

Meeting Date: October 13, 2014
Department: Police Department
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Carter Hawley
Contact Telephone Number: 541-682-5852

ISSUE STATEMENT

Annually, the City Council meets with the Police Commission to review its past work, and to discuss upcoming work of the commission. In 2013, the Police Commission received approval for a two-year work plan. This year’s presentation will include a review of the work accomplished in 2013, and highlights of the work anticipated for 2014, contained in the work plan approved in 2013.

BACKGROUND

The City Council approved the attached work plan at its July 22, 2013, meeting, and held a joint meeting with the Police Commission on January 14, 2014.

RELATED CITY POLICIES

Ordinance 20398 requires that the Police Commission submit its work plan and proposed mission for review and approval by the City Council.

COUNCIL OPTIONS

No council action or recommendations are suggested.

CITY MANAGER’S RECOMMENDATION AND SUGGESTED MOTION

No council action or motions are suggested. This item is informational only.

ATTACHMENTS

- A. Police Commission FY 2014 Annual Report
- B. Police Commission FY 2014/2015 Work Plan

FOR MORE INFORMATION

Staff Contact: Carter Hawley
Telephone: 541-682-5852

Item A.

Staff E-Mail: carter.r.hawley@ci.eugene.or.us



CITY OF EUGENE

POLICE COMMISSION

FY 2014 ANNUAL REPORT

Police Commission Members

Bob Walker, Chair
Tamara Miller, Vice Chair
Mike Clark, City Councilor
Jim Garner
Edward Goehring
Jesse Lohrke

James Manning
George Rode
Claire Syrett, City Councilor
Joe Tyndall
Juan Carlos Valle
Bill Whalen

www.eugene-or.gov/policecommission

For more information on the Police Commission, please contact:

Carter Hawley, Police Analyst
Phone: (541) 682-5852
carter.r.hawley@ci.eugene.or.us

Background

The Eugene Police Commission is a twelve-member volunteer body that acts in an advisory capacity to the City Council, the Chief of Police and the City Manager on police policy and resource issues. The Commission's enabling ordinance, adopted in December of 1998, requires that it develop a work plan for City Council review and approval. Last year, the Commission moved to a biannual work plan. This is the first report to council, in the middle of a two year work plan. Major accomplishments over the past five years include the following highlights:

- Recommendations on several significant policies including Mental Health Crisis Response and Communication with People with Disabilities (FY 2009)
- Development of a Public Outreach Committee to strengthen the relationship between the public and the Police Department (FY 2009)
- Developed recommendations on all force-related policies including the Taser policy (FY 2011)
- Reviewed and made recommendations on the downtown exclusion zone ordinance (FY 2011)
- Worked with community around closure of Monroe Street Public Safety Station (FY 2012)
- Conducted community survey to determine public perception of Eugene Police Department (FY 2012)
- Reviewed and made recommendations on police policies related to search and seizure, use of canine, vehicle pursuits and holding facilities (FY 2012)
- Developed Outreach Toolkit to document efforts taken with closure of Monroe Street Station, and to provide template to facilitate community outreach on subsequent projects (FY 2012)
- Conducted an anonymous survey of EPD employees to ascertain department's understanding of Police Commission and its work (FY 2013)
- Held State of Public Safety Forum for the community (FY 2013)

The FY 2014-FY 2015 work plan identified several shifts in focus and practice for the Police Commission. One of these shifts was to focus more on the issues related to the Police Department that are of the greatest community concern. At its retreat in May 2013, a list of issues was raised that are of great community concern. To allow for the most meaningful issues to be addressed by the Commission, the Commission has periodically reviewed its upcoming work and selected items from its list of community issues to address. This has allowed the Commission to have more in-depth conversations about topics of interest to and with the community.

The other change made by the Commission was to eliminate two standing committees. This was done to address staffing capacity issues, and to allow substantive policy discussions that had previously occurred in a committee of five to occur with the full commission and more community members in attendance.

Commission Goals

As spelled out in the adopted bylaws, the Police Commission has five goals which guide the Commission's annual work activities. The FY 2014-2015 Work Plan was designed to address these goals.

Goal 1 – Ensure that the policies and procedures of the Eugene Police Department protect the civil rights and liberties of everyone in Eugene.

Goal 2 – Promote policing that respects and reflects Eugene's rich culture and diversity

Goal 3 – Increase communications, understanding and trust between police and the people in Eugene

Goal 4 – Encourage problem solving and partnerships between people, neighborhoods and other agencies and police

Goal 5 – Provide fair opportunities for the public and criminal justice professionals to comment and participate in the commission’s work recognizing the interconnectedness of the criminal justice system

Work Completed in FY 2014

The Police Commission completed review of the policies related to Civil Disturbance, Videotaping Events, Bias-Free Policing. The Commission began a review of policies related to emerging technologies, such as body cameras, closed circuit video recording, and recognition software. This review will continue into FY 2015. The Bias-Free Police Policy has been anticipated by the community and Commission for a long time, and the Commission’s discussion and community input were robust and lengthy, covering a seven month period.

In addition to these EPD policy discussions, the Commission conducted the following work in FY 2014.

Designed, conducted and reviewed an anonymous employee survey of EPD employees. The intent of this project was to determine the employees’ understanding and support of the work of the Police Commission.

Received update and held discussion on EPD Budget The EPD Finance Manager provided an overview of the Department’s budget. The Commission requested that more detailed information be brought back and discussed prior to the conclusion of budget discussions.

Held a joint meeting with the Civilian Review Board At this meeting, the CRB provided an overview of how a case is reviewed, what is considered, and the result of their recommendations. This meeting provided the Police Commission a useful understanding of the work undertaken by the CRB and the places where the work of the two bodies is complementary.

Reviewed and received updates on EPD’s advisory committee on Stop Data Collection EPD is implementing new records software that contains the ability to collect more demographic information about traffic stops. An advisory committee has been established to advise the Department on how the software should be implemented and how reporting should occur. The Commission received numerous reports from staff as well as the Chair of that committee.

Community issue: homelessness and policing This was the first community issue addressed by the Commission. The process began with a thoughtful discussion about the issues, and what was desired as a result of the discussion. As a result of the discussions, the Commission held a panel including a person experiencing homelessness, police officer, business owner, resident, and a pastor. Each panelist shared their experiences of people who are experiencing homelessness and the police. After the presentations, the Commissioners were able to ask questions of the panelists. Commissioners expressed appreciation for a deeper understanding of the complex issues surrounding homelessness and policing, and offered to assist the City in further policy or outreach work related to policing and homelessness. During these discussions, the Commission also reviewed the following laws and policies affecting people experiencing homelessness, including public consumption of alcohol, public urination/defecation, trespassing, prohibited camping, downtown activity zone, right angle street crossing, park rules.

Community issue: bias based policing In addition to reviewing the proposed EPD policy related to Bias Free Policing, the Commission engaged in a multi-faceted community discussion about bias-based

policing. After a discussion about the goals and desired outcomes of this conversation, the Commission held two significant events. The first was a community panel, including representatives from the advocacy community, people personally impacted by police stops, a national expert on racial profiling, an immigration attorney, the chair of the Stops Data Committee, and a police officer. After presentations from each panelist, the Commissioners were able to ask questions. This panel took place at a regular Police Commission meeting, so public comments about the panel were received at the end of the meeting. After this community panel, the Commission also hosted a public forum for members of the public to provide comments directly to the Police Commission.

FY 2015 Work

As FY 2015 begins, the Commission will be developing a scope of work for a discussion about constitutional privacy including the use of drones and automatic license readers. At the conclusion of this work, the Commission will select the next community issue to discuss from the list of possible topics included in the FY 2014-FY 2015 Work Plan, listed below.

- 1) Information on police contacts with different demographics and the data needed to assess
- 2) Serving immigrant populations
- 3) Services and public safety issues related to homelessness
- 4) Police services in light of budget
- 5) Crime reduction in light of jail, prison and court cuts
- 6) Use of force
- 7) Constitutional privacy – drones and automatic license readers
- 8) Eugene Police Department policies
- 9) Advocacy for public safety resources
- 10) Police budget allocation and grants
- 11) Strategy public safety funding
- 12) Police training manual
- 13) Responding to emerging issues

For each community issue addressed, the Commission will discuss the issues, the community interest, and develop a unique scope of work, depending on the goals of the Commission's discussion, including possible public panels, expert panels or public forums.

In addition to community issues, the Commission will continue its review of the Police Department Policies. Those policies that are under consideration for review include the following: Emerging Technologies; Search Warrants and Warrant Arrests; In Car Video; Vehicle Impounds; and Mental Health Policies.

Finally, during FY 2015 the Commission will develop its next two year work plan for Council consideration.



CITY OF EUGENE

POLICE COMMISSION

FY 2014 – FY 2015 WORK PLAN And FY 2013 ANNUAL REPORT

Police Commission Members

Kaitlyn Lange, Chair
Tamara Miller, Vice Chair
Mike Clark, City Councilor
Jim Garner
Linda Hamilton
Jesse Lohrke

James Manning
George Rode
Claire Syrett, City Councilor
Joe Tyndall
Bob Walker
Juan Carlos Valle

For more information on the Police Commission, please contact:

Carter Hawley, Police Analyst

Phone: (541) 682-5852

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www.eugene-or.gov/policecommission

Police Commission Mission Statement

The Eugene Police Commission recommends to the City Council, the City Manager, the Eugene Police Department, and the people, the resources, preferred policing alternatives, policies and citizens' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the Eugene Police Department that helps achieve safety, justice and freedom for all people in Eugene.

Police Commission Goals

As outlined in Ordinance 20398, the objectives of the Eugene Police Commission are to:

- 1) Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for this city;
- 2) Identify police policy and resource issues related to preferred policing alternatives;
- 3) Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches;
- 4) Provide input on police policies and procedures that reflect community values; and
- 5) Assist the city council in balancing community priorities and resources by advising it on police resource issues.

Background

The Eugene Police Commission is a twelve-member volunteer body that acts in an advisory capacity to the City Council, the Chief of Police and the City Manager on police policy and resource issues. The commission's enabling ordinance, adopted in December of 1998, requires that it develop a yearly work plan for City Council review and approval. Work plans follow a July 1 – June 30 fiscal year (FY) schedule. Major accomplishments over the past five years include the following highlights:

- Recommendations on several significant policies including Mental Health Crisis Response and Communication with People with Disabilities (FY 2009)
- Development of a Public Outreach Committee to strengthen the relationship between the public and the Police Department (FY 2009)
- Developed recommendations on all force-related policies including the Taser policy (FY 2011)
- Reviewed and made recommendations on the downtown exclusion zone ordinance (FY 2011)
- Worked with community around closure of Monroe Street Public Safety Station (FY 2012)
- Conducted community survey to determine public perception of Eugene Police Department (FY 2012)
- Reviewed and made recommendations on police policies related to search and seizure, use of canine, vehicle pursuits and holding facilities (FY 2012)
- Developed Outreach Toolkit to document efforts taken with closure of Monroe Street Station, and to provide template to facilitate community outreach on subsequent projects (FY 2012)
- Conducted an anonymous survey of EPD employees to ascertain department's understanding of Police Commission and its work (FY 2013)
- Held State of Public Safety Forum for the community (FY 2013)

Changes in the Police Commission Work Plan

Annual to Biannual Work Plan

At two successive Police Commission annual retreats, the commission discussed and ultimately decided to develop a biannual work plan, covering the next two fiscal years. The Commission recommends that it develops a two year plan to submit to the City Council for review, comment and approval. This allows the Commission to identify work that is longer in scope than can easily be conducted or described in a twelve month plan. Consistent with the Ordinance 20398, the Police

Commission will continue to submit to the City Council an annual report, drawn from the biannual report created every two years.

Reduction in the Commission Committees

In the recent past there have been two committees that have effectively served as standing committees, because their work has continued over numerous fiscal years. To increase the efficiency and focus of the Commission, and to work within available staff resources, the Commission will be eliminating these two committees. The changes in structure and the underlying work is described below.

- 1) Outreach and Resources Committee: The work of this committee is largely project based, developing the outreach strategies related to specific issues that arise within the commission. When no project is imminent, the committee has sought to improve the outreach practices of the Commission. Past work has included neighborhood outreach for the Monroe Street Station, oversight of a community and department survey to assess trust and understanding of the Police Commission and Department, development of an outreach toolkit, and development and completion of a State of Public Safety Forum. If outreach efforts are needed for a specific work item, an ad hoc, task- and time-specific committee may be sought.
- 2) Policy Screening and Review: This committee has worked with EPD staff in the review and public comment process for a major review and update of the EPD internal policy manual. While the department's review is not complete, it was determined that this is a major piece of work of the full commission. The Commission will be modifying its meeting schedule, similar to City Council meetings, to provide time during their monthly meeting to serve as a work session, to review and comment on the policies. This change is proposed to increase the input and engagement from the full Commission on this important work, and to provide the public and staff in attendance at the full Commission meetings better access to the full breadth and depth of the discussion on the policies being reviewed.

Shift in Focus

The Commission is seeking to shift the focus of the Police Commission. The intent is to focus more on the issues related to the Police Department that are of the greatest community concern. At its retreat in May 2013, a list of issues was raised that are of great community concern. To allow for the most meaningful issues to be addressed by the Commission, the Commission intends to quarterly review its upcoming work and select items from its list of community issues to address in the upcoming quarter. The work specific tasks related to any issue may differ, but in all cases the work will be designed to meet the Commission's goals, as listed above. The work on a specific issue may involve community forums, panels, a review of relevant policies or practices, or presentations from subject-area experts. In all cases, a specific desired outcome will be identified at the outset to assure the Commission remains focused on the goals of the specific work item.

Shift in Structure

In order to accommodate the work previously done by the Policy Committee, the Commission will hold a work session at the beginning of each meeting, to review and provide comments on the internal EPD policies. The balance of the meeting will be dedicated to the community issues identified in this plan, and scheduled quarterly, to assure the Commission is addressing the most relevant community issue as possible.

Community Issues to be Considered

Listed below is a preliminary list of issues to be considered by the Police Commission for further work. After each item is a brief summary of the kinds of information that will be considered and discussed. Further details will be developed as the items are scheduled and a more thorough work plan is developed.

- 1) Information on police contacts with different demographics and the data needed to assess
- 2) Serving immigrant populations
- 3) Services and public safety issues related to homelessness
- 4) Police services in light of budget
- 5) Crime reduction in light of jail, prison and court cuts
- 6) Use of force
- 7) Constitutional privacy – drones and automatic license readers
- 8) Eugene Police Department policies
- 9) Advocacy for public safety resources
- 10) Police budget allocation and grants
- 11) Strategy public safety funding
- 12) Police training manual
- 13) Responding to emerging issues

Quarterly, the Police Commission will discuss these issues and any emerging issues and determine which issue will be addressed next, what the specific goal for the Commission's involvement, and work plan to accomplish the goals for that work item.

Attached to this work plan is a report of the Commission's activities and achievements during FY 2013.

FY 2013 Year End Report

Police Commission Goals

As spelled out in the adopted bylaws, the Police Commission has five goals, which guide the Commission's annual work activities. The FY 2013 work plan is organized along the goals. Under each goal are the proposed work plan items that the Commission will work on during FY 2013.

Following each objective, a status is listed recounting the Commission's work on that item through June 30, 2012.

Goal 1 – Ensure that the policies and procedures of the Eugene Police Department protect the civil rights and liberties of everyone in Eugene.

Work Plan Objective 1.1 – Through continued Policy Screening and Review Committee, review policies to assure policies protect civil rights and liberties of everyone, including development of policies to address the safety of people in custody, and what to do with people in custody turned away from the Jail. **Status: Reviewed policy of safety of people in custody. Department has not developed policy related to what to do with people turned away from the jail.**

Work Plan Objective 1.2 – Convene community groups to review domestic violence policies to assure the policies are effective, and protect the rights and liberties of everyone. **Status: Held discussion at January and March Police Commission meetings. Received recommendations on changes.**

Goal 2 – Promote policing that respects and reflects Eugene's rich culture and diversity

Work Plan Objective 2.1 – Hold a student forum on the campus at the University of Oregon to solicit ideas and input from students. **Status: University of Oregon requested that the forum be deferred, as the timing conflicted with forums held by UO regarding the arming of the new police department. Alternatives have been considered for next year.**

Work Plan Objective 2.2 – Through continued Policy Screening and Review Committee, review proposed EPD policies as they are converted to the new LEXIPOL format, to assure they reflect and respect Eugene's rich culture and diversity. **Status: The Policy and Review Committee has reviewed and provided comments on the following policies: Code of Conduct, Social Security, Park Use Regulations, Civil Disputes, Person Stops, Trespass Letters.**

Goal 3 – Increase communications, understanding and trust between police and the people in Eugene

Work Plan Objective 3.1 – Through forums and panels proposed for FY 2013, increase communication and understanding and trust between police and the people in Eugene. **Status: A State of Public Safety Forum is scheduled for June 27.**

Work Plan Objective 3.2 – Develop better way to respond to public comments in meetings, to improve sense of Commission engagement and response to public comments. **Status: The topic has been referred to the Public Outreach Committee.**

Work Plan Objective 3.3 – Coordinate joint meetings with the Citizen Review Board and Human Rights Commission to increase mutual understanding and trust. **Status: A joint meeting was held with the Civilian Review Board in September. A joint meeting is scheduled for May 29 with the Human Rights Commission to discuss alternatives to the Downtown Public Safety Zone.**

Goal 4 – Encourage problem solving and partnerships between people, neighborhoods and other agencies and police

Work Plan Objective 4.1 – Organize and hold a community panel on the State of Public Safety. **Status: This Panel will be held June 27. Invited panelists include the District Attorney, Municipal Court Presiding Judge, Eugene Police Chief, Director of St. Vincent de Paul's, Police Auditor, and Lane County Sheriff.**

Work Plan Objective 4.2 – Pursue including hate crimes work in with Gang Symposium scheduled in Fall 2012. **Status: Met with planners of the Gang Symposium in July, and due in part to feedback from the Police Commission, the Symposium facilitator selected had significant expertise and experience in hate crimes. The definition of "gang" was created to include gangs which engage in hate crimes.**

Goal 5 – Provide fair opportunities for the public and criminal justice professionals to comment and participate in the commission's work recognizing the interconnectedness of the criminal justice system

Work Plan Objective 5.1 – Coordinate and organize a panel to discuss the State of Public Safety, to garner community support **Status: This Panel will be held June 27. Panelists include the District Attorney, Municipal Court Presiding Judge, Eugene Police Chief, Director of St. Vincent de Paul's, Police Auditor, and Lane County Sheriff.**

Work Plan Objective 5.2 – Through community discussions about domestic violence, and participation in the gang symposium, provide opportunities for the public to comment about these aspects of criminal justice. **Status: Held discussion at January and March Police Commission meetings. Received recommendations on changes.**

An additional priority objective was developed regarding reviewing resources, meeting schedules and balancing the priorities of the Commission. While this does not fit in the adopted Commission goals, in FY 2013 it will be critical for the Commission to continually review and assess its priorities and resources. The Police Department has redirected staff resources from the Police Commission to perform duties formerly completed by vacant positions. Up to approximately 510 hours of staff time are available and can be contributed to the Commission's work plan. **Status: Fewer committee meetings and abbreviated minutes have helped reduce the staff time demands for the Police Commission. Continued review and assessment of commission priorities and resources will remain critical.**

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Human Rights Commission FY 2015 Work Plan and 2014 Annual Report

Meeting Date: October 13, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: B
 Staff Contact: Lindsey Foltz
 Contact Telephone Number: 541-682-5619

ISSUE STATEMENT

The Human Rights Commission's (HRC) enabling ordinance, adopted in December of 1990, requires that it develop a work plan for City Council review and approval, and annually report on work plan progress. Attached is a report on the FY 2014 Work Plan and the proposed FY 2015 Work Plan.

BACKGROUND

FY 2014 Work Plan Report:

The HRC was very active during FY 2014 contributing well over 500 hours of volunteer time, serving the community by hosting and attending community events, providing input to the council on human rights and social justice issues, and engaging in collaborative work with other boards and commissions, City staff, and community partners. The attached FY 2014 Annual Report provides specifics on the group's achievements and commitments in achieving its work plan goals over the past year.

FY 2015 Work Plan Details:

The HRC held two work planning sessions in July and unanimously approved the FY 2015 plan at their August 19 meeting.

The three proposed work plan goals are :

- Goal 1:** Engage in education, outreach and collaborations fostering respect for social equity, and civil and human rights in the community.
- Goal 2:** Maintain strategic HRC liaisons and engage in cooperative endeavors with the community and with City of Eugene advisory groups that support human rights and social equity.

Goal 3: Effectively address selected human rights and social equity issue areas of concern to the community and City.

The specific objectives and strategies identified to implement these goals are described in more detail in the attached Human Rights Commission FY 2015 Work Plan.

RELATED CITY POLICIES

Eugene Code

2.280 Human Rights Commission – Work Plan and Task Groups.

- (1)** The Commission shall create a work plan that is reviewed by the City Manager and approved by the Mayor and City Council.
- (3)** The commission shall present its work plan accomplishments and work plan status annually to the City Council.

COUNCIL OPTIONS

The council could:

1. Approve the proposed FY 2015 Work Plan as presented.
2. Approve the work plan with changes.
3. Request revisions to the work plan before approval.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approving the Human Rights Commission FY 2015 Work Plan as presented.

SUGGESTED MOTION

Move to approve the Human Rights Commission FY 2015 Work Plan.

ATTACHMENTS

- A. Human Rights Commission FY 2014 Report
- B. Human Rights Commission FY 2015 Work Plan

FOR MORE INFORMATION

Staff Contact: Lindsey Foltz
Telephone: 541-682-5619
Staff E-Mail: lindsey.m.foltz@ci.eugene.or.us



City of Eugene
Human Rights Commission
FY 2014 Work Plan Report

Summary

This is the report from the Human Rights Commission FY 2014 Work Plan. The work plan was approved by City Council in October of 2013.

Below are highlights from the past year, followed by detailed charts of progress on implementing the work plan.

Highlighted Work

Events

To help raise awareness, foster respect, create community dialogue, and increase education on human rights issues the Human Rights Commission (HRC) hosted, assisted with organization and participated in several events:

- NAACP – MLK Jr. Day March
- LCC MLK Jr. Community Event
- HRC - Homelessness Forum
- Police Commission Forum – Bias Based Policing
- Integration Network for Immigrants of Lane County – “Together We Can” Symposium

Funding and other support was also provided for community events organized by community groups. The HRC supported 12 community events with endorsement, sponsorship, and/or volunteer work:

- Transgender Day of Remembrance
- YEPSA – Youth Empowerment Symposium
- HIV Alliance – Health Fair
- Sexual Assault Support Services-Vagina Monologues
- The Archaeology Channel – Film Festival
- Winnemem Wintu Tribe – Wild Salmon Run
- I Learn America Youth Symposium
- Eugene/Springfield Pride Festival

Key Partnerships

The HRC has actively worked to increase communication and collaboration with other City Boards and Commissions, staff, and community groups over the past year to promote human rights and social equity.

Boards and Commissions

- **Police Commission:** The HRC has a permanent seat on the Police Commission and so shares one voting member. Additionally the HRC actively participated in the work regarding bias in policing including a public forum.
- **Civilian Review Board:** The HRC has liaisons assigned to and from the CRB to share information and highlight issues of mutual concern.
- **Budget Committee:** To engage in a more active role in the budget process the HRC provided a Memo and testimony to the Budget Committee, highlighting the needs of vulnerable populations.

Staff

- **City Hall Rebuild:** The HRC gave detailed feedback to the City Hall design committee regarding equity and accessibility concerns for the new City Hall.
- **Environmental Justice and Planning:** HRC commissioners participated in groups organized by planning staff to give input on environmental justice issues in relation to the UGB expansion in the Clear Lake study area.
- **Green House Gas Emission Scenario Planning:** The HRC received a staff update on the GHG Scenario Planning process and was encouraged to further participate in community meetings to highlight social equity concerns in this planning process.
- **MUPTÉ Revisions:** Collaborated with community development staff to provide input on revision to MUPTÉ specifically addressing immigrant and fair labor concerns.

Community

- **Integration Network for Immigrants of Lane County (IN):** Commissioners are engaged with IN and actively participate in mutual work such as the “Together We Can” symposium held in May of 2014.

Recommendations to Policy Makers

Correspondence on the following topics was submitted to local, state and national policy makers during FY 2014.

City

- **City of Eugene Transgender Code Amendment:** Amendment requested by the HRC, amended by Council January 27, 2014.
- **Paid Sick Leave:** Endorsement of local paid sick leave ordinance, approved by Council July 28, 2014.
- **Hate and Bias Activity Update:** Memo to Council regarding Hate and Bias activity and areas of concern
- **Whoville Recommendations:** Letter to Mayor and Council recommending Whoville remain in place until alternative accommodation could be found for residents.
- Recommendations to fill HRC vacancies

State

- **Oregon Homeless Bill of Rights Campaign:** Endorsement of Western Regional Advocacy Program's efforts to introduce legislation at the State level for an Oregon Homeless Bill of Rights.

Nation

- **Human Rights At Home Campaign:** Letter to State Department advocating for improved human rights implementation and monitoring and federal resource support for state and local government efforts to promote and protect human rights.

Areas of Continued Concern

During the process of developing the FY 2015 Work Plan the HRC identified several key areas of continued concern that they wanted to bring forward from the 2014 Work Plan. These included continued concern regarding hate and bias activity and response, and homelessness and poverty issues and solutions.

Members Who Served

We are deeply grateful to all of the commissioners who served during this work plan and would like to recognize their service.

Councilor Greg Evans: 1/2013-present

Ken Neubeck: 6/2011-present

Andrew Thomson: 6/2011-present

Richie Weinman: 6/2011-present

Chris Nunes: 6/2012-present

Edward Goehring: 7/2013- present

Philip Carrasco: 9/2013 - present

Mary Clayton: 9/2013 - present

Debra Merskin: 1/2014 - present

Arun Toke: 7/2014 – present

David Van der Haeghen: 6/2013 – 6/2014

The Human Rights Commission relies on the generous contribution of time from commissioners and also many engaged community members that collaborate on HRC related work. In total more than 500 hours were logged by commissioners alone over the past year.

67 % Complete



FY 2014 Human Rights Commission Work Plan Report

Objective 1.1: Provide human rights education through use of media, social media, events, speakers, workshops and trainings.

Lead: Edward Goehring Support: Ken Neubeck	
Action 1	Explore options for HRC to engage in social media
Task 1: <input checked="" type="checkbox"/>	Research various options to engage in social media, either through HRC's own page development or through already established pages and networks
Task 2: <input type="checkbox"/>	Draft recommendations and present to HRC for approval
Action 2	Proactively facilitate/host conversations on sensitive topics such as race, gender, and poverty
Task 1: <input checked="" type="checkbox"/>	Identify key partners and invite for collaboration
Task 2: <input checked="" type="checkbox"/>	Determine format, topics, critical areas
Task 3: <input checked="" type="checkbox"/>	Plan event/s
Task 4: <input checked="" type="checkbox"/>	Host/attend event/s
Action 3	Support, promote or host events/trainings that further the mission of the HRC
Task 1: <input checked="" type="checkbox"/>	Plan, Implement, and Host International Human Rights Day: Cancelled due to weather
Task 2: <input checked="" type="checkbox"/>	Identify events for HRC participation and develop annual calendar
Task 3: <input checked="" type="checkbox"/>	Develop partnerships with festival organizers to establish a more prominent role for the HRC
Task 4: <input checked="" type="checkbox"/>	Respond to requests of HRC event sponsorship from community groups

50% Complete



Objective 2.1: Establish, strengthen and maintain effective relationships with City Council and other City advisory bodies.

Lead: Andrew Thomson	
Action 1	Create and strengthen liaison relationships with Sustainability & Police Commissions, Civilian Review Board, Accessibility Advisory Group, Equity and Human Rights Board, Community Development Block Grant Advisory Committee and City Council.
Task 1: <input checked="" type="checkbox"/>	Assign liaisons from HRC, confirm liaisons to HRC
Task 2: <input type="checkbox"/>	Create working agreements with other advisory bodies
Task 3: <input checked="" type="checkbox"/>	Invite annual presentation from Police Auditor/CRB
Task 4: <input type="checkbox"/>	Explore ways to minimize barriers for accessing the police oversight system
Action 2	Strengthen relationships with Neighborhood Associations
Task 1: <input checked="" type="checkbox"/>	Prepare and submit articles for Neighborly and other neighborhood publications
Task 2: <input checked="" type="checkbox"/>	Track emerging issues in Neighborhood associations through staff reports and NLC minutes to identify areas for potential HRC collaboration.
Task 3: <input checked="" type="checkbox"/>	Attend and/or contribute to content for trainings provided by Neighborhood Services
Action 3	Increase HRC understanding of DESP
Task 1: <input type="checkbox"/>	Host DESP presentation at HRC meeting
Action 4	Raise awareness of HRC/Boards and Commissions, recruit for diverse applicant pool
Task 1: <input checked="" type="checkbox"/>	Request and review report from Boards and Commissions staff on demographic composition of Boards and Commissions membership
Task 2: <input checked="" type="checkbox"/>	Strategize and execute an outreach plan for boards and commissions recruitment, identify potential partner agencies and key community leaders for collaboration

25% In Progress



Objective 3.1: Respond to and address hate and bias activity, including systemic and individual racism.

Leads: Chris Nunes, David Van Der Haeghen

Action 1	Increase HRC and Council awareness of hate and bias activity, coordinate responses in collaboration with community
Task 1: <input checked="" type="checkbox"/>	Receive quarterly reports from EPD and Human Rights staff on bias activity
Task 2: <input type="checkbox"/>	Provide feedback to Council as needed on trends or areas of concern
Task 3: <input type="checkbox"/>	Develop specific roles for HRC in supporting the City's Hate and Bias Response plan (ie. letters, website, newsletter, reports, articles, Neighborhood Association collaboration)
Task 4: <input type="checkbox"/>	Develop and execute outreach plan for vulnerable populations to increase awareness of Equity and Human Rights Office services
Action 2	Encourage organizations that collect Hate/Bias reports to share information
Task 1: <input type="checkbox"/>	Develop list of other organizations likely to receive reports
Task 2: <input type="checkbox"/>	Distribute information on the Equity and Human Rights Office to encourage more reporting
Task 3: <input type="checkbox"/>	Provide recommendations to staff on how to proceed with attempts to share information
Action 3	Review local data sources to identify indicators of systemic racism and communicate findings to staff and decision makers.
Task 1: <input type="checkbox"/>	Identify Sources
Task 2: <input type="checkbox"/>	Review Information and write report
Task 3: <input type="checkbox"/>	Identify opportunities to provide input in the context of policy or decision making processes (ie. Evaluate Envision Eugene implementation using Equity and Opportunity Assessment)
Action 4	Explore ways to support anti-bullying in schools
Task 1: <input type="checkbox"/>	Meet with partners at Bethel and 4-J school districts to gauge interest in HRC collaboration

80% In Progress



Objective 3.2: Respond to and advocate on community issues around homelessness and poverty.

Leads: Ken Neubeck, Arun Toke, Richie Weinman	
Action 1	Assist Council in gathering data and community input, analysis & reporting
Task 1: <input checked="" type="checkbox"/>	Engage Council and request input and clarity regarding desired HRC role in homelessness issues
Task 2: <input checked="" type="checkbox"/>	Develop engagement strategy (ie. hosting a community forum, surveys, etc.)
Task 3: <input checked="" type="checkbox"/>	Implement strategy
Task 4: <input type="checkbox"/>	Research confluence of issues regarding homelessness and poverty
Task 5: <input type="checkbox"/>	Frame results of engagement and research in terms of poverty/homelessness and develop report
Task 6: <input type="checkbox"/>	Deliver report to Council
Action 2	Explore opportunities for collaboration on County Continuum of Care Board
Task 1: <input type="checkbox"/>	Contact County staff to get update on status of Continuum of Care Board
Task 2: <input type="checkbox"/>	Consider creating HRC liaison to Board
Action 3	Monitor, assess and report out implementation of Opportunity Eugene Task Force recommendations.
Action 4	Explore, research and make proposals to add protected class status for the homeless in addition to exploring a homeless bill of rights for Eugene
Action 5	Research tracking and reporting crimes committed against homeless individuals and report findings back to the Human Rights Commission.

50% Complete



Objective 3.3: Respond to, and advocate for, the removal of impediments to immigrant integration within the Eugene community.

Leads: Mary Clayton, Phil Carrasco	
Action 1	Collaborate with City staff, Integration Network (IN), and other community partners on immigrant integration issues (ie. welcoming spaces and language access work)
Task 1: <input checked="" type="checkbox"/>	Contact key partners and determine opportunities for collaboration
Task 2: <input checked="" type="checkbox"/>	Facilitate conversation between partners
Task 3: <input checked="" type="checkbox"/>	Explore opportunities for collaboration on events/forums
Action 2	Explore how HRC can support providing information and education to immigrant parents on school resources and processes to improve outcomes for immigrant youth
Task 1: <input type="checkbox"/>	Contact partners in schools to determine need and interest develop plan based on partner input
Task 2: <input type="checkbox"/>	Research Salem/Keizer regional Latino parent conference and evaluate potential for local model



**City of Eugene
Human Rights Commission
FY 2015 Work Plan**

2015 Affirmed Work Plan Goals

Goal 1

- Engage in education, outreach, listening and collaboration fostering respect for social equity, civil and human rights in the community.

Goal 2

- Maintain strategic HRC liaisons and engage in cooperative endeavors with community and with City of Eugene advisory groups that support human rights and social equity.

Goal 3

- Effectively address selected human rights and social equity issue areas of concern to the community and City

Objective 1: Maintain effective relationships; advise and advocate on human rights issues with City Council, other City advisory bodies, staff, community organizations and institutions.

Objective Leads: Andrew Thomson, Chris Nunes

Support: Edward Goehring, Jennifer Frenzer, Phil Carrasco, Arun Toke

Action 1.1	Advise City Council on human rights issues, advocate for a human rights perspective
Task 1: <input type="checkbox"/>	Deliver report of previous year's work and present new work plan to Council
Task 2: <input type="checkbox"/>	Provide testimony, as needed, to City Council on emerging Human Rights issues
Task 3: <input type="checkbox"/>	Quarterly meetings between the HRC Chairs and the Mayor
Action 1.2	Advise City Staff on human rights issues within the City organization, collaborate and educate on human rights perspective
Task 1: <input type="checkbox"/>	Quarterly meetings between the HRC Chairs and the City Manager
Task 2: <input type="checkbox"/>	Advocate for diverse applicant pool within the HRC, boards and commissions, and other City departments
Task 3: <input type="checkbox"/>	Review hiring data and host presentation for Human Resources director on city hiring practices
Task 4: <input type="checkbox"/>	Participate in or seek opportunities to provide a human rights perspective on planning and/or policy development initiatives
Action 1.3	Collaborate with, advise, and educate other City Advisory Bodies on human rights issues
Task 1: <input type="checkbox"/>	Bring the Human Rights perspective to deliberation and action of other advisory bodies
Task 2: <input type="checkbox"/>	Assign and maintain liaisons
Task 3: <input type="checkbox"/>	Invite annual presentation from Police Auditor/CRB
Action 1.4	Support the work of other community organizations and institutions that further the mission of the HRC
Task 1: <input type="checkbox"/>	Respond to funding requests and co-sponsorships
Task 2: <input type="checkbox"/>	Respond to requests for endorsements (non-funding support: tabling joint statements, etc.)
Task 3: <input type="checkbox"/>	Continue liaison building with Latino and immigrant organizations: Integration Network and others
Task 4: <input type="checkbox"/>	Attend at least one Neighborhood Leaders Council meeting to provide an update on HRC workplan and discuss opportunities for collaboration.
Task 5: <input type="checkbox"/>	Identify and implement one opportunity for collaboration on a human rights issue with neighborhood associations.
Task 6: <input type="checkbox"/>	Raise awareness of HRC within community (ie. MLK March)
Task 7: <input type="checkbox"/>	Determine partners and annual theme for International Human Rights Day, delegate planning

Objective 2: Respond to and address hate and bias activity, including systemic and individual racism.	
Leads: Mary Clayton, Debra Merskin	
Support: Andrew Thomson, Phil Carrasco	
Action 2.1	Increase HRC and Council awareness of hate and bias activity; coordinate responses in collaboration with community.
Task 1: <input type="checkbox"/>	Receive quarterly reports from EPD and Human Rights & Neighborhood Involvement staff
Task 2: <input type="checkbox"/>	Provide feedback to Council on trends and areas of concern including all institutions and organizations that fall within the City of Eugene
Task 3: <input type="checkbox"/>	Develop specific roles for HRC response and plan of action to execute when incidents occur
Task 4: <input type="checkbox"/>	Conduct outreach and establish relationships with vulnerable populations
Action 2.2	Review local data sources to identify indicators of systemic racism
Task 1: <input type="checkbox"/>	Review the Equity and Opportunity Assessment
Task 2: <input type="checkbox"/>	Identify opportunities to provide input utilizing the Equity and Opportunity Assessment when advising
Action 2.3	Develop policy for engagement between the HRC and Police Auditor
Task 1: <input type="checkbox"/>	Meet with the auditor to learn more about the auditor process and share the human rights perspective
Task 2: <input type="checkbox"/>	Communicate to interested community members the auditor's function as it relates to human rights
Task 3: <input type="checkbox"/>	Work with Human Rights & Neighborhood Involvement staff to ensure there is a feedback loop between the community and the auditor's office
Task 4: <input type="checkbox"/>	Continue to provide HRC liaison to the Civilian Review Board
Action 2.4	Propose International Human Rights Day theme on Racism and Discrimination
Task 1: <input type="checkbox"/>	Seek full HRC approval for the theme during the August meeting
Task 2: <input type="checkbox"/>	Plan and execute the event in early December 2015

Objective 3: Respond to and advocate on community issues of poverty and homelessness.	
Leads: Richie Weinman, Jennifer Frenzer, Ken Neubeck	
Action 3.1	Monitor, advise and advocate on ways to respond to poverty and homelessness
Task 1:	Advise Council on pressing issues and support/advocate for City efforts to implement Housing First Model
Task 2:	Monitor activities of the Lane County Poverty and Homelessness Board and the Human Services Commission
Action 3.2	Address civil and human rights of people who are homeless
Task 1:	Request collaboration with EPD to compile data on crimes committed against people who are homeless, including bias crimes, and share data with HRC
Task 2:	Continue work on protected class designation for homeless under Criminal Code Intimidation 2 and the Human Rights Ordinance
Task 3:	Move forward on local homeless bill of rights community education, outreach, and build alliances with CALC and other community groups
Task 4:	Identify local laws and policies that criminalize homelessness and/or create barriers to survival and ally-build for change
Action 3.3	Assess progress and obstacles in responding to homelessness and crafting shelter solutions
Task 1:	Complete assessment and track Opportunity Eugene task force on homelessness recommendations
Task 2:	Examine obstacles to increased shelter solutions
Task 3:	Assess currently available emergency and transitional housing to identify gaps in meeting human rights needs
Action 3.4	Expanding effectiveness of shelter programs
Task 1:	Advocate for expansion of car camping and other effective shelter programs
Task 2:	Research and identify composition of unhoused population, with focus on unmet needs of unhoused children and youth

Objective 4: Bring forward work requests for emerging issues within the Eugene community and City organization that align with the current work plan and capacity of the commission.	
Leads: Established as necessary Support: Established as necessary	
Action 1	Respond to requests for support, education, and participation from various community groups or the City as an organization on emerging human rights issues of local significance.
Task 1: <input type="checkbox"/>	
Task 2: <input type="checkbox"/>	
Task 3: <input type="checkbox"/>	

Potential Future Work

Objective 2 Work Group Identified Potential Tasks

- Support anti-bullying efforts in schools

Objective 3 Work Group Identified Potential Tasks

- Consider creating a liaison to the Human Services Commission

Name of Group	Description	Time Commitment	Currently Held By and When Appt.
LIAISONS FROM HRC TO OTHER BOARDS, COMMITTEES OR COMMISSIONS			
Police Commission	Mission: The Police Commission mission is to recommend to the City Council, the City Manager, the Police Department, and the people, the resources, preferred policing alternatives, policies and citizens' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the Police Department that helps achieve safety, justice and freedom for all people in Eugene.	Meets monthly 2 nd Thursday, 5:30 – 8:30 p. This has a term of 4 years or as long as a single commissioner term - typically 3 years.	Edward Goehring, Back up: Ken Neubeck
Community Development Block Grant	Info: Eugene receives federal funds which are awarded to agencies that support a variety of community needs related to housing and other issues. During an annual competitive process, applicants vie for CDBG funding for specific projects.	2 hour monthly meetings typically during 6 months out of the year, when they are working on funds distribution and projects. Additional meetings and trainings throughout the year as necessary. 1 year term with possibility to serve 3 terms.	Chris Nunes Back up: Philip Carrasco
Council Liaison	City Councilor Liaison from HRC to City Council	1 year, appointed by Mayor	Councilor Evans
Meet with City Manager and Mayor	Mayor and City Manager meet with HRC Chairs and Equity and Human Rights staff	2 hours quarterly	Chair and Vice Chair

Civilian Review Board	To increase transparency and public confidence in the police complaint process. We evaluate the work of the independent Police Auditor, from a civilian perspective, about whether the complaint was handled fairly and with due diligence.	Meets monthly, 2 nd Tuesday, 3 hours	Primary: Mary Clayton Back up: Debra Merskin
E&HR Board	Help guide the work of the DESP	2 hour meetings every other month - daytime	Primary: Phil Carrasco Back Up: Ken Neubeck
Accessibility Advisory Group		Meets September-May 2 hour meetings, daytime	Primary: Andrew Thomson
LIAISONS FROM OTHER BOARDS, COMMITTEES OR COMMISSIONS TO HRC			
Eugene Police Dept.	Provide public safety services to the community		Lt. Jennifer Bills jennifer.y.bills@ci.eugene.or.us
Human Resources			Becky Dewitt Becky.l.dewitt@ci.eugene.or.us
Civilian Review Board	To increase transparency and public confidence in the police audit process. We evaluate the work of the independent Police Auditor, from a civilian perspective, about whether the complaint was handled fairly and with due diligence.		
Sustainability Commission Liaison	The Sustainability Commission works to create a healthy community now and in the future by proposing measurable solutions to pressing environmental, social and economic concerns to the City of Eugene, its partners and its people.		Steve Newcomb - Chair

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Sustainability Commission Work Plan and Annual Report

Meeting Date: October 13, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: C
 Staff Contact: Babe O'Sullivan
 Contact Telephone Number: 541-682-5017

ISSUE STATEMENT

The Sustainability Commission reports annually to the council on its progress, accomplishments and challenges – and obtains direction for its pending work plan.

BACKGROUND

The Sustainability Commission is charged with advising on policy matters related to sustainable practices, businesses that produce sustainable products and services, City building design and infrastructure, and related issues that directly affect sustainability efforts considered by the City Council.

The core elements of the FY 15 Work Plan were developed in a commission retreat in August during which the commission reviewed its accomplishments from the previous year and identified priorities for the coming year. Further refinements were made after consultation with the City Manager and the Mayor. An important consideration this year was to narrow the focus to just five priority topics including:

- Envision Eugene
- Carbon pricing and climate mitigation
- Transportation System Plan/Bicycle and Pedestrian Master Plan
- Climate adaption and preparedness
- Sustainable Economic Development

The FY 15 Work Plan reflects a focused and strategic approach to working with the council and the City Manager to bring a sustainability perspective to key community initiatives. In carrying out its work in FY 15, the commission seeks to:

- Link effectively with related efforts of other advisory groups, agencies, City staff, community groups and elected officials;
- Respond strategically to time-sensitive issues; and,
- Illustrate linkages between policy initiatives and promote an integrated approach that reflects the tenets of Triple Bottom Line decision-making.

RELATED CITY POLICIES

- Resolution No. 4618 (February 2000) outlined a definition and statement of intent regarding the application of sustainability principles to the City of Eugene, and affirmed the commitment of City elected officials and staff to uphold these principles.
- Resolution Nos. 4884 and 4887 (summer 2006) established a sustainable buildings policy for City-owned and -occupied buildings.
- Resolution No. 4893 (November 2006) committed the City to sustainable practices and to businesses that produce sustainable products and services.
- Ordinance No. 20379 (February 2007) created the Sustainability Commission.

COUNCIL OPTIONS

The council could:

1. Approve the proposed work plan framework.
2. Approve the work plan with changes.
3. Request changes to the work plan before approval.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends acceptance of the work plan.

SUGGESTED MOTION

Move to approve the Sustainability Commission FY15 work plan.

ATTACHMENTS

- A. Sustainability Commission FY 15 Work Plan
- B. Sustainability Commission FY 14 Annual Report

FOR MORE INFORMATION

Staff Contact: Babe O'Sullivan
Telephone: 541-682-5017
Staff E-Mail: Babe.osullivan@ci.eugene.or.us

Introduction

The FY 15 work plan reflects a refined set of priorities that will enable the commission to focus its efforts with greater attention and coordination. These priority topics include:

- Envision Eugene
- Carbon pricing and climate mitigation
- Transportation System Plan/Bicycle and Pedestrian Master Plan
- Climate adaption and preparedness
- Sustainable Economic Development

Sustainability efforts by their nature call for an integrated approach that addresses the complex interactions and connections between many of the City's planning activities. This is reflected in the planned activities of the commission that emphasize the important links between land use, transportation, local economy and climate action. Several high-level policy initiatives are moving forward in tandem, including Envision Eugene, Transportation System Plan, Scenario Planning and the Climate Recovery Ordinance, and the commission will seek to advise Council on how best to integrate them to advance community sustainability goals.

As the commission advances the work detailed in the attached work plan, it will be important to maintain flexibility to take up new or revised priorities. Some issues may take on greater significance as opportunities and needs emerge at the local, state or federal level. The commission will work with Council to adjust its course as necessary to address these emerging priorities.

In formulating this year's priorities and activities, the commission relied on several overarching goals that inform their work and define success, including:

- Promote aspects of sustainability within the three areas of the Triple Bottom Line.
- Provide relevant, timely information to City Council.
- Have more organizations within the community working on sustainability in an intentional way.
- Have a mechanism for climate adaptation/mitigation work at County and regional levels.
- Maintain alignment with commitments the City of Eugene has made around sustainability.

Matrix

The matrix on the next page(s) includes the primary topics the commission plans to address in the coming year along with specific activities for advancing the commission's goals in these areas.

Sustainability Commission FY 15 Work Plan

Topic	Topic description	Outcomes	Planned activities	Timeline
<p>Envision Eugene</p>	<p>Review and provide input on Envision Eugene implementation.</p>	<ol style="list-style-type: none"> 1. Provide Envision Eugene context to Council, Mayor, and City Manager on key decisions and actions, particularly as they relate to Pillars 3 (<i>Plan for Climate Change and Energy Resiliency</i>) and 7 (<i>Provide for adaptable, flexible, and collaborative implementation</i>) 2. Support Council, Mayor and City Manager in decisions and actions that are consistent with the 7 pillars of Envision Eugene 	<ol style="list-style-type: none"> 1.1 Schedule presentation by City Planning Director (staff) to committee to share forecast of upcoming decisions and actions related to Envision Eugene implementation. 1.2 Meet frequently with Council, Mayor, and City Manager to identify relevant decisions and actions, keep track of schedule of when these items will be brought before Council. 1.3 Outreach to local stakeholder organizations 1.4 Attend and/or review minutes of meetings either about Envision Eugene or about topics for which Envision Eugene Pillars are relevant, and use the information gained to shape committee's work. 1.5 Prepare talking points on decisions and actions as they arise. 1.6 Explore benefits and structure of coordinating with the Planning Commission on Envision Eugene-related topics, which may include transit-oriented corridors, transportation, or other topics 2.1 Communicate (at Council's direction) with local stakeholder organizations 2.2 Recommend ways to mitigate impacts of Envision Eugene implementation, particularly as they relate to Pillars 3 and 7 	<ol style="list-style-type: none"> 1.1 By Nov 15, 2014. 1.2 Ongoing – minimum of six times per committee member in FY 15. 1.3 Ongoing – minimum of three per committee member in FY 15. 1.4 As needed. 1.5 Ongoing – minimum of three in FY 15, with timing determined by 1a, 1b, 1c, and 1d activities. 1.6 As appropriate. 2.1 As directed by Council 2.2 As appropriate
<p>Carbon Fee/Climate Recovery Ordinance</p>	<p>Provide input and recommendations on several climate change related initiatives including 1) carbon fee study to be completed for Oregon Legislature, 2) implementation of Climate Recovery Ordinance (CRO), and 3) local carbon offset program for meeting CRO reduction targets.</p>	<ol style="list-style-type: none"> 1. Evaluate the finding of the statewide carbon fee study and prepare recommendations for Eugene City Council consideration. 2. Provide assistance to City staff on implementation of the CRO metrics integrated with Envision Eugene Pillar 7. 3. Preparation of a verifiable local Carbon Offset Assessment linked to the CRO for consideration by the Commission. As stated in the CRO, if year 2020 goals are not met, it may be necessary to fund verifiable local GHG reductions projects and programs or purchase carbon offsets for any remaining GHG emissions. This 	<ol style="list-style-type: none"> 1.1 Review the draft Carbon Fee Assessment Study (required by SB 306) being prepared by Portland State University. Assess underlying assumptions and how they relate to Eugene's CRO. 1.2 Meet with Oregon Legislators to discuss SB306's finding and recommendations and future legislation. Discuss the Assessment report with other organizations as part of the evaluation process. 1.3 Develop recommendations for Commission review/approval. Submit Commission recommendations to the City Council for consideration. 2.1 Collaborate with City staff in their development of CRO implementation strategies. Provide feedback to City staff on potential implementation approaches/ strategies. 3.1 Continue discussions with Oregon Leadership in Sustainability (OLIS) faculty on the scope of the assessment, purpose, and need. Emphasize this assessment is a critical element of Eugene's CRO. 	<ol style="list-style-type: none"> 1.1 The draft Assessment report will be issued by December 1, 2014. Evaluation of the report will be completed by mid-January with recommendations prepared for Commission review/approval. Recommendations will be forwarded to the City Council and Manager for their review and consideration. 2.1 Work with City staff on the schedule. 3.1 Work with the OLIS program to establish the schedule. The goal is for OLIS to complete a draft report by spring 2015.

Sustainability Commission FY 15 Work Plan

Topic	Topic description	Outcomes	Planned activities	Timeline
		<p>assessment could provide the City of Eugene information that may be needed to implement and comply with the CRO.</p>		
<p>Transportation System Plan (TSP) and Pedestrian/Bicycle Master Plan (PBMP)</p>	<p>Participate in adoption of a Transportation System Plan (both policies and project list).</p>	<ol style="list-style-type: none"> 1. Work to ensure the adopted TSP supports the pillars of Envision Eugene (compact urban development, efficient transportation options, planning for climate change) and the Climate Recovery Ordinance by reducing dependence on single-occupant automobiles and increasing reliance on active transportation. 2. Support adoption of the goals of the Pedestrian/Bicycle Master Plan (PBMP) as part of the TSP, and prioritizing funds for its implementation. 3. Support a Complete Streets Policy for Eugene that commits to requiring that all transportation projects be evaluated to assure they serve people traveling by all modes. 	<ol style="list-style-type: none"> 1. Participate in development of the TSP as members of the Transportation Community Resource Group (TCRG), and report back to Sustainability Commission 2. Advocate for a Complete Streets Policy, and provide examples and recommendations for staff and Council to consider in creating a Complete Streets policy. 3. Continually emphasize to staff and Council that the pillars of Envision Eugene depend on transportation infrastructure that supports 20-Minute Neighborhoods, active transportation and reduced fossil fuel use. 4. Focus on promoting solutions to Belt Line safety issues that are consistent with TSP policy priorities, funding realities, and the climate effects of both construction and use of Belt Line. 5. Collaborate with Bicycle Pedestrian Advisory Committee (BPAC) to prioritize bike/pedestrian projects and policies that will have the biggest impact in promoting active transportation choices and support integration of the PBMP into the TSP. 6. Monitor implementation of the trial of Alternative Three on Willamette Street, and the collection of data to evaluate its results. 7. Support City efforts to obtain outside funding for projects that reduce reliance on automobiles and enhance active transportation. 	<ol style="list-style-type: none"> 1. Next TCRG meeting October 2014 and thereafter as scheduled. 2. Speak to Council about a Complete Street policy at public forum (Oct 13) before TSP Work Session (Oct 22), and repeatedly thereafter, especially in Commissioners' one-on-one meetings with Council/Mayor/Manager. 3. Ongoing in conversations with Council members, and as advised by the commission's Envision Eugene sub-committee. 4. As input at TCRG meetings (see #1 above), in one-on-one discussions with Council members, and at any public input opportunities around Belt Line options. Consider meeting with staff to clarify timeline for Belt Line Improvement plans. 5. Ongoing monthly BPAC meetings, informal contacts with BPAC members, and TCRG meetings. 6. Ongoing, with implementation of Alternative 3 planned for spring, 2015. 7. As requested.
<p>Adaptation Planning</p>	<p>Provide input and recommendations on local planning efforts for climate change preparation and adaptation.</p>	<ol style="list-style-type: none"> 1. Assist in communication of adaptation planning efforts that can inform the City of Eugene's active involvement in risk reduction. Offer co-benefits (e.g., economic development, greenhouse gas reductions, etc.) that complement established efforts as part of the Climate Recovery Ordinance and Envision Eugene's Pillar 7. 	<ol style="list-style-type: none"> 1.1 Meet periodically with Council, Mayor, and City Manager to communicate opportunities for co-benefits to projects (i.e., risk reduction, energy independence, economic development, Climate Recovery Ordinance and GHG reductions, etc.). 1.2 Review the Hazard Mitigation report being prepared by City of Eugene and City of Springfield and identify opportunities to connect this project to community priorities and projects currently under development (e.g., City Hall building, EWEB watershed and water quality programs, LTD EMX 	<ol style="list-style-type: none"> 1.1 Ongoing – minimum of six times per sub-committee member in FY 15. 1.2 Evaluate the report and assess how it may be applied to projects currently under development.

Sustainability Commission FY 15 Work Plan

Topic	Topic description	Outcomes	Planned activities	Timeline
			extensions). 1.3 Meet with City staff following completion of the hazard mitigation plan and assist in identification and communication of potential adaptation implementation strategies. 1.4 Prepare talking points on decisions and actions as they arise. 1.5 Support and extend collaboration with inter-jurisdictional climate adaption efforts.	1.3 Work with City staff on the schedule. 1.4 As needed. 1.5 On-going.
Sustainable Economic Development	Promote the concept of Sustainable Economic Development between the City and businesses within Eugene and surrounding areas.	1. Provide Envision Eugene context to Council, Mayor, and City Manager on key decisions and actions 2. Review of Sustainable Business Initiative (SBI) 3. Address Food and Economic Development relationship	1.1 Review and assess the relevance of TBL policy tools for evaluating economic development plans and projects. 1.2 Have discussions and meetings to share our valuation with the City. 1.3 Compare against CEAP (Climate Energy Action Plan) and the Regional Prosperity Economic Development Plan. 2.1 Review the SBI and identify the successes and identify action items yet to be addressed. 2.2 Evaluate opportunities for implementing CEAP and Envision Eugene through collaboration with Eugene businesses. 2.3 Create a plan to develop a new SBI that reflects current opportunities and challenges. 3.1 Conduct updated Sustainability Commission food environment assessment process (following on commission work of spring 2012) to include more emphasis on economic players in strengthening job creation (e.g. farm bureau, large processors). 3.2 Advocate with City Council for the creation of a regional Food Task Force and be involved in its deliberations.	1.1 As appropriate 1.2 As appropriate 1.3 As appropriate 2.1 End of Q4 2014 2.2 End of Q4 2014 2.3 End of Q2 of 2015 3.1 As appropriate 3.2 As directed by Council.

EUGENE SUSTAINABILITY COMMISSION FY 14 WORK PLAN – ANNUAL REPORT

October 2014

Annual Report

Included below is a summary of the outcomes for the FY 14 work plan for the Sustainability Commission. A number of work plan items were completed, in many cases resulting in a memo or testimony delivered to Council. For example, the commission both submitted written comments and provided testimony to the Budget Committee during its deliberations on proposed budget cuts for FY 15. Additional communiqués were submitted on the Climate Recovery Ordinance and sustainable business practices.

The commission also participated in some important collaborative efforts during FY 14:

- Commissioners were invited by the Planning and Development Department to participate in a stakeholder group looking at industrial expansion areas under Envision Eugene. This was a forum for discussing environmental justice issues and use of Triple Bottom Line decision-making. Commissioners have also been invited to continue the assessment in a sub-committee of the Planning Commission. They are also expected to participate in a similar stakeholder group to be convened on the residential expansion areas.
- Commissioners were invited by the Planning Commission to participate in a discussion of the South Willamette Street Project and the study of potential economic impacts.

Additional work is planned on some items that will carry forward (see proposed FY 15 Work Plan). For example, the commission will continue to be involved in reviewing Envision Eugene implementation, development and adoption of the Transportation System Plan and advocacy for a proposed regional food task force.

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The activities of the year provided some important lessons learned as the commission was successful in prompting follow-up action on some (i.e. Budget Committee process) and less so on others (sustainable business practices). The commission can be more strategic in its work and the advice it brings to the Council and City Manager, focusing on topics that are timely and relevant for Council and using multiple channels for delivering its message.

Matrix

The matrix on the next page(s) includes the primary topics the commission plans to address in the coming year along with specific activities for advancing the commission's goals in these areas.

Sustainability Commission FY 14 Work Plan

Topic	Topic description	Outcomes	Planned activities	Status June 30, 2014
Envision Eugene	Continued engagement in the implementation of Envision Eugene.	<ul style="list-style-type: none"> Implementation actions are consistent with the Pillars of Envision Eugene. Advance climate action planning in Envision Eugene implementation. 	<ol style="list-style-type: none"> Advocate that pillars be strongly reflected and consistently integrated in the implementation process. Regular (quarterly) briefings from city planning staff. Invite CLUTAC to join briefings. Determine commission's role and opportunities to engage in the process. Review projects that are part of the implementation phase (code changes, policy or other outputs). 	<p>New sub-committee formed on housing density.</p> <p>May 21, 2014 memo to City Council in support of Climate Recovery proposal contributes to implementation of climate and energy pillars in Envision Eugene.</p> <p>Commissioners participated in stakeholder group looking at environmental justice issues for proposed industrial expansion areas.</p> <p>January 13, 2014 memo delivered to City Manager and City Council.</p>
Sustainable business practices	Investigate and develop a Commission report around how current City policy encourages or discourages sustainable practices within private businesses. Recommend changes in City policy that will encourage sustainable business practices.	Complete and submit to staff and council a report and recommendations about how to improve policy support for green business practices.	<ol style="list-style-type: none"> Vet findings from FY 13 research and interviews with city staff. Craft report and recommendations. Explore opportunities for partnership with GreenLane, Chamber and others for implementing recommendations. 	
Transportation System Plan (TSP) and Pedestrian/Bicycle Master Plan (PBMP)	Participate in development and adoption of TSP and implementation of PBMP.	<ul style="list-style-type: none"> TSP is designed to meet fossil fuel reduction goal. Projects in the PBMP are implemented and get a mode shift toward active transportation. 	<ol style="list-style-type: none"> Regional coordination <ol style="list-style-type: none"> Explore how best to fulfill the need for a regional transportation approach to transportation planning, perhaps a new regional committee or the repurposing of an existing committee. Review and participate in Scenario Planning project – bring forward ideas from project manager for commission input. Recommend transportation policies to be analyzed. Eugene TSP <ol style="list-style-type: none"> Stay involved in the formulation of the TSP, through members serving in the TCRG, and through other opportunities to participate and monitor the formulation process and outcome. Stay informed through staff overview/timeline. CLUTAC review of TSP transportation 	<p>Continuing involvement with the TSP. Gathering information on Complete Streets Policy.</p> <p>Individual commissioners provided testimony to Lane ACT in support of alternative transportation projects.</p> <p>Commissioners participated in Planning Commission hearing on the Willamette Street Project and the study of potential economic impacts.</p>

Sustainability Commission FY 14 Work Plan			
Topic	Topic description	Outcomes	Planned activities
			Status June 30, 2014
			<p>project evaluation</p> <ol style="list-style-type: none"> a. Update CLUTAC members and develop work plan <ol style="list-style-type: none"> 4. Develop and support a "Complete Streets" policy for the City of Eugene. Such a policy would acknowledge that all road projects should include facilities for pedestrians, bicyclists, transit users, and motorized vehicles. 5. Develop a policy to recommend to City Council that any transportation funds obtained by the City, which are not dedicated to the automobile, be expended preferentially for active modes of transportation. 6. Work with City staff and BPAC to prioritize projects which are most important for changing modal split to favor active modes of transportation. 7. Continue involvement in selection of an alternative for Willamette St. from 24th-29th Ave., and in further modifications to the selected alternative. 8. Review policies for sidewalk infill and lobby to establish a budget for sidewalk infill.
Triple Bottom Line	Advise Council on use of TBL in staff analysis and council deliberations. Review Lane Livability Consortium analysis of TBL and evaluate ways to improve use of the tool.	<ul style="list-style-type: none"> • Effective, timely and appropriate use of the tool. • Evaluate and improve tool. 	<ol style="list-style-type: none"> 1. Communicé with City Council that addresses 1) importance of TBL for council decisions, 2) need for more intentional and systematic approach, 3) suggestions for types of projects to be analyzed, 4) commission review and feedback on TBL examples that come forward. 2. Review recommendations from Lane Livability Consortium projects and Equity and Opportunity Assessment and determine any next steps. Incorporate relevant findings into communiqué with Council as well as other promising tools.
			Deliverables expected in FY 15.

Sustainability Commission FY 14 Work Plan				
Topic	Topic description	Outcomes	Planned activities	Status June 30, 2014
City budget process	Provide input and recommendations to the Budget Committee as it develops the FY 15 budget.	<ul style="list-style-type: none"> High-light the cost-savings potential from implementing climate action plans. Promote value of Sustainability Program in budget deliberations. 	<ol style="list-style-type: none"> Create context and communicate urgency for ICAP, CEAP - quantify financial benefits. <ol style="list-style-type: none"> Package and supplement existing information and analysis. Execute communication plan that includes outreach to partners: GreenLane, Chamber, City Club, Executive Management Team, Register Guard board. Message to Council and budget committee: importance of making investments and capturing long term savings. Strategy for engaging in budget process, budget committee <ol style="list-style-type: none"> Determine participation at meetings, providing testimony, etc. Include other work plan topic areas where appropriate and develop key messages. Encouraging TBL analysis in budget process. Liaison with Planning Commission, CLUTAC or other to develop budget recommendations. Investigate alternative structures – melding commissions or other approaches. Invite Corvallis representative to review their coalition. 	Submitted memo to Budget Committee on Nov. 30, 2013 and delivered testimony during Committee deliberations.
Carbon fee	Investigate revenue neutral fee on greenhouse gas emissions, and bring back a recommendation on what effective action can be taken to advance.	Potential policy recommendation to bring forward to Council.	<ol style="list-style-type: none"> Coalition building – City of Eugene, EWEB and commission. Identify other potential stakeholders and regional sources of support (e.g. Sustainability Coalition in Corvallis). Review initial report from legislature and bring forward findings to Council when report is released (December 2013). <ol style="list-style-type: none"> Examine legislative report. Develop materials to present to City Council. Monitor and review other related activities in the region, e.g. City of Portland. Update data and conclusions regarding implementation of carbon fees: <ol style="list-style-type: none"> British Columbia Microsoft Other Advocate for acceptance and 	May 21, 2014 memo in support of Climate Recovery Ordinance submitted to Council with information on carbon pricing and recent international and national climate assessments.

Sustainability Commission FY 14 Work Plan

Topic	Topic description	Outcomes	Planned activities	Status June 30, 2014
Local food policy	Continue work with Council regarding recommendations on food policy submitted May 2012	Council work session discussion and direction for next steps.	<ol style="list-style-type: none"> 6. Meet with and provide materials on carbon fees for state representatives and senators representing the Eugene area. 1. Debrief with team attending Leadership Academy on Urban Ag and Sustainable Food Systems (September 2013). Determine possible next steps and commission's role. 2. City Council work session (Oct. 23, 2013) – determine commission's role. 3. Cultivate partners for next steps. 	Council work session in October 2013. Motion proposed at City Council in June 2014 tabled pending additional council work session.
Work requests	Provide forum for new work requests from Council or community partners	<ul style="list-style-type: none"> • Apply vetting process adopted by commission in FY 2013 for identifying new work plan priorities. • Bring forward work requests that align with current work plan and capacity of commission. 	<ol style="list-style-type: none"> 1. TBD 	Climate Recovery proposal brought to commission by Our Children's Trust. Memo in support of Climate Recovery proposal submitted to Council May 21, 2014. Climate Recovery Ordinance was adopted July 2014.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Ceremonial Matters

Meeting Date: October 13, 2014
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This item is to acknowledge awards and achievements and inform the public of proclamations signed by the Mayor. No action is required by the City Council.

BACKGROUND

At its 1997 fall process session, the council agreed to include a monthly agenda item entitled "Ceremonial Matters." From time to time, the Mayor is asked to sign proclamations or acknowledge awards received, which serve to encourage and educate the community about important issues and events.

CITY MANAGER'S RECOMMENDATION

This is an information item only.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Forum

Meeting Date: October 13, 2014
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: September 22, 2014
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Kris Bloch
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes of the September 8, 2014, Work Session and Meeting and September 10, 2014, Work Session.

ATTACHMENTS

- A. September 17, 2014, Work Session
- B. September 22, 2014, Work Session and Meeting
- C. September 24, 2014, Work Session
- D. **October 8, 2014, Work Session**

FOR MORE INFORMATION

Staff Contact: Kris Bloch
Telephone: 541-682-8497
Staff E-Mail: kris.d.bloch@ci.eugene.or.us

ATTACHMENT A

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**September 17, 2014
12:00 p.m.**

Councilors Present: George Brown, Betty Taylor, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Councilors Absent: Alan Zelenka

Mayor Piercy opened the September 17, 2014, City Council work session.

A. WORK SESSION: Metro Plan Enabling Amendments

Principal Planner Carolyn Burke gave a brief presentation on the history, proposed amendments, and future of the Metro Plan.

MOTION: Councilor Pryor, seconded by Councilor Syrett, moved to initiate a process to make enabling amendments to the Metro Plan. **PASSED 7:0**

B. WORK SESSION: Central Lane Scenario Planning Update

Principal Planner Carolyn Burke and CH2M Hill Project Manager Kristin Hull presented an overview and work that has been done on Scenario Planning, along with updated scenarios, and work still to be completed.

Council discussion:

- Connectivity issues will play key role achieving goals.
- Need to identify potential revenue sources.
- Provide more information on “pay as you drive insurance”
- Need to ask residents real-world inconvenience and trade-off questions.
- Need to have an understanding of basis for assumptions.
- Need to have better understanding of equity and not just try to accommodate.
- Need to include willing/not willing and gain/loss questions.

The meeting adjourned at 12:59 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

ATTACHMENT B

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**September 22, 2014
5:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Piercy called the September 22, 2014, City Council work session to order.

A. WORK SESSION: City Hall Workshop

Design and Construction Manager Mike Penwell and the City Hall Design Team gave a presentation on the City Hall project's process to-date.

Council discussion:

- Request made for a parallel study to the Turner estimate.
- Request made for more detail on cost estimates for rebuild and renovate options.
- Making City Hall energy efficient by today's standards will be costly.
- Seismic upgrades will dramatically change the look and feel of the City Hall.
- Council hasn't identified its values or had a conversation on tradeoffs.
- Need to ask if the building functions well for those who work there.
- Consider retaining or repurposing the Council Chamber.
- City Hall should set standard for accessibility.
- Need to take action on a specific list of questions to provide very clear direction.

The work session adjourned at 7:07p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**September 22, 2014
7:30 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Piercy opened the September 22, 2014, City Council meeting.

MOTION AND VOTE: Councilor Taylor, seconded by Councilor Brown, moved to keep the public forum at 3 minutes. **PASSED 5:4**, Councilors Zelenka, Poling, Syrett, Pryor opposed. Mayor broke the tie in favor.

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved that the Eugene City Council offer its full endorsement of the Eugene School District 4j November 2014 election to renew its local option levy. **PASSED 8:0**

MOTION AND VOTE: Councilor Brown, seconded by Councilor Taylor, moved to direct the City Manager to immediately initiate selective demolition of City Hall by removing wooden fins, finishes, partitions, mechanical equipment, and hazardous materials with the exception of structural materials. **PASSED 6:2**, Councilors Clark and Pryor opposed.

MOTION AND VOTE: Councilor Brown, seconded by Councilor Taylor, moved to direct the City Manager to provide by Wednesday's council meeting as much of the following information as is practicable: 1) have an analysis of what the rebuild and build new options provide in terms of cost and deliverables for City Hall phase 2; 2) have Rowell-Brokaw and team provide dollar amounts for each objection to Turner's estimates; 3) give Turner the opportunity to provide a response to Rowell-Brokaw and team objections to its estimates. **PASSED 7:1**, Councilor Poling opposed.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Brown, moved that Eugene City Council direct the City Manager to develop a cost analysis for the relocation, repurpose, and preservation of City Council Chambers in phase 1 of the City Hall redevelopment project. **PASSED 7:1**, Councilor Poling opposed.

Council discussion:

- Important to preserve some portion of this historic building.
- Possible to move the Council Chamber or repurpose for phase 2.
- The site should be used for government and public purpose use only.

1.

PUBLIC FORUM

1. Art Bollman – said relationship between City and homeless advocates is worsening.
2. Jayme Vasconcellos – spoke against demolition of City Hall.
3. Sarah Hucka – supported land swap that will give Farmers Market a permanent home.
4. Otto Poticha – spoke against demolition of City Hall.
5. Ward Beck – spoke against demolition of City Hall.

6. Bob Hart – said Historic Review Board was not asked to weigh in on City Hall.
7. Sue Sierralupé – supported the paid sick leave ordinance and Occupy Medical.
8. Barb Prentice – said more rest stops are needed in advance of winter.
9. Brent McLean – spoke against demolition of City Hall.
10. Tyson Stuber – spoke against demolition of City Hall.
11. Erin Driscoll – spoke against demolition of City Hall; needs to be put to a public vote.
12. Jeff Harms – supported a new City Hall as the most cost-effective option.
13. Thomas Price – supported construction of a new City Hall.
14. Kristen Taylor – supported construction of a new City Hall.
15. Michael Carrigan – asked for help finding spots for more rest stops.
16. Howard Davis – supported construction of a new City Hall.
17. Aliya Hall – spoke against demolition of City Hall.
18. Jenny Young – supported construction of a new City Hall.
19. Veronika Jonsson – supported construction of a new City Hall.
20. George Braddock – supported construction of a new City Hall.
21. Donald Driscoll – spoke against demolition of City Hall.
22. Anita Van Asperdt – supported construction of a new City Hall.
23. Michael Fifield – supported construction of a new City Hall.
24. Joe Valasek – supported construction of a new City Hall.
25. Dennis Casady – spoke against demolition of City Hall.
26. Don Bishoff – spoke against demolition of City Hall.
27. Ray Wiley – spoke against demolition of City Hall.
28. Eric Hall – spoke against demolition of City Hall.
29. Sarah Bennett – supported construction of a new City Hall and land swap.
30. Karl Eysenbach – spoke against demolition of City Hall.
31. Marston Morgan – spoke against demolition of City Hall.
32. Jenna Fribley – supported construction of a new City Hall.
33. Drix – said whatever is built should be a reverent space.
34. Moshe Immerman - supported a City Hall design that adapts for the future.
35. Kevin Matthews – spoke against a demolition of City Hall.
36. Michelle Billington – supported construction of a new City Hall.
37. Karen Daly – supported construction of a new City Hall.
38. Scott Bartlett – said citizens have a right to know the cost of City Hall.
39. Marvin Revoal – supported a level field for companies doing business with the City.
40. Juan Carlos Valle – supported discussion of how the City works with minority-owned businesses.

2. CONSENT CALENDAR

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to approve the items on the Consent Calendar. **PASSED 8:0.**

3. WORK SESSION: Disadvantaged/Minority City Contracting

Assistant Finance Director Vicki Silvers gave a presentation on the current process and guidelines the City follows when contracting for services.

Council discussion:

- Need open dialogue with community on its concerns and values.
- Need to be intentional to determine goals and outcomes.
- More information needed on solicitation, qualifying, and selection process.

Item 3.A.

The meeting adjourned at 9:49p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

ATTACHMENT C

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**September 24, 2014
12:00 p.m.**

Councilors Present: George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Piercy opened the September 24, 2014, City Council work session.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Brown, moved to change the first question to the end. **FAILED 2:5**, Councilors Taylor and Clark in support; Council Evans absent.

Council discussion:

- This is not a subject to debate until a time we have a decision if we are to remodel

A. WORK SESSION: City Hall

City Manager Jon Ruiz and Rowell Brokaw design team gave an update on the costs not accounted for in the 2011 Turner estimate and phase 1 conceptual construction cost comparison.

Council discussion:

- Escalation of costs would affect both build-new and renovate options.
- Format is difficult to follow; more time is needed to consider the data.
- Haven't considered what the loss of parking will cost.
- Council already voted to reject EWEB site.

QUESTION AND VOTE: Should the future city hall remain of the current site?
YES VOTE: 7:1, Councilor Clark opposed.

Council discussion:

- It will cost the City less money over time to build new and operate/maintain.
- Direction given numerous times to stay on current site.
- It is a disservice to community to have no plan for financing phase 2.

QUESTION: Should the future city hall be new construction or should the existing city hall be renovated?

MOTION TO TABLE AND VOTE: Councilor Brown, seconded by Councilor Taylor, moved to table the question. **FAILED 2:6**, Councilors Brown and Taylor in support.

VOTE: 6 new; 2 renovate, Councilors Brown and Taylor in favor of renovation.

Council discussion:

- Too early to vote; more in-depth information on phase 2 needed.
- New city hall is right for functionality, accessibility/community, sustainability, and cost.
- Civic involvement on this issue has been robust.
- Both options are feasible; decision less about cost and more about values.
- Design team has been professional, thorough and transparent.
- Seismic upgrades would significantly change the appearance of City Hall.
- Support for scheduling future work session on financing phase 2.

QUESTION AND VOTE: With the possible exception of demolishing the Council Chamber, should the current City Hall be demolished?

YES VOTE 5:3, Councilors Brown, Taylor, and Clark opposed.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Zelenka, moved to extend the meeting 10 minutes. **PASSED 7:2**, Councilor Zelenka and Poling opposed.

QUESTION AND VOTE: Should the new City Hall phase 1 be constructed on only one-half on the current city hall site? **YES VOTE 6:2**, Councilors Brown and Taylor opposed.

QUESTION: Should the existing Council Chamber be relocated on the City Hall block and mothballed either for part of phase 2 or for some other purpose?

Council discussion:

- Important preserve some semblance of our history.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Brown, moved to adjourn the meeting. **PASSED 8:0**.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: October 13, 2014
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 8, 2014

OCTOBER 13	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Annual Report from Police Commission		30 mins – EPD/Hawley
B. WS: Annual Report from Human Rights Commission		30 mins – CS/Kinnison
C. WS: Annual Report from Sustainability Commission		30 mins – CS/O’Sullivan

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Ceremonial Matters (Willamette High School Sustainability Program)		
2. Public Forum		
3. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
c. Adoption of Resolution for Annexation of 348 River Loop 1; A 14-4		PDD/Taylor
d. Adoption of Resolution for Annexation of Property at Barger Drive/Cedar Brook Drive; A 14-5		PDD/Dohrman
e. Resolution Authorizing Issuance of Revenue Bonds for Cascade Manor		CS/Cutsogeorge
f. Adjustment to Stellar Apartments Low-Income Rental Property Tax Exemption		PDD/Meyi-Galloway
g. Termination of Evergreen Low-Income Rental Property Tax Exemption		PDD/ PDD/Meyi-Galloway
4. PH: Ordinance on Public Contracting Code		CS/Silvers
5. WS: Island at Crest Drive and Lincoln		PW/Schoening

OCTOBER 15	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences: Piercy	
A. WS: MUPTE Program Revisions		90 mins – PDD/Braud

OCTOBER 20	MONDAY	** NOTE: 5:30 PM WORK SESSION ADDED **
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6:00 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: EWEB Riverfront Master Plan Update		60 mins – PDD/Braud

7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH: Ordinance Concerning Establishment of a Tax on Marijuana (<i>tentative</i>)		CAO

OCTOBER 22	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: South Willamette Area Planning		45 mins – PDD/Hostick
B. WS: Transportation System Plan Update		45 mins – PW/Yeiter

OCTOBER 27	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Cell Towers		45 mins – PDD/Nystrom
B. WS: Consolidated Plan Update		45 mins – PDD/Jennings

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch

A=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 8, 2014

- | | |
|--|--------------|
| b. Approval of Tentative Working Agenda | CS/Forrest |
| c. Annexation Resolution Approval for Cynthia and Thomas Dreyer (A 14-6) | PDD/Taylor |
| 3. Action: Ordinance on Public Contracting Code | CS/Silvers |
| 4. Action: Bascom Village Phase I Low-income Rental Property Tax Exemption | PDD/Jennings |
| 5. Action: Ordinance Concerning Establishment of a Tax on Marijuana (<i>tentative</i>) | CAO |

OCTOBER 29	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: State of Parks and Recreation Facilities		90 mins – PW/Carnagey; LRCS/Smith

NOVEMBER 10	MONDAY	** NOTE: JEO PUBLIC HEARING ADDED **
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC		
B. WS:		

7:30 p.m.	Joint Elected Officials Public Hearing	
Harris Hall	Expected Absences:	
1. Pledge of Allegiance to the Flag (Veterans Day)		
2. Public Hearing: Metro Plan Enabling Amendments and Chapter IV Code Procedures		

NOVEMBER 12	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Judicial Evaluation		45 mins – CS/Holmes
B. WS: On-Site Management		45 mins - PDD/Wisth

NOVEMBER 17	MONDAY
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7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences: Evans, Taylor	
1. PH: Judicial Evaluation		CS/Holmes
2. PH: Ordinance on Right-of-Way Use Franchise – MCI-Verizon Communications		CS/Berrian
3. PH: Extension of MUPTE Program Suspension		PDD/Braud
4. PH: MUPTE Program Revisions		PDD/Braud

NOVEMBER 19	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences: Piercy, Evans, Taylor	
A. Action: Judicial Evaluation		45 mins – CS/Holmes
B. Action: Extension of MUPTE Program Suspension		15 mins – PDD/Braud
C. Action: MUPTE Program Revisions		30 mins - PDD/Braud

NOVEMBER 24	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Library of the Future		90 mins – LRCS/Bennett

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

A=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 8, 2014

3. Action: Ordinance on Right-of-Way Use Franchise – MCI-Verizon Communications
4. Action: Metro Plan Enabling Amendments

CS/Berrian
PDD/Burke

NOVEMBER 26 WEDNESDAY

Noon Council Work Session

Harris Hall Expected Absences:

- A. WS: Envision Eugene Update 45 mins – PDD/Hostick
B. WS: Public Smoking Policy 45 mins -

DECEMBER 8 MONDAY

5:30 p.m. Council Work Session

Harris Hall Expected Absences:

- A. Committee Reports: PC, Lane Metro, Lane Workforce, LTD/EmX, OMPOC, McKenzie Watershed
B. WS: Civic Stadium 45 mins -
C. WS:

7:30 p.m. Council Meeting

Harris Hall Expected Absences:

1. Ceremonial matters (LTD Award)
2. Public Forum
3. Consent Calendar
 a. Approval of City Council Minutes CS/Bloch
 b. Approval of Tentative Working Agenda CS/Forrest
4. PH and Action: FY15 Supplemental Budget #1 CS/Silvers
5. PH and Action: URA Supplemental Budget CS/Silvers

DECEMBER 10 WEDNESDAY

Noon Council Work Session

Harris Hall Expected Absences:

- A. WS: Envision Eugene Update 45 mins – PDD/Burke
B. WS:

COUNCIL BREAK: December 11, 2014 – January 7, 2015

JANUARY 7 WEDNESDAY

5:30 p.m. State of the City Address

Hult Center Expected Absences:

- A. State of the City

JANUARY 12 MONDAY

5:30 p.m. Council Work Session

Harris Hall Expected Absences:

- A. Committee Reports: HRC, SC, HSC, LCOG, MPC, PSCC
B. WS:

7:30 p.m. Council Meeting

Harris Hall Expected Absences:

1. Consent Calendar
 a. Approval of City Council Minutes CS/Bloch
 b. Approval of Tentative Working Agenda CS/Forrest

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 8, 2014

JANUARY 14	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		
JANUARY 20	TUESDAY	
7:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
1. PH: Envision Eugene		PDD/Burke
JANUARY 21	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		
JANUARY 26	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager		30 mins
B. WS:		
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
JANUARY 28	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Envision Eugene		90 mins – PDD/Burke
FEBRUARY 9	MONDAY	
5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC		
B. WS:		
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest
FEBRUARY 11	WEDNESDAY	
Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		

A=action; PH=public hearing; WS=work session

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 8, 2014

FEBRUARY 17	TUESDAY
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7:30 p.m.	Council Public Hearing
Harris Hall	Expected Absences:
1. PH:	

FEBRUARY 18	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

FEBRUARY 23	MONDAY
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5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council and City Manager		30 mins
B. WS:		

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

FEBRUARY 25	WEDNESDAY
--------------------	------------------

Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

MARCH 9	MONDAY
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5:30 p.m.	Council Work Session
Harris Hall	Expected Absences:
A. Committee Reports: PC, Lane Metro, Lane Workforce, LTD/EmX, OMPOC, McKenzie Watershed	
B. WS:	
C. WS:	

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Bloch
b. Approval of Tentative Working Agenda		CS/Forrest

MARCH 11	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

COUNCIL BREAK: March 12, 2015 – April 13, 2015

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Adoption of a Resolution Annexing Land to the City of Eugene (Olson, William and Jana - A 14-4)

Meeting Date: October 13, 2014
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3C
 Staff Contact: Becky Taylor
 Contact Telephone Number: 541/682-5437

ISSUE STATEMENT

This item is a request by the property owner to annex 0.56 acres located at 348 River Loop 1, on the east side of River Loop 1, north of Grizzly Avenue. The property is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. The /UL overlay will be automatically dropped from the zoning following approval of the annexation. The property is designated as low-density residential. The applicant intends to file a zone change application for low-density residential, following annexation approval. The property currently has one single-family dwelling and has the potential to be further divided.

BACKGROUND

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board (EWEB). These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance and lack of testimony received, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

RELATED CITY POLICIES

The Metro Plan contains the policies that are related to this annexation request. The River Road Santa Clara Urban Facilities Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

COUNCIL OPTIONS

1. Adopt the draft resolution.
2. Adopt the draft resolution with specific modifications as determined by the City Council.
3. Deny the draft resolution.
4. Defer action until after the council holds a public hearing on the proposed annexation.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation be approved.

SUGGESTED MOTION

Move to adopt Resolution 5116, which approves the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

- A. Map of Annexation Request
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Legal Description
 - Exhibit B: Map of Annexation Request
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request



FOR MORE INFORMATION

Staff Contact: Becky Taylor, Associate Planner
Telephone: 541/682-5437
Staff E-Mail: becky.g.taylor@ci.eugene.or.us

Attachment A: Vicinity Map



Legend

-  EUG
-  Taxlots



Caution:
This map is based on imprecise source data, subject to change, and for general reference only.

September 15, 2014



RESOLUTION NO. _____

A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE (348 RIVER LOOP 1, AND IDENTIFIED AS ASSESSOR'S MAP 17-04-11-11, TAX LOT 8500).

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Land Whisperers LLC, on behalf of William D. Olson and Jana L. Olson, on July 9, 2014, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, ("EC") for annexation to the City of Eugene of the property identified as Assessor's Map 17-04-11-11, Tax Lot 8500.

B. The territory proposed to be annexed is described in Exhibit A attached to this Resolution, and depicted on the map attached as Exhibit B to this Resolution.

C. The City's Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director's Recommendation is attached as Exhibit C.

D. On September 9, 2014, a notice containing the street address and assessor's map and tax lot number, a description of the land proposed to be annexed, and the Planning Director's preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Santa Clara Community Organization. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 13, 2014.

E. After considering the Planning Director's recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based on the above findings and the Planning Director's Recommendation and Findings attached as Exhibit C, which are adopted in support of this Resolution, it is ordered that the land identified as Assessor's Map 17-04-11-11, Tax Lot 8500 as described in the attached Exhibit A and shown on the map attached as Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from AG/UL to AG pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the ____ day of October, 2014.

City Recorder

Exhibit A

Beginning at a point 322.52 feet South 00°30'00" East of a stone set for the beginning point of County Road No. 18, said stone being of record South 89°50'00" West 42.56 chains of a point 20.10 chains South of the Northeast corner of the L. Poindexter D.L.C. No. 52 in Township 17 South, Range 4 West of the Willamette Meridian; thence running South 89°50'00" East 245.00 feet; thence South 00°30'00" East 112.22 feet; thence South 89°45'00" West 245.00 feet; thence North 00°30'00" West 114.00 feet to the point of beginning, all in Lane County, Oregon.





Jonathan A. Oakes



Expires: DEC. 31, 2014

Olson, William and Jana (A 14-4)



-  Eugene City Limits
-  Annexation Area





**Planning Director's Recommendations and Findings:
Olson, William and Jana (A 14-4)**

Application Submitted: July 9, 2014	
Applicant: William and Jana Olson	
Map/Lot(s): 17-04-11-11: 8500	
Zoning: AG/UL Agricultural with Urbanizable Land Overlay	
Location: 348 River Loop 1	
Lead City Staff:	Becky Taylor, Associate Planner, (541) 682-5437

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is:					
<p>(a) Contiguous to the city limits; or (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</p>					
Findings: The annexation area is within the City's urban growth boundary (UGB), and is contiguous to the City limits, consistent with subsection (a). Abutting lands to the north and east are in City limits.					
<table border="1"> <tr> <td colspan="2">Complies</td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> </table>		Complies		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Complies					
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO				
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.					
Findings: The proposed annexation area is within the UGB. Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:					
<p>C. Growth Management, Goals, Findings and Policies:</p> <p><i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i></p> <p style="padding-left: 40px;"><i>a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.</i></p> <p style="padding-left: 40px;"><i>b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (Page II-C-4)</i></p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (Page II-C-4)</i></p> <p><i>Policy 16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for</i></p>					
<table border="1"> <tr> <td colspan="2">Complies</td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> </table>		Complies		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Complies					
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO				

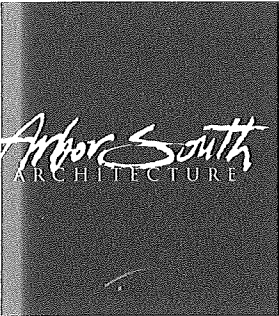
Exhibit C
Page 2 of 3

		<p><i>annexation may vary, annexation should occur as land transitions from urbanizable to urban. (Page II-C-5)</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for residential use. The <u>River Road/Santa Clara Urban Facilities Plan (RR/SC UFP)</u> is the adopted refinement plan for the subject properties and also designates the area for residential uses. The property is currently zoned AG/UL Agricultural with Urbanizable Land Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval. The applicant plans to file a zone change application to low-density residential following approval of the annexation.</p> <p>With regard to applicable policies of the <u>RR/SC UFP</u>, the subject property is not within a subarea; of the general “Residential Land Use Policies” at Section 2.2, none appear to be directly applicable to the subject request. The “Public Facilities and Services Element” policies of the <u>RR/SC UFP</u> are directed at local government; however, the premise of these policies (regarding the provision of urban services) is the assumption that the properties within the UGB will be annexed.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p>
<p>EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.</p>		
<p>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>		<p>Findings: The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p>Wastewater Public wastewater is provided by an existing 8-inch main located within River Loop 1, abutting the subject property to the west.</p> <p>Stormwater The roadside ditch along the west property boundary and River Loop 1 is intended for road runoff only. Additional stormwater runoff from future development of the property may require on-site detention and/or retention. Compliance with applicable stormwater development standards will be ensured during the development permit process.</p> <p>Streets The portion of River Loop 1 abutting the west boundary of the subject property is under Lane County’s jurisdiction. The need for any street improvements will be evaluated at the time of development.</p>

	<p>Solid Waste Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.</p> <p>Water & Electric Eugene Water and Electric Board (EWEB) staff states no objection to serving the proposed annexation, provided future development of the subject property complies with applicable policies and procedures. There is an existing six-inch water main located within the abutting segment of River Loop 1.</p> <p>Public Safety Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.</p> <p>Parks and Recreation A minimum level of park service can be provided to the proposal area by the city as prescribed in the <u>Metro Plan</u>. Terra Linda Park is located approximately 400 feet to the northeast.</p> <p>Planning and Development Services Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p>Communications CenturyLink (formerly Qwest) and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield area.</p> <p>Public Schools The subject property is within the Eugene 4J School district and is served by Awbrey Park Elementary School, Madison Middle School and North Eugene High School.</p>
--	--

CONCLUSION:

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.



ANNEXATION WRITTEN NARRATIVE

Consistency with approval criteria set out at EC 9.7825.

EC 9.7825 Annexation -- Approval Criteria. The City shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:

- (1) The land proposed to be annexed is within the city's urban growth boundary and is:
 - (a) Contiguous to the city limits; or
 - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.
- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.
- (3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

Regarding EC 9.7825(1)(a), the property is contiguous to the north and east with the lot that is within the city limits (Lot 1500, recently annexed under A13-7). As such, EC 9.7825(1)(b) does not apply.

Regarding EC 9.7825(2), Metro Plan Policy 1 "The UGB and sequential development shall continue to be implemented as an essential means to achieve compact urban growth. The provision of all urban services shall be concentrated inside the UGB."

This property currently is within the Eugene UGB. By submitting for annexation, given the adjacent properties that are already annexed, sequential development is achieved and compact urban growth is also maintained.

Policy 8 states "Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:

- a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner.
- b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan."

Key urban facilities already exist. Wastewater (MH49477) at River Loop 1 has an 8" stub to the property. Stormwater will be kept completely on-site. The property is already served by River Loop 1 for access. Awbrey Park, Arrowhead City Park and Whitely Landing County Park all serve and are near the site. Santa Clara RFPD currently serves the property and will be withdrawn upon annexation; City of Eugene Fire & EMS will be provided upon annexation. Electric service is already on site (EWEB) as well as an 8" water service is currently at River Loop 1.

Policy 10 states "Annexation to a city through normal processes shall continue to be the highest priority."

With the owner-initiated annexation request, the normal process is maintained.

Policy 16 states "Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban."

Since this land is already within the UGB, and the required minimum level of service is provided, the land is transitioning from urbanizable to urban.

Policy 18 states "As annexations to cities occur over time, existing special service districts within the UGB shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts."

The site is not part of a special service district.

Policy 20 states "Annexation of territory to existing service districts within the UGB shall occur only when the following criteria are met:

- a. Immediate annexation to a city is not possible because the required minimum level of key urban facilities and services cannot be provided in a timely manner (within five years, as outlined in an adopted capital improvements program);*
- b. Except for areas that have no fire protection, affected property owners have signed consent to annex agreements with the applicable city consistent with Oregon annexation law.*

Such annexations shall be considered as interim service delivery solutions until ultimate annexation to a city occurs."

For this property, key urban facilities are already adjacent to the property and affected property owners have signed a consent to annex agreement.

Policy 22 states "Cities shall not extend water or wastewater service outside city limits to serve a residence or business without first obtaining a valid annexation petition, a consent to annex agreement, or when a health hazard annexation is required."

For this property, key urban facilities are already adjacent to the property and affected property owners have signed a consent to annex agreement.

Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

WILLIAM D. OLSON AND JANA L. OLSON

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)

17-04-11-1-1-08500

Wastewater -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

X will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

MH 49477 AT RIVER LOOP 1 HAS AN 8" STUB TO THE PROPERTY

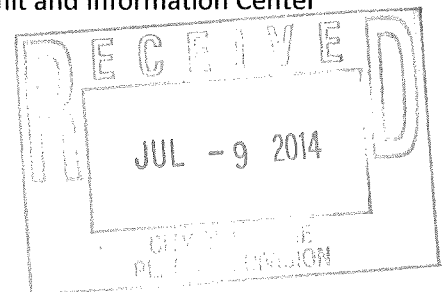
will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

Stormwater -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

NO



If yes,
location? _____

If no, how will stormwater be handled after development? -
WILL BE CONTAINED WITH ON SITE STORM SWALE SYSTEM

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. _____

RIVER LOOP 1

Will dedication for additional street right-of-way be required upon further development of this site?

_____ Yes _____ No X _____ Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

_____ Yes _____ No X _____ Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

Parks, Recreation, and Cultural Services

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

AWBREY PARK (NORTH), ARROWHEAD CITY PARK (WEST)

WHITELY LANDING COUNTY PARK (EAST)

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

Public Safety

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

For River Road/Santa Clara area-

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services (Please indicate which fire district serves subject property.)

X Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

_____ River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

Emergency medical transport (i.e., ambulance) services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

Planning and Development Services -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

EWEB (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

Electric Service – Which electric company will serve this site?

EWEB

Water Service -- Please provide the size and location of the water main closest to your property. _____.

8" AT WEST IN RIVER LOOP 1

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

PETITION

- * CB = Coburg
- CR = Creswell
- FL = Florence
- OA = Oakridge
- CG = Cottage Grove
- EU = Eugene
- JC = Junction City
- SP = Springfield

Petition Signature Sheet
 Annexation by Individuals

We, the following property owners/electors, consent to the annexation of the following territory to the City of (Insert Name of City):

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	✓ Land Owner	✓ Reg Voter	Acres (qty)
<i>William D. Olson</i>	7-8-14	WILLIAM D. OLSON	1390 GROSBECK COURT REDMOND, OR 97756	17-04-11-1-1-08500			
<i>Jana L. Olson</i>	7-8-14	JANA L. OLSON	1390 GROSBECK COURT REDMOND, OR 97756	17-04-11-1-1-08500			
3.							
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, Gary F. Martyn (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
 X *Gary F. Martyn* (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

The total landowners in the proposed annexation are 2 (qty). This petition reflects that 2 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

Lane County Department of Assessment and Taxation

Date Certified

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are 2. I hereby certify that this petition includes 0 valid signatures representing 0 (%) of the total active registered voters that are registered in the proposed annexation.

Lane County Clerk or Deputy Signature

Date Certified

Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17-04-11-1-1-08500 Address: 348 RIVER LOOP 1, EUGENE, OR

Legal Description:

Beginning at a point 322.52 feet South 00°30'00" East of a stone set for the beginning point of County Road No. 18, said stone being of record South 89°50'00" West 42.56 chains of a point 20.10 chains South of the Northeast corner of the L. Poindexter D.L.C. No. 52 in Township 17 South, Range 4 West of the Willamette Meridian; thence running South 89°50'00" East 245.00 feet; thence South 00°30'00" East 112.22 feet; thence South 89°45'00" West 245.00 feet; thence North 00°30'00" West 114.00 feet to the point of beginning, all in Lane County, Oregon.

In the corporate limits of said city, which is owned by the undersigned

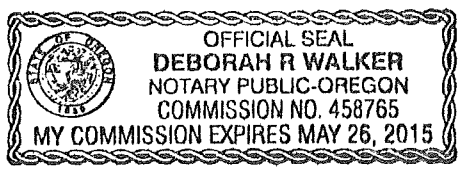
DATED this 8th day of July, 20 14.

Jana L Olson
William D. Olson

STATE OF OREGON)
)ss
County of)

On this 8th day of July, 20 14, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, William D. & Jana L Olson, who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Deborah Walker
Notary Public for Oregon
My Commission Expires 5-26-15

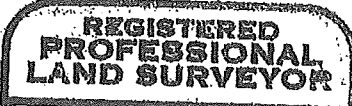
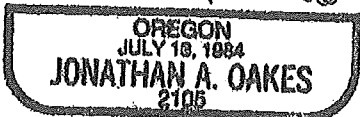
Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: Jonathan A. Oakes
Registered Land Surveyor

Print Name: JONATHAN A. OAKES

Date: July 2, 2014

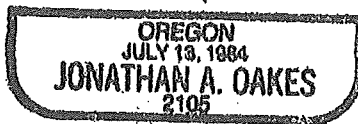
Seal: 
Jonathan A. Oakes

Expires: Dec. 31, 2014

Tax Map 17-04-11-1-1; Tax Lot 8500

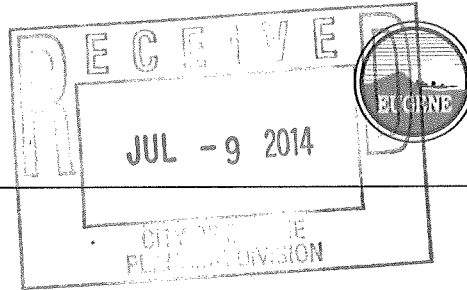
Beginning at a point 322.52 feet South 00°30'00" East of a stone set for the beginning point of County Road No. 18, said stone being of record South 89°50'00" West 42.56 chains of a point 20.10 chains South of the Northeast corner of the L. Poindexter D.L.C. No. 52 in Township 17 South, Range 4 West of the Willamette Meridian; thence running South 89°50'00" East 245.00 feet; thence South 00°30'00" East 112.22 feet; thence South 89°45'00" West 245.00 feet; thence North 00°30'00" West 114.00 feet to the point of beginning, all in Lane County, Oregon.



Jonathan A. Oakes



Expires: DEC. 31, 2014



Planning & Development Planning

City of Eugene
 99 West 10th Avenue
 Eugene, Oregon 97401
 (541) 682-5377
 (541) 682-5572 Fax
 www.eugene-or.gov

ANNEXATION APPLICATION

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-11-1-1	08500	AG/UL	0.56

Property Address: 348 River Loop 1, Eugene, Oregon

Plans for Future Development & Permit Number (if applicable): _____

Public Service Districts:

Name			
Parks:	River Road/Santa Clara Parks		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	EWEB		
Fire:	Santa Clara RFPD		
Schools:	Elementary: Awbrey Park	Middle: Madison	High: North Eugene
Other:			

Filing Fee

- A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement (Submit 5 copies)

- Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 8 copies of a site plan, drawn to an engineer's scale on 8 ½" x 14" sheet of paper. Site plans shall include the following information:

- Show the date & north arrow on site plan.
- Show the Assessor's Map and Tax Lot number(s) on the site plan.
- Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- Show city limits & UGB (if applicable)
- Clearly label the affected territory and any public right of ways to be annexed.
- Show all adjacent streets, alleys, and accessways.
- Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- Show the location of all existing structures.

Other Application Requirements (Submit 5 copies of all)

- Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- Notarized Consent to Annexation form.
- A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- Summary of Urban Service Provision form.
- A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- Census Information Sheet.

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 8500

Name (print): WILLIAM D. OLSON

Address: 1390 GROSBECK COURT

Email: _____

City/State/Zip: REDMOND, OREGON 97756

Phone: _____

Fax: _____

Signature: *William D. Olson*

PROPERTY OWNER OF TAX LOT: 8500

Name (print): JANA L. OLSON

Address: 1390 GROSBECK COURT

Email: _____

City/State/Zip: REDMOND, OREGON 97756

Phone: _____

Fax: _____

Signature: *Jana L. Olson*

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____

Email: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Signature: _____

SURVEYOR:

Name (print): DON MOGSTAD

Company/Organization: POAGE ENGINEERING

Address: 990 OBIE STREET

City/State/Zip: EUGENE, OREGON 97402

Phone: 541-485-4505 Fax: _____

E-mail: mogstad@poage.net

Signature: _____

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 8500

Name (print): WILLIAM D. OLSON

Address: 1390 GROSBECK COURT Email: _____

City/State/Zip: REDMOND, OREGON 97756 Phone: _____ Fax: _____

Signature: _____

PROPERTY OWNER OF TAX LOT: 8500

Name (print): JANA L. OLSON

Address: 1390 GROSBECK COURT Email: _____

City/State/Zip: REDMOND, OREGON 97756 Phone: _____ Fax: _____

Signature: _____

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____

Address: _____ Email: _____

City/State/Zip: _____ Phone: _____ Fax: _____

Signature: _____

SURVEYOR:

Name (print): TOM POAGE

Company/Organization: POAGE ENGINEERING

Address: 990 OBIE STREET

City/State/Zip: EUGENE, OREGON 97402 Phone: 541-485-4505 Fax: _____

E-mail: mogstad@poage.net

Signature: 

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Adoption of a Resolution Annexing Land to the City of Eugene (Barger Drive and Cedar Brook Drive - A 14-5)

Meeting Date: October 13, 2014
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3D
 Staff Contact: Rebekah Dohrman
 Contact Telephone Number: 541/682-5317

ISSUE STATEMENT

This item is a request to annex two tax lots, totaling 9.82 acres. The property is bordered by Barger Drive to the north, Cedar Brook Drive to the west, and is surrounded on all sides by the city limits. The property is zoned AG/UL/CAS Agricultural with the Urbanizable Land and Community Airport Safety overlays. The Metro Plan and the Bethel-Danebo Refinement Plan designate the subject property for low-density residential uses. The property is currently an open, undeveloped field. Following annexation, the applicant proposes to rezone the property to R-1 Low-Density Residential, and to subdivide the property for future single-family residential development.

BACKGROUND

In December 2007, the City Council adopted an ordinance establishing the procedures for annexation requests and amending Chapter 9 of the Eugene Code (EC) to include these procedures. These annexation procedures provide for the council to adopt a resolution approving, modifying and approving, or denying an application for annexation; or provide for the council to hold a public hearing before consideration of the annexation request.

Approval of annexation requests are based on the criteria at EC 9.7825 which require that (1) the land proposed to be annexed is within the city's Urban Growth Boundary (UGB) and is contiguous to the city limits or separated from city limits only by a right-of-way or water body; (2) the proposed annexation is consistent with the applicable policies in the Metro Plan and in any applicable refinement plans and (3) the proposed annexation will result in a boundary in which the minimal level of key urban facilities and services can be provided in an orderly, efficient, and timely manner. Draft findings demonstrating that the annexation request is consistent with these approval criteria are included as Exhibit C to the draft resolution (Attachment B).

Public notice for this annexation request was provided in accordance with Eugene Code requirements, and no written testimony has been received. Referral comments were provided by affected agencies including City of Eugene Public Works and Eugene Water & Electric Board (EWEB). These referral comments confirm that the property can be provided with the minimum level of key urban services consistent with the approval criteria. Given the findings of compliance and lack of testimony received, a public hearing is not recommended in this instance.

Additional background information regarding this request, including relevant application materials, is included for reference as Attachment C. A full copy of all materials in the record is also available at the Permit and Information Center located at 99 West 10th Avenue.

RELATED CITY POLICIES

The Metro Plan contains the policies that are related to this annexation request. The Bethel-Danebo Refinement Plan is the refinement plan applicable to the subject properties. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

COUNCIL OPTIONS

1. Adopt the draft resolution.
2. Adopt the draft resolution with specific modifications as determined by the City Council.
3. Deny the draft resolution.
4. Defer action until after the council holds a public hearing on the proposed annexation.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the draft resolution by finding that the request complies with all applicable approval criteria, and that the annexation is approved.

SUGGESTED MOTION

Move to adopt Resolution 5117, which approves the proposed annexation request consistent with the applicable approval criteria.

ATTACHMENTS

- A. Map of Annexation Request
- B. Draft Annexation Resolution with Exhibits A through C
 - Exhibit A: Map of Annexation Request
 - Exhibit B: Legal Description
 - Exhibit C: Planning Director Findings and Recommendation
- C. Application Materials for Annexation Request

FOR MORE INFORMATION

Staff Contact: Rebekah Dohrman, Associate Planner
Telephone: 541/682-5317
Staff E-Mail: rebekah.l.dohrman@ci.eugene.or.us

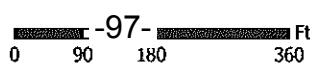
Attachment A Map of Annexation Request



Legend

- EUG
- Taxlots

Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.



September 17, 2014



RESOLUTION NO. _____

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(PROPERTY IDENTIFIED AS ASSESSOR’S MAP 17-04-20-12, TAX
LOTS 100 AND 200).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Anthony J. Favreau on behalf of Bruce Wiechert on August 11, 2014, in accordance with the provisions of Section 9.7810(2) of the Eugene Code, 1971, (“EC”) for annexation to the City of Eugene of the property identified as Assessor’s Map 17-04-20-12, Tax Lots 100 and 200.

B. The territory proposed to be annexed is depicted on the map attached as Exhibit A to this Resolution. The legal description of the property described is attached to this Resolution as Exhibit B.

C. The City’s Planning Director has submitted a written recommendation that the application be approved based on the criteria of EC 9.7825. The Planning Director’s Recommendation is attached as Exhibit C.

D. On September 12, 2014, a notice containing the street address and assessor’s map and tax lot number, a description of the land proposed to be annexed, and the Planning Director’s preliminary recommendation was mailed to the applicants, owners and occupants of property within 500 feet of the subject property, and the Active Bethel Citizens. The notice advised that the City Council would consider the Planning Director’s full recommendation on the proposed annexation on October 13, 2014.

E. After considering the Planning Director’s recommendation, the City Council finds that the application should be approved.

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

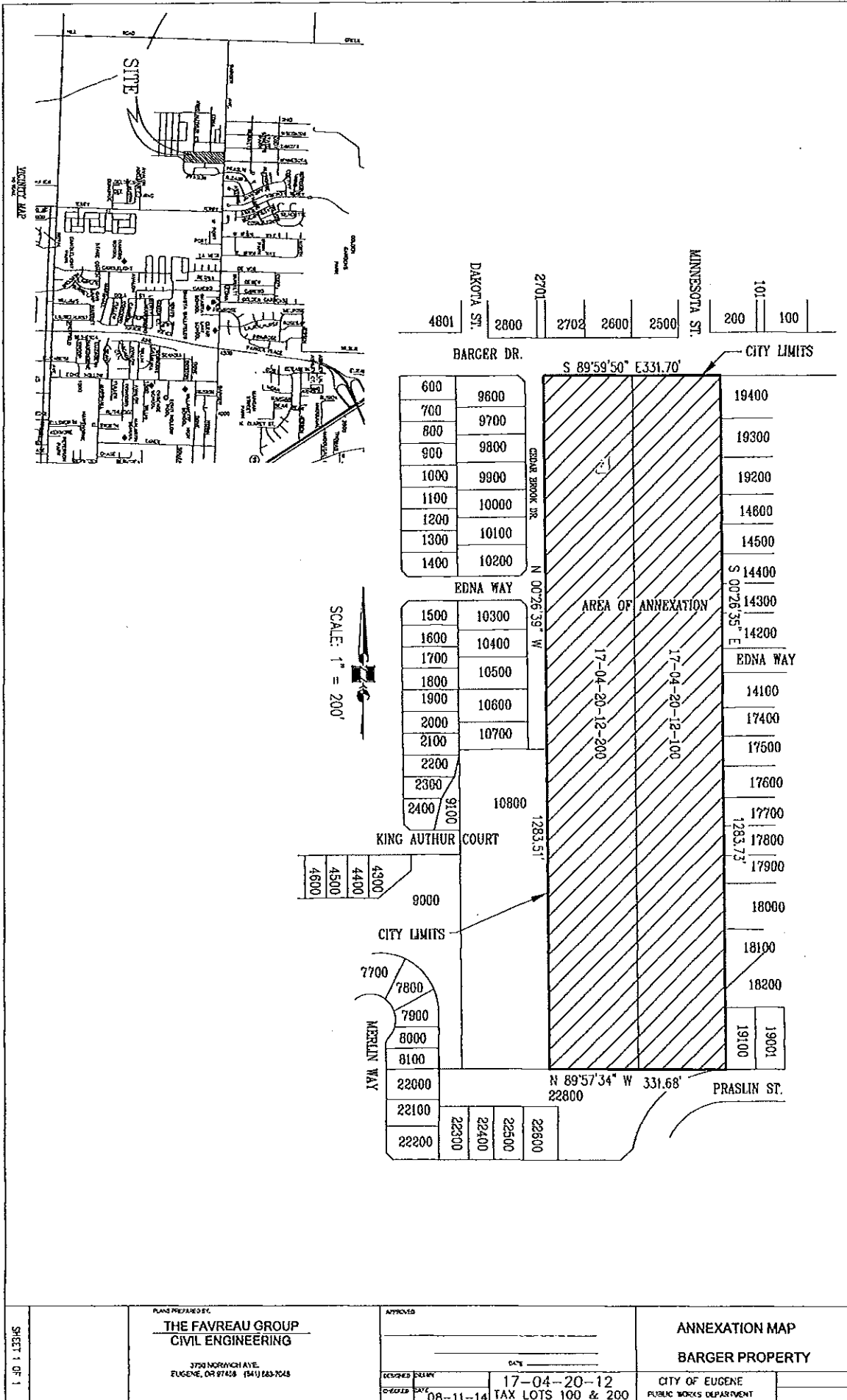
Section 1. Based on the above findings and the Planning Director’s Recommendation and Findings attached as Exhibit C which are adopted in support of this Resolution, it is ordered that the land identified as Assessor’s Map 17-04-20-12, Tax Lots 100 and 200 on the map attached as Exhibit A, and described in the attached Exhibit B, is annexed to the City of Eugene.

Section 2. This Resolution is effective immediately upon its passage by the City Council. The annexation and automatic rezoning of the land from AG/UL/CAS to AG/CAS pursuant to EC 9.7820(3) shall become effective in accordance with State law.

The foregoing Resolution adopted the ____ day of October, 2014.

City Recorder

Exhibit A



SHEET 1 OF 1	PLANS PREPARED BY THE FAVREAU GROUP CIVIL ENGINEERING 3750 NORWICH AVE. EUGENE, OR 97408 (541) 883-7048	APPROVED _____ DATE _____-_____-_____	ANNEXATION MAP BARGER PROPERTY
		CHECKED BY 17-04-20-12	CITY OF EUGENE
		CHECKED DATE 08-11-14	TAX LOTS 100 & 200 PUBLIC WORKS DEPARTMENT

Exhibit B

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 13 OF CEDAR BROOK SUBDIVISION, RECORDED AS DOCUMENT NUMBER 2006-062615, LANE COUNTY DEEDS AND RECORDS; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 13 NORTH $00^{\circ}26'39''$ WEST 1283.51 FEET TO THE SOUTH LINE OF BARGER DRIVE; THENCE SOUTH $89^{\circ}59'50''$ EAST 331.70 FEET; THENCE SOUTH $00^{\circ}26'35''$ EAST 1283.73 FEET; THENCE NORTH $89^{\circ}57'34''$ WEST 331.68 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

EXHIBIT C



**Planning Director's Recommendations and Findings:
Barger Drive and Cedar Brook Drive (Wiechert, Bruce) (A 14-5)**

Application Submitted: August 11, 2014	
Applicant: Bruce Wiechert	
Map/Lot(s): 17-04-20-12: 100 and 200	
Zoning: AG/UL/CAS – Agricultural with Urbanizable Land and Community Airport Safety overlay zones	
Location: Barger Drive and Cedar Brook Drive	
Representative: Anthony Favreau, The Favreau Group	
Lead City Staff:	Rebekah Dohrman, Associate Planner, (541) 682-5317

EVALUATION:

Based on the information provided by the applicant, the City has determined that this request complies with Eugene Code (EC) Section 9.7805 Annexation - Applicability. As such, it is subject to review and approval in accordance with the requirements, application criteria and procedures of EC 9.7800 through 9.7835. The applicable approval criteria are presented below in bold typeface with findings and conclusions following each.

<p>EC 9.7825(1) The land proposed to be annexed is within the city's urban growth boundary and is: (a) Contiguous to the city limits; or (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</p>	
<p>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: The area to be annexed includes two tax lots totaling 9.82 acres. The annexation area is within the City's urban growth boundary and is contiguous to the city limits along all of it boundary lines.</p>
<p>EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.</p>	
<p>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: Several policies from the <u>Metro Plan</u> generally support this annexation by encouraging compact urban growth to achieve efficient use of land and urban service provisions within the UGB, including the following:</p> <p>C. Growth Management, Goals, Findings and Policies: <i>Policy 8. Land within the UGB may be converted from urbanizable to urban only through annexation to a city when it is found that:</i> a. A minimum level of key urban facilities and services can be provided to the area in an orderly and efficient manner. b. There will be a logical area and time within which to deliver urban services and facilities. Conversion of urbanizable land to urban shall also be consistent with the Metro Plan. (page II-C-4)</p> <p><i>Policy 10. Annexation to a city through normal processes shall continue to be the highest priority. (page II-C-4).</i></p>

	<p><i>Policy 16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban. (page II-C-5)</i></p> <p>The <u>Metro Plan</u> designates the annexation area as appropriate for low density residential use.</p> <p>The <u>Bethel Danebo Neighborhood Refinement Plan (1982) (the Refinement Plan)</u> is the adopted refinement plan for the annexation area and also designates the area for residential uses. The subject property is currently zoned AG/UL/CAS Agricultural with Urbanizable Land and Community Airport Safety overlay zones. Upon annexation, the /UL overlay will automatically be removed. Following annexation, the applicant plans on rezoning the subject property to R-1 Low-Density Residential and to subdivide the property for single-family development.</p> <p>With regard to applicable policies of the Refinement Plan, the subject property is designated as low density residential. None of the policies found in the Refinement Plan appear to be directly applicable to the annexation area.</p> <p>As previously discussed in this subsection, and further detailed under subsection (3) below, the proposed annexation is consistent with <u>Metro Plan</u> growth management policies and can be served by the minimum level of key urban services. The annexation procedures beginning at EC 9.7800 are consistent with State law and therefore, as found throughout this report, the annexation is consistent with State law.</p>
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EC 9.7825(3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient, and timely manner.

<p>Complies</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Findings: The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services can be provided in an orderly, efficient, and timely manner as detailed below:</p> <p>Wastewater Public wastewater is available to serve the subject property. An 8-inch main line is located within Edna Way, the abutting street to the east. Also an 8-inch main line is located within Cedar Brook Drive, the abutting street to the west. The applicant confirms that they will extend public wastewater within the subject property at the time of development, at the developer's expense.</p> <p>Stormwater Public stormwater facilities are available to serve this site. There are public mainlines of</p>
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varied diameters within the abutting streets. Stormwater runoff generated by development may be accommodated on-site, or discharged to a new stormwater flood control facility constructed by the applicant. Compliance with applicable stormwater development standards will be ensured at the time of development.

The applicant confirms that future development of the subject property will include onsite stormwater management facilities to infiltrate all runoff within the bounds of the subject property. Available data indicates that the site is suitable for infiltration. This type of stormwater management is preferred in the City's stormwater development standards, for providing pollution-reduction and minimizing contributing flows to the public system and to more closely mimic the natural hydrological cycle. Compliance with the stormwater development standards for pre-treatment and any detention requirements will be confirmed during the development permit process.

Streets

The west property boundary abuts Cedar Brook Drive. There are 1' reserve strips that exist along the east margin of Cedar Brook Drive in order to prevent access to the subject property; a formal release of the reserve strips may be initiated when the property develops.

Another 1' reserve strip currently prevents access to Edna Way, a 60' wide local city street abutting the east property boundary, until the property develops.

The north property boundary abuts Barger Drive, which is classified as a minor arterial with a planned right-of-way width according to the adopted street classification and right-of-way maps.

Street improvements will be determined at the time of property development.

Solid Waste

Collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water & Electric

Eugene Water and Electric Board (EWEB) services are available to serve the subject property. Referral comments from EWEB staff state no objections to the proposed annexation and include contact information for obtaining additional service information.

Public Safety

Police protection can be extended to this site upon annexation consistent with service provision through the City. Fire protection services and ambulance services are currently provided to the subject property by the City of Eugene. Emergency medical services are currently provided on a regional basis by the cities of Eugene and Springfield to central Lane County and will continue in the same manner upon annexation.

Parks and Recreation

	<p>A minimum level of park service can be provided to the proposal area as prescribed in the <u>Metro Plan</u>. Echo Hollow Park is located approximately 2 miles to the east of the subject property.</p> <p>Planning and Development Services Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, will provide the required land use controls for future development of the subject property upon annexation.</p> <p>Communications CenturyLink (formerly Qwest) and a variety of other telecommunications providers offer services throughout the Eugene/Springfield area.</p> <p>Public Schools The subject property is within the Bethel School District and is served by Meadow View Elementary School, Meadow View Middle School and Willamette High School.</p>
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CONCLUSION:

Based on the above findings, the proposed annexation is found to be consistent with the applicable approval criteria. The Planning Director recommends that City Council approve this annexation proposal. The effective date is set in accordance with State law.

ATTACHMENT C
APPLICATION MATERIALS

ANNEXATION NARRATIVE

APPLICANT: Anthony J Favreau **PHONE:** (541) 683-7048
SURVEYOR: Roberts Surveying Inc. **PHONE:** (541) 345-1112
CIVIL ENGINEER: The Favreau Group **PHONE:** (541) 683-7048
DATE: August 11, 2014
MAP: 17-04-20-12, Tax Lots 100 & 200
SITE ADDRESS: Barger Drive, Eugene, Oregon

Present Request:

The present request is for approval to annex the subject property into the City of Eugene.

Approval Criteria:

The following findings demonstrate that the proposed annexation area will comply with all applicable approval criteria and related standards as set forth in EC 9.7825. The approval criteria and related standards are listed below, with findings addressing each.

EC 9.7825: Annexation - Approval Criteria. The city council shall approve, modify and approve, or deny a proposed annexation based on the application's consistency with the following:

- (1) The land proposed to be annexed is within the city's urban growth boundary and is:
- (a) Contiguous to the city limits; or
 - (b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

Response: The proposed property is contiguous to the city limits along all of the boundary lines.

- (2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.

Response: The proposed property is designated as low density residential zoned land within the Metro Plan and the Bethel-Danebo Refinement Plan. The proposal complies with the site's low density residential designation on the Metro Plan Diagram and the Bethel-Danebo Refinement Plan Land Use Diagram. In this instance, there are no specific codified policies from the Metro Plan or Bethel-Danebo Refinement Plan beginning at EC 9.9560 which serve as mandatory approval criteria or would generate any additional requirements for the proposed subdivision.

The Bethel-Danebo Refinement Plan is the applicable adopted plan for the area of the requested subdivision. The land use diagram of the Bethel-Danebo Refinement Plan designates the subject property for low density residential use, which is consistent with the proposed subdivision.

The subject property is also located within the West Bethel-Danebo Subarea, as identified within the Bethel-Danebo Refinement Plan. The Bethel-Danebo Refinement Plan policies and proposed actions specific to the West Bethel-Danebo Subarea are primarily focused on future residential development in the area. They do not identify any requirement relevant to the proposed residential zone.

- (3) The proposed annexation will result in a boundary in which the minimum level of key urban facilities and services, as defined in the Metro Plan, can be provided in an orderly, efficient and timely manner.

Response: The proposed annexation boundary extends the current city limits line that is on the north, south, east and west boundaries. All key urban facilities and services are available to the property and surrounding areas at this time. The wastewater and stormwater facilities will be extended at the developer's expense. The stormwater will be treated onsite.

Bethel-Danebo Refinement Plan Proposals.

1. Site review procedures should be required for review of the commercial portion of the node and planned unit development procedures for review of the residential portion of the node.

Response: The subject property is not within the nodal area and therefore this does not apply.

2. Adequate automobile access should be required to serve the residential area bounded by Greenhill Road, Royal Avenue, Terry Street, and Barger Avenue without dividing or splitting the proposed development node, avoiding a through automobile traffic movement within a residential area.

Response: The subject property is not within the nodal area and therefore this does not apply.

3. Safe and adequate pedestrian and bicycle access should be provided either within the public right-of-way or as an independent easement or route.

Response: The subject property will provide pedestrian and bicycle access via public streets.

4. The proposed commercial uses should consider existing and proposed uses within the commercial areas located at Royal Avenue and Danebo Avenue and at Barger Avenue between East Irwin Way and West Irwin Way.

Response: The subject property is not within the commercial areas and therefore this does not apply.

5. Based on the intent of a neighborhood-oriented commercial district, proposed uses should be those suggested by the Metropolitan Area General Plan.

Response: The subject property is not within the commercial areas and therefore this does not apply.

6. The development node and, in particular, the commercial portion should be oriented and have direct ingress and egress onto Royal Avenue, since no additional arterials are projected west of Beltline Road in the west Bethel-Danebo area.

Response: The subject property is not within the nodal area and therefore this does not apply.

The applicant is proposing annexation of tax lots 7600, 7601, and 7602 of tax map 17-03-08-00 and tax lot 1500 of tax map 17-03-08-31. Based on this written narrative and the supporting documents, the applicant has demonstrated that this application is consistent both the criteria and intention of the Eugene City Code as set forth in EC 9.7825.

Application #: C * 2008 - _____
For City Use Only

- * CB = Coburg
- CG = Cottage Grove
- CR = Creswell
- EU = Eugene
- FL = Florence
- JC = Junction City
- OA = Oakridge
- SP = Springfield

PETITION

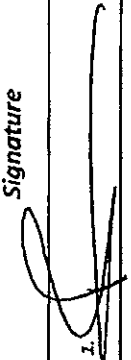
Petition Signature Sheet
Annexation by Individuals

RECEIVED

AUG 11 2014

Lane County
Assessment & Taxation

We, the following property owners/electors, consent to the annexation of the following territory to the City of (Insert Name of City):

Signature	Date Signed m/d/y	Print Name	Residence Address (street, city, zip code)	Map and Tax Lot Number (example: 17-04-03-00-00100)	Land Owner	Reg Voter	Acres (qty)
	8/7/14	BRUCE WIECHERT		17-04-20-12-100 17-04-20-12-200	✓ ✓	✓ ✓	4.91 4.91
2.							
3.							
4.							
5.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, ANTHONY J. FAVREAU (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
X Anthony J. Favreau (signature of circulator)

CERTIFICATION OF PROPERTY OWNERS

The total landowners in the proposed annexation are 1 (qty). This petition reflects that 1 (qty) landowners (or legal representatives) listed on this petition represent a total of 100 (%) of the landowners and 100 (%) of the acres as determined by the map and tax lots attached to the petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

A. Stavrou
Lane County Department of Assessment and Taxation
8-11-14
Date Certified

CERTIFICATION OF ELECTORS

The total active registered voters in the proposed annexation are _____. I hereby certify that this petition includes _____ valid signatures representing _____ (%) of the total active registered voters that are registered in the proposed annexation.

Lane County Clerk or Deputy Signature

Date Certified



LANE COUNTY

Property Account Summary
As Of 8/11/2014 Status: Active

Account No.: 0405587 Alternate Property Number: 1704201200100
 Account Type: Real Property
 TCA: 05227
 Situs Address: ADDRESS UNKNOWN
 OR
 Legal: Township 17 Range 04 Section 20 Quarter 12 TL 00100

Parties:

Role	Name & Address
Owner	BRUCE WIECHERT CUSTOM HOMES INC 3073 SKYVIEW LN EUGENE OR 97405
Taxpayer	BRUCE WIECHERT CUSTOM HOMES INC 3073 SKYVIEW LN EUGENE OR 97405

Property Values:

Value Name	2013	2012	2011
MKTTL	\$260,294	\$267,525	\$328,983
AVR	\$91,536	\$88,870	\$86,282
TVR	\$91,536	\$88,870	\$86,282

Property Characteristics:

Tax Year	Characteristic	Value
2013	Property Class	190 Potential dev vacant
	Change Property Ratio	1XX Residential
	Size	4.91
	Code Split	N
	Neighborhood	521500

Exemptions:

(End of Report)



LANE COUNTY

Property Account Summary

As Of 8/11/2014 Status: Active

Account No.: 0405595 Alternate Property Number: 1704201200200
 Account Type: Real Property
 TCA: 05227
 Situs Address: 5430 BARGER DR
 EUGENE OR 97402
 Legal: Township 17 Range 04 Section 20 Quarter 12 TL 00200

Parties:

Role	Name & Address
Owner	BRUCE WIECHERT CUSTOM HOMES INC 3073 SKYVIEW LN EUGENE OR 97405
Taxpayer	BRUCE WIECHERT CUSTOM HOMES INC 3073 SKYVIEW LN EUGENE OR 97405

Property Values:

Value Name	2013	2012	2011
MKTTL	\$306,487	\$313,795	\$375,505
AVR	\$134,170	\$130,262	\$126,468
TVR	\$134,170	\$130,262	\$126,468

Property Characteristics:

Tax Year	Characteristic	Value
2013	Property Class	191 Potential dev improved
	Change Property Ratio	1XX Residential
	Size	4.91
	Code Split	N
	Neighborhood	521500

Exemptions:

(End of Report)

Consent to Annexation

Consent is hereby given to the annexation by the City of Eugene, Oregon of the following described real property:

Map and Tax Lot: 17-04-20-12-0100,0200 Address: Barger Drive

Legal Description:
See attached

In the corporate limits of said city, which is owned by the undersigned

DATED this 7th day of August, 2014.

[Signature]

STATE OF OREGON)
County of Lane)ss

On this 7 day of August, 2014, before me, the undersigned, a notary public in and for the said county and state, personally appeared the within-named, Bruce Weckert, President of Bruce Weckert Custom Homes, Inc. who is known to me to be the identical individual described herein and who executed the same freely and voluntarily.

Seal:



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

[Signature]

Notary Public for Oregon
My Commission Expires 1-7-2016

EXHIBIT "A"

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 13 OF CEDAR BROOK SUBDIVISION, RECORDED AS DOCUMENT NUMBER 2006-062615, LANE COUNTY DEEDS AND RECORDS; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 13 NORTH $00^{\circ}26'39''$ WEST 1283.51 FEET TO THE SOUTH LINE OF BARGER DRIVE; THENCE SOUTH $89^{\circ}59'50''$ EAST 331.70 FEET; THENCE SOUTH $00^{\circ}26'35''$ EAST 1283.73 FEET; THENCE NORTH $89^{\circ}57'34''$ WEST 331.68 FEET TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

Certification of Description

Pursuant to EC 9.7810(7), Annexation Application Requirements, I hereby certify the metes and bounds description of the real property proposed for annexation closes; and the map outlining the boundary is a true representation of the description.

Signature: _____

Registered Land Surveyor

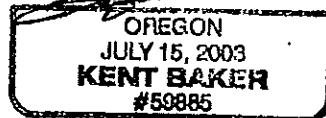
Print Name: _____

Kent Baker

Date: _____

8/8/14

Seal:



Expires 12-31-15

Summary of Urban Service Provision

This form is intended as a guide to assist applicants in demonstrating that a minimum level of key urban services can be provided to the area proposed for annexation. Space is provided on this form for you to provide detailed information on service provision. Please add additional pages if necessary to provide details of servicing issues related to the area you are annexing. To assist you in providing this information, some contacts are listed below. For large or difficult to serve properties, you may wish to contact a private land use planning consultant to prepare your application.

Property Owner(s) Name:

Bruce Wiechert Custom Homes, Inc.

Assessor's Map and Tax Lot Numbers for Properties Proposed for Annexation
(For example: Map 17-03-19-31, Tax Lot 100)

17-04-20-12-100, 200

Wastewater -- All new development must connect to the wastewater (sanitary sewer) system. Is wastewater service available to serve the area proposed for annexation? (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

The property(ies) in this annexation request:

will be served from an existing gravity wastewater line.

Location and size of existing wastewater line:

will be served by an extension of an existing gravity wastewater line.

Where will a wastewater line be extended from? When will it be extended? By whom?

8" WW in Edna Way and King Authur Ct.

Stormwater -- Site plans for all new development must provide for drainage to an approved system consistent with the Comprehensive Stormwater Management Plan. City approval for storm drainage will be required as part of the development process. (For more information, contact the Engineering staff at the City of Eugene Permit and Information Center or call 541-682-8400.)

Is the site currently served by an approved stormwater system?

Yes

If yes,
location? 24" SD in Edna Way and King Authur Ct.

If no, how will stormwater be handled after development? -

Streets – What existing streets provide access to this site. List existing streets that provide access to this site from River Road, the Northwest Expressway, or Beltline Highway. _____

Barger Drive

Will dedication for additional street right-of-way be required upon further development of this site?

Yes No Unknown

Will existing streets be extended or new streets constructed upon further development of this site?

Yes No Unknown

(For more information, contact the City of Eugene Public Works staff at (682-6004.)

Parks, Recreation, and Cultural Services

Systems Development revenues generated by new development and Ballot Measure 20-30, which authorized the issuance of \$25.3 million in general revenue bonds, will help to fund future City park acquisition and development in this area and throughout the city. Please list the parks and recreation facilities that already exist or are planned in the general vicinity of the property(ies) included in this annexation:

Echo Hollow Park

Key services, defined by the Metropolitan Plan as parks and recreation programs, will be available to new city residents in this area on an equal basis with residents throughout the city.

Public Safety

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city.

For River Road/Santa Clara area-

Police services - Police protection can be extended to this site upon annexation consistent with service provision throughout the city. Police currently travel along River Road to provide service to areas throughout the River Road and Santa Clara area. Infill annexations and development in this area will increase the efficiency of service delivery to this area.

Fire and emergency services (Please indicate which fire district serves subject property.)

_____ Santa Clara - Fire protection services are currently provided to the subject property by the Santa Clara Rural Fire Protection District.

_____ River Road - Fire and emergency services - Fire protection is currently provided to the subject property by the River Road Water District under contract with the City of Eugene. Upon annexation, fire protection will be provided directly by the City of Eugene Fire & EMS Department.

Emergency medical transport (i.e., ambulance) services are currently provided on a regional basis by Eugene, Springfield, and Lane Rural Fire/Rescue to central Lane County, including the River Road and Santa Clara areas. After annexation, this service will continue to be provided by the current provider. All ambulance service providers have mutual aid agreements and provide back-up service into the other providers' areas.

Planning and Development Services -- Planning and building permit services are provided to the area outside the city limits but within the urban growth boundary by the City of Eugene. This service would continue after annexation.

EWEB (Eugene Water and Electric Board) currently provides water and electric service in the Eugene area and can provide service to new development in the River Road and Santa Clara area upon annexation. Some properties in northern Eugene receive electric service from EPUD (Emerald People's Utility District). Some properties in south Eugene receive electric services from the Lane Electric Cooperative; please note if this is the case for your property. For more information contact EWEB, ph. 484- 2411, EPUD, ph. 746-1583 or Lane Electric Co-op, 484-1151.

Electric Service -- Which electric company will serve this site?

EWEB

Water Service -- Please provide the size and location of the water main closest to your

property. _____

8" in Edna Way

Solid Waste -- Solid waste collection service is provided by private firms. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Natural Gas -- Northwest Natural Gas can extend service to new development in this area.

Communications -- US West Communications and a variety of other telecommunications providers offer communications services throughout the Eugene/Springfield Area.

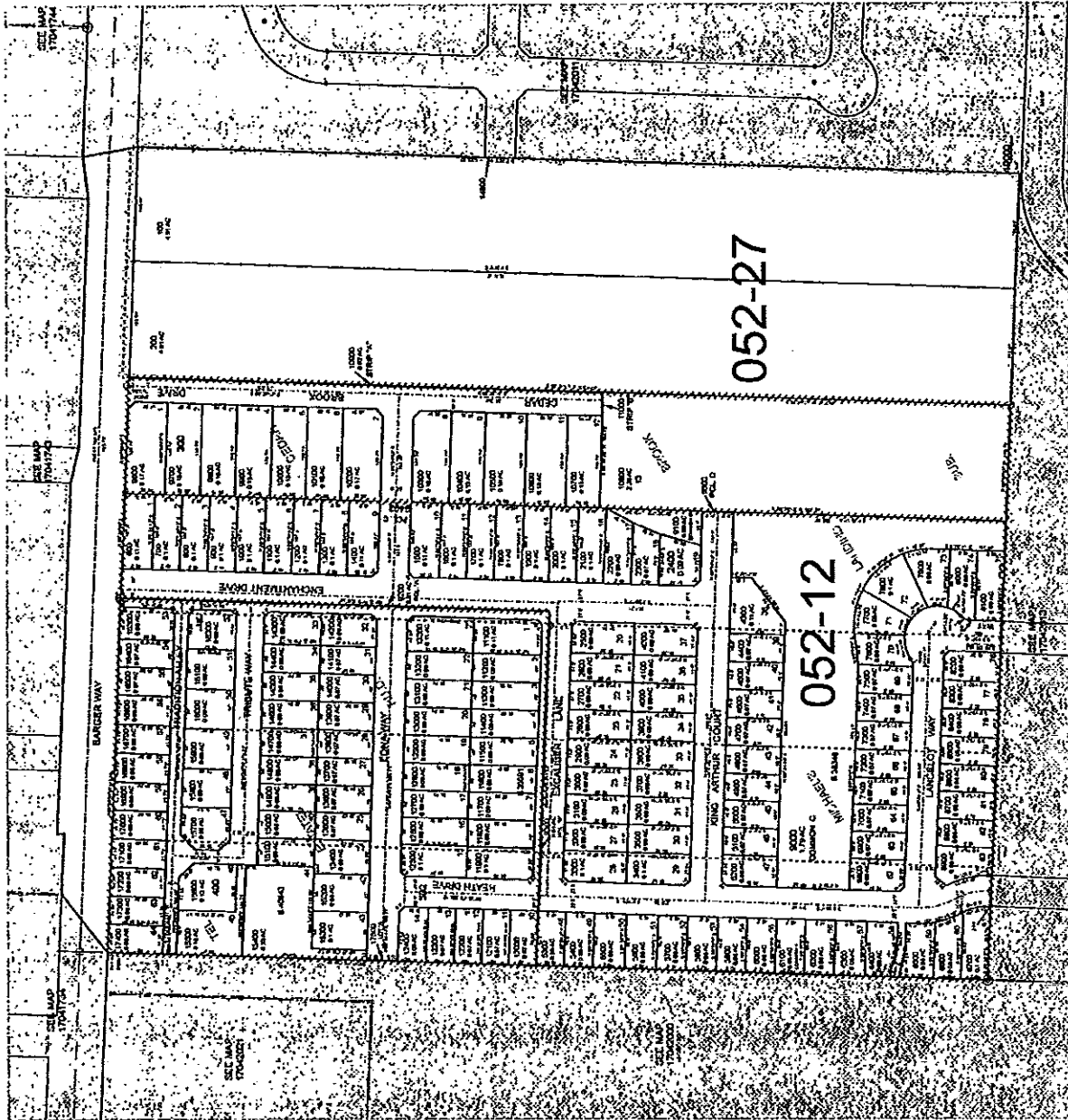
17042012
EUGENE

Map 9 - 2005-11-13 14:27

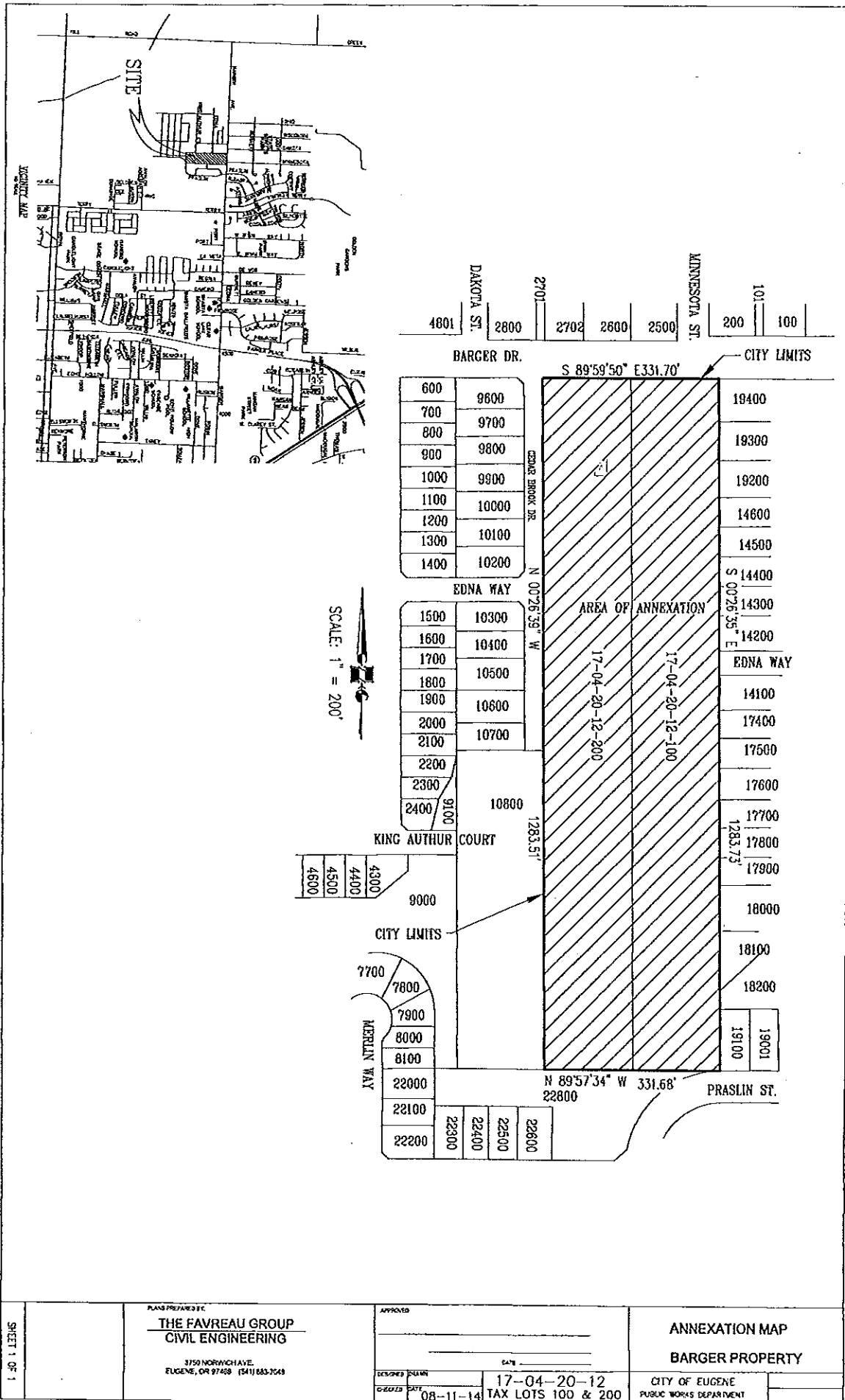
N.W.1/4 N.E.1/4 SEC. 20 T.17S. R.4W. W.M.
Lane County
1" = 100'

FOR ASSIGNMENT AND
TAXATION ONLY

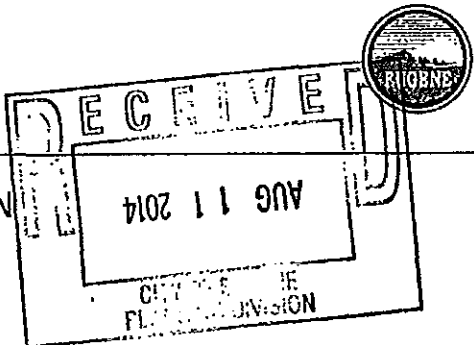
CANCELLED
400
500
600
700
800
900
1000



EUGENE
17042012



AUG 11 2014



ANNEXATION APPLICATION

Planning & Development Planning
 City of Eugene
 99 West 10th Avenue
 Eugene, Oregon 97401
 (541) 682-5377
 (541) 682-5572 Fax
 www.eugene-or.gov

Please complete the following application checklist. Note that additional information may be required upon further review in order to adequately address the applicable criteria for approval. If you have any questions about filling out this application, please contact Planning staff at the Permit and Information Center, phone (541)682-5377, 99 West 10th Avenue, Eugene.

List all Assessor's Map and Tax Lot numbers of the property included in the request.

Assessor's Map	Tax Lot	Zoning	Acreage
17-04-20-12	0100	AG	4.91
17-04-20-12	0200	AG	4.91

Property Address: Barger Drive

Plans for Future Development & Permit Number (if applicable): Proposed 52+ Lot Residential Subdivision

Public Service Districts:

Name			
Parks:	Echo Hallow		
Electric:	EWEB		
Water:	EWEB		
Sanitary Sewer:	City of Eugene		
Fire:	Zumwalt RFPD		
Schools:	Elementary: Clearlake	Middle: Shasta	High: Willamette
Other:			

Filing Fee

A filing fee must accompany all applications. The fee varies depending upon the type of application and is adjusted periodically by the City Manager. Check with Planning staff at the Permit and Information Center to determine the required fee or check website at www.eugeneplanning.org

Written Statement (Submit 5 copies)

- Submit a detailed written statement describing **how** this request is consistent with all applicable criteria (Section 9.7825 of the Eugene Code).

Site Plan Requirements

Submit 8 copies of a site plan, drawn to an engineer's scale on 8 1/2" x 14" sheet of paper. Site plans shall include the following information:

- Show the date & north arrow on site plan.
- Show the Assessor's Map and Tax Lot number(s) on the site plan.
- Show a vicinity map on the site plan (vicinity map does not need to be to scale).
- Show city limits & UGB (If applicable)
- Clearly label the affected territory and any public right of ways to be annexed.
- Show all adjacent streets, alleys, and accessways.
- Show all dimensions of existing public utility easements and any other areas restricting use of the parcels, such as conservation areas, slope easements, access easements, etc.
- Show the location of all existing structures.

Other Application Requirements (Submit 5 copies of all)

- Petition for Annexation form listing all owners, including partial owners, and electors. This form includes the Certification of Electors which must be signed by the Lane County Elections/Voter Registration Department and also includes the Verification (Certification) of Property Owners which must be signed by the Lane County Department of Assessment and Taxation. *This form is required even if the land is vacant.*
- Notarized Consent to Annexation form.
- A legal description of the land proposed for annexation, including any public right of way prepared by a registered land surveyor. Oregon Revised Statutes (ORS) 308.225 requires submittal of a closing metes and bounds description or subdivision block and lot number description. Please see example of acceptable legal descriptions contained in the application packet. The legal description must exactly correspond with the map included with the application or the Assessor's map.
- Summary of Urban Service Provision form.
- A county Assessor's cadastral map. *(Available at Lane County Assessment & Taxation)*
- Census Information Sheet.

Note: This is not a complete list of requirements. Additional information may be required after further review in order to adequately address the applicable approval criteria.

By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined, and that he/she understands that omission of any listed item may cause delay in processing the application. I (We), the undersigned, acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

PROPERTY OWNER OF TAX LOT: 100

Name (print): BRUCE WIECHERT
Address: 3073 SKYVIEW Email: _____
City/State/Zip: EUGENE, OR 97405 Phone: 686 9458 Fax: _____
Signature: [Signature] Date: 8-11-14

PROPERTY OWNER OF TAX LOT: 200

Name (print): BRUCE WIECHERT
Address: 3073 SKYVIEW Email: _____
City/State/Zip: EUGENE, OR 97405 Phone: 686 9458 Fax: _____
Signature: [Signature] Date: 8-11-14

PROPERTY OWNER OF TAX LOT: _____

Name (print): _____
Address: _____ Email: _____
City/State/Zip: _____ Phone: _____ Fax: _____
Signature: _____ Date: _____

SURVEYOR:

Name (print): KURT BAKER
Company/Organization: ROBERTS SURVEY
Address: P.O. Box 7155, SPRINGFIELD, OR 97475

City/State/Zip: _____ Phone: 345-1112 Fax: _____

E-mail: _____

Signature:  Date: 8-11-14

REPRESENTATIVE (If different from Surveyor):

Name (print): ANTHONY J. FAVREAU

Company/Organization: THE FAVREAU GROUP

Address: 3750 NORWICH AVE

City/State/Zip: EUGENE, OR 97403 Phone: 683-7048 Fax: _____

E-mail: _____

Signature:  Date: 8-11-14

**Attached additional sheets if necessary.

Planning Receipt



Planning & Development
 Planning Division
 99 West 10th Avenue
 Eugene, OR 97401
 (541) 682-5377

Date: 9/11/14 Received From Tony Favreau
 Address 3750 Norwich

Method of Payment:
 Cash
 Check
 Visa/MC
Eugene, OR 97408

Amount Received \$9,139.65 Phone (541) 683-7048
 Project Barger Subdivision

Enter amount:

Annexation	\$ 4730.00	Subdivision, Tentative	\$
Appeal	\$	Subdivision, Final	\$
Conditional Use Permit	\$	Traffic Impact Analysis	\$
Legal Lot Verification	\$	Vacations (all)	\$
Lot Validation	\$	Willamette Greenway	\$
Partition, Tentative	\$	Zone Change	\$ 3,655.00
Partition, Final	\$	Other	\$
Property Line Adjustment	\$	Fire Review Fee	\$
PUD Tentative	\$	Subtotal	\$ 8,385.00
PUD Final	\$	Administrative Fee (except appeals)	\$ 754.65
Site Review	\$	TOTAL	\$ 9,139.65

Staff Initials _____

DUPLICATE RECEIPT DUPLICATE RECEIPT

=====

CITY OF EUGENE
BUILDING & PERMIT SERVICE
99 WEST 10TH AVE 682-5086
REG-RECEIPT:3-0007330 Aug 11 2014
CASHIER: KMM

=====

Annexation Fee \$4,730.00
Zone Change \$3,655.00
Admin Fee-Auto Calc \$754.65

TOTAL DUE: \$9,139.65

RECEIVED FROM:
BRUCE WIECHERT

Credit: \$9,139.65

Total tendered: \$9,139.65

Change due: \$0.00

=====

www.eugene-or.gov/bldgpermittracking

=====

Please take our customer survey at:
www.surveymonkey.com/s/COEPermitSurvey

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DUPLICATE RECEIPT DUPLICATE RECEIPT

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Resolution Authorizing the Issuance of Revenue Bonds by the Hospital Facilities Authority of the City of Medford for the Purposes of Financing and Refinancing Capital Improvements to Cascade Manor

Meeting Date: October 13, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3E
 Staff Contact: Sue Cutsogeorge
 Contact Telephone Number: 541-682-5589

ISSUE STATEMENT

Cascade Manor, Inc. is requesting the authority to proceed with the issuance of conduit or pass-through revenue bonds (the "Bonds") by the Hospital Facilities Authority of the City of Medford (the "Authority") in an amount not to exceed \$40 million for the benefit of Cascade Manor. The City of Eugene's roles in this bond issue are determined by the IRS and by Oregon statutes, and include the following actions: (1) to provide an opportunity for citizens to comment on the issuance of tax-exempt debt, (2) to indicate its approval for the transaction, as required by the IRS, for the proposed financing, and (3) to approve intergovernmental cooperation provision under ORS for the issuance of the Bonds. If the council agrees to this financing, Cascade Manor will be able to use less expensive tax-exempt financing for its projects.

BACKGROUND

Cascade Manor, Inc., an Oregon nonprofit 501(c)(3) corporation, is requesting that the Authority issue non-recourse revenue bonds for and on behalf of Cascade Manor in an aggregate principal amount not exceeding \$40 million.

Cascade Manor owns a continuing care retirement community located at 65 West 30th Avenue, with a proposed expansion project to be located at the northwest corner of West 29th Place and Portland Street. The facility currently consists of 110 independent living units, 11 residential assisted living units and 22 health center beds, and expects to add an additional 30 units with the proposed expansion. The original facility was built in the mid-1960s by a community-based non-profit corporation formed by a number of local churches. In 1996, the Board of Directors of Cascade Manor, Inc. voted to merge into the Pacific Retirement Services, Inc. group of companies. Pacific Retirement Services, Inc. is an Oregon non-profit 501(c)(3) corporation.

In 2006, Cascade Manor undertook renovations to its health center and moved its residential living units. The entire garden apartments project and a portion of the health center project were financed and/or refinanced with the proceeds of a tax-exempt bond offering (the "2006 Bonds"). In 2010, the Authority issued revenue bonds (the "2010 Bonds") for the benefit of Cascade Manor

for the purpose of refinancing the 2006 Bonds in their entirety. Starting in 2014, Cascade Manor will be undertaking an expansion project on an adjacent site to their current continuing care retirement community. In addition, Cascade Manor expects to use proceeds of the Bonds to finance a new dining venue, additional common areas and other capital improvement on the campus, all or a portion of which projects are expected to be financed with the proceeds of the Bonds. Cascade Manor is also proposing to refinance the 2010 Bonds in their entirety. It is expected that the Bonds will be purchased by BBVA Compass Bank, or an affiliate thereof.

Section 147(f) of the Internal Revenue Code of 1986, as amended, requires that qualified 501(c)(3) bonds be approved by the applicable elected representatives of (1) the governmental unit issuing such bonds (The Hospital Facilities Authority of the City of Medford, Oregon) and (2) the governmental unit having jurisdiction over the area in which the Project is located (the City of Eugene, Oregon). The council previously approved the prior financings for the Cascade Manor project.

The principal and interest on the Bonds will not constitute a debt of the City of Eugene, Oregon, the City of Medford, Oregon or the Authority, nor shall the Bonds be payable from a tax of any nature levied upon any property within the City of Eugene nor any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources of Cascade Manor pledged to the payment of the Bonds and any credit enhancement arranged for by Cascade Manor. The proposed date for the closing of the Bonds is October 15, 2014.

On Monday, October 6, a public hearing was held by the Lane Council of Governments in Eugene pursuant to the provisions Section 147(f) of the Internal Revenue Code of 1986, as amended, for the purpose of hearing public comments on the request by Cascade Manor, Inc. to the Authority with respect to the authorization, execution, sale and delivery of the Bonds, in one or more series, in an aggregate principal amount not exceeding \$40 million. A report on the hearing is included as Attachment A. The report also includes the text of the notice of public hearing that was published in the Register-Guard newspaper.

The resolution authorizing this financing does two things. First, it fulfils the IRS requirement for approval of tax-exempt financing from the jurisdiction over the area in which the Bonds are being issued. Second, it fulfils the ORS provision for intergovernmental cooperation in the issuance of the Bonds. If the council approves the resolution, the City and the Authority will enter into an Amended and Restated Intergovernmental Cooperation Agreement pursuant to ORS 190.010 and ORS 441.550, 441.555 and 441.575 that will set forth the parties respective roles in any transaction and state that the City agrees that the Authority will be the issuer of the Bonds. The City and the Authority previously entered into intergovernmental agreements in connection with the issuance of the 2006 Bonds and the 2010 Bonds. The proposed form of the Intergovernmental Agreement is included as Attachment C.

RELATED CITY POLICIES

There are no City policies related to this item.

COUNCIL OPTIONS

The council can approve or not approve this bond financing. If the council does not approve the financing, Cascade Manor will not be able to proceed with issuance of the Bonds and will not be able to take advantage of the cost savings from issuing tax-exempt bonds. The estimated savings to Cascade Manor from issuing tax-exempt bonds is approximately \$195,000 per year, or \$1.95 million over 10 years.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approval of this motion.

SUGGESTED MOTION

Move to approve Resolution Authorizing the Issuance and Sale of Revenue Bonds by the Hospital Facilities Authority of the City of Medford In The Aggregate Principal Amount of Not to Exceed Forty Million Dollars (\$40,000,000) For The Purposes of Financing and Refinancing Capital Improvements to Cascade Manor, A Continuing Care Retirement Community Located In Eugene, Oregon.

ATTACHMENTS

- A. Public Hearing Report dated October 6, 2014 (including Notice of Public Hearing held October 6, 2014; published in the *Register-Guard*, Eugene, Oregon on September 22, 2014)
- B. A Resolution Authorizing the Issuance and Sale of Revenue Bonds by the Hospital Facilities Authority of the City of Medford in the Aggregate Principal Amount of not to Exceed Forty Million Dollars (\$40,000,000) for the Purposes of Financing and Refinancing Capital Improvements to the Cascade Manor Project
- C. Form of Intergovernmental Agreement between the City of Eugene and the Hospital Facilities Authority of the City of Medford

FOR MORE INFORMATION

Staff Contact: Sue Cutsogeorge
 Telephone: 541-682-5589
 Staff E-Mail: Sue.L.Cutsogeorge@ci.eugene.or.us


PUBLIC HEARING REPORT**October 6, 2014****Public Hearing on Issuance of
The Hospital Facilities Authority of the City of Medford, Oregon
Revenue Bonds, Series 2014 (Cascade Manor Project)
by The Hospital Facilities Authority of the
City of Medford, Oregon**

On October 6, 2014, a public hearing was held in the Lane Council of Governments' Fifth Floor Small Conference Room located at 859 Willamette Street, Suite 500, Eugene, Oregon 97401 pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended.

The purpose of the hearing was to receive oral or written comments from the public regarding the request by Cascade Manor, Inc. (the "Borrower"), for authorization, execution, sale and delivery by The Hospital Facilities Authority of the City of Medford, Oregon (the "Authority") of the above-referenced bonds (the "Bonds") in an amount not to exceed \$40,000,000.

The proceeds of the Bonds will be used to finance and refinance all of the projects described in the attached Notice of Public Hearing.

Gary L. Darnielle, Program Manager, Lane Council of Governments, serving as Hearing Officer, opened the hearing at 3:00 p.m. No comments, either oral or written, were received from the public. The hearing was adjourned at 3:05 p.m.



Gary L. Darnielle
Hearing Officer

Legal Notice Advertising

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PORTLAND, OR 97209

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AFFIDAVIT OF PUBLICATION

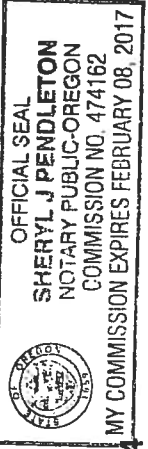
STATE OF OREGON, }
COUNTY OF LANE, }

I, **Wendy Raz**, being first duly affirmed, depose and say that I am the Advertising Manager, or his principal clerk, of The Register-Guard, a newspaper of general circulation as defined in ORS 193.010 and 193.020; published at Eugene in the aforesaid county and state; that the **Notice of Public Meeting/Hearing** printed copy of which is hereto annexed, is publishing in the entire issue of said newspaper for **one** successive and consecutive **Day(s)** in the following issues:

September 22, 2014

NOTICE OF PUBLIC HEARING
CITY OF EUGENE, OREGON
Monday, October 6, 2014 @ 3:00 P.M.
Lane Council of Governments, Fifth Floor
Small Conference Room
859 Wilamette Street, Suite 500
Eugene, Oregon 97401
A public hearing will be held by the City of Eugene, Oregon (the "City"), on Monday, October 6, 2014 at 3:00 p.m. in the Lane Council of Governments' Fifth Floor Small Conference Room, located at 859 Wilamette Street, Suite 500, Eugene, Oregon 97401, for the purpose of hearing public comment on a request by Cascade Manor, Inc. (the "Borrower") to The Hospital Facilities Authority of the City of Medford, Oregon (the "Authority") with respect to the authorization, execution and delivery of the Authority's revenue bonds, in one or more series, in a maximum dollar amount not to exceed \$40,000,000 (the "Bonds").
An amount of the Bonds not to exceed \$16,000,000 will be loaned to the Borrower to refinance prior debt obligations issued by the Authority, which financed and refinanced all or a portion of the costs of constructing, renovating, improving, enlarging, furnishing and equipping senior housing units, a fitness center, the Borrower's continuing care retirement facility and related facilities, and an amount of the Bonds not to exceed \$24,000,000 will be loaned to the Borrower to finance all or a portion of the costs of constructing, improving, furnishing and equipping an additional expansion of senior housing units, a new dining venue, additional common areas and other capital improvements, and to reimburse prior capital expenditures, at the Borrower's continuing care retirement facility and related facilities.
The facilities to be financed and refinanced by the Bonds (hereinafter, the "Facilities") are located at 65 West 30th Avenue, Eugene, Oregon 97405. The site for the new expansion is located at the northwest corner of West 29th Place and Portland Street, Eugene, Oregon 97405. The Facilities are owned by the Borrower, which is an Oregon nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and are operated and managed by Pacific Retirement Services, Inc., an Oregon nonprofit corporation and organization described in Section 501(c)(3) of the Code.
Section 147(f) of the Code requires that qualified 501(c)(3) bonds be approved by the applicable elected representatives of the governmental unit issuing such bonds (the Authority), and by the applicable elected representatives of governmental units having jurisdiction over any of the areas in which the Facilities are located (the City Council of the City). The City, as the governmental unit having jurisdiction over the area in which the Facilities are located, will consider a resolution approving the issuance of the Bonds by the Authority following the public hearing. Separately, the City Council of the City of Medford, Oregon, as the applicable elected representatives of the Authority, will consider a resolution approving the issuance of the Bonds by the Authority.
The principal of and interest on the Bonds will not constitute a debt of the City or the City of Medford, Oregon, nor shall the Bonds be payable from a tax of any nature levied upon any property within the Cities of Eugene or Medford, Oregon, nor any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources of the borrower pledged to the payment of the Bonds.
The purpose of the public hearing will be to provide a reasonable opportunity for members of the public to express their views, orally or in writing, regarding the issuance of the Bonds and the uses and purposes of the proceeds of the Bonds. The hearing will be conducted in a manner that provides a reasonable opportunity for persons with differing views to be heard on the question of the issuance of the Bonds. Written comments may be delivered at the public hearing or mailed to the Lane Council of Governments, 859 Wilamette Street, Suite 500, Eugene, Oregon 97401-2910, Attention: Gary Darnielle.
This notice is published pursuant to the public approval requirements of Section 147(f) of the Code and the regulations and rulings issued thereunder.
CITY OF EUGENE, OREGON

Wendy Raz
Subscribed and affirmed to before me this **September 22, 2014**
Sheryl J Pendleton
Notary Public of Oregon



Account #: **70895683**
INVOICE **6082748**
Case: **October 6, 2014**
Ad Price: **\$292.5**

Attachment B

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT
TO EXCEED \$40,000,000 FOR THE CASCADE MANOR PROJECT BY
THE HOSPITAL FACILITIES AUTHORITY OF THE CITY OF
MEDFORD, OREGON**

The City Council of the City of Eugene, Oregon, finds as follows:

A. Cascade Manor, Inc., a nonprofit 501(c)(3) corporation (the “Borrower”), and an affiliate of Pacific Retirement Services, Inc., a nonprofit 501(c)(3) corporation, owns a continuing care retirement community located at 65 West 30th Avenue, Eugene, Oregon.

B. The Hospital Facilities Authority of the City of Medford, Oregon (the “Authority”) has received a request from the Borrower to issue one or more series of tax-exempt conduit bonds in an aggregate principal amount not to exceed \$40,000,000 (the “Bonds”) for the purpose of (i) refinancing prior debt obligations issued by the Authority (the “Refunded Bonds”), which financed all or a portion of the costs of constructing, renovating, improving, enlarging, furnishing and equipping senior housing units, a fitness center, the health center and the main building at the Borrower’s continuing care retirement facility and related facilities, and (ii) financing all or a portion of the costs of constructing, improving, furnishing and equipping an additional expansion of senior housing units, a new dining venue, additional common areas and other capital improvements, and reimbursing prior capital expenditures, at the Borrower’s continuing care retirement facility and related facilities (the facilities financed and refinanced by the Bonds are herein called the “Facilities”).

C. Under Section 147(f) of the Internal Revenue Code of 1986, as amended, qualified 501(c)(3) bonds must be approved by the applicable elected representatives of (i) the governmental unit issuing such bonds (the Authority) and (ii) the governmental unit having jurisdiction over the area in which the Facilities are located (the City of Eugene, Oregon).

D. The principal and interest on the Bonds will not constitute a debt of the City of Eugene, Oregon, the City of Medford, Oregon or the Authority, nor shall the Bonds be payable from any funds of the City of Eugene including from a tax of any nature levied upon any property within the City of Eugene nor any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources of the Borrower pledged to the payment of the Bonds.

E. On September 22, 2014, a notice of public hearing was published in the *Register-Guard* newspaper. A Hearings Officer conducted a public hearing on Monday, October 6, 2014 at 3:00 p.m. with respect to the proposed issuance by the Authority of the Bonds. The Hearings Officer produced a Public Hearing Report setting out the results of the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eugene, a municipal corporation of the State of Oregon, as follows:

Section 1. Bonds authorized. The City Council of the City of Eugene hereby approves the authorization, execution, sale and delivery by The Hospital Facilities Authority of the City of Medford, Oregon of the Bonds in an amount not to exceed \$40,000,000.

Section 2. Delegation. The City Manager or the person designated by the City Manager to act on behalf of the City pursuant to this Resolution (the “City Official”) is hereby authorized and directed, on behalf of the City and without further action by the Council, to enter into an Amended and Restated Intergovernmental Cooperation Agreement for the purpose of authorizing the Bonds and to execute and deliver any agreements or certificates and take any other action in connection with each series of Bonds which the City Official finds is desirable to permit the sale and issuance of that series of Bonds in accordance with this Resolution.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution adopted this 13th day of October 2014.

City Recorder

Attachment C

**AMENDED AND RESTATED
INTERGOVERNMENTAL COOPERATION AGREEMENT**

THIS AMENDED AND RESTATED INTERGOVERNMENTAL COOPERATION AGREEMENT IS BETWEEN THE HOSPITAL FACILITIES AUTHORITY OF THE CITY OF MEDFORD, OREGON AND THE CITY OF EUGENE, OREGON RELATING TO THE ISSUANCE BY THE HOSPITAL FACILITIES AUTHORITY OF THE CITY OF MEDFORD, OREGON OF REVENUE BONDS, SERIES 2014 (CASCADE MANOR PROJECT), IN ONE OR MORE SERIES.

This Amended and Restated Intergovernmental Cooperation Agreement (the “Agreement”) is made and entered into between The Hospital Facilities Authority of the City of Medford, Oregon (the “Authority”) and the City of Eugene, Oregon (the “City of Eugene”) for the benefit of Cascade Manor, Inc. (the “Borrower”), a nonprofit adult congregate care facility located in the City of Eugene. The Authority has previously issued its Variable Rate Demand Revenue Bonds, Series 2006 (Cascade Manor Project) (the “Series 2006 Bonds”) in the aggregate principal amount of \$18,000,000, its Refunding Revenue Bonds, Series 2010 (Cascade Manor Project) (the “Series 2010 Bonds”) in an aggregate principal amount of \$16,865,000 and now proposes to issue its Revenue Bonds, Series 2014 (Cascade Manor Project) (the “Series 2014 Bonds”) in an aggregate principal amount not exceeding \$40,000,000. The Series 2006 Bonds were issued by the Authority with authorization and approval of the City of Eugene pursuant to an Intergovernmental Cooperation Agreement dated June 19, 2006 between the Authority and the City of Eugene, authorized by the City Council of the City of Eugene by its Resolution No. 4874 adopted May 22, 2006 (the “City Resolution”), and the Series 2010 Bonds were issued by the Authority with authorization and approval of the City of Eugene pursuant to an Amended and Restated Intergovernmental Cooperation Agreement dated December 14, 2010 between the Authority and the City of Eugene (the “2010 IGA”). The proceeds of the Series 2010 Bonds were loaned by the Authority to the Borrower and used by the Borrower to refinance the Series 2006 Bonds and to pay certain costs of issuance of the Series 2010 Bonds. The Series 2006 Bonds financed the costs of the following projects:

- (i) to refinance a loan between the Borrower and PremierWest Bank, which financed the construction, furnishing and equipping of approximately 50 units at Cascade Manor, Inc.;
- (ii) to construct additions, renovations, improvements or enlargements to the health center at Cascade Manor, Inc.;
- (iii) to provide working capital or capitalized interest; and
- (iv) to pay certain costs of issuance of the Series 2006 Bonds.

The Series 2014 Bonds are being issued to finance and refinance the following projects (collectively, the “Projects”):

- (i) currently refund the Series 2010 Bonds;

- (ii) to pay the costs of all or a portion of constructing, improving, furnishing and equipping an additional expansion of senior housing units, a new dining venue, additional common areas and other capital improvements, and reimbursing prior capital expenditures, at Cascade Manor, Inc.;
- (iii) to provide working capital or capitalized interest;
- (iv) to pay certain costs of issuance of the Series 2014 Bonds; or
- (v) to pay the costs of terminating the interest rate swap related to the Series 2010 Bonds and paying the costs of an interest rate cap for the Series 2014 Bonds.

RECITALS

A. The Authority and the City of Eugene desire to enter into this Agreement to amend and restate the 2010 IGA and thereby permit the Authority to act as the issuer of the Series 2014 Bonds.

B. The Authority and the City of Eugene acknowledge that they have authority to execute and deliver this Agreement pursuant to ORS 190.010 and ORS 441.575.

C. The City of Eugene is authorized to enter into this Agreement pursuant to the authorization granted by the City Resolution.

NOW, THEREFORE, it is agreed by and between the Authority and the City of Eugene, as follows:

1. Issuance by Authority. Pursuant to ORS 441.550(6) and 441.555, which provide that an authority may issue revenue bonds to accomplish its purposes, and ORS 190.010, which provides that units of local government (including any authority or city) may enter into intergovernmental agreements and may agree to designate one of the parties to an intergovernmental agreement to perform any or all functions and activities that a party to the agreement has the authority to perform, the Authority and the City of Eugene agree that the Authority will be the issuer of the Series 2014 Bonds.

2. Further Authority. This Agreement is executed by the parties hereto to confirm the authority of the Authority to act as the issuer of the Series 2014 Bonds and to further supplement the existing authority of the Authority to issue the Series 2014 Bonds pursuant to ORS 441.550(8), which provides that an authority has the power to loan money for financing and refinancing improvements to hospital facilities or adult congregate care facilities, and ORS 441.550(2), which provides that an authority has the power to improve and equip hospital facilities or adult congregate care facilities within or without the corporate limits of the municipality by which it was created.

3. Severability. If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement, but this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

4. No Liability on the Series 2014 Bonds. The parties to this Agreement shall not incur any liability on the Series 2014 Bonds by reason of executing this Agreement. The Series 2014 Bonds are special nonrecourse obligations of the Authority payable solely from revenues or resources provided by the Borrower or its affiliates.

5. Counterparts. This Agreement may be executed in one or more counterparts each of which shall constitute an original.

6. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon.

IN WITNESS WHEREOF, the parties have set their hands as of this ___ day of October, 2014.

**THE HOSPITAL FACILITIES AUTHORITY
OF THE CITY OF MEDFORD, OREGON**

CITY OF EUGENE, OREGON

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



A Resolution Amending Resolution No. 5067 Concerning a Low-Income
Rental Housing Property Tax Exemption for the Property Located at
1535-1563 City View Street, Eugene, Oregon (St. Vincent De Paul Society
of Lane County, Inc./Applicant)

Meeting Date: October 13, 2014
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3F
Staff Contact: Ellen Meyi-Galloway
Contact Telephone Number: 541-682-5532

ISSUE STATEMENT

On July 23, 2012, the City Council approved Resolution 5067 for a 20-year Low-Income Rental Housing Property Tax Exemption (LIRPTE) for Stellar Apartments, located at 1535-1563 City View Street. The developer of the project is St. Vincent de Paul Society of Lane County, Inc. (SVdP). The ownership entity is Stellar Apartments Limited Partnership. In the development proposal, a community garden was included as part of the development's common area, to be leased from the adjacent property owner, Lane Education Service District. In 2013, Lane Education Service District decided it would prefer to sell the garden area to Stellar Apartments LP. Stellar Apartments LP purchased the parcel, adjusted their property line to include the garden area in April 2014, and subsequently requested an adjustment to the previously approved tax exemption. The City Council is asked to approve a resolution to adjust Resolution 5067 to include the garden area in the tax exemption of Stellar Apartments.

BACKGROUND

The City of Eugene seeks to create a range of stable, safe, and affordable housing opportunities for area residents through a suite of funding, programs, and supportive policies. Eugene programs provide land, financial assistance, and regulatory incentives for the development of permanent, transitional and emergency housing by primary nonprofit partner organizations. Attachment A provides a brief summary of current affordable housing programs. Through the investments of the City of Eugene and many other organizations, the community has created over 3,000 units of permanent affordable housing.

City goals for the development of affordable housing are established every five years as a part of the Eugene-Springfield Consolidated Plan. The City Council adopted a goal of creating 500 units of affordable housing over a five-year period in the 2010 Eugene-Springfield Consolidated Plan. Goals for affordable housing development are also included in Envision Eugene.

Each year, the City solicits proposals for development, reviews the proposals with guidance from the Housing Policy Board and makes recommendations for consideration by the City Council. The

council typically awards land, federal HOME Investment Partnerships funds, Systems Development Charge waivers, and tax exemption to the selected development proposal or proposals. These local resources are combined with state and federal subsidies in order to achieve rents affordable to low-income persons.

Summary of Stellar Apartments

SVdP proposed the Stellar Apartments, a 54-unit affordable housing development providing rental housing to individuals and families earning at or below 50 percent of the Area Median Income, through the 2010 Annual Housing Request for Proposals. The original development proposal also included a community center, playground, and space for a community garden. SVdP originally intended to lease the land for the community garden from Lane Education Service District.

In September 2010, the council voted unanimously to award SVdP the Westmoreland landbank site located at 1535 City View Street, federal HOME funds (\$860,000) and Systems Development Charge waivers (\$60,000) to subsidize development of the project. At that time, SVdP notified the City that it would seek a 20-year property tax exemption through the City's Low-Income Rental Property Tax Exemption program (LIRPTE) in order to achieve rents affordable to low-income persons.

Following award of state financing for development and transfer of the property, SVdP submitted a LIRPTE application. The council considered the request in July 2012, and voted unanimously to provide the 20-year tax exemption. Construction of Stellar Apartments was completed in July 2013, and fully leased up shortly thereafter.

In 2013, after the council awarded the property tax exemption to Stellar Apartments, the Lane Education Service District offered to sell the land for the community garden to Stellar Apartments LP rather than committing to a long-term lease. In April 2014, Stellar Apartments LP purchased the parcel and adjusted the property line to include the garden area. The garden area is now part of the Stellar Apartments LP property, (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number 0483857) although it is not automatically included in the existing low-income rental property tax exemption. After learning that the adjusted area would not be automatically included in the tax exemption, SVdP submitted a request for a new council action to exempt the garden area portion of the property.

Summary of the Low-Income Property Tax Exemption and Application Analysis

The City adopted the low-income rental housing property tax exemption program in 1990. Since then, Eugene has approved tax exemptions for 25 developments with over 1,100 units. In 2011, the council unanimously approved extending the 20-year low-income rental housing property tax exemption program for an additional 10 years. The approved ordinance also enables recipients to reapply for the 20-year low-income rental housing property tax exemption after the initial 20-year period has expired.

The council reviews each tax exemption request on a case-by-case basis. If an application meets the substantive criteria [EC 9.239(2)(a)-(i)] as referenced in the Report and Recommendation, the City must grant the exemption by resolution. A decision to deny the exemption cannot be made by simple motion or inaction; it would need to be made by a resolution that explains how the applicant has failed to demonstrate that the tax exemption is in the public interest. Stellar Apartments was awarded the low income rental property tax exemption in Resolution 5067.

The requested exemption meets the substantive criteria [EC 9.239(2)(a)-(i)] as shown in the Report and Recommendation (Attachment B). Attachment C is the Resolution Amending Resolution No. 5067 approving the Stellar Apartments site for the tax exemption. Exhibit A is the original Resolution 5067 from 2012, and Exhibit B is the amended legal description for Stellar Apartments including the garden area. Attachment B is the Amended Report and Recommendation that includes the garden area as part of the Stellar Apartments development.

RELATED CITY POLICIES

The proposed tax exemption supports multiple City priorities and policies including the Eugene-Springfield 2010 Consolidated Plan, Growth Management Policies, Envision Eugene, and the Housing Dispersal Policy.

Eugene-Springfield 2010 Consolidated Plan - This plan identifies a need for affordable housing for low-income persons and sets a five-year goal of developing 500 new units of affordable housing. The proposed project directly supported the objective by creating 54 units for low-income families and individuals.

Eugene Adopted Growth Management Policies - The City of Eugene affordable housing development programs and Stellar Apartments support multiple Growth Management Policies including:

- Promote construction of affordable housing.
- Encourage in-fill, mixed-use, redevelopment, and higher density development.
- Improve the appearance of buildings and landscapes.
- Provide for a greater variety of housing types.

Envision Eugene Plan – This plan identifies strategies and goals (pillars) that help the City of Eugene plan for growth over the next 20 years. The Envision Eugene proposal’s Housing Affordability pillar includes strategies to meet the growing and changing housing needs of Eugene residents by supporting subsidized affordable housing projects. Continuing to provide property tax exemptions to low-income rental housing developments has been identified as an action to help successfully implement this strategy.

Housing Dispersal Policy - The City Council has established a Housing Dispersal Policy which seeks to maximize housing choices for low-income families and integrate housing throughout Eugene.

COUNCIL OPTIONS

The City Council may approve or deny the tax exemption.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends the approval of the amended resolution 5067, granting a 20-year low-income rental housing property tax exemption for the property located at 1535-1563 City View Street, Eugene, Oregon (Assessor’s Property Account Number 0483857), including the garden area.

SUGGESTED MOTION

Move to adopt the amended resolution 5067, approving a 20-year low-income rental housing property tax exemption for the property located at 1535-1563 City View Street, Eugene, Oregon (Assessor's Property Account Number 0483857), including the garden area.

ATTACHMENTS

- A. Summary of Eugene Affordable Housing Programs
- B. Amended Report and Recommendation
 - Exhibit A. Report and Recommendation Adopted by Resolution No. 5067
- C. Resolution Amending Resolution No. 5067
 - Exhibit A. Resolution No. 5067
 - Exhibit B. Legal Description

FOR MORE INFORMATION

Staff Contact: Ellen Meyi-Galloway
Telephone: 541-682-5532
Staff E-Mail: Ellen.E.Meyi-Galloway@ci.eugene.or.us



Creating Stable, Safe Housing Opportunities for Eugene Residents

The City of Eugene seeks to create a range of stable, safe, and affordable housing opportunities for area residents through a suite of funding, programs, and supportive policies. Eugene programs provide financial and regulatory incentives for the development of permanent, transitional and emergency housing by primary nonprofit partner organizations. City programs are guided through the Eugene-Springfield 2010 Consolidated Plan. Through the investments of the City of Eugene and many other organizations, our community has created over 3000 units of permanent affordable housing,

Affordable Housing Development – Housing Development programs includes funding for acquisitions, new development construction, rehabilitation, and project-related soft costs incurred by the jurisdictions. Eugene awards funds in this category through an annual Housing RFP. Subsidies for development include land, HOME Investment Partnership Program funds, system development charge waivers, and property tax exemptions. Regulatory incentives include density bonuses and reduction of parking requirements. Projects receiving funds include small developments for special need populations as well as medium sized affordable housing development.

Housing Rehabilitation Fund – The Housing Rehabilitation Fund (HRF) is a revolving loan fund created with CDBG funds. The HRF generates \$400,000 per year in program income which is made available for low-interest loans for rehabilitation of rental and homeownership units for low-income persons. This is a critical resource for maintain the existing housing units available to low-income persons.

Emergency Home Repair – The program offers emergency repair grants and loans of up to \$5,000 to very low-income homeowners for critical repairs and accessibility features. Grants are available for accessibility improvements for rental units occupied by very low-income tenants with disabilities. About 30 repair projects are completed each year.

Capital Grants for Emergency and Transitional Housing Facilities – This program provides grants for acquisition or rehabilitation of facilities that house services for low-income and homeless persons. Such facilities include emergency and transitional housing for people who are homeless or at risk of homelessness.

Temporary Residences for Persons Experiencing Homelessness – In addition, the City of Eugene supports programs for homeless persons to find safe spaces for temporary occupancy through the Homeless Car Camping Program, Opportunity Village, and Rest Stops.

Condominium and Manufactured Home Park Conversions – The City of Eugene regulates the conversion of rental units to condominiums and the closure of manufactured home parks in order to provide appropriate supports for the tenants residing in such properties.

Rental Housing Code – This code creates minimum standards for habitability of rental properties and establishes a process to help renters and owners resolve concerns.

**AMENDED REPORT AND RECOMMENDATION
of the Community Development Manager
of the Planning and Development Department**

**Low Income Rental Housing Property Tax Exemption
(Section 2.937 to 2.940 of the Eugene Code, 1971)
for Property at 1535-1563 City View Street, Eugene, Oregon
(Stellar Apartments Limited Partnership / Owner;
St. Vincent de Paul Society of Lane County, Inc. / Applicant)**

**The Community Development Manager of the Planning and Development Department
of the City of Eugene finds that:**

1. On June 27, 2012, the Community Development Manager of the Planning and Development Department issued a Report and Recommendation (a copy of which is attached to this Amended Report and Recommendation) recommending that Council grant the application of St. Vincent de Paul Society of Lane County, Inc. for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program for the property located at 1535-1563 City View Street, Eugene, Oregon, 97401 (Assessor's Map 17-04-36-33, Tax Lot No. 201; Assessor's Property Account Number 0483857). (Stellar Apartments Limited Partnership is the owner the real property, with St. Vincent de Paul Society as general partner.) On July 23, 2012, the City Council passed Resolution No. 5067 approving the exemption.

2. At the time that Council passed Resolution No. 5067, the common area and area of land referenced in the Resolution for use as a garden was not yet under the ownership of Stellar Apartments Limited Partnership and, therefore, was not subject to the tax exemption.

3. In January of 2014, Stellar Apartments Limited Partnership acquired the area of land (a portion of Assessor's Map 17-04-36-33, Tax Lot No. 400) that it intended to use for the common areas referenced in Resolution No. 5067, and completed a property line adjustment which incorporated the newly acquired area into Assessor's Map 17-04-36-33, Tax Lot No. 201.

4. It is necessary to amend the Report and Recommendation attached to Resolution No. 5067, to state my recommendation that the new area of land, now incorporated into Assessor's Map 17-04-36-33, Tax Lot No. 201, be approved for the tax exemption granted by Resolution No. 5067.

5. All findings in Section 2 of the Report and Recommendation attached to Resolution No. 5067 remain valid.

Dated this 23 day of September, 2014.

Print: Denny Braud Sign:  
Community Development Manager of the Planning and Development Department

**REPORT AND RECOMMENDATION
of the Community Development Manager
of the Planning and Development Department**

**Application of St. Vincent de Paul Society of Lane County, Inc.
For Low Income Rental Housing Property Tax Exemption
(Section 2.937 to 2.940 of the Eugene Code, 1971)
for Property at 1535-1563 City View Street, Eugene, Oregon**

The Community Development Manager of the Planning and Development Department of the City of Eugene finds that:

1. Stellar Apartments Limited Partnership (with St. Vincent de Paul Society of Lane County, Inc. as general partner) is the owner of real property located at 1535-1563 City View Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number 0483857). St. Vincent de Paul Society of Lane County, Inc. ("the applicant"), located at PO Box 24608, Eugene, Oregon, 97402 has submitted an application pursuant to Subsection 2.939(2) of the Eugene Code, 1971, for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971).

2. I have reviewed the application and find that the applicant has submitted all materials, fees and documents required by the application, and is in compliance with the provisions of EC 2.939(2). Specifically I find:

- (a) The property, or portion thereof subject to the property tax exemption, will be occupied solely as a residence for low-income persons.
- (b) The required rent payment reflects the full value of the property tax exemption.
- (c) The housing units on the property were constructed after February 12, 1990.
- (d) The applicant has complied with the policies set forth in the Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption adopted by council Resolution No. 5028.
- (e) The proposed development is consistent with the city's housing dispersal policy.
- (f) The proposed development does not cause the displacement of low-income persons.
- (g) The proposed development does not cause destruction of historic properties.
- (h) The proposed development is otherwise consistent with the Eugene Code and adopted city regulations and policies.
- (i) The applicant has executed, and agrees to maintain in effect for the duration of the tax exemption period, a Rent Regulatory Agreement.
- (j) The applicant has consented in writing that for the duration of the

tax exemption period, the city may inspect the property for which the exemption is granted.

3. Comments have been solicited from interested City departments, agencies, and the affected neighborhood groups. No comments were received.

Therefore, based on the above findings, the proposed project conforms with all applicable City Code provisions, local plans, planning regulations, the Metropolitan Area General Plan, and the criteria set forth in the City's adopted Standards and Guidelines for Low-Income Rental Housing Property Tax Exemption, and I recommend that the application be approved.

Dated this 27th day of June, 2012.

Print: Michael C. Sullivan

Sign:



Community Development Manager of the Planning and Development Department

RESOLUTION NO. ____**A RESOLUTION AMENDING RESOLUTION NO. 5067 CONCERNING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1535-1563 CITY VIEW STREET, EUGENE, OREGON. (Stellar Apartments Limited Partnership / Owner)****The City Council of the City of Eugene finds that:**

A. On July 23, 2012, the City Council passed Resolution No. 5067, a copy of which (excluding its Exhibit A) is attached as Exhibit A this Resolution. Resolution No. 5067 approved the application of St. Vincent de Paul Society of Lane County, Inc. for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971) for the property located at 1535-1563 City View Street, Eugene, Oregon, 97401 (Assessor's Map 17-04-36-33, Tax Lot No. 201; Assessor's Property Account Number 0483857), for the development of 54 residential units and common areas, and for the parcel of land. Stellar Apartments Limited Partnership is the owner the real property, with St. Vincent de Paul Society as general partner.

B. At the time that Council passed Resolution No. 5067, the common area and parcel of land referenced in the Resolution for use as a garden was not yet under the ownership of Stellar Apartments Limited Partnership and, therefore, was not subject to the tax exemption.

C. In January of 2014, Stellar Apartments Limited Partnership acquired the area of land (a portion of Assessor's Map 17-04-36-33, Tax Lot No. 400) that it intended to use for the common areas referenced in Resolution No. 5067, and completed a property line adjustment which incorporated the newly acquired area into Assessor's Map 17-04-36-33, Tax Lot No. 201.

D. It is necessary to amend Resolution No. 5067 to allow for the tax exemption to be applied to the newly acquired area of land.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based upon the above findings, the area of land that was acquired by Stellar Apartments Limited Partnership in January of 2014, and, by property line adjustment, incorporated into the property identified as Assessor's Map 17-04-36-33, Tax Lot No. 201, is declared exempt from local ad valorem property taxation commencing July 1, 2015, and continuing until the tax exemption granted by Resolution No. 5067 expires. The revised boundaries of the property identified as Assessor's Map 17-04-36-33, Tax Lot No. 201 are described in Exhibit B attached to this Resolution.

Section 2. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the Stellar Apartments Limited Partnership and to St. Vincent de Paul Society of Lane County, Inc. within ten days from the date of adoption of this Resolution, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2015. The copy of the Resolution sent to the Stellar Apartments and St. Vincent de Paul shall be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period and the effects of the termination.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the _____ day of _____, 2014.

City Recorder

RESOLUTION NO. 5067

A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1535-1563 CITY VIEW STREET, EUGENE, OREGON. (ST. VINCENT DE PAUL SOCIETY OF LANE COUNTY, INC. / APPLICANT.)

The City Council of the City of Eugene finds that:

A. Stellar Apartments Limited Partnership (with St. Vincent de Paul Society of Lane County, Inc. as general partner) is the owner of real property located at 1535-1563 City View Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number 0483857). St. Vincent de Paul Society of Lane County, Inc. (general partner and "the applicant"), located at P.O. Box 24608, Eugene, Oregon, 97402 has submitted an application pursuant to Subsection 2.939(2) of the Eugene Code, 1971, for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971).

B. The tax exemption is being sought for the project, which will consist of 54 residential units and common areas (community center & garden, children's play area, and bike parking) that are being constructed on the property and for the parcel of land, all of which will be used for low-income housing. Construction is expected to be completed by July 31, 2013.

C. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation, which is attached to this Resolution as Exhibit A, recommending that the application be approved and the exemption granted. In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by the application and Section 2.938(1) of the Eugene Code, 1971, and is in compliance with the policies set forth in the Standards and Guidelines adopted by Resolution No. 5028. In addition, as described more fully in Exhibit A, the applicant has complied with the criteria for approval provided in Section 2.939(2) of the Eugene Code, 1971.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based upon the above findings, and the findings in the Community Development Manager's Report and Recommendation attached as Exhibit A, the City Council approves the application of St. Vincent de Paul Society of Lane County, Inc. for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the property located at 1535-1563 City View Street, Eugene, Oregon, 97401 (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number

0483857), which will consist of 54 residential units and common areas, and for the parcel of land. All units shall be offered for rent to persons whose earnings fall at or below 50% of the Area Median Income based on their family size.

Section 2. The land and units described in Section 1 above are declared exempt from local ad valorem property taxation commencing July 1, 2013, and continuing for a continuous period of twenty (20) years unless earlier terminated in accordance with the provisions of Section 2.940 of the Eugene Code, 1971, which provides for termination after an opportunity to be heard if:

2.1 Construction or development of the exempt property differs from the construction or development described in the application for exemption, or was not completed by January 1, 2020, and no extensions or exceptions were granted; or

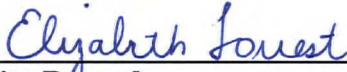
2.2 The applicant fails to comply with provisions of ORS 307.515 to 307.523, provisions of the Eugene Code, 1971, the Standards and Guidelines adopted by Council Resolution No. 5028, or any conditions imposed in this Resolution.

The tax exemption shall be terminated immediately, without right of notice or appeal, pursuant to the provisions of ORS 307.531 in the event that the county assessor determines that a change of use to other than that allowed has occurred for the housing unit, or portion thereof, or, if after the date of this approval, a declaration as defined in ORS 100.005 is presented to the county assessor or tax collector for approval under ORS 100.110.

Section 3. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten (10) days from the date of adoption of this Resolution, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2013. The copy of the Resolution sent to the applicant shall be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period and the effects of the termination.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 23rd day of July, 2012.



City Recorder

**Legal Description for the Adjusted Boundaries
of
Stellar Apartments Limited Partnership Tract
17-04-36-33 TL No. 201**

Beginning at the Southwest corner of Section 36 in Township 17 South, Range 4 West of the Willamette Meridian; thence North 00°07'30" East 642.85 feet along the west line of said Section 36; thence South 89°02'27" East 29.06 feet to a mag. nail with an aluminum washer stamped "Poage Eng. & Surv. Inc." set to replace a reinforcing rod set on the Easterly right of way line of City View Street (being a line parallel with and 35.00 feet Easterly of the centerline of City View Street as monumented on the ground); thence continuing South 89°02'27" East 0.94 feet to a point on the east margin of City View Street as conveyed to the City of Eugene through a Quit Claim Deed recorded August 14, 1948 in Book 379, Pages 537 and 538 of the Lane County Oregon Deed Records, said point being 30.0 feet easterly of, when measured at right angles to, the west line of said Section 36, said point also being the **True Point of Beginning**; thence leaving said east margin and running South 89°03'29" East 133.07 feet to a point marked by a 5/8" rebar with a yellow plastic cap stamped "Poage Eng. & Surv. Inc."; thence South 00°07'30" West 102.16 feet to a mag. nail with an aluminum washer stamped "Poage Eng. & Surv. Inc."; thence South 89°01'36" East 108.93 feet to a point marked by a 5/8" rebar with a yellow plastic cap stamped "Poage Eng. & Surv. Inc."; thence South 44°59'28" East 1.91 feet to a point marked by a reinforcing rod; thence South 89°01'36" East 249.64 feet to a reinforcing rod set on the northerly extension of the centerline of Cleveland Street (now vacated), said point also being on the west boundary of Westmoreland Park as platted and recorded April 13, 2010 Inst. No. 2010-017400 Lane County Oregon Deed Records; thence North 00°02'09" West 119.99 feet along said northerly extension to a reinforcing rod marking the most southerly interior ell on the west boundary of said plat of Westmoreland Park; thence North 89°09'12" West 58.63 feet to a reinforcing rod set to mark the most southerly exterior ell in the western boundary of said plat of Westmoreland Park; thence along said west boundary North 00°07'47" East 220.46 feet to a point on the north boundary of that certain tract of land described in a Warranty Deed recorded May 19, 2004 Recep. No. 2004-037386 Lane County Oregon Official Records; thence along said north boundary North 89°02'00" West 434.06 feet to a point on the east margin of City View Street as conveyed to the City of Eugene through a Warranty Deed recorded October 14, 1948 in Book 383, Page 662 of the Lane County Oregon Deed Records, said point being 30.0 feet easterly of, when measured at right angles to, the west line of Section 36 in Township 17 South, Range 4 West of the Willamette Meridian; thence along said easterly margin parallel to and 30 feet easterly of the west line of said Section 36 South 00°07'30" West 236.85 feet to the **True Point of Beginning**, all in Lane County Oregon.

Containing 3.230 acres or 140,825 sq. ft. more or less

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



A Resolution Repealing Resolution No. 5074 Concerning a Low-Income Rental Housing Property Tax Exemption for Property Located Adjacent to 1410 River Road, Eugene, Oregon (Evergreen Housing Development/Owner)

Meeting Date: October 13, 2014
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 3G
 Staff Contact: Ellen Meyi-Galloway
 Contact Telephone Number: 541-682-5532

ISSUE STATEMENT

On November 26, 2012, the City Council approved Resolution 5074 to provide a 20-year Low-Income Rental Housing Property Tax Exemption (LIRPTE) for River Road Apartments, located near 1410 River Road, map/lot number 17-04-13-33/04601, Assessor's Property Tax ID 1837937. The developer of the project was Evergreen Housing Development Group, LLC (Evergreen). On June 4, 2014, Evergreen requested a termination of the LIRPTE granted for the site. The developer stated that the proposed development was no longer financially feasible as affordable housing.

BACKGROUND

The City of Eugene seeks to create a range of stable, safe, and affordable housing opportunities for area residents through a suite of funding, programs, and supportive policies. Eugene programs provide land, financial assistance, and regulatory incentives for the development of permanent, transitional and emergency housing by primary nonprofit partner organizations. Through the investments of the City of Eugene and many other organizations, the community has created over 3,000 units of permanent affordable housing.

City goals for the development of affordable housing are established every five years as a part of the Eugene-Springfield Consolidated Plan. The City Council adopted a goal of creating 500 units of affordable housing over a five-year period in the 2010 Eugene-Springfield Consolidated Plan. Goals for affordable housing development are also included in Envision Eugene.

Summary of requested tax exemption for River Road Apartments

In 2012, Evergreen Housing Development Group, LLC requested the 20-year exemption to build River Road Apartments. The project was to include 216 apartments affordable to households earning 60 percent Area Median Income (AMI) or less, on a vacant 7.7 acre site south of Beltline on River Road. In November 2012, the City Council granted the exemption.

In June 2014, Evergreen submitted a letter to the City requesting termination of the tax exemption for the property. The developer noted three reasons that the original project proposal was no

longer feasible that are summarized below:

- Decreases in revenue - The maximum rents allowed to be charged by the U.S. Department of Housing and Urban Development in 2014 decreased from the rents HUD allowed in both 2013 and 2012 when the project was first underwritten.
- Increasing debt costs - Interest rates almost doubled between the spring and summer of 2013.
- Rising construction costs.

Summary of the low-income rental housing property tax exemption program

The City adopted the Low-Income Rental Housing Property Tax Exemption program (LIRPTE) in 1990. Since then, Eugene has approved tax exemptions for more than 25 developments with over 1,100 units. In 2011, the council unanimously approved extending the tax exemption program for an additional 10 years. The approved ordinance also permits recipients to reapply for the tax exemption after the initial 20-year period has expired.

The council reviews each tax exemption request on a case-by-case basis. If an application meets the substantive criteria [EC 2.939(2)(a)-(i) or EC 2.939(3)(a)-(e)], the City must grant the exemption by resolution. A decision to deny the exemption cannot be made by simple motion or inaction; it would need to be made by a resolution that explains how the applicant has failed to demonstrate that the tax exemption meets applicable criteria for approval.

The River Road Apartment project originally met the substantive criteria [EC 9.239(2)(a)-(i)] and was granted the tax exemption. At this time, it no longer meets the substantive criteria.

RELATED CITY POLICIES

The development is under construction, though not as affordable housing. Although it no longer supports the goals of the Eugene-Springfield 2010 Consolidated Plan by creating 216 units for low-income families and individuals, it still supports the following:

Eugene Adopted Growth Management Policies – the development of market rate units on the site support the Growth Management Policies.

- Encourage in-fill, mixed-use, redevelopment, and higher density development.
- Provide for a greater variety of housing types.
- Support the existing Eugene Urban Growth Boundary by taking actions to increase density and use existing vacant land and under-used land within the boundary more efficiently.

Envision Eugene – The Envision Eugene Community Vision was endorsed by the City Council on June 13, 2012. The vision identifies strategies and goals (pillars) that help the City of Eugene plan for growth over the next 20 years. The Housing Affordability pillar includes strategies to meet the growing and changing housing needs of Eugene residents by increasing the proportion of multi-family housing in the community (adjusting the housing mix) and increase residential development along key transportation corridors.

COUNCIL OPTIONS

City Council may repeal the Low-Income Rental Property Tax Exemption or take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends repeal of the 20-year low-income rental housing property tax exemption for the property located adjacent to 1410 River Road, Eugene, Oregon (Assessor's Property Account Number 1837937).

SUGGESTED MOTION

Move to adopt a resolution repealing the 20-year low-income rental housing property tax exemption for the property located adjacent to 1410 River Road, Eugene, Oregon (Assessor's Property Account Number 1837937).

ATTACHMENTS

- A. Resolution to Appeal Resolution No. 5074
- B. Letter from Evergreen Housing Development Group LLC Requesting Termination of the Tax Exemption

FOR MORE INFORMATION

Staff Contact: Ellen Meyi-Galloway
Telephone: 541-682-5532
Staff E-Mail: ellen.e.meyi-galloway@ci.eugene.or.us

RESOLUTION NO. _____**A RESOLUTION REPEALING RESOLUTION NO. 5074 CONCERNING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR PROPERTY LOCATED ADJACENT TO 1410 RIVER ROAD, EUGENE, OREGON. (Evergreen Housing Development / Owner.)****The City Council of the City of Eugene finds that:**

A. On November 26, 2012, the City Council adopted Resolution No. 5074, approving the application of Evergreen Housing Development Group, LLC for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the property located adjacent to 1410 River Road, Eugene, Oregon, 97404 (Assessor's Map 17-04-13-33; Tax Lot No. 04601; Assessor's Property Account Number 1837937), for one, two, and three bedroom units to be constructed and offered at rents affordable to 60% of area median income.

B. Evergreen Housing Development Group has requested that the tax exemption be terminated because development of the housing units at rents affordable to 60% of area median income is no longer feasible due to the following factors: (1) Maximum rents that HUD allows to be charged have decreased; (2) Increase in interest rates; and (3) Rising construction costs.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Resolution No. 5074, approving the application of Evergreen Housing Development Group, LLC for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the property located adjacent to 1410 River Road, Eugene, Oregon, 97404 (Assessor's Map 17-04-13-33; Tax Lot No. 04601; Assessor's Property Account Number 1837937) is repealed and approval of the tax exemption is terminated.

Section 2. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the owner, and to cause a copy of this Resolution to be filed with the Lane County Assessor, within ten days from the date of adoption of this Resolution

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the ___ day of _____, 2014.

City Recorder

June 4, 2014

Mike Sullivan
Manager
Planning & Development – Community Development
City of Eugene
99 W. 10th Ave
Eugene, OR 97401

**RE: Termination of LIRPTE for Parcel No 1837937 along River Road
(Assessor's Property Tax Number 1837937).**

Dear Mr. Sullivan,

I am writing to request a termination of the low-income rental housing property tax exemption (LIRPTE) granted for the site located adjacent to 1410 River Road in Eugene, Oregon. The Assessor's Property Tax ID for the site is 1837937. The original LIRPTE was granted by the Eugene City Council at my request on November 26, 2012 as Council Resolution Number 5047.

Evergreen Housing Development Group requested the current exemption in the fall of 2012 with the full intent that the site could be built as long-term affordable rental housing. There are many reasons why building this site as 60% AMI affordable housing as proposed in our original LIRPTE application is no longer feasible. These reasons include:

- Decreases in revenue. The maximum rents allowed to be charged in 2014 actually decreased from the rents HUD allowed in both 2013 and 2012, when the project was first underwritten.
- Increasing debt costs. Interest rates almost doubled between the spring and summer of 2013.
- Rising construction costs.

As the project is not yet built and there are no lenders or investors limiting the property as affordable housing we are requesting the LIRPTE be terminated. I will make myself available to answer any questions you may have about this request and to appear before the Council to answer any questions they may have about our request.

Sincerely,



Andrew Brand
Director of Development
Evergreen Housing Development Group, LLC

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Public Contracts; Amending Sections 2.1400, 2.1405, 2.1410, 2.1415, 2.1420, 2.1425, 2.1430 and 2.1445 of the Eugene Code, 1971; Repealing Sections 2.1435, 2.1440 and 2.1450 of that Code; and Adding Section 2.1451 to that Code

Meeting Date: October 13, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
 Staff Contact: Vicki Silvers
 Contact Telephone Number: 541/682-5082

ISSUE STATEMENT

This is a public hearing held for the purpose of taking comments on a draft ordinance that adds and deletes sections of the Eugene City Code concerning public contracting; amendments include exemptions of certain classes of special procurements and public improvement contracts from competitive bidding requirements. As required by Oregon state public contracting law, the filing of findings for exemptions is included. This public hearing is also for taking comments on the supportive draft findings.

BACKGROUND

The City of Eugene is subject to the public contracting laws of the State of Oregon. In 2005, Eugene's city public contracting code was amended in accordance with State legislative changes in public contracting laws. Since that time, legislation has made additional changes. The proposed amended code will streamline and update the City's current Public Contracting Code provisions and exemptions, and authorize the City Manager, acting as the City's Purchasing Agent, to adopt updated rules to implement the code and exemptions in compliance with current state public contracting law.

Public procurement and contracting requires the interpretation and application of state law, City Code, State Attorney General's model rules and City administrative rules. City purchasing staff have been working with legal counsel to amend the City's public contracting code provisions to comply with statutory changes made since 2005, when the City last made major amendments to its public contracting code. During this process, staff and legal counsel identified other areas in the City's public contracting code provisions that are duplicative or inconsistent with state public contracting laws. The proposed code amendments are made in order to comply with legislative amendments and to remove the portions that are duplicative or inconsistent with state law. This process has also included an update of City public contract administrative rules, for much the same reasons. The goal is to have the new rules better reflect actual City procurement practices and more closely conform to the Attorney General's model rules. The majority of the code

amendments proposed, attempt to streamline the procurement process and consolidate the rules and laws in order to support the procurement business practice of City purchasing staff as stewards of public resources.

Amending City code by removing language that is already included in statute reduces the need for the council to adopt code amendments whenever Oregon Legislature changes public contracting law. Where code has outlined specific business practices, moving those to the updated administrative rules will allow the City to be more flexible and responsive when legislative changes or new City goals are identified, (i.e. administrative rules don't require a code change and the lengthy process involved with amending code).

The proposed ordinance concerning public contracts amends, repeals and adds a section to that code. These changes require approval from the City Council, acting as the contract review board. The sections modifying the code provisions by this ordinance are as follows with a brief description.

- 2.1410 Public Contracts – Regulation by City Council. Deletes language that is included in Oregon Public Contracting Code and is unnecessary.
- 2.1415 Public Contracts – Authority of Purchasing Agent. (4) Mandatory Review of Rules. Eliminated because it is required by ORS 279A.065.
- 2.1420 Public Contracts – Definitions. Those sections that are stricken are terms not used within the revised City Code or are terms that are defined by Oregon Public Contracting Code.
- 2.1425 Public Contracts – Process for Approval of Special Solicitation Methods and Exemptions. These changes will streamline contracting rules and align City business practice with the Attorney General's model rules. This also is an area that will allow for flexibility when the legislature makes changes.
- 2.1430 Public Contracts – Solicitation Methods for Classes of Contracts. Language stricken throughout this section is granted outright by statute.
- 2.1430(3)(c), Some areas of state public contracting law allows for local government to provide their own guidelines and rules for public contracting. Previously public entities were able to undertake Construction Manager/General Contractor (CM/GC) Contracts pursuant to their own rules. As of July 1, 2014, state law changed and public entities must follow the Attorney General's Contractor Management/General Contractor Model Rules. Adding this subsection emphasizes the change in this practice.
- 2.1430(6)(d), In 2013 state legislation raised this threshold from \$5,000 to \$10,000 for small procurements for goods and services, which may be awarded through any procurement method, including direct appointment. This new law was enacted January 1, 2014. Because City Code specifies the \$5,000 threshold, staff are unable to make this improvement in business practices until the council takes action on the proposed ordinance. Removing this specific language allows the Purchasing Agent to adopt an administrative rule more quickly and efficiently whenever changes are made to statute.
- 2.1430(7), Contracts Required by Emergency Circumstances. This amended section provides for a manageable business practice when small, unexpected/emergency purchases are necessary.

- 2.1435 and 2.1440 deleted because they are governed by statutes or administrative rules.
- 2.1445 Public Contracts – Electronic Advertisement of Public Contracts. Reflects ORS 279C.360 requirements and updates our business practice as electronic media increasingly replaces print publications.
- 2.1450 deleted because it is governed by ORS 279B.425 and 279C.430 to 279C.450.
- Section 2.1451, this section is inserted as required by ORS 279C.305 and 279C.310 and is not found in any other areas of City code. Without adopting this section and the required Model Cost Accounting Guidelines the City would be prohibited from constructing public improvements costing \$5,000 or more with City equipment and/or personnel.

RELATED CITY POLICIES

Recently, the council had a conversation regarding City contracting with minority- and women-owned businesses and disadvantaged emerging business enterprises. The council is expected to have an additional work session on this topic in early 2015. The ordinance changes proposed here do not prevent future action by the council in this area.

COUNCIL OPTIONS

None. This is a public hearing only and no action is required at this time. Deliberation and action are scheduled for October 27, 2014.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the Mayor and Eugene City Council convene a public hearing. Following the public hearing, the City Manager will make a recommendation for the proposed ordinance to be included on the council agenda for action on October 27, 2014.

SUGGESTED MOTION

This is a public hearing; therefore, no motion is required. The ordinance will be brought back to the council for action on October 27, 2014.

ATTACHMENTS

A. Proposed Ordinance with Changes Marked and Findings in Support of Ordinance

FOR MORE INFORMATION

Staff Contact: Vicki Silvers
 Telephone: 541/682-5082
 Staff E-Mail: vicki.j.silvers@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE CONCERNING PUBLIC CONTRACTS; AMENDING SECTIONS 2.1400, 2.1405, 2.1410, 2.1415, 2.1420, 2.1425, 2.1430 AND 2.1445 OF THE EUGENE CODE, 1971; REPEALING SECTIONS 2.1435, 2.1440 AND 2.1450 OF THAT CODE; AND ADDING SECTION 2.1451 TO THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 2.1400, 2.1405, 2.1410, 2.1415, 2.1420, 2.1425, 2.1430 and 2.1445 of the Eugene Code, 1971, are amended to provide as follows:

2.1400 Public Contracts – City Policy.

- (1) **Short Title.** The provisions of sections 2.1400 to [2.1450] **2.1451** of this code, and all administrative rules adopted thereunder may be cited as the City of Eugene Public Contracting Regulations.
- (2) **Purpose.** It is the policy of the city in adopting public contracting regulations to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by:
 - (a) Promoting impartial and open competition;
 - (b) Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
 - (c) Taking full advantage of evolving procurement methods that suit the contracting needs of the city as they emerge within various industries.
- (3) **Interpretation.** In furtherance of the purpose of the objectives set forth in subsection (2), it is the city's intent that sections 2.1400 to [2.1450] **2.1451** be interpreted to authorize the full use of all contracting powers and authorities described in ORS Chapters 279A, 279B and 279C (***the Oregon Public Contracting Code***).

2.1405 Public Contracts – Exemption from Public Contracting Regulations.

The City of Eugene Public Contracting Regulations apply to all public contracts of the city except for the classes of contracts that are declared exempt from the Oregon Public Contracting Code, [which shall be] **as** set forth ***herein and as specifically described*** in the rules adopted by the purchasing agent.

2.1410 Public Contracts – Regulation by City Council. Except as expressly delegated under sections 2.1400 to [2.1450] **2.1451**, the city council reserves to itself the exercise of all of the duties and authority of a contract review board under [state law, including, but not limited to, the power and authority to:] ***the Oregon Public Contracting Code.***

- ~~[(1) **Solicitation Methods Applicable to Contracts.** Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts;~~
- ~~(2) **Brand Name Specifications.** Exempt the use of brand name specifications for public improvement contracts;~~
- ~~(3) **Waiver of Performance and Payment Bonds.** Approve the partial or complete waiver of the requirement for the delivery of a performance or payment bond for construction of a public improvement other than in cases of emergencies;~~
- ~~(4) **Electronic Advertisement of Public Contracts.** Authorize the use of electronic advertisements for public contracts in lieu of publication in a newspaper of general circulation; and~~
- ~~(5) **Appeals of Debarment and Prequalification Decisions.** Hear properly filed appeals of the purchasing agent's determination of debarment, or concerning prequalification.]~~

2.1415 Public Contracts - Authority of Purchasing Agent.

- (1) General Authority.** The city manager shall be the purchasing agent for the city and is hereby authorized to award all city contracts for which there is an appropriation. Subject to the provisions of sections 2.1400 to [2.1450] **2.1451** of this code, the purchasing agent may adopt and amend all rules, regulations, procedures and forms required or permitted to be adopted by contracting agencies under the Oregon Public Contracting Code or otherwise convenient for the city's contracting needs. Without limiting the generality of the foregoing, the purchasing agent shall adopt public contracting rules for the award of personal services contracts and concession agreements and shall hear all solicitation and award protests.
- (2) Standards for Contracting Rules.** When adopting public contracting rules, the purchasing agent shall establish practices and procedures that:
 - (a) Do not encourage favoritism or substantially diminish competition;
 - (b) Allow the city to take advantage of the cost-saving benefits of alternative contracting methods and practices;
 - (c) Give preference to goods and services that have been manufactured or produced in the State of Oregon if price, fitness, availability and quality are otherwise equal;
 - (d) Give preference to goods that are certified to be made from recycled products when such goods are available, can be substituted for non-recycled products without a loss in quality, and the cost of goods made from recycled products is not significantly more than the cost of goods made from non-recycled products; and
 - (e) Establish purchasing practices that assure, to the maximum extent economically feasible, purchase of materials, goods and supplies that may be recycled or reused when discarded.

(3) **Delegation of Authority.** Any of the responsibilities or authorities of the purchasing agent under Sections 2.1400 to [2.1450] **2.1451** of this code may be delegated and sub-delegated by administrative order.

~~[(4) **Mandatory Review of Rules.** Whenever the Oregon State Legislative Assembly enacts laws that cause the attorney general to modify its model rules, the purchasing agent shall review the city's public contracting regulations to determine whether any modifications to the regulations need to be adopted by the city to ensure compliance with statutory changes.]~~

2.1420 Public Contracts – Definitions. The following terms used in sections 2.1400 to [2.1450] **2.1451** shall have the meanings set forth below, *and if not defined here, the meanings set forth in the Oregon Public Contracting Code.*

~~[**Bid.** A binding, sealed written offer to provide goods, services or public improvements for a specified price or prices.]~~

Concession agreement. A contract that authorizes and requires a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from real property owned or managed by the city, and under which the concessionaire makes payments to the city based, at least in part, on the concessionaire's revenues or sales. The term "concession agreement" does not include a mere rental agreement, license or lease for the use of premises.

~~[**Contract price.** The total amount paid or to be paid under a contract, including any approved alternates, and any fully executed change orders or amendments.]~~

~~**Contract review board.** The city council.~~

~~**Cooperative procurement.** A procurement conducted by or on behalf of more than one contracting agency.~~

~~**Debarment.** A declaration by the purchasing agent under ORS 279B.130 or ORS 279C.440 that prohibits a potential contractor from competing for the city's public contracts for a prescribed period of time.]~~

Disposal. Any arrangement for the transfer of property by the city under which the city relinquishes ownership.

Emergency. Circumstances that could not have been reasonably [forseen]**foreseen**; create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and require prompt execution of a contract to remedy the condition.

~~**[Energy savings performance contract.** A contract with a qualified energy service company for the identification, evaluation, recommendation, design and construction of energy conservation measures that guarantee energy savings or performance.~~

~~**Findings.** The statements of fact that provide justification for a determination. Findings may include, but are not limited to, information regarding operation, budget and financial data; public benefits; cost savings; competition in public contracts; quality and aesthetic considerations, value engineering; specialized expertise needed; public safety; market conditions; technical complexity; availability, performance and funding sources.~~

~~**Goods.** Includes any item or combination of supplies, equipment materials or other personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto.]~~

~~**Informal solicitation.** A solicitation made in accordance with rules adopted by the purchasing agent to a limited number of potential contractors, in which the solicitation agent attempts to obtain at least three quotes or proposals.~~

~~**[Invitation to bid.** A publicly advertised request for competitive sealed bids.~~

~~**Offeror.** A person who submits a bid, quote or proposal to enter into a public contract with the city.~~

~~**Oregon Public Contracting Code.** ORS chapters 279A, 279B and 279C.~~

~~**Person.** A natural person or any other private or governmental entity, having the legal capacity to enter into a binding contract.]~~

~~**Proposal.** A binding offer to provide goods, services or public improvements with the understanding that acceptance will depend on the evaluation of factors other than, or in addition to price. A proposal may be made in response to a request for proposals or under an informal solicitation.~~

~~**Personal services contract.** A contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to the services of architects, engineers, land surveyors, attorneys, auditors and other licensed professionals,~~

artists, designers, computer programmers, performers, consultants and property managers. The purchasing agent shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services.

~~[**Public contract.** A sale or other disposal, or a purchase, lease, rental or other acquisition by the city of personal property, services, including personal services, public improvements, public works, minor alterations, emergency construction or repair work or ordinary repair or maintenance necessary to preserve a public improvement.]~~

~~**Public improvement.** A project for construction, reconstruction or major renovation on real property by or for the city. "Public improvement" does not include:~~

- ~~(a) Projects for which no funds of the city are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or~~
- ~~(b) Emergency construction or repair work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.]~~

Purchasing agent. The city manager or a designee appointed by the city manager to exercise the authority of the purchasing agent under the city's public contracting regulations.

Quote. A price offer made in response to an informal or qualified pool solicitation to provide goods, services or public improvements.

~~[**Request for proposals.** A publicly advertised request for sealed competitive proposals.]~~

~~**Services.** Includes all types of services (including construction labor) other than personal services.]~~

Solicitation. An invitation to one or more potential contractors to submit a bid, proposal, quote, statement of qualifications or letter of interest to the city with respect to a proposed project, procurement or other contracting opportunity. The word "solicitation" also refers to the process by which the city requests, receives and evaluates potential contractors and awards public contracts.

Solicitation agent. With respect to a particular solicitation or contract, the city manager or employee delegated responsibility for conducting the solicitation and awarding the contract.

~~[**Solicitation documents.** Includes all informational materials issued by the city for a solicitation, including, but not limited to advertisements, instructions, submission requirements and schedules, award criteria, contract terms and specifications, and all laws, regulations and documents incorporated by reference.]~~

Surplus property. Personal property owned by the city which is no longer needed for use by the department to which such property has been assigned.

Telecommunication services. Two way switched access and transport of voice communications but does not include: (a) services provided by radio common carrier, (b) one-way transmission of television signals, (c) surveying, (d) private telecommunication networks, or (e) communications of the city which take place on the city's side of on-premises equipment.

2.1425 Public Contracts - Process for Approval of Special Solicitation Methods and Exemptions.

- ~~(1) **Authority of City Council.** In its capacity as contract review board for the city, the city council, upon its own initiative, or upon request of the purchasing agent, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section 2.1425.~~
- ~~(2) **Basis for Approval.** The approval of a special solicitation method or exemption from competition must be based upon a record before the city council that contains findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations. In making a determination regarding a special selection method, the city council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.~~
- ~~(3) **Hearing.**~~
- ~~(a) The city shall approve the special solicitation or exemption after a public hearing before the city council following notice by publication in at least one newspaper of general circulation in the Eugene/ Springfield metropolitan area at least 7 days prior to the hearing.~~
 - ~~(b) At the public hearing, the city shall offer an opportunity for any interested party to appear and present comment.~~
 - ~~(c) The city council shall consider the findings, any comments or testimony presented at the hearing, and may approve the~~

- exemption as proposed or as modified by the council in response to the comments received.
- ~~(4) **Special Requirements for Public Improvement Contracts.**~~
- ~~(a) Notification of the public hearing shall be published in a trade newspaper of general statewide circulation at least 14 days prior to the hearing.~~
- ~~(b) The notice shall state that the public hearing is for the purpose of taking comments on the city's draft findings for an exemption from the standard solicitation method. At the time of the notice, copies of the draft findings shall be made available to the public.]~~
- (1) Special Procurements. Special procurement requests, approvals, and protests shall be made in accordance with rules adopted by the purchasing agent and ORS 279B.085.**
- (2) Public Improvement Contract Exemptions. Public improvement contract exemption shall be adopted in accordance with rules adopted by the purchasing agent and ORS 279C.335.**
- (53) Commencement of Public Improvement Solicitation Prior to Approval.** A solicitation may be issued prior to the approval of a [special] **public improvement contract** exemption [under this section 2.1425, provided that the closing of the solicitation may not be earlier than 5 days after the date of the hearing at which the city council approves the exemption. If the city council fails to approve a requested exemption, or requires the use of a solicitation procedure other than the procedures described in the issued solicitation documents, the issued solicitation may either be modified by addendum, or canceled] **pursuant to ORS 279C.335(5)(e).**

2.1430 Public Contracts - Solicitation Methods for Classes of Contracts. The following solicitation methods and [the] **exempt** classes of contracts [that may be awarded under such methods] are hereby established by the city council.

- ~~(1) **Purchases from Nonprofit Agencies for Individuals with Disabilities.** When available, the city shall purchase goods, services and public improvements from qualified nonprofit agencies for individuals with disabilities in accordance with the provisions of ORS 279.835 through 279.850 and rules adopted by the purchasing agent.~~
- ~~(2) **Public Improvement Contracts.**~~
- ~~(a) Any public improvement. Unless otherwise provided in these regulations or approved for a special exemption, public improvement contracts in any amount may be issued under an invitation to bid.~~
- ~~(b) Public improvements up to \$100,000. Public improvement contracts for which the estimated contract price does not exceed \$100,000 may be awarded using an informal solicitation for quotes in accordance with rules adopted by the purchasing agent.~~

~~(c) Transportation public improvements up to \$50,000. Contracts for which the estimated contract price does not exceed \$50,000, for highways, bridges or other transportation projects may be awarded using an informal solicitation for quotes in accordance with rules adopted by the purchasing agent.~~

~~(d) Public improvements up to \$5,000. Contracts for public improvements for up to \$5,000 are not subject to competitive solicitation requirements and may be awarded in any manner provided by the purchasing agent's rules and, subject to rules adopted by the purchasing agent, may be awarded at the discretion of the solicitation agent.]~~

(1) Requests for Proposals for Public Improvement Contracts. The city may utilize a formal request for proposal (RFP) solicitation method for public improvement projects, in accordance with rules adopted by the purchasing agent for the use of RFPs and contracts awarded thereunder.

(2) ~~(e)~~ City funded privately-constructed public improvements. The city may contribute funding to a privately constructed public improvement project (commonly known as a "PEPI") without subjecting the project to competitive solicitation requirements if all of the following conditions are met with respect to the entire public improvement project:

(a) ~~[1.]~~ The city's contribution to the project may not exceed 25% of the total cost of the project;

(b) ~~[2.]~~ The city must comply with all applicable laws concerning the reporting of the project to the Bureau of Labor and Industries as a public works project;

(c) ~~[3.]~~ The general contractor for the project must agree in writing to comply with all applicable laws concerning reporting and payment of prevailing wages for the project;

(d) ~~[4.]~~ The funds contributed to the project may not provide a pecuniary benefit to the owner of the development for which the project is being constructed, other than benefits that are shared by all members of the community;

(e) ~~[5.]~~ The performance of the general contractor and the payment of labor for the project must be secured by performance and payment bonds or other cash-equivalent security that is acceptable to the purchasing agent to protect the city against defective performance and claims for payment, unless the city's obligation to make a payment is conditioned upon final completion of the public improvement and proof of, or security for payment that is acceptable to the purchasing agent; and,

(f) ~~[6.]~~ The contract for construction of the project must be amended, as necessary, to require the general contractor to maintain adequate workers compensation and liability insurance and to protect and provide indemnification to the city for all claims

- for payment, injury or property damage arising from or related to the construction of the project.
- ~~[(3) **Personal Services Contracts.** The purchasing agent shall adopt such rules for the selection and award of contracts for personal services as the purchasing agent, in his or her sole discretion deems appropriate.]~~
- (43) Hybrid Contracts.** The following classes of contracts include elements of construction of public improvements as well as personal services and may be awarded ~~[under a request for proposals, unless exempt from competitive solicitation]~~ **as described below and subject to rules adopted by the purchasing agent.**
- (a) Design/build [and CM/GC] contracts. Contracts for the construction of public improvements using a design/build ~~[or construction manager/general contractor]~~ construction method shall be awarded under a request for proposals. The determination to construct a project using a design/build ~~[or construction manager/general contractor]~~ construction method must be approved by the city manager or the city manager's designee, upon application of the solicitation agent, in which the solicitation agent submits facts that support a finding that the construction of the improvement under the proposed method is likely to result in cost savings, higher quality, reduced errors, or other benefits to the city.
- (b) Energy savings performance contracts. Unless the contract qualifies for award under another classification in this section 2.1430, contractors for energy savings performance contracts shall be selected under a request for proposals.
- (c) ***Construction Manager/General Contractor (CM/GC) contracts. Contracts for the construction of public improvements using a Construction Manager/General Contractor Construction Method shall be awarded pursuant to ORS 279C.337 and Attorney General Model Rules adopted thereunder.***
- ~~[(5) **Contracts for Goods and Services.**~~
- ~~(a) Any procurement. The procurement of goods or services, or goods and services in any amount may be made under either an invitation to bid or a request for proposals.~~
- ~~(b) Procurements up to \$150,000. The procurement of goods or services, or goods and services, for which the estimated contract price does not exceed \$150,000 may also be made under an informal solicitation for either quotes or proposals.]~~
- (64) [Contracts Subject to Award at Solicitation Agent's Discretion] *Special Procurement Class Exemptions.*** Subject to regulation under rules adopted by the purchasing agent, the following classes of contracts may be awarded in any manner which the solicitation agent deems appropriate to the city's needs, including by direct appointment or purchase.

- (a) Advertising. Contracts for the placing of notice or advertisements in any medium.
- (b) Amendments. Contract amendments shall not be considered to be separate contracts if made in accordance with rules adopted by the purchasing agent.
- (c) Animals. Contracts for the purchase of animals.
- ~~[(d) Contracts up to \$5,000. Contracts of any type for which the contract price does not exceed \$5,000 may be awarded and amended as provided in rules adopted by the purchasing agent.]~~
- (~~e~~**d**) Copyrighted and library materials. Contracts for the acquisition of materials entitled to copyright, including, but not limited to, works of art and design, literature, music and library lending materials.
- (~~f~~**e**) Equipment repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.
- (**f**) ***Fuel and oil. Contracts for gasoline, diesel fuel, heating oil, lubricants and asphalt, subject to an intermediate procurement process.***
- (g) Goods for resale. Contracts for goods purchased for resale to consumers.
- (h) Government regulated items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
- (i) Insurance. Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145, ***and liability insurance contracts.***
- (**j**) ***Manufacturer direct supplies. Contracts for goods purchased directly from the manufacturer, subject to rules adopted by the purchasing agent.***
- (~~j~~**k**) Non-owned property. Contracts or arrangements for the sale or other disposal of used abandoned property or other personal property not owned by the city.
- (~~k~~**l**) Renewals. Contracts that are being renewed in accordance with their terms are not considered to be newly issued contracts and are not subject to competitive procurement procedures.
- (~~l~~**m**) Sole source contracts. Contracts for goods or services which are available from a single source may be awarded without competition. ***Pursuant to ORS 279B.075, [†]the purchasing agent shall adopt rules under which a determination of sole source availability may be made.***
- (~~m~~**n**) Sponsorship agreements. Sponsorship agreements, under which the city receives a gift or donation in exchange for recognition of the donor.

- (no) Structures. Contracts for the disposal of structures located on city-owned property, other than structures suitable for residential use.
- (op) Temporary extensions or renewals. Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.
- (oq) Temporary use of city-owned property. The city may negotiate and enter into a license, permit or other contract for the temporary use of city-owned property without using a competitive selection process if:
1. The contract results from an unsolicited proposal to the city based on the unique attributes of the property or the unique needs of the proposer;
 2. The proposed use of the property is consistent with the city's use of the property and the public interest; and
 3. The city reserves the right to terminate the contract without penalty, in the event that the city determines that the contract is no longer consistent with the city's present or planned use of the property or the public interest.
- (or) Used property. A solicitation agent, for procurements up to \$20,000, and the purchasing agent, for procurements in excess of \$20,000 may contract for the purchase of used property by negotiation if such property is suitable for the city's needs and can be purchased for a lower cost than substantially similar new property. For this purpose the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the city. A record shall be made of the findings that support any purchase over \$10,000.
- (os) Utilities. Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities, including in-kind telecommunications services pursuant to EC 3.415(6).
- (75) Contracts Required by Emergency Circumstances.** The purchasing agent may declare that an emergency exists ~~[in order to prevent substantial damage or injury to persons or property]~~ **pursuant to ORS 279B.080**. The purchasing agent shall notify the city council of the declaration of emergency~~], if made, and the facts and circumstances surrounding the emergency execution of the contract, as soon as possible, in light of the emergency circumstances.~~ The purchasing agent shall ensure competition for a contract for the emergency work that is reasonable and appropriate under the emergency circumstances. ~~The purchasing agent shall set a solicitation time period that the purchasing agent determines to be reasonable under the emergency circumstances and issue written or oral requests for offers or make direct appointments without competition in cases of extreme necessity. The purchasing agent shall document the nature of the emergency; the~~

~~method used for selection of the particular contractor; and the reason why the selection method was deemed in the best interest of the city and the public. Any contract awarded under emergency conditions must be awarded within 60 days following the declaration of an emergency] **for contract awards over the applicable intermediate procurement threshold.**~~

- ~~(8) **Federal Purchasing Programs.** Goods and services may be purchased without competitive procedures under a local government purchasing program administered by the United States General Services Administration (“GSA”) in accordance with rules adopted by the purchasing agent.~~
- ~~(9) **Cooperative Procurement Contracts.** Cooperative procurements may be made without competitive solicitation as provided in the Oregon Public Contracting Code and under rules adopted by the purchasing agent.]~~
- ~~(106) **Surplus Property.** The purchasing agent shall adopt rules for the disposal of all surplus property. The purchasing agent’s rules shall include rules under which nonprofit corporations may lease or purchase structures suitable for use as residential buildings that are declared surplus property and must be removed from city-owned property. The rules shall give preferences to nonprofit corporations who will use the structure to provide housing for persons of low income, or who are otherwise disadvantaged.~~
- ~~(117) **Concession Agreements.** The purchasing agent shall adopt rules for the award of concession agreements.~~

Section 2. Sections 2.1435 and 2.1440 of the Eugene Code, 1971, are repealed.

~~[2.1435 **Public Contracts – Use of Brand Name Specifications for Public Improvements.**~~

- ~~(1) **In General.** Specifications for contracts shall not expressly or implicitly require any product by one brand name or mark, nor the product of one particular manufacturer or seller, except for the following reasons:
 - ~~(a) It is unlikely that such exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; or~~
 - ~~(b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the city; or~~
 - ~~(c) There is only one manufacturer or seller of the product of the quality required; or~~
 - ~~(d) Efficient utilization of existing equipment, supplies requires the acquisition of compatible equipment or supplies.~~~~
- ~~(2) **Authority of Purchasing Agent.** The purchasing agent shall have authority to determine whether an exemption for the use of a specific~~

brand name specification should be granted by recording findings that support the exemption based on the provisions of subsection (1).

- ~~(3) **Brand Name or Equivalent.** Nothing in this section 2.1435 prohibits the city from using a “brand name or equivalent” specification, from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the city, or from establishing a qualified product list under rules adopted by the purchasing agent.]~~

~~[2.1440 **Public Contracts – Bid, Performance and Payment Bonds.**~~

- ~~(1) **Solicitation Agent May Require Bonds.** The solicitation agent may require bid security and a good and sufficient performance and payment bond even though the contract is of a class that is exempt from the requirement under this section 2.1440.~~
- ~~(2) **Bid/Proposal Security.** Except as otherwise exempted, the invitation to bid or request for proposals for all contracts that include the construction of a public improvement shall require bid or proposal security.~~
- ~~(3) **Performance Bonds.**~~
- ~~(a) **General.** Except as provided in sections 2.1400 to 2.1450 of this code, all public contracts are exempt from the requirement for the furnishing of a performance bond.~~
- ~~(b) **Contracts involving public improvements.** Prior to executing a contract for more than \$50,000 that includes the construction of a public improvement, the contractor must deliver a performance bond in an amount equal to the full contract price conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The performance bond must be solely for the protection of the city and any public agency that is providing funding for the project for which the contract was awarded.~~
- ~~(c) **Cash-in-lieu.** The purchasing agent may permit the successful offeror to submit a cashier’s check or certified check in lieu of all or a portion of the required performance bond.~~
- ~~(4) **Payment Bonds.**~~
- ~~(a) **General.** Except as provided in sections 2.1400 to 2.1450 of this code, all public contracts are exempt from the requirement for the furnishing of a payment bond.~~
- ~~(b) **Contracts involving public improvements.** Prior to executing a contract for more than \$50,000 that includes the construction of a public improvement, the contractor must deliver a payment bond equal to the full contract price, solely for the protection of claimants under ORS 279C.600.~~
- ~~(5) **Design/Build Contracts.** If the public improvement contract is with a single person to provide both design and construction of a public improvement, the obligation of the performance bond for the faithful~~

~~performance of the contract must also be for the preparation and completion of the design and related services covered under the contract. Notwithstanding when a cause of action, claim or demand accrues or arises, the surety is not liable after final completion of the contract, or longer if provided for in the contract, for damages of any nature, economic or otherwise and including corrective work, attributable to the design aspect of a design-build project, or for the costs of design revisions needed to implement corrective work.~~

- ~~(6) **Construction Manager/General Contractor Contracts.** If the public improvement contract is with a single person to provide construction manager and general contractor services, in which a guaranteed maximum price may be established by an amendment authorizing construction period services following preconstruction period services, the contractor shall provide the bonds required by subsection (1) of this section upon execution of an amendment establishing the guaranteed maximum price. The city shall also require the contractor to provide bonds equal to the value of construction services authorized by any early work amendment in advance of the guaranteed maximum price amendment. Such bonds must be provided before construction starts.~~
- ~~(7) **Surety; Obligation.** Each performance bond and each payment bond must be executed solely by a surety company or companies holding a certificate of authority to transact surety business in Oregon. The bonds may not constitute the surety obligation of an individual or individuals. The performance and payment bonds must be payable to the city or to the public agency or agencies for whose benefit the bond is issued, as specified in the solicitation documents, and shall be in a form approved by the purchasing agent.~~
- ~~(8) **Emergencies.** In cases of emergency, or when the interest or property of the city probably would suffer material injury by delay or other cause, the requirement of furnishing a good and sufficient performance bond and a good and sufficient payment bond for the faithful performance of any public improvement contract may be excused, if a declaration of such emergency is made in accordance with the provisions of section 2.1430(7)(c), unless the city council requires otherwise.]~~

Section 3. Section 2.1445 of the Eugene Code, 1971, is amended to provide as

follows:

2.1445 Public Contracts - Electronic Advertisement of Public Contracts. [In lieu of publication in a newspaper of general circulation in the Eugene/Springfield metropolitan area, the advertisement for an invitation to bid or request for proposals for a contract may be published electronically by posting on the city's website, provided that the following conditions are met:

- ~~(1) The placement of the advertisement is on a location within the website that is maintained on a regular basis for the posting of information~~

concerning solicitations for projects of the type for which the invitation to bid or request for proposals is issued; and

- ~~(2) The solicitation agent determines that the use of electronic publication will be at least as effective in encouraging meaningful competition as publication in a newspaper of general circulation in the Eugene/Springfield metropolitan area and will provide costs savings for the city, or that the use of electronic publication will be more effective.]~~

The purchasing agent is authorized to adopt rules allowing electronic publication of public contracts instead of publication in a newspaper of general circulation, if electronic advertisement is likely to be cost effective and will encourage meaningful competition.

Section 4. Section 2.1450 of the Eugene Code, 1971, is repealed.

[2.1450 Public Contracts – Appeal of Debarment or Prequalification Decision.

- ~~(1) **Right to Hearing.** Any person who has been debarred from competing for city contracts or for whom prequalification has been denied, revoked or revised may appeal the city's decision to the city council as provided in this section 2.1450.~~
- ~~(2) **Filing of Appeal.** A written notice of appeal must be filed with the city's purchasing agent within three business days after the person's receipt of the notice of the determination of debarment, or denial of prequalification.~~
- ~~(3) **Notification of City Council.** Immediately upon receipt of such notice of appeal, the purchasing agent shall notify the city council of the appeal.~~
- ~~(4) **Hearing.** The procedure for appeal from a debarment or denial, revocation or revision of prequalification shall be as follows:~~
- ~~(a) Promptly upon receipt of notice of appeal, the city shall notify the appellant of the time and place of the hearing;~~
- ~~(b) The city council shall conduct the hearing and decide the appeal within 30 days after receiving notice of the appeal from the purchasing agent; and~~
- ~~(c) At the hearing, the city council shall consider de novo the notice of debarment, or the notice of denial, revocation or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment, and any evidence provided by the parties. The standards of responsibility as defined in the Oregon Public Contracting Code shall be set forth in the rules adopted by the purchasing agent.~~
- ~~(5) **Decision.** The city council shall set forth in writing the reasons for the decision.~~
- ~~(6) **Costs.** The city council may allocate the city council's costs for the hearing between the appellant and the city. The allocation shall be~~

~~based upon facts found by the city council and stated in the city council's decision that, in the city council's opinion, warrant such allocation of costs. If the city council does not allocate costs, the costs shall be paid by the appellant, if the decision is upheld, or by the city, if the decision is over-turned.~~

~~(7) **Judicial Review.** The decision of the city council may be reviewed only upon a petition in the circuit court of Lane County filed within 15 days after the date of the city council's decision.]~~

Section 5. Section 2.1451 of the Eugene Code, 1971 is added to provide as

follows:

2.1451 *Model Cost Accounting Guidelines.* *The model cost accounting guidelines developed by the Oregon Department of Administrative Services, pursuant to Section 3, Chapter 869, Oregon Laws, 1979, are hereby adopted as the city's cost accounting system to apply to public improvement projects exceeding \$5,000 and constructed with city's own equipment or personnel. ORS 279C.310. For such public improvement projects estimated to cost more than \$125,000, city shall also comply with the requirements of ORS 279C.305(3).*

Section 6. The findings set forth in Exhibit A attached hereto are adopted as findings in support of this Ordinance.

Section 7. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2014

City Recorder

Approved by the Mayor this

___ day of _____, 2014

Mayor

These conclusions are based on the following general findings:

- A. Operational, budget, and financial data. Where various criteria, which may or may not include cost, must be weighed in order to select an appropriate contractor for the desired project, the formal competitive bidding process costs of up to \$7,000 are a significant budgetary waste in that the most qualified contractor for the project may not be the lowest responsible bidder;
- B. Public benefits. Exempting contracts from competitive bidding requirements and instead utilizing statutory competitive proposal procedures will protect and preserve public funds, enable greater competition between the most qualified contractors, and result in a better product which meets the public's and city's needs;
- C. Value engineering, specialized expertise required, Technical expertise. Only through a competitive proposal process can the city weigh, evaluate and select the type of expertise and determine which contractor may best provide these services. These are qualities not reflected in cost, where a determination on cost alone could forfeit these valuable and essential attributes;
- D. Public safety. Utilizing a competitive proposal process as opposed to competitive bidding can ensure high quality, more safely constructed facilities through the construction period, and after completion. Capitalizing upon design and construction planning and compatibility can also allow earlier use of public facilities even while construction continues; and
- E. Market conditions. The increased availability of and need for technical expertise, value engineering, or other types of specialized expertise, as well as a need to investigate the compatibility, experience and availability of contractors require that certain public improvement contracts be awarded based upon an evaluation of a number of criteria, rather than simply cost.

Specifically, the Council finds the following:

EC 2.1430(1) – Request for Proposals for Public Improvement Contracts.

Alternate Award Process. Requires the use of a formal, advertised request for proposals.

Cost Savings and Other Benefits. Certain public improvement projects require the evaluation of multiple factors, including cost, which avoids serial solicitations, costs savings during the construction process, and also increases the useful life of the completed public improvement.

Effect on Competition. None. Requires complete and open competition within the same pool of potential contractors that would be qualified to respond to an invitation to bid.

No Favoritism. Requires complete and open competition within the same pool of potential contractors that would be qualified to respond to an invitation to bid, while identifying discrete, weighted criteria on which submitted proposals must be evaluated.

Other Factors. ORS 279C.400 authorizes the use of a formal competitive proposal solicitation subject to an adopted exemption. This exemption ensures this method is available for use as deemed appropriate by the purchasing agent and solicitation agents.

EC 2.1430(2) – City funded privately-constructed public improvements.

Alternate Award Process. Not applicable. City does not award contract.

Cost Savings and Other Benefits.

1. No mobilization cost.
2. Reduced engineering and design costs-ties into existing project.
3. No solicitation expense.
4. Allows city to take advantage of private funding and development activities to enhance public infrastructure.

Effect on Competition. None. The contract is awarded by private business owner who has personal motivation to minimize cost of improvements.

No Favoritism. City does not select general contractor. General contractor is selected by developer.

Other Factors. Initiated by private entities rather than city. City responds to opportunity.

EC 2.1430(3)(a) Hybrid Contracts – Design/build contracts.

Alternate Award Process. Requires the use of formal, advertised request for proposals.

Cost Savings and Other Benefits. Award of Design/Build contract to the lowest bidder under an invitation to bid would dramatically increase the risk of unsuccessful projects, waste and improper expenditure of public funds. Use of the RFP process is necessary to allow staff to evaluate the unique qualifications of the Design/Build team which will include personal service providers as well as construction experts.

Effect on Competition. Requires complete and open competition to the same pool of potential contractors that would be qualified to respond to an invitation to bid.

No Favoritism. Requires complete and open competition to the same pool of potential contractors that would be qualified to respond to an invitation to bid.

Other Factors. The city has never awarded a Design/Build contract under an invitation to bid. The city is not aware of any other state or federal agency that awards Design/Build contracts under an invitation to bid.

EC 2.1430(3)(b) – Hybrid Contracts – Energy savings performance contracts.

Alternate Award Process. Requires the use of formal, advertised request for proposals.

Cost Savings and Other Benefits. Energy savings performance contracts will include scientific analysis, engineering and design services, cost-benefit analysis, construction services and subsequent scientific testing and monitoring services. ESP projects may be phased in over several years. Award of ESPCs to the lowest bidder under an invitation to bid would impair the city's ability to evaluate the skill, experience and educational qualifications of the contractor's team and dramatically increase the risk of unsuccessful projects, waste and improper expenditure of public funds

Effect on Competition. Requires complete and open competition to the same pool of potential contractors that would be qualified to respond to an invitation to bid.

No Favoritism. Requires complete and open competition to the same pool of potential contractors that would be qualified to respond to an invitation to bid.

Other Factors. The model rules adopted by the Attorney General for this class of contracts require evaluation under a request for proposals due to the heavy scientific analysis and design requirements for this class of contracts.

EC 2.1430(3)(c) – Hybrid Contracts - Construction Manager/General Contractor (CM/GC) contracts.

Alternate Award Process. Process set by ORS 279C.337.

Cost Savings and Other Benefits. Award of CM/GC contract to the lowest bidder under an invitation to bid would dramatically increase the risk of unsuccessful projects, waste and improper expenditure of public funds. Use of the RFP process per ORS 279C.337 is necessary to allow staff to evaluate the unique qualifications of the CM/GC team which will include personal service providers as well as construction experts.

Effect on Competition. Requires complete and open competition to the same pool of potential contractors that would be qualified to respond to an invitation to bid.

No Favoritism. Requires complete and open competition to the same pool of potential contractors that would be qualified to respond to an invitation to bid.

Other Factors. The city has never awarded a CM/GC contract under an invitation to bid. The city is not aware of any other state or federal agency that awards CM/GC contracts under an invitation to bid. Allowed by state law, subject to compliance with ORS 279C.337.

Specific Findings for Special Classes and Methods of Award for Contracts Other Than Public Improvements.

The City Council approves the specific findings for the establishment of special solicitation methods for the classes of public contracts described below and also finds that the establishment of each class of contracts and methods approved for their award:

1. Is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts because such exemptions still require alternative contracting procedures, ensuring: (1) reasonable competition; (2) the best contract price for the public; and (3) a cost-effective process for both contractors and the city;
2. The awarding of public contracts under the exemption will result in substantial cost savings to the city because the city will avoid costs associated with unnecessary documentation and procedures, where it is unmerited by the type and/or relatively low cost of the project; and
3. The awarding of public contracts pursuant to any of the requested exemptions also substantially promotes the public interest in a manner that could not practicably be realized by formal competitive solicitation procedures, given the fact that such exemptions facilitate smooth operation of city's administration and operations, include procedures and mechanisms to ensure the best product, service or outcome is obtained at the least cost to the public and city, and identified classes address areas of public contracting left unresolved by state statute which are essential for city operations, such as the purchase of used personal property, and the disposition of surplus personal property.

Specifically, the Council finds:

**EC 2.1430(4)(a) – Contracts Subject to Award at Purchasing Agent’s Discretion.
(a) Advertising.**

Alternate Award Process. Solicitation agent’s discretion. The process selected may be competitive or non-competitive.

Cost Savings and Other Benefits. Size of and frequency of average advertisement (including all notices required to be published by city) does not justify the cost of solicitation. Period of time from recognition of need to advertise until advertising date is too short to issue solicitation.

Effect on Competition. The potential market is limited because not all advertisers work in every market. Choice of advertising medium is somewhat price sensitive, but primarily driven by location and size of circulation compared to city’s target audience.

No Favoritism. Not applicable due to the lack of competitors and specialized contracting needs.

Other Factors. This exemption was in the city’s prior contracting code.

**EC 2.1430(4)(c) – Contracts Subject to Award at Purchasing Agent’s Discretion.
(c) Animals.**

Alternate Award Process. Solicitation agent’s discretion.

Cost Savings and Other Benefits. Each animal is unique. An officer’s life may depend on the inherent personality traits as well as training of the animal. Price is not the most important factor.

Effect on Competition. The extremely personal nature of the relationship between the animals and staff assure that animals will be carefully evaluated for the city’s needs.

No Favoritism. Not applicable due to the lack of competitors and specialized contracting needs.

Other Factors. This exemption was in the city’s prior contracting code.

**EC 2.1430(4)(d) – Contracts Subject to Award at Purchasing Agent’s Discretion.
(d) Copyrighted and library materials.**

Alternate Award Process. Solicitation agent’s discretion.

Cost Savings and Other Benefits. Necessary to allow city to acquire special needs products that are unique.

Effect on Competition. None. There is no competitive market for a unique product. Library products are generally acquired from a sole-source copyright holder or as used property or by donation.

No Favoritism. Not applicable due to the lack of competitors and specialized contracting needs.

Other Factors. This exemption was in the city's prior contracting code.

**EC 2.1430(4)(e) – Contracts Subject to Award at Purchasing Agent's Discretion.
(e) Equipment repair.**

Alternate Award Process. Solicitation agent's discretion.

Cost Savings and Other Benefits.

1. Pre-contract pricing is impossible
2. Solicitation agent has discretion to decide whether costs of solicitation are justified in relationship to size of contract and availability of skilled technicians to repair the specific equipment.
3. Delay required for solicitation would impair city's ability to respond to equipment breakdown and be injurious to the public interest.
4. Experience with contractor is crucial because reliability over the course of several projects is important.

Effect on Competition. Allows contractor to be selected based on ability to provide accurate, reliable and fast service.

Effect on Favoritism. Favoritism will not be greater than if statutory request for proposals process is used.

Other Factors. This exemption was in the city's prior contracting code.

**EC 2.1430(4)(f) – Contracts Subject to Award at Purchasing Agent's Discretion.
(f) Fuel and oil.**

Alternate Award Process. Intermediate procurement process.

Cost Savings and Other Benefits. Frequency and amount of exempt item purchases do not justify the cost of solicitation. Period of time from recognition of need through contract award too long for needed purchases of exempt fungible goods.

Effect on Competition. Minimal. Intermediate procurement process surveys market and ensures level of competition appropriate for these frequently purchased goods.

Effect on Favoritism. Purchase based on cost. Intermediate procurement process sufficiently avoids any favoritism.

**EC 2.1430(4)(g) – Contracts Subject to Award at Purchasing Agent’s Discretion.
(g) Goods for resale.** Contracts for goods purchased for resale to consumers.

Alternate Award Process. Solicitation agent’s discretion.

Cost Savings and Other Benefits. Allows unique goods to be purchased for city-operated specialty concessions. Generates revenues that would not be available using standard competitive processes that are successful when goods are fungible.

Effect on Competition. Enhances competition by stimulating development of unique goods.

No Favoritism. Too much variation in selection to allow favoritism.

Other Factors. This exemption was in the city’s prior contracting code. It is intended to allow a buyer for a city-operated souvenir or gift shop (e.g., Hult Center or library or other consumer-oriented enterprise) to make purchases of items for resale based on highly subjective decisions. Product innovation, fashion trends and spot-market availability, such as trade-show purchasing, is crucial to the success of resale operation.

**EC 2.1430(4)(h) – Contracts Subject to Award at Purchasing Agent’s Discretion.
(h) Government regulated items.**

Alternate Award Process. Solicitation agent’s discretion.

Cost Savings and Other Benefits. Expense of solicitation would be wasted.

Effect on Competition. No competitive market exists.

Effect on Favoritism. None. Choice is limited by governmental authority.

Other Factors. This exemption was in the city’s prior contracting code.

**EC 2.1430(4)(j) – Contracts Subject to Award at Purchasing Agent’s Discretion.
(j) Manufacturer direct supplies.**

Alternate Award Process. Subject to purchasing agent rules.

Cost Savings and Other Benefits. Allowed only after a formal solicitation is completed and manufacturer's price is less than offers received. Cost of formal solicitation, therefore not merited.

Effect on Competition. None. Allowed only after complete and open competition within the same pool of potential contractors that would be qualified to respond to an invitation to bid.

Effect on Favoritism. None. Allowed only after complete and open competition within the same pool of potential contractors that would be qualified to respond to an invitation to bid.

Other Factors. Allowed on a contract-by-contract basis and shall not result in an ongoing price agreement, further fostering competition.

**EC 2.1430(4)(k) – Contracts Subject to Award at Purchasing Agent's Discretion.
(k) Non-owned property.**

Alternate Award Process. Other state laws govern disposal process in most cases.

Cost Savings and Other Benefits. Solicitation would be unnecessary expense.

Effect on Competition. None.

Effect on Favoritism. None.

Other Factors. This exemption was in the city's prior contracting code.

**EC 2.1430(4)(m) – Contracts Subject to Award at Purchasing Agent's Discretion.
(m) Sole source contracts.**

Alternate Award Process. Solicitation agent's discretion.

Cost Savings and Other Benefits. Avoids unnecessary expenditure.

Effect on Competition. No competitive market exists.

Effect on Favoritism. Not applicable where there is only one source.

Other Factors. This exemption was in the city's prior contracting code.

**EC 2.1430(4)(n) – Contracts Subject to Award at Purchasing Agent's Discretion.
(n) Sponsorship agreements.**

Alternate Award Process. Solicitation agent's discretion.

Cost Savings and Other Benefits. This exemption allows the city to respond to unsolicited proposals for revenue opportunities that would otherwise be unknown, or unavailable.

Effect on Competition.

1. Mandatory open competition likely to discourage creative proposals from sponsors.
2. Sponsorship often results from the match between a unique attribute of a city event or asset and unique characteristics of the sponsor for which no competitive market exists.

Effect on Favoritism. Minimal.

Other Factors. This exemption was in the city's prior contracting code.

EC 2.1430(4)(o) – Contracts Subject to Award at Purchasing Agent's Discretion. (o) Structures.

Alternate Award Process. Solicitation agent's discretion.

Cost Savings and Other Benefits.

1. Cost of demolition of structure often exceeds value of structure.
2. Destruction is often least costly method of disposal.
3. Fast removal of structure often required to prepare site for public improvement project. Time required to conduct solicitation could result in costly delays in public improvement project.
4. Most efficient method of disposal may be incorporation of demolition into public improvement project.
5. Allowing solicitation agent discretion to solicit sale or removal necessary to avoid unnecessary solicitation expenditures and project delays.

Effect on Competition. Competitive market may not exist.

No Favoritism. Unique, non-repetitive nature of transaction does not provide framework for favoritism.

Other Factors. A similar exemption was in the city's prior contracting code.

EC 2.1430(4)(p) – Contracts Subject to Award at Purchasing Agent's Discretion. (p) Temporary extensions or renewals.

Alternate Award Process. Renewal. No selection.

Cost Savings and Other Benefits. Gives staff time to prepare for competitive solicitation when existing contracts expire without notice by staff. Deals with administrative errors. Protects the public interest against employee error.

Effect on Competition. Delays competition by not more than one year.

Effect on Favoritism. No impact. At expiration of temporary period, standard competitive procedure will apply.

Other Factors. This exemption was in the city's prior contracting code.

**EC 2.1430(4)(q) – Contracts Subject to Award at Purchasing Agent's Discretion.
(q) Temporary use of city-owned property.**

Alternate Award Process. Solicitation agent's discretion.

Cost Savings and Other Benefits. Allows city to respond to unsolicited proposals for unique revenue opportunities.

Effect on Competition. None. No competitive market.

Effect on Favoritism. No impact. Responds to unique opportunities.

Other Factors. This exemption was in the city's prior contracting code.

**EC 2.1430(4)(r) – Contracts Subject to Award at Purchasing Agent's Discretion.
(r) Used property.**

Alternate Award Process. Renewal. No selection.

Cost Savings and Other Benefits. Allows city to take advantage of unique opportunity to require needed goods and services for discounted prices.

Effect on Competition. No impact. Responds to unique opportunities.

Effect on Favoritism. No impact. Responds to unique opportunities.

Other Factors. This exemption was in the city's prior contracting code.

**EC 2.1430(4)(s) – Contracts Subject to Award at Purchasing Agent's Discretion.
(s) Utilities.**

Alternate Award Process. Solicitation agent's discretion.

Cost Savings and Other Benefits. Avoids unnecessary solicitation costs.

Effect on Competition. No impact. Very narrow market. Subject to governmental and price regulation.

Effect on Favoritism. No impact. Very narrow market.

Other Factors. This exemption was in the city's prior contracting code.

EC 2.1430(6) – Surplus Property.

Alternate Award Process. Solicitation agent's discretion.

Cost Savings and Other Benefits.

1. Avoids unnecessary solicitation expense by allowing solicitation agent to determine whether cost of solicitation is justified by value of surplus property.
2. Allows purchasing agent to establish programs for donation to charitable organizations.
3. Allows purchasing agent to develop rules to enhance opportunities to provide needed low-income housing.

Effect on Competition. No impact. Responds to unique opportunities.

Effect on Favoritism. No impact. Responds to unique opportunities.

Other Factors. Variations in the type, quantity, quality and opportunities for recycling of surplus property are too large to have this class of contracts governed by a single solicitation method.

EC 2.1430(7) – Concession Agreements.

Alternate Award Process. Purchasing agent to adopt rules for award, as in the case of personal service contracts.

Cost Savings and Other Benefits. Allows city to take advantage of unique revenue opportunities.

Effect on Competition. Responds to unique opportunities for which the number of competitors may range from none to many.

Effect on Favoritism. No impact. Responds to unique opportunities.

Other Factors. Not a contract for the acquisition or disposal of goods, or services or public improvements. Most similar to personal services contract because the quality of the concession may be more important than price factors. Variation in types and sizes of concession opportunities is too great to provide a single method of solicitation. Statutory public contracting requirements may not apply. May not be a public contract. Most similar to personal services contract. Findings may not be required.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Traffic Island at Crest Drive and Lincoln Street

Meeting Date: October 8, 2014
 Department: Public Works Engineering
www.eugene-or.gov

Agenda Item Number: B
 Staff Contact: Mark Schoening
 Contact Telephone Number: 541-682-5243

ISSUE STATEMENT

This work session is in response to a work session poll requested by Councilor Betty Taylor regarding the traffic island at the intersection of Crest Drive and Lincoln Street. Specifically, the following issues were raised in the work session poll –

- Could we eliminate it or narrow it?
- It is dangerous - especially in bad weather, and it is on a much-traveled part of Crest, since many people use it to access Wayne Morse Farm for meetings and for the dog park.

BACKGROUND

The traffic island at the intersection of Crest Drive and Lincoln Street was constructed in 2010 as part of the Crest Drive, Storey Boulevard and Friendly Street improvement project. The design of the street improvements, including the traffic island, were part of the context-sensitive solutions process led by the Crest Drive Community Team. The design of the street improvements was approved by the City Council after a public hearing.

The street improvements were funded by a combination of City funds and assessments to the abutting property owners. The traffic-calming features, including the traffic island, were funded with City funds. The General Fund was the source for City funds since the streets were functionally classified as local streets and not eligible for funding with transportation systems development charges.

State law requires that any vehicle crash that results in death or bodily injury or greater than \$1,500 damage to any vehicle or property, or any vehicle involved is towed from the scene, must be reported. The most recent crash history documentation available to the City is 2012. From the completion of construction through the end of 2012 there has not been any reported crashes at the intersection of Crest Drive and Lincoln Street.

The cost to remove the traffic island and repave the street is estimated at \$16,000.

The chair of the Crest Drive Citizens Association (CDCA) was notified of the work session by e-mail on July 18, 2014. An article on the work session was included in the CDCA electronic newsletter sent on July 20, 2012. Staff have not received any public comment on the work session topic.

RELATED CITY POLICIES

TransPlan Policies

- TSI System-Wide Policy # 4 Neighborhood Livability – Support transportation strategies that enhance neighborhood livability.
- TSI Roadway Policy #1 Mobility and Safety for all Modes – Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians, and the needs of emergency vehicles when planning and constructing roadway system improvements.

COUNCIL OPTIONS

This is an informational work session, no action is required at this time.

CITY MANAGER'S RECOMMENDATION

No action is required on this item.

SUGGESTED MOTION

No action is required on this item.

ATTACHMENTS

A. Photo of the traffic island at Crest Drive and Lincoln Street

FOR MORE INFORMATION

Staff Contact: Mark Schoening
Telephone: 541-682-5243
Staff E-Mail: mark.a.schoening@ci.eugene.or.us

Attachment A



Crest Drive – Lincoln Street Traffic Circle

