



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

October 27, 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 27, 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:
City Hall**

**6:15 p.m. B. WORK SESSION:
Consolidated Plan Update**

**CITY COUNCIL MEETING
Harris Hall**

1. PUBLIC FORUM

2. 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. Annexation Resolution Approval for Cynthia and
Thomas Dreyer
(A 14-6)**

**3. ACTION:
An Ordinance Concerning Public Contracts**

**4. ACTION:
Bascom Village Phase I Low-Income Rental Property Tax
Exemption**

**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.

For more information, contact the Council Coordinator at 541-682-5010,

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

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: City Hall Project

Meeting Date: October 27, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: A
 Staff Contact: Mike Penwell
 Contact Telephone Number: 541-682-5547

ISSUE STATEMENT

The purpose of this work session is to seek the council's direction on several possible additions to the City Hall project and a funding plan before proceeding with detailed design work for those additional project elements.

BACKGROUND

At the September 24, 2014, work session, the council confirmed its direction that Eugene City Hall will be new construction built on a half-block of the existing full-block city hall site. At the October 8, 2014, work session, the council further confirmed that the Phase 1 City Hall project will consist of approximately 25,000 square feet and reflect the current concept design by Rowell Brokaw Architects. In addition, the council directed the design team to continue developing options for a possible fourth floor, options for underground parking, and options for making city hall as energy efficient as practicable. The council postponed consideration of what to do with the council chamber until more information was available.

Council Chamber The council chamber is structurally separate from the rest of City Hall and can therefore be treated differently than the rest of the building if so desired. There is a range of potential reuse strategies for the council chamber reflected in the three options summarized below. Please see the attached memo from the design team (Attachment A) for a more detailed description of the options along with the corresponding cost for each.

Fourth Floor At the July 14, 2014, work session, the design team recommended adding a fourth floor to the Phase 1 city hall building if funding could be identified. The primary reasons are to piggyback on the current project to reduce the cost of adding additional square footage compared to what it would cost in a future phase, to establish a more prominent civic presence on site, provide a more appropriate urban scale to the building for its downtown site, consolidate more functions at the site, and provide more flexibility for what functions could be included in the building during the initial and future phases. The fourth floor would add approximately 9,500 square feet of area to the building and could be accomplished as either shelled space or as finished, ready-to-occupy space as follows:

- Shelled space: \$2.1 million for construction + \$0.75 million for soft costs = \$2.85 million
- Finished space: \$3.1 million for construction + \$1.1 million for soft costs = \$4.2 million

Shelled space would consist of the exterior walls and windows, roof, and floor slab with mechanical, electrical, and plumbing capacity to serve the fourth floor, but no ductwork, electrical distribution system, plumbing fixtures, ceilings, interior partition walls, or floor finishes. Shelled space would constitute the minimum construction required to add the fourth floor at this time and would require additional funding at a later date to have functional City offices occupy the space. Finished space would be ready to move into with no further improvements or additional cost.

Below-Grade Parking After studying a number of underground parking options, the project team recommends an option that stays within the footprint of the new building (see Attachment B). This option not only has a lower initial cost than a larger parking structure extending under the plaza to the south or the landscaping to the north, it also provides the lowest operations and maintenance costs as it avoids the need for an expensive waterproofing assembly that would be required if extending beyond the building footprint. This option would also maintain the greatest amount of flexibility for future phases and could easily be expanded to the north during a Phase 2 build-out. The cost for adding 17-20 underground parking spaces is \$1.4 million.

Project Funding The council established a budget of \$15 million for the project, which includes approximately \$11 million for construction and \$4 million for soft costs such as architectural design work, engineering, staff project management, permits, furnishings, and other related project costs. The council has appropriated a total of \$15 million for this project consisting of the balance in the Facility Reserve, \$2 million from the Telecom Fund to pay for related project costs, and \$2.44 million that is expected to come from future capital project and budget allocations. The council accepted the funding plan for City Hall at the June 18 work session and approved an appropriation of \$750,000 on supplemental budget in June 2013 and \$14.25 million on supplemental budget in June 2014.

The City Council requested that staff identify funding for a fourth floor expansion and underground parking space. Approximately \$4.25 million in additional project funding would be needed. Staff has identified three funding sources for council consideration.

To accomplish expansion of City Hall, it is possible to have Public Works' non-General Funds contribute to the cost of the construction of shelled space as a "down payment" on future space in City Hall that would be occupied at some point by Public Works staff. The specific timing of when that would occur, which staff would be included and where they would be located is not yet determined. Funds identified total \$2.6 million.

Another funding source is the proceeds from the sale of surplus property. The property, located at 8th Avenue and High Street, was previously used by the City as surface lot parking. In May 2013, the council approved the sale to the Shedd Institute. The transaction was completed in March 2014, and \$797,214.50 of one-time dollars were deposited into the City's General Fund. These dollars, as General Fund resources, can be used for any purpose as determined by the council.

In September 2014, the City settled an agreement with a telecommunications provider regarding back payments for franchise fees in the General Fund for \$894,400 of one-time payments. These dollars, as General Fund resources, can be used for any City purpose as determined by the council. Both the surplus property sale and the telecommunications settlement dollars will be included as

FY14 revenues in the City's CAFR and will represent a portion of the Marginal Beginning Working Capital Adjustment included on Supplemental Budget #1 in December.

Together these three sources will provide \$4.25 million of funding for the addition of the shelled fourth floor space and 17-20 underground parking spaces at City Hall. If council decides to approve the additions to the project and the funding set out above, the City Manager would bring project budget approval to council on Supplemental Budget #1.

RELATED CITY POLICIES

The City Hall planning process relates to the council goals of an effective, accountable municipal government, a safe community, and sustainable community growth and change.

COUNCIL OPTIONS

1. a. The council can direct the City Manager to proceed with the City Hall fourth floor expansion for \$2.85 million utilizing the identified funding plan.
- b. The council can direct the City Manager to proceed with construction of underground parking for \$1.4 million located beneath the new City Hall utilizing the identified funding plan.
- c. The council can choose not to pursue either project addition.
2. a. The council can direct the City Manager to disassemble and retain welded steel structure for three years to provide for reassembly at a later time. Estimated cost for disassembling and retaining in storage for up to three years is \$42,000.
- b. The council can direct City Manager to demolish the existing council chamber and salvage and reuse as much as possible. There is no additional cost for this option.
- c. Council can direct the City Manager to mothball the existing council chamber for a cost of up to \$400,000.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends options 1a and 1b.

SUGGESTED MOTION

Move to direct the City Manager to proceed with the addition of a fourth floor and underground parking to the Phase I City Hall project using the identified funding sources, and bring back budget authority on supplemental budget #1.

ATTACHMENTS

- A. Council Chamber Options memo
- B. City Hall Parking design concept

Item A.

FOR MORE INFORMATION

Staff Contact: Mike Penwell
Telephone: 541-682-5547
Staff E-Mail: michael.j.penwell@ci.eugene.or.us

Eugene City Hall

Council Chamber Options

Schedule / Cost Implications

Decisions regarding the Council Chamber are needed by November 6, 2014 to avoid potential change orders and/or additional cost. The demolition of City Hall will occur via two bid packages: 1) The Interior Demolition and Abatement package and the Structural Demolition package. The full scope of work associated with these contracts—which includes the treatment of the Council Chamber structure—needs to be clearly described to avoid change orders. The Interior Demolition and Abatement package is out to bid now, with the bid opening scheduled for October 28.

Decision Parameters

- **Council Chamber can only be moved off-site if it is disassembled.**
The Chamber is taller than the overhead utilities, traffic signals, and street trees on surrounding streets. It is 65' wide and the surrounding streets are 60' wide, with the exception of 7th Avenue.
- **The Chamber can be mothballed and moved to a new location on the City Hall block.**
The design team has provided an estimate of costs to relocate the Chamber on the City Hall block.
- **All options substantially affect the character of the existing structure.**
Abatement will be necessary for re-use, and the interior finishes will continue to degrade over time in an uncontrolled environment. Delaying the decision to abate does not mean the interior is “preserved.” The existing asbestos will need to be abated from the structure before any form of adaptive reuse or disassembly. The Andrew Vincent mural will be removed from the existing Chamber in all options.

Chamber Reuse: Conceptual Costing Input

With reuse, the most flexible and least costly alternative is to retain the Council Chamber’s steel structure. The structure could be redesigned to serve a new use with fewer technical demands (e.g., pavilion, semi-conditioned space). The current estimate of \$42,000 includes only the cost of disassembling and storing the steel structure.

The least flexible and most costly alternative is to attempt to retain the existing Council Chamber at a location on the City Hall block. Structural upgrades will be required, and abatement, repair and replacement of interior finishes will be needed.

Options

All options include removing and retaining the Andrew Vincent mural for reuse in the new City Hall and incorporating significant architectural relationships—circle within the square, direct connections between Chamber and garden, democratic meeting form—in the design of the new Council Chamber.

1. Reclaim materials, demolish and recycle steel structure. Salvage useful or valuable materials; demolish and recycle the remaining structure. This direction indicates a preference to reclaim materials from the existing Council Chamber and to credit the recycled value of the steel structure to the project. This option is included within the existing project budget.

Additional Project Cost: \$0

2. Disassemble and retain steel structure for future use. Salvage and recycle existing materials, complete necessary Interior Demolition and Abatement work, and disassemble steel frame to allow for reassembly at a future date on a new site. With additional strengthening and bracing, the steel frame could be reused in a new location and for a new use. This direction indicates a preference to retain the steel structure of the Council Chamber for a future use on a new site. This option requires additional funding for disassembly and storage and funding in the future to reconstruct for a new use.

Estimated cost to disassemble structural steel frame for future reuse: \$15,000

Estimated cost to store structural steel frame components: \$9,000/year x 3 years = \$27,000

Additional Project Cost: \$42,000

3. Relocate and "Mothball" the Chamber on the City Hall block. The Chamber can be relocated to another position on the City Hall block during the Structural Demolition work this winter. Once the building is moved, it would be secured and placed on "cribbing" about 6 feet above grade. The Interior Demolition and Abatement work would be completed prior to relocation. This direction indicates a preference to invest in the permanent adaptive reuse of the Council Chamber on the block. This option requires additional funding in the near term and funding in the future to renovate the structure for a new use.

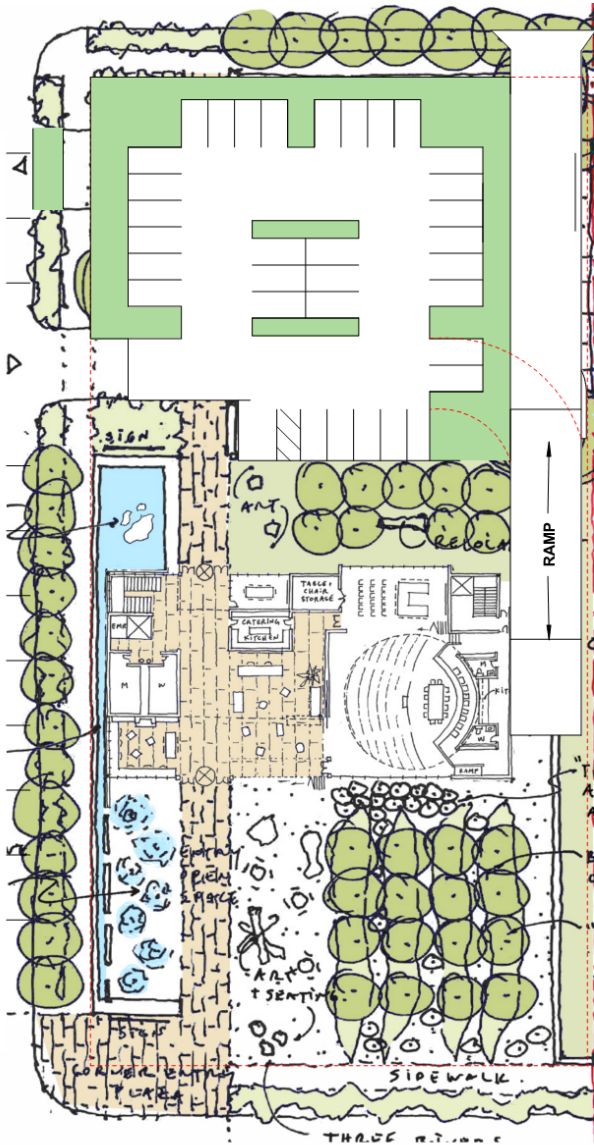
Estimated cost to relocate Council Chamber on City Hall block (moving cost only): \$350,000-400,000

Additional Project Cost: Up to \$400,000 (no improvements; presumes secure site and no allowable uses)

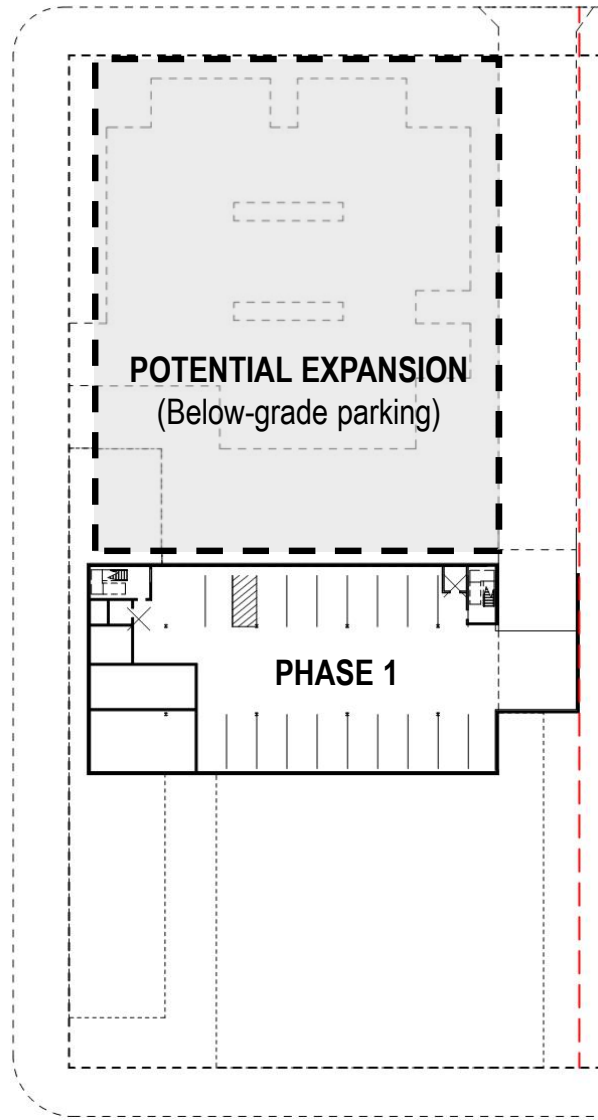
Note: the estimated cost to redesign and reuse the structure range from \$1.5 million for unconditioned space (e.g., an open-air pavilion) to as much as \$2.5 million for conditioned space (e.g., a museum)

PARKING SURFACE + BELOW GRADE

-6-



SURFACE (27-37 spaces)



BELOW-GRADE (17-20 spaces)

**ESTIMATED COST OF
PHASE 1
BELOW-GRADE PARKING
\$1,400,000**



EUGENE CITY HALL

THINK BIG. START SMALL. MAKE IT HAPPEN.

*Project Update to City Council
Monday, October 27, 2014*



**Rowell Brokaw
Architects**



PROJECT VALUES

STEWARDSHIP

IDENTITY

PARTICIPATION

SIMPLICITY

EUGENE @ 200

PROJECT GOALS



CIVIC HEART



GREAT STREET TO RIVER



GREEN CITY



LIVING BLOCK



ACCESSIBLE + WELCOMING



ENDEARING QUALITY



OUTWARD, NOT INWARD



A REASON TO GO

DISCUSSION TOPICS

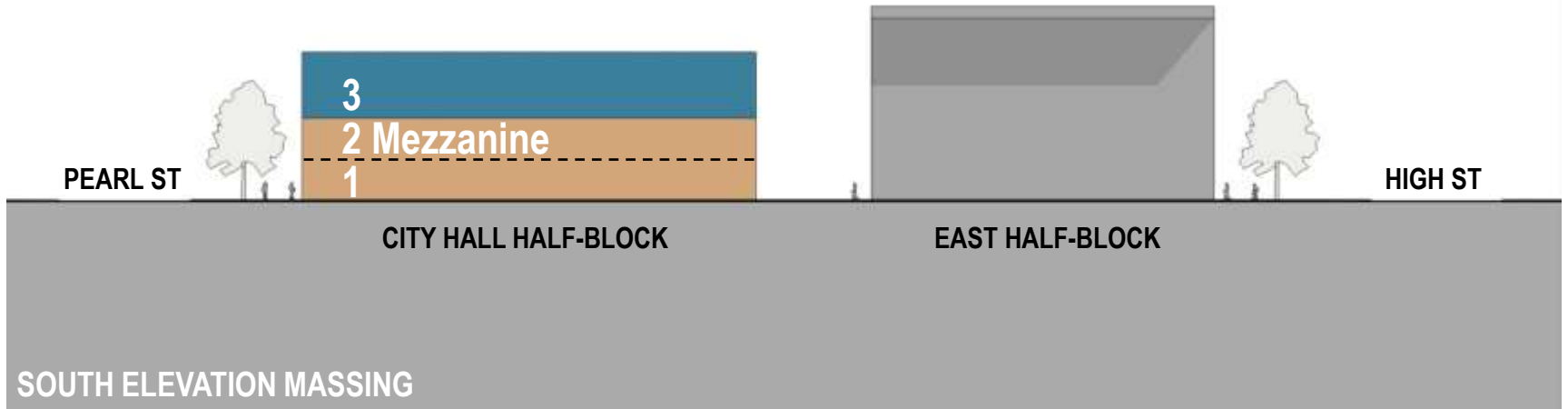
- 4TH FLOOR IN PHASE 1
- INTEGRATED PARKING (BELOW GRADE)
- COUNCIL CHAMBER

PHASE 1 RECOMMENDATION FOUR STORIES



PHASE 1 BASE BUDGET THREE STORIES

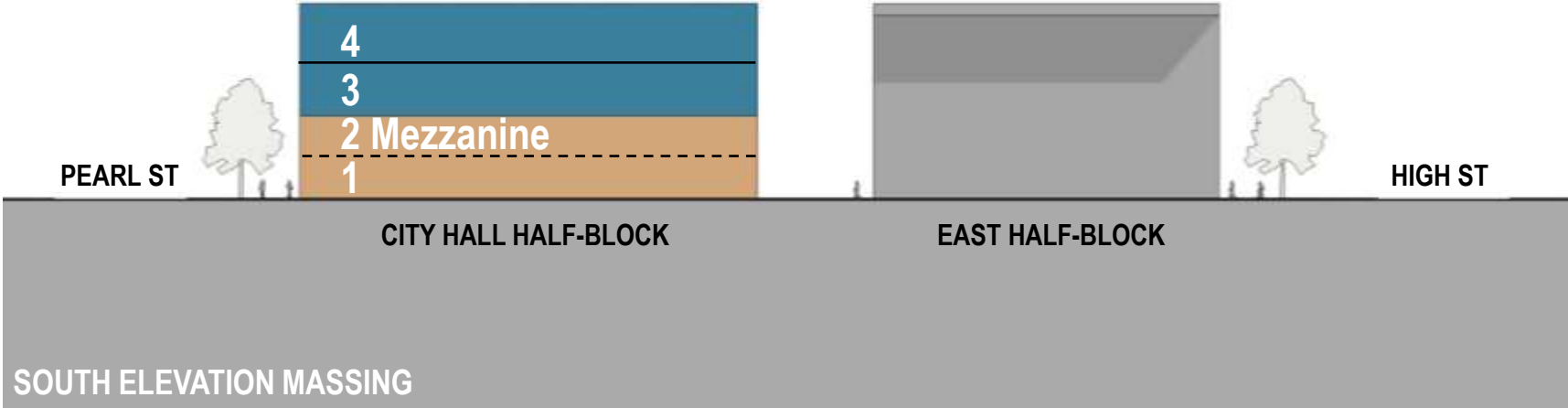
Program Area: 24,000 SF (two full floors, plus mezzanine)



PHASE 1 RECOMMENDATION FOUR STORIES

Program Area: 33,000 SF (three full floors, plus mezzanine)

-17-



PHASE 1 RECOMMENDATION FOUR STORIES

Program Area: 33,000 SF (three full floors, plus mezzanine)

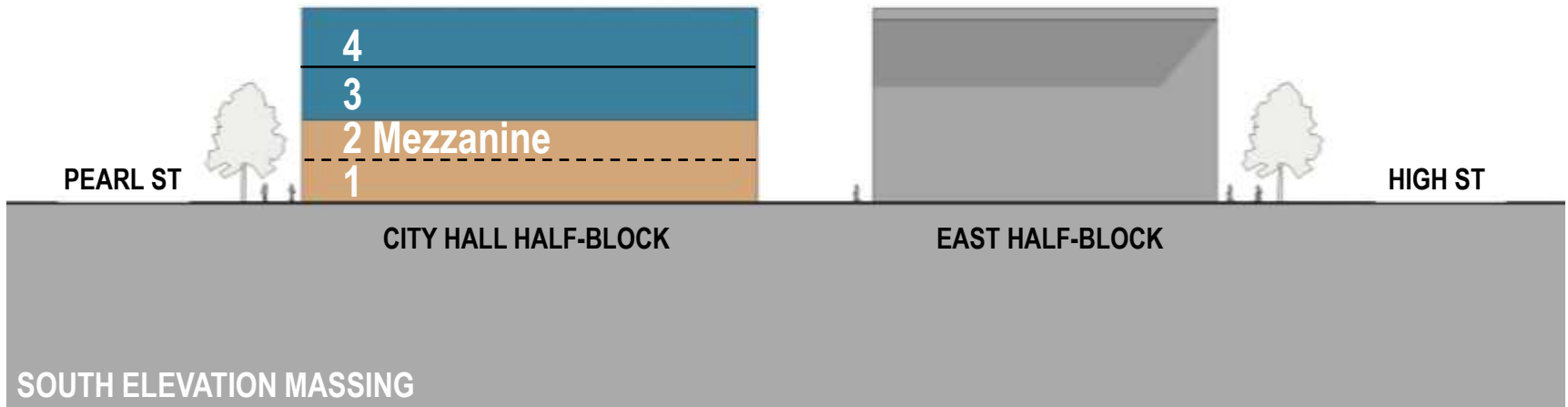
9,500 SF of additional capacity

Civic presence

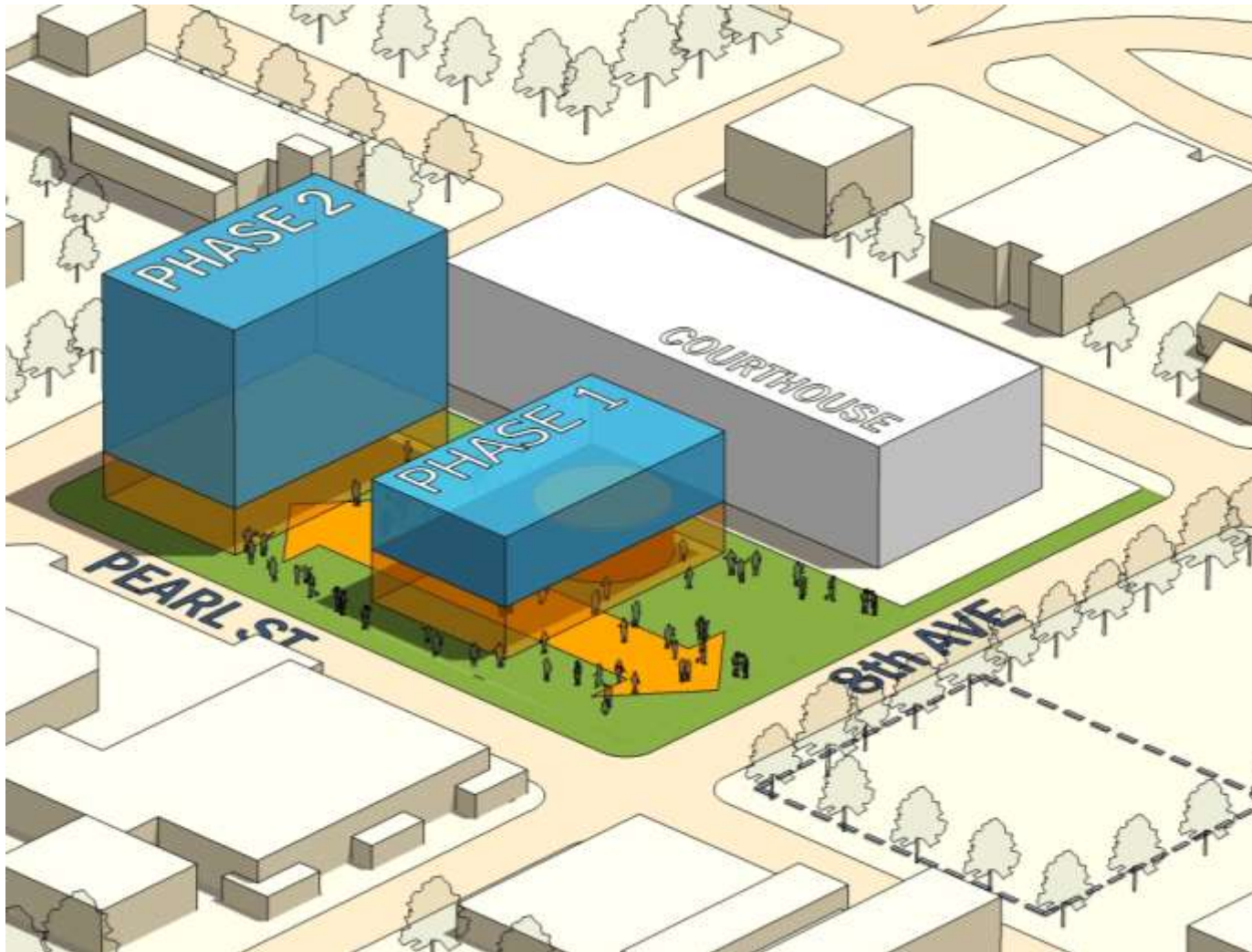
Work group flexibility

Additional Cost: \$2.85M total (\$2.1M construction cost)

-18-



THINK BIG RECOMMENDED FRAMEWORK

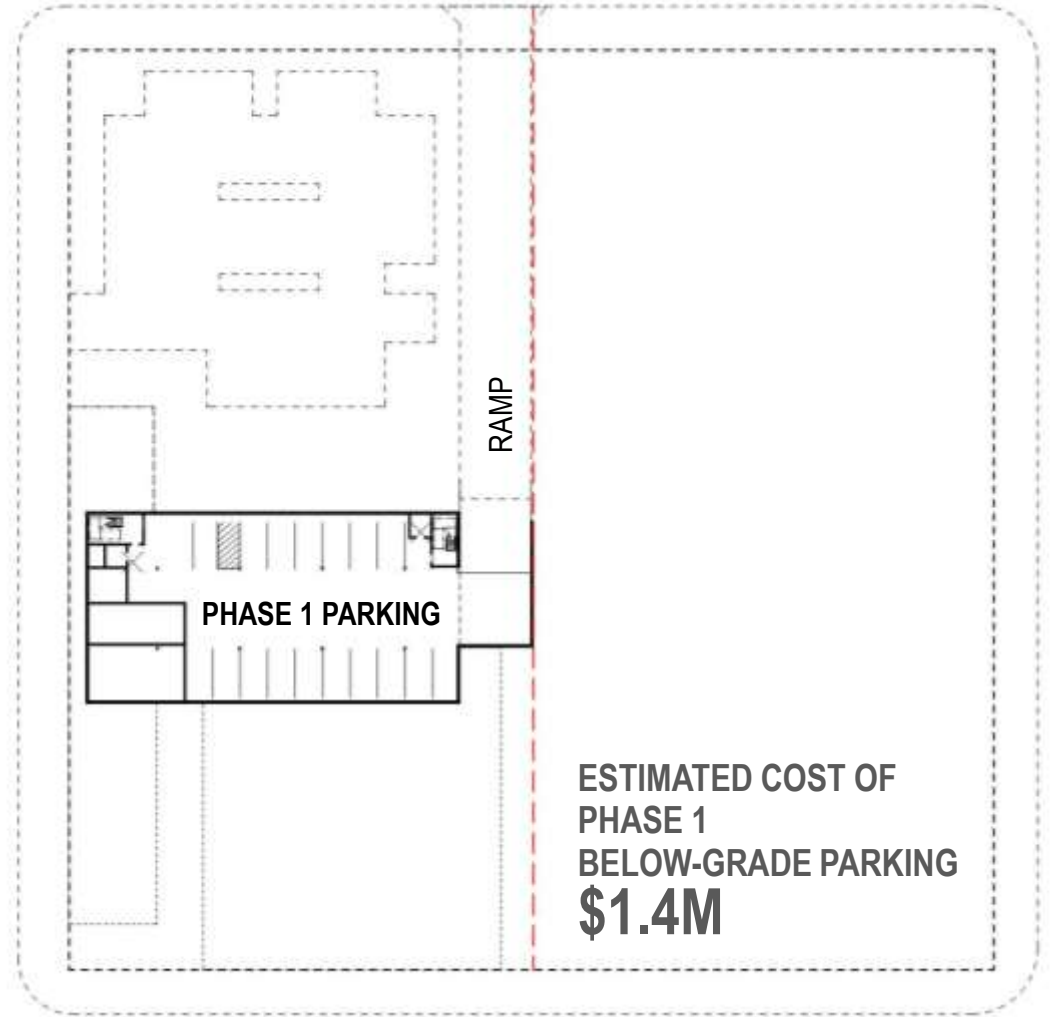


PARKING SURFACE + BELOW GRADE

-20-



SURFACE (27-37 spaces)

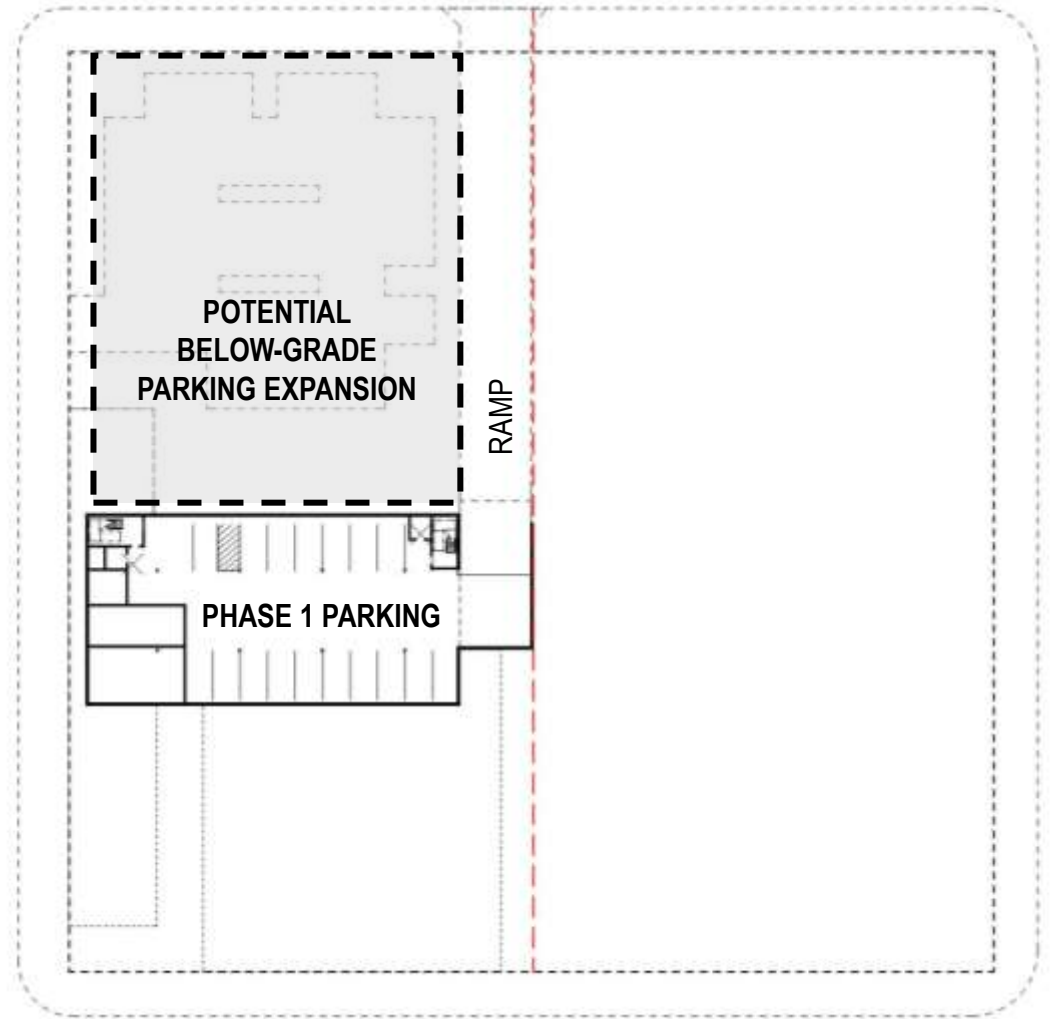


BELOW-GRADE (17-20 spaces)

PARKING SURFACE + BELOW GRADE



SURFACE (27-37 spaces)

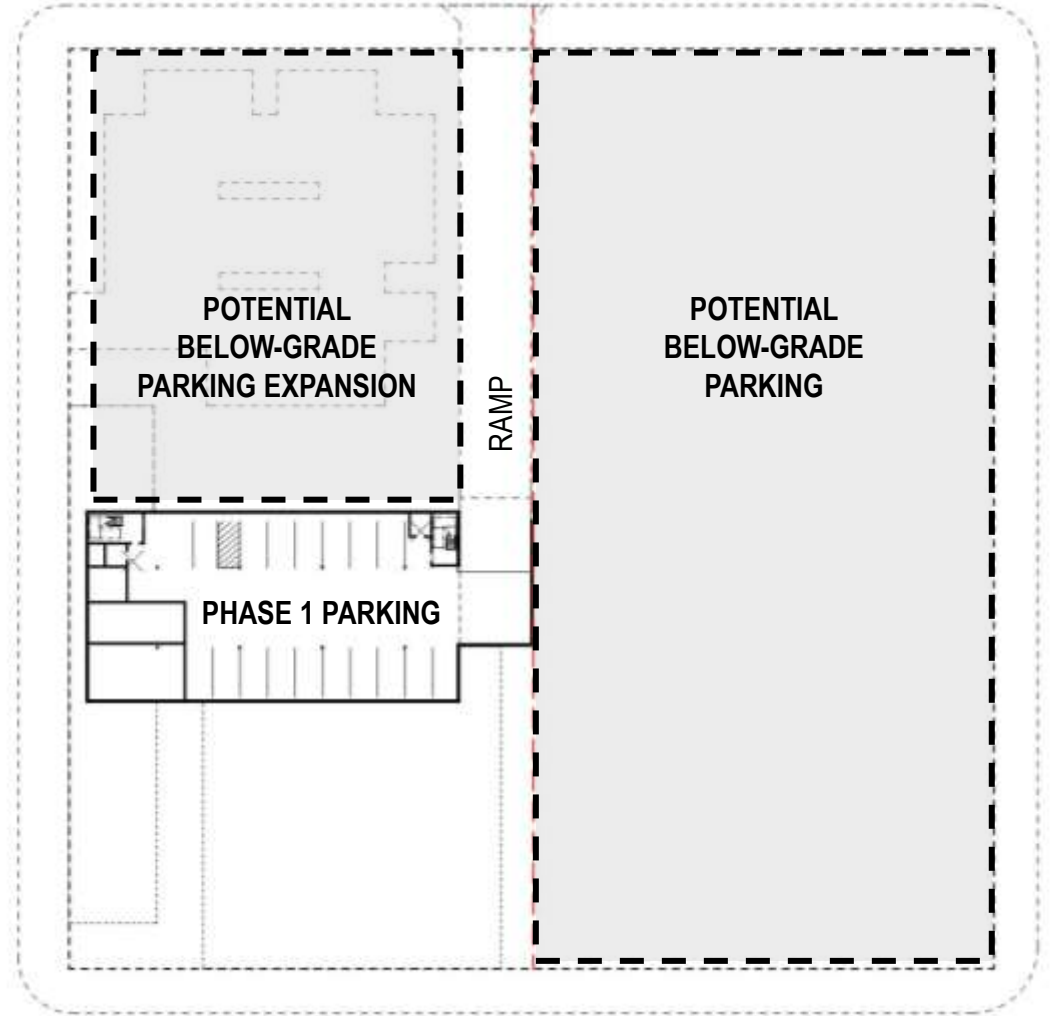


BELOW-GRADE EXPANSION POTENTIAL

PARKING SURFACE + BELOW GRADE



SURFACE (27-37 spaces)



BELOW-GRADE EXPANSION POTENTIAL

COUNCIL CHAMBER DECISION PARAMETERS

- **Council Chamber can only be moved off-site if it is disassembled.**
- **Chamber can be mothballed in a different location on the City Hall block.**
- **All options substantially affect the existing structure.**
- **A decision is needed by November 6, 2014.**

COUNCIL CHAMBER OPTIONS

1. Reclaim materials, demolish and recycle structure.

Additional Cost: None

2. Disassemble and retain steel structure for reuse.

Additional Cost: \$42,000

3. Relocate and “mothball” on the City Hall block.

Additional Cost: Up to \$400,000

OPTION 1 RECLAIM + DEMOLISH

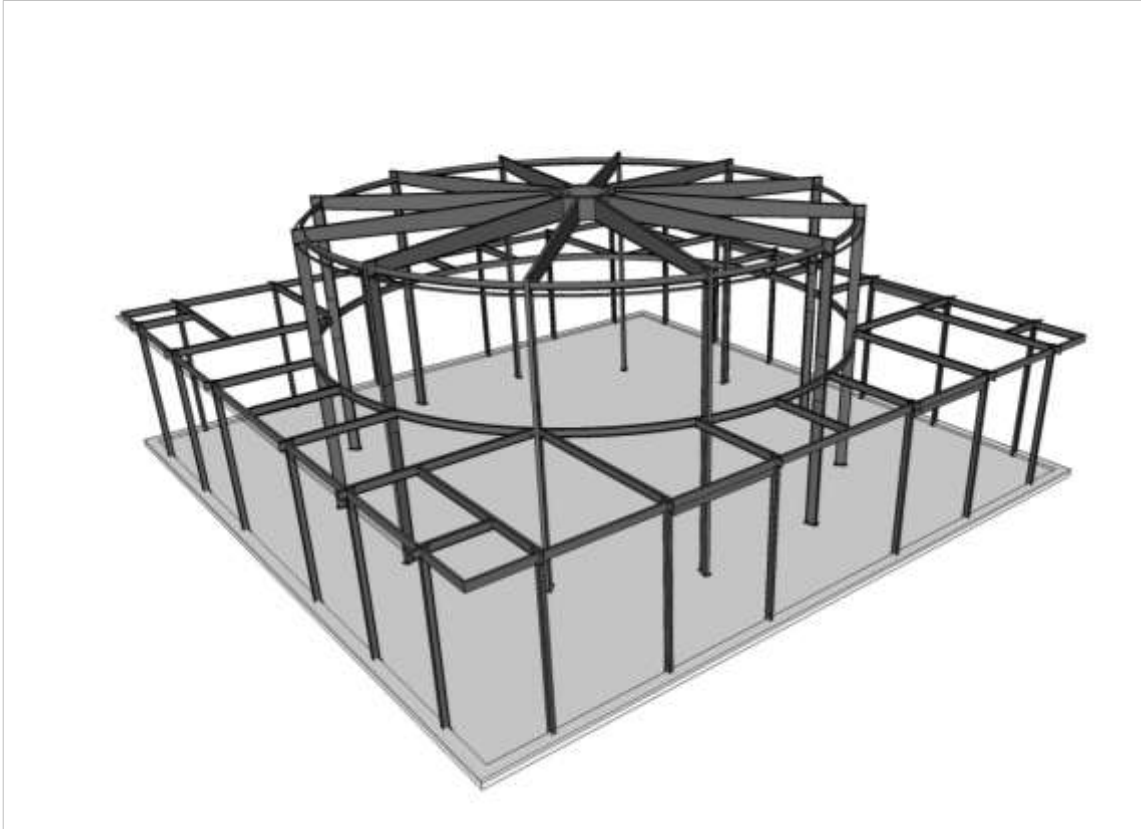


1. Reclaim materials, demolish and recycle remaining structure.

Salvage all materials of use or value; recycle the remaining structure.

Additional Project Cost: None

OPTION 2 DISASSEMBLE + RETAIN

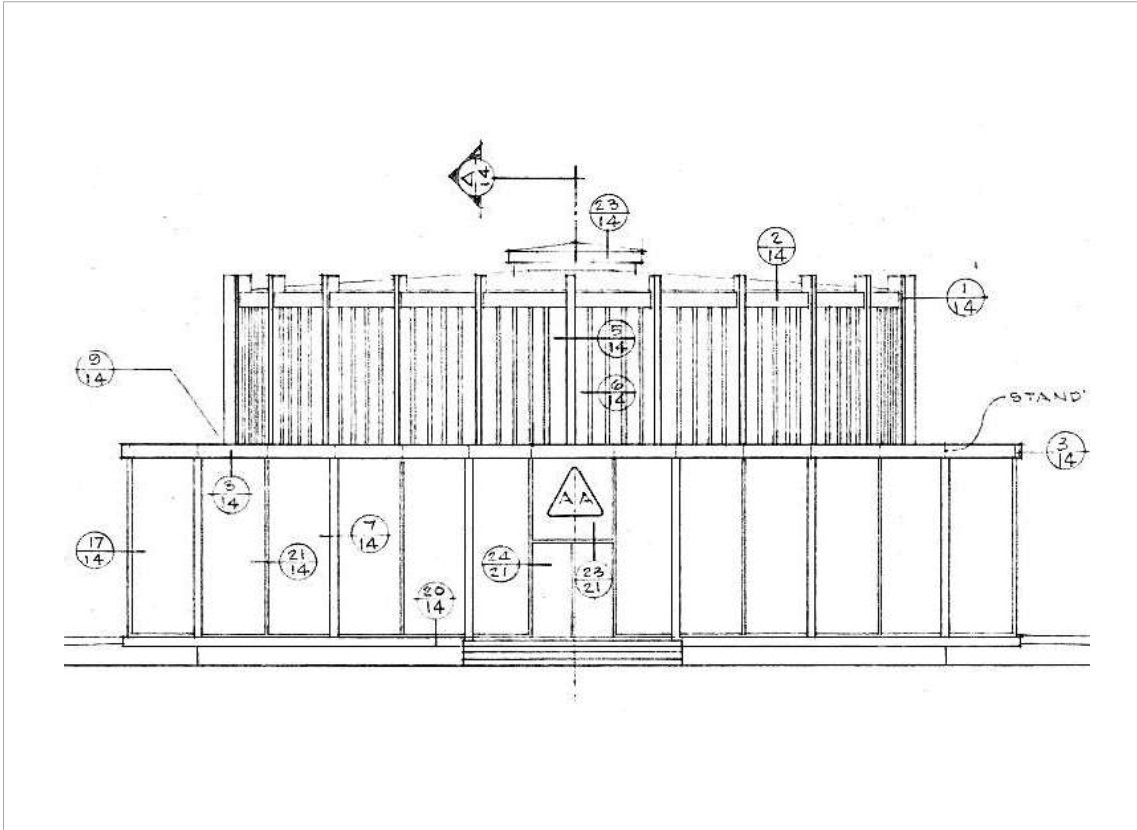


2. Disassemble and retain steel structure for future reuse.

Salvage and recycle existing materials and complete interior demolition and abatement. Disassemble and store steel frame to allow for reassembly at a future date on a new site.

Additional Project Cost: Up to \$42,000 (\$15,000 disassembly + \$27,000 storage for up to 3 years)

OPTION 3 RELOCATE + MOTHBALL



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3. Relocate and "Mothball" the Chamber on the City Hall block.

Complete interior demolition and abatement, cut away from foundations, relocate and secure Chamber on temporary cribbing until a permanent location and new use is determined.

Cost: Up to \$400,000 (cost to relocate on-site; no improvements or uses; \$1.5-2.5M to reuse)

DECISION POINTS

- 4TH FLOOR IN PHASE 1
- INTEGRATED PARKING (BELOW GRADE)
- COUNCIL CHAMBER

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Eugene Springfield 2015 Consolidated Plan Update

Meeting Date: October 27, 2014
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: B
 Staff Contact: Stephanie Jennings
 Contact Telephone Number: 541-682-5529

ISSUE STATEMENT

The Eugene-Springfield Consolidated Plan provides an assessment of local housing, homelessness, and community development needs and establishes a five-year strategic plan for use of federal funds received from the U.S. Department of Housing and Urban Development (HUD). Completion and adoption of the Consolidated Plan is a prerequisite for receiving Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and other HUD funds. At this work session, staff will provide an overview of the HOME and CDBG programs, review progress achieved under the 2010 Consolidated Plan, and discuss the process for development of the 2015 Consolidated Plan.

BACKGROUND

The Eugene-Springfield 2015 Consolidated Plan will present an assessment of local housing, homelessness, and community development needs and establish goals and priorities for use of HUD funds to address those needs. Eugene and Springfield must complete, adopt, and submit a new five-year Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2015. The period covered by the next Consolidated Plan will commence on July 1, 2015, and end on June 30, 2020. Completion of the Consolidated Plan is a prerequisite for receiving CDBG, HOME, and other HUD grants. CDBG and HOME must be used to advance the following statutory objectives principally for low-income and moderate-income residents:

- Provide decent, safe, and affordable housing (CDBG and HOME)
- Create suitable living environments (CDBG)
- Expand economic opportunities (CDBG)

The cities of Eugene and Springfield are both designated as entitlement jurisdictions within the CDBG program. This means each jurisdiction meets the minimum population threshold to receive direct annual allocation of CDBG funds from HUD. The minimum population threshold is higher for the HOME program so only Eugene is eligible to receive a direct allocation of HOME funds from HUD. In 1992, Eugene and Springfield formed a HOME Consortium to provide local access to HOME funds for housing activities in Springfield. Eugene is the lead entity in the HOME

Consortium and is responsible for the oversight and administration of HOME funds in the entire Consortium area.

Since the formation of the HOME Consortium, Eugene and Springfield have jointly developed the Eugene-Springfield Consolidated Plan every five years. This collaboration has allowed for consideration of needs for the metropolitan area as a whole, development of shared goals and strategies, and more efficient use of limited resources for plan development and reporting. In addition, the cities of Eugene and Springfield must complete and submit a One Year Action Plan (Action Plan) for each fiscal year within the five-year period. The Action Plan describes the cities' annual allocation process and uses of HOME and CDBG funds allocated by Congress during a specific fiscal year. The next Action Plan will be completed and submitted to HUD along with the new Consolidated Plan. Lastly, the jurisdictions also jointly develop a Consolidated Annual Performance Evaluation Report (CAPER) to report on outcomes and progress achieved for each year. Attachment A provides a visual diagram of the required planning and reporting components.

Overview of the 2010 Consolidated Plan

The Eugene-Springfield 2010 Consolidated Plan provides a foundation for development of the next Plan. Goals and strategies are organized into an Affordable Housing Strategic Plan and a Community Development Strategic Plan in accordance with HUD requirements. Selected goals must address identified community needs but also must be feasible to implement within the complex regulatory requirements of the HOME and CDBG programs. The complete 2010 Consolidated Plan is available at www.eugene-or.gov/hudconplan.

As a part of work session, staff will review progress to date under the current Plan as well as related trends and issues. A summary of the goals, objectives and strategies are provided below.

Affordable Housing Strategic Plan - Affordable housing goals, objectives, strategies, and outcomes are intended to address HUD program objectives to provide decent, safe, and affordable housing. Both HOME and CDBG funds are used to support affordable housing goals. A total of five affordable housing goals were included in the 2010 Consolidated Plan:

- Increase the supply of affordable housing
- Conserve and improve existing affordable owner and renter housing stock
- Increase opportunities for low- and moderate-income households to become and remain homeowners
- Increase opportunities for low- and moderate-income households to become and remain renters
- Remove barriers to affordable and supportive housing

Community Development Strategic Plan - Community development goals, objectives, strategies, and outcomes are intended to address multiple statutory objectives by providing human services; promoting economic opportunities; increasing access to public facilities; and improving low-income neighborhoods. A total of four community development goals were included in the 2010 Consolidated Plan:

- Support a human services delivery system that helps low- and moderate-income persons achieve dignity, well-being, and self-sufficiency

- Provide economic development and diversification through the creation of jobs
- Improve accessibility to public facilities
- Make strategic investments to improve low-income neighborhoods and other areas exhibiting conditions of slums and blight

Developing the Next Consolidated Plan

HUD has provided extensive guidance on the required elements of the Consolidated Plan as well as the process for developing the Plan. Required elements of the next Consolidated Plan must include:

- Evaluation of outcomes and results achieved under the previous Consolidated Plan
- Assessment of Needs, Housing Market, and Community Conditions
- Development and Prioritization of Goals, Objectives, and Strategies
- Establishment of an Annual Allocation Process and Performance Metrics

The process for developing the Consolidated Plan requires consultation with a wide range of stakeholders as well as outreach to targeted populations. Engagement is strongly encouraged at both the needs assessment stage and also at the strategy development and prioritization stage. Staff is currently developing a consultation and public participation strategy for the Consolidated Plan. A diagram of the Consolidated Plan development process is provided in Attachment B.

Development and adoption of a new Fair Housing Plan is a required component of the Consolidated Plan. The Eugene and Springfield staff will conduct an “analysis of impediments” to fair housing choice and develop strategies to address each identified impediment. Impediments to fair housing choice are defined as any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin that have an effect of restricting housing choice or the availability of housing choice. The analysis must also include a review of the entitlement community’s laws, regulations, administrative procedures and practices. It assesses how laws affect the location, availability and accessibility of housing while considering conditions, both public and private, affecting fair housing choice for all protected classes within the jurisdiction.

RELATED CITY POLICIES

Development of the Eugene-Springfield 2015 Consolidated Plan will be coordinated and linked to other plans including Envision Eugene, City Council Adopted Growth Management Policies, the Lane County Ten Year Plan to End Chronic Homelessness, and the Lane County Continuum of Care Plan.

COUNCIL OPTIONS

Information only.

CITY MANAGER’S RECOMMENDATION

No recommendation provided at this time.

Item B.

SUGGESTED MOTION

No motion required at this time.

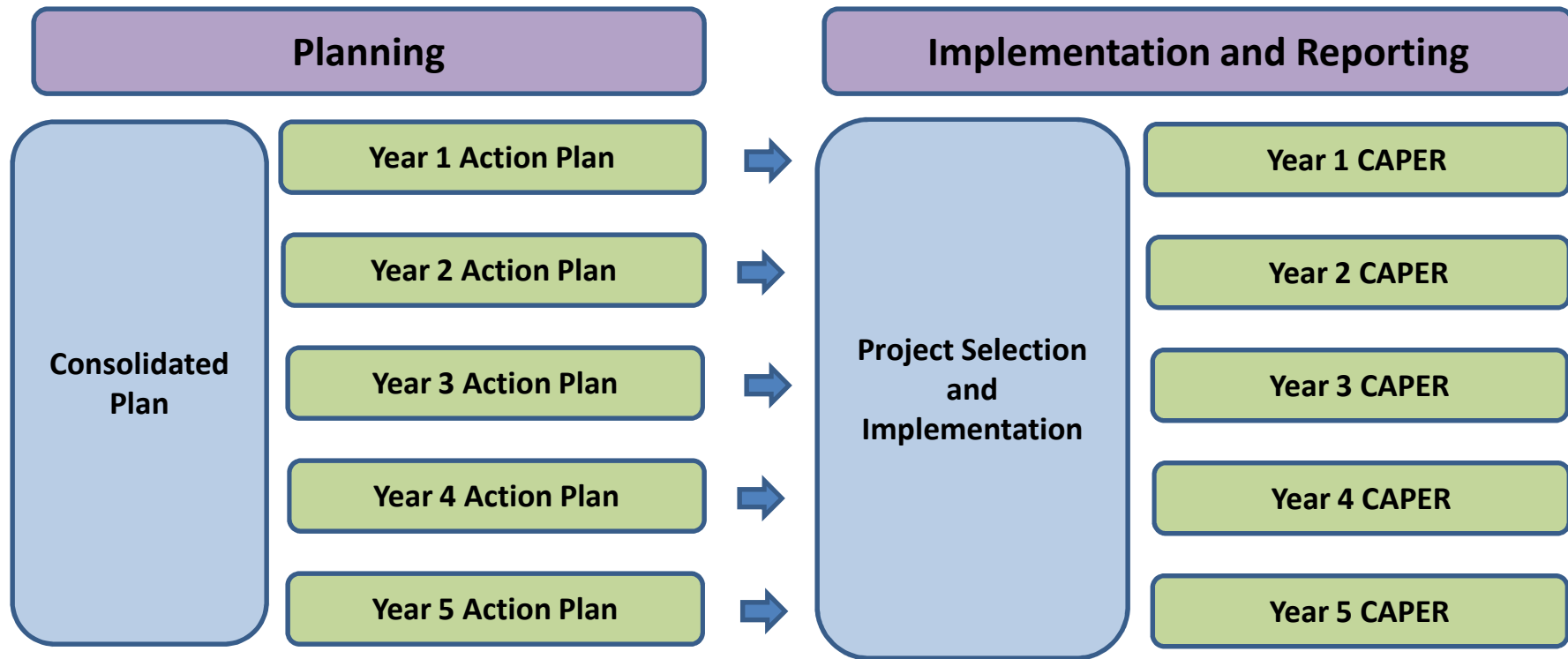
ATTACHMENTS

- A. HUD Required Plans and Reports Diagram
- B. Consolidated Plan Development Process Diagram

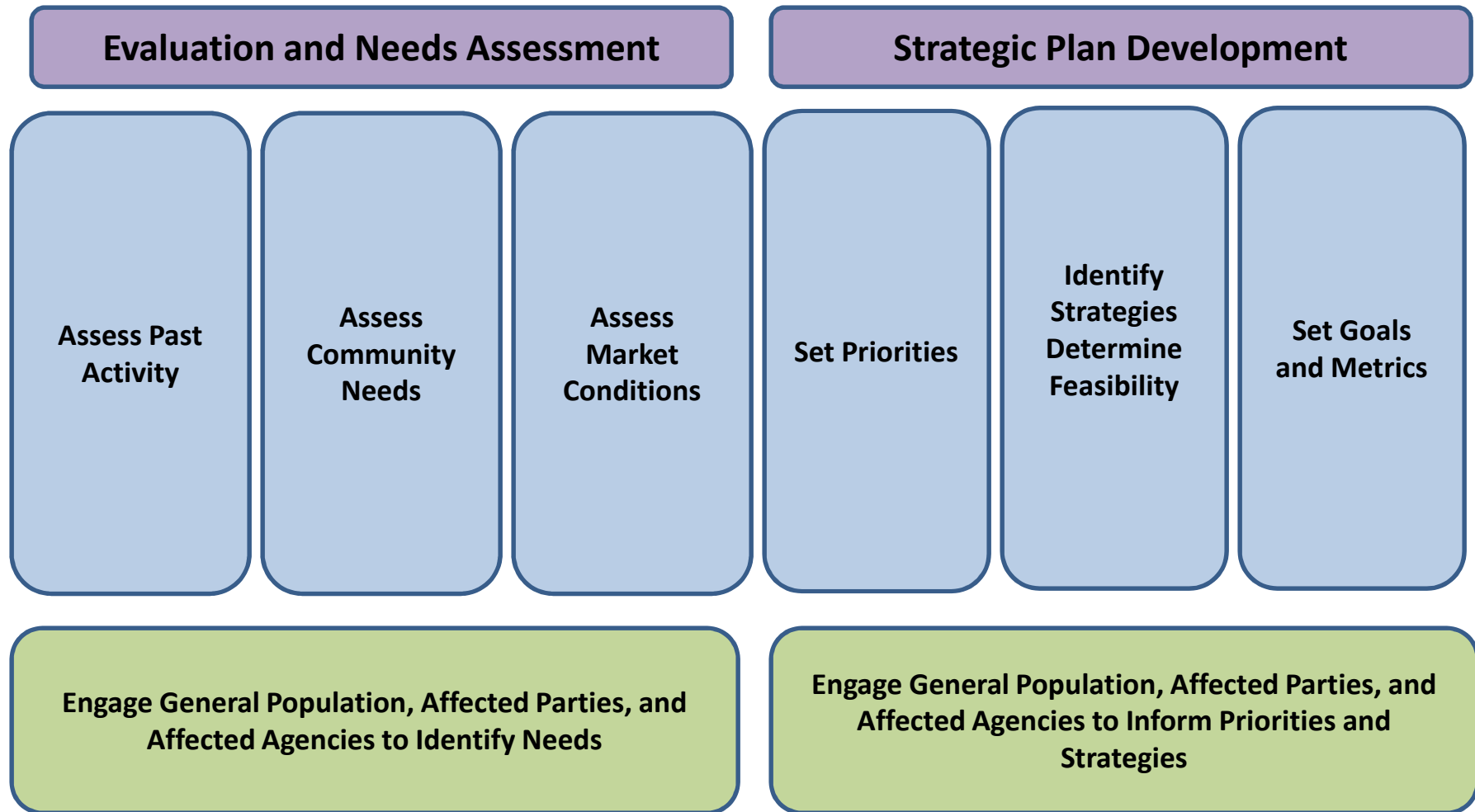
FOR MORE INFORMATION

Staff Contact: Stephanie Jennings, Grants Manager
Telephone: 541-682-5529
Staff E-Mail: stephanie.a.jennings@ci.eugene.or.us

HUD Required Plans and Reports



Consolidated Plan Development Process



EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Public Forum

Meeting Date: October 27, 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 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: October 27, 2014
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2A
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 October 8, 2014, Work Session, October 13, 2014, Work Session and Meeting, and October 15, 2014, Work Session.

ATTACHMENTS

- A. October 8, 2014, Work Session
- B. October 13, 2014, Work Session and Meeting
- C. October 15, 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**

**October 8, 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 October 8, 2014, City Council work session.

A. WORK SESSION: An Ordinance Concerning Establishment of a Tax on Marijuana

City Attorney Glenn Klein provided information about the draft ordinance for the public hearing, how it is modeled after the City of Medford's, why it is the broadest one in the state and the schedule moving forward.

Council discussion:

- Set-asides for law enforcement built into the State measure.
- Further conversation with County and local cities needed.
- Proposed tax will defeat the purpose of the State measure and help black market.
- Worth having a discussion and listening to what people have to say.
- Imposing a specific tax on a specific product is bad public policy.
- City does not have infrastructure in place to administer the tax.

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to confirm that the City Council will hold a public hearing on October 20 on an ordinance to adopt a tax on the sale of marijuana. **PASSED 5:3**, Councilors Brown, Taylor, and Clark opposed.

B. WORK SESSION: City Hall

QUESTION AND VOTE: Should the new city hall be constructed in phases with phase 1 consisting of approximately 25,000 square feet, occupied primarily by Mayor and Council, council chambers and the city manager's office? **YES VOTE 5:3**, Councilors Brown, Taylor, and Clark 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:

- More information about cost of saving the Council Chamber is needed.
- Saving iconic part of city hall will reflect the City's commitment to honoring its past.
- Consider grants, public/private partnership for redevelopment or reuse.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Clark, moved to postpone until sometime in November consideration of question 5. **PASSED 7:1**, Councilor Poling opposed.

QUESTION AND VOTE: Should phase 1 of a new city hall reflect RBA's current conceptual design, including plaza or public space along 8th Avenue, council chamber, and improved accessibility?
YES VOTE 7:1, Councilor Taylor opposed.

QUESTION AND VOTE: Should the design team continue to develop options for underground parking? **YES VOTE 8:0**

QUESTION AND VOTE: Should the design team continue to develop options for a 4th floor?
YES VOTE 7:1, Councilor Clark opposed.

QUESTION AND VOTE: Should the design team continue to develop options for making city hall as energy efficient as practicable (i.e. Gold LEED or equivalent, net zero energy or net zero water ready)?
YES VOTE 8:0

C. WORK SESSION: Railroad Quiet Zone

City of Eugene Traffic Engineer Tom Larsen and Planning Director Robin Hostick gave an update on the process for implementing a railroad quiet zone, along with background information and cost information.

Council discussion:

- Important quality-of-life issue for entire community.
- Those most impacted deserve some consideration.
- Anticipated costs are prohibitive; investigate use of urban renewal and road bonds.

The meeting adjourned at 1:32 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

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

October 13, 2014
5:30 p.m.

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

Councilors Absent: Greg Evans

Mayor Piercy called the October 13, 2014, City Council work session to order.

A. WORK SESSION: Annual Report from Police Commission

Police Commissioners Bob Walker and Tamara Miller reviewed the FY 14 annual report and discussed the commission's FY 15 work plan.

Council discussion:

- More information on the staff survey requested.
- More information on how the commission interprets data requested.
- Appreciation expressed for the work of the commission.

B. WORK SESSION: Human Rights Commission FY 2015 Work Plan and 2014 Annual Report

Human Rights Commissioners Andrew Thomson and Chris Nunes reviewed the FY 14 annual report and discussed the commission's FY 15 work plan.

Council discussion:

- Appreciation expressed for the work of the commission.
- Liaison work with other commissions, particularly around social equity issues.
- More information about HRC events and forums requested.

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to approve the Human Rights Commission FY 15 Work Plan. **PASSED 7:0**

C. WORK SESSION: Sustainability Commission Work Plan and Annual Report

Sustainability Commissioners Steve Newcomb and Howard Saxion reviewed the FY 14 annual report and discussed the commission's FY 15 work plan.

Council discussion:

- Appreciation expressed for the work of the commission.
- Continue identifying and honing in on issues that address council goals.
- Find common ground in work plans of other commissions.
- Apply Triple Bottom Line analysis in commission discussions

Item 2.A.

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to approve the Sustainability Commission FY 15 work plan. **PASSED 7:0**

D. CONSENT CALENDAR

MOTION AND VOTE: Councilor Pryor, seconded by Councilor Syrett, moved to approve the items on the Consent Calendar. **PASSED 7:0**

The work session adjourned at 6:34p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

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

**October 13, 2014
7:30 p.m.**

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

Councilors Absent: Greg Evans

Mayor Piercy opened the October 13, 2014, City Council meeting.

1. CEREMONIAL MATTERS

Staff and students from Willamette High School were honored for winning the 2014 Oregon Sustainable Schools Award and 2014 National Green Ribbon School award.

2. PUBLIC FORUM

1. Michelle Billington – Eugene needs more affordable housing, not student housing.
2. Howie Bonnett – Council needs to keep in mind the upcoming transportation plan.
3. Mona Linstromberg – Peer review of cell tower applications needed and required.
4. Leaian Swanson – Concerned about proposed cell tower in neighborhood.
5. Jay Mayernik – Continued support for security and safety of local taxis needed.
6. Jane Katra – Concerned about proposed cell tower in neighborhood.
7. William Collinge – Concerned about proposed cell tower in neighborhood.
8. Eye Woodward-Shawl – Concerned about proposed cell tower in neighborhood.
9. Jack Dresser – Concerned about proposed cell tower in neighborhood.
10. Karin Almquist – Concerned about proposed cell tower in neighborhood.
11. Jenny Miller – Concerned about proposed cell tower in neighborhood.
12. Tom Connolly – Concerned about proposed cell tower in neighborhood.
13. Jane Rimerman – Concerned about proposed cell tower in neighborhood.
14. Gerald Davenport – Concerned about proposed cell tower in neighborhood.
15. Dennis Hebert – Concerned about proposed cell tower in neighborhood.
16. Cindy Allen – Concerned about proposed cell tower in neighborhood.
17. Kathy Ging – Concerned about proposed cell tower in neighborhood.
18. Angel Clark – Against homeless camping ban; people need a safe place to sleep.
19. Tom Vetra – Concerned about proposed cell tower in neighborhood.
20. Barb Prentice – Against the camping ban; people need a safe place to sleep.
21. Donna Haines – Against the camping ban; people need a safe place to sleep.
22. Amy Raven – Against the camping ban; people need a safe place to sleep.
23. d. maria – Against the camping ban; people need a safe place to sleep.
24. Peg Morton – Against the camping ban; people need a safe place to sleep.
25. Katharine Hunt – Against the camping ban; people need a safe place to sleep.
26. Debra McGee – Against the camping ban; people need a safe place to sleep.
27. Michael Carrigan – Against the camping ban; people need a safe place to sleep.
28. Ruth Duemler – Housing First policy needed; against cell tower proposal.
29. Leslie Robnett – Against the camping ban; people need a safe place to sleep.
30. Peter Grotticelli – Against the camping ban; people need a safe place to sleep.

Item 2.A.

31. Ambrose Holtham-Keathley – Against camping ban; people need safe place to sleep.
32. Sue Sierralupé – Against the camping ban, people need a safe place to sleep.
33. John VanLandingham – Affordable housing fee needed for MUPTE.
34. Sabra Marcroft – Against the camping ban, people need a safe place to sleep.
35. Art Bowman – City’s policies downtown are unfairly targeting the homeless.

Council discussion:

- Housing First model being discussed with poverty and homeless board.
- Support for Mayor’s Challenge to house all homeless vets by end of 2015.
- Level playing field and safety protections needed for local taxi service.
- Limited local power to address cell tower placement.

3. 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.

No speakers signed up to testify.

4. WORK SESSION: Traffic Island at Crest Drive and Lincoln Street

City Engineer Mark Schoening provided brief background information on the traffic island at Crest Drive and Lincoln Street.

MOTION: Councilor Taylor, seconded by Councilor Brown, moved to direct staff to remove the island.

Council discussion:

- More information and public input needed.
- No accidents demonstrates the design is working.
- Island has become more of an impediment than an aid to slow traffic.

MOTION TO AMEND: Councilor Clark, seconded by Councilor Brown, moved to amend the motion to postpone voting on whether to remove the island until after the council has have given the public an opportunity to weigh in on October 20, 2014. **PASSED 7:0.**

VOTE ON MAIN MOTION AS AMENDED: PASSED 6:1, Councilor Poling opposed.

The meeting adjourned at 9:39p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

ATTACHMENT C

MINUTES

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

**October 15, 2014
12:00 p.m.**

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

Councilors Absent: Greg Evans,

Councilor Pryor opened the October 15, 2014, City Council work session, noting that Mayor Piercy was in Louisville, Kentucky at the Mayors Conference on Entrepreneurship.

A. WORK SESSION: Multi-Unit Property Tax Exemption (MUPTE)

Community Develop Manager Denny Braud and Business Loan Analyst Amanda Nobel Flannery discussed general agreements on MUPTE revisions; walked through the revisions, criteria and decision guide; and gave a recap of how decisions were made.

Council discussion:

- Public benefits are key; important to identify potential conflicts with neighborhoods.
- Elimination of 20% affordable housing is a bad idea; affordable housing needed now.
- Good effort to add value to the program; time to move forward.
- Effective way needed to ensure that local people - not necessarily local companies - are hired.
- Important to be very specific about fees and triggers to qualify for MUPTE.

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Taylor, moved to direct the City Manager to schedule a public hearing on an ordinance to modify MUPTE program revisions consistent with the criteria included in Attachment A. **PASSED 5:2**, Councilors Brown and Taylor opposed.

The meeting adjourned at 1:04 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: October 27, 2014
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2B
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 22, 2014

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

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		CS/Bloch
2. Consent Calendar		CS/Forrest
a. Approval of City Council Minutes		PDD/Taylor
b. Approval of Tentative Working Agenda		CS/Silvers
c. Annexation Resolution Approval for Cynthia and Thomas Dreyer (A 14-6)		PDD/Jennings
3. Action: Ordinance on Public Contracting Code		
4. Action: Bascom Village Phase I Low-income Rental Property Tax Exemption		

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. WS: Transportation Funding		60 mins – PW/Corey
B. WS: Regional Food Strategy		30 mins – CS/Gardner

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		
3. Public Hearing: Code Amendments to implement Metro Plan Amendment 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: Piercy, 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
--------------------	------------------

Noon	Council Work Session	
Harris Hall	Expected Absences: Piercy, Evans, Taylor	
A. Action: Judicial Evaluation		40 mins – CS/Holmes
B. Action: Extension of MUPTE Program Suspension		10 mins – PDD/Braud
C. WS: Public Passenger Vehicles		40 mins - PDD/Hammond

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

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 22, 2014

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
3. Action: Ordinance on Right-of-Way Use Franchise – MCI-Verizon Communications		CS/Berrian
4. Action: Metro Plan Enabling Amendments		PDD/Burke
5. Action: Code Amendments to Implement Metro Plan Amendment Procedures		PDD/Burke
6. WS: Safe Demolition		PDD/hostic
7. WS: Legislative Update		CS/Gardner

NOVEMBER 26	WEDNESDAY	** NOTE: MEETING CANCELLED **
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Noon	Council Work Session
Harris Hall	Expected Absences:

DECEMBER 8	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: Civic Stadium		45 mins -
C. WS: MUPTE Program Revisions		45 mins – PDD/Braud

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
6. WS: Cell Towers		PDD/Nystrom

DECEMBER 10	WEDNESDAY
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Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Envision Eugene Update		90 mins – PDD/Burke

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

JANUARY 7	WEDNESDAY
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5:30 p.m.	State of the City Address
Hult Center	Expected Absences:
A. State of the City	

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 22, 2014

JANUARY 12	MONDAY
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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

JANUARY 14	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS:	
B. WS:	

JANUARY 20	TUESDAY
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7:30 p.m.	Council Public Hearing
Harris Hall	Expected Absences:
1. PH: Envision Eugene	PDD/Burke

JANUARY 21	WEDNESDAY
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS: Bike Share Feasibility Study	45 mins – PW/Dunbar
B. WS: Public Smoking	45 mins –

JANUARY 26	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: Disadvantaged/Minority Contracting	45 mins – CS/Silvers

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
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Noon	Council Work Session
Harris Hall	Expected Absences:
A. WS: Envision Eugene	90 mins – PDD/Burke

FEBRUARY 9	MONDAY
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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:	

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

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EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 22, 2014

7:30 p.m. Council Meeting
Harris Hall Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda

CS/Bloch
CS/Forrest

FEBRUARY 11	WEDNESDAY
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Noon Council Work Session
Harris Hall Expected Absences:

- A. WS:
- B. WS:

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
- B. WS:

30 mins

7:30 p.m. Council Meeting
Harris Hall Expected Absences:

1. Public Forum
2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda

CS/Bloch
CS/Forrest

FEBRUARY 25	WEDNESDAY
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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=action; PH=public hearing; WS=work session

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

October 22, 2014

- a. Approval of City Council Minutes
- b. Approval of Tentative Working Agenda

CS/Bloch
CS/Forrest

MARCH 11	WEDNESDAY
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



Approval of Resolution Annexing Land to the City of Eugene (Dreyer, Cynthia and Thomas - A 14-6)

Meeting Date: October 27, 2014
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2C
 Staff Contact: Becky Taylor
 Contact Telephone Number: 541/682-5437

ISSUE STATEMENT

This item is a request by the property owner to annex 7.22 acres located on the east side of Capital Drive, south of Hendricks Park and west of Floral Hill Drive. The property is currently zoned R-1/UL Low-Density Residential with Urbanizable Land Overlay. The /UL overlay will be automatically dropped from the zoning following approval of the annexation. The property is currently undeveloped, with the exception of a barn. The applicant plans on further dividing the property through the Planned Unit Development process.

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 Laurel Hill Plan and the South Hills Study are the refinement plans applicable to the subject property. The policies applicable to this request are addressed in the Planning Director's findings and recommendation (Exhibit C to Attachment B).

COUNCIL OPTIONS

City Council may consider the following 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 5122, which approves the proposed annexation request consistent with the applicable approval criteria.

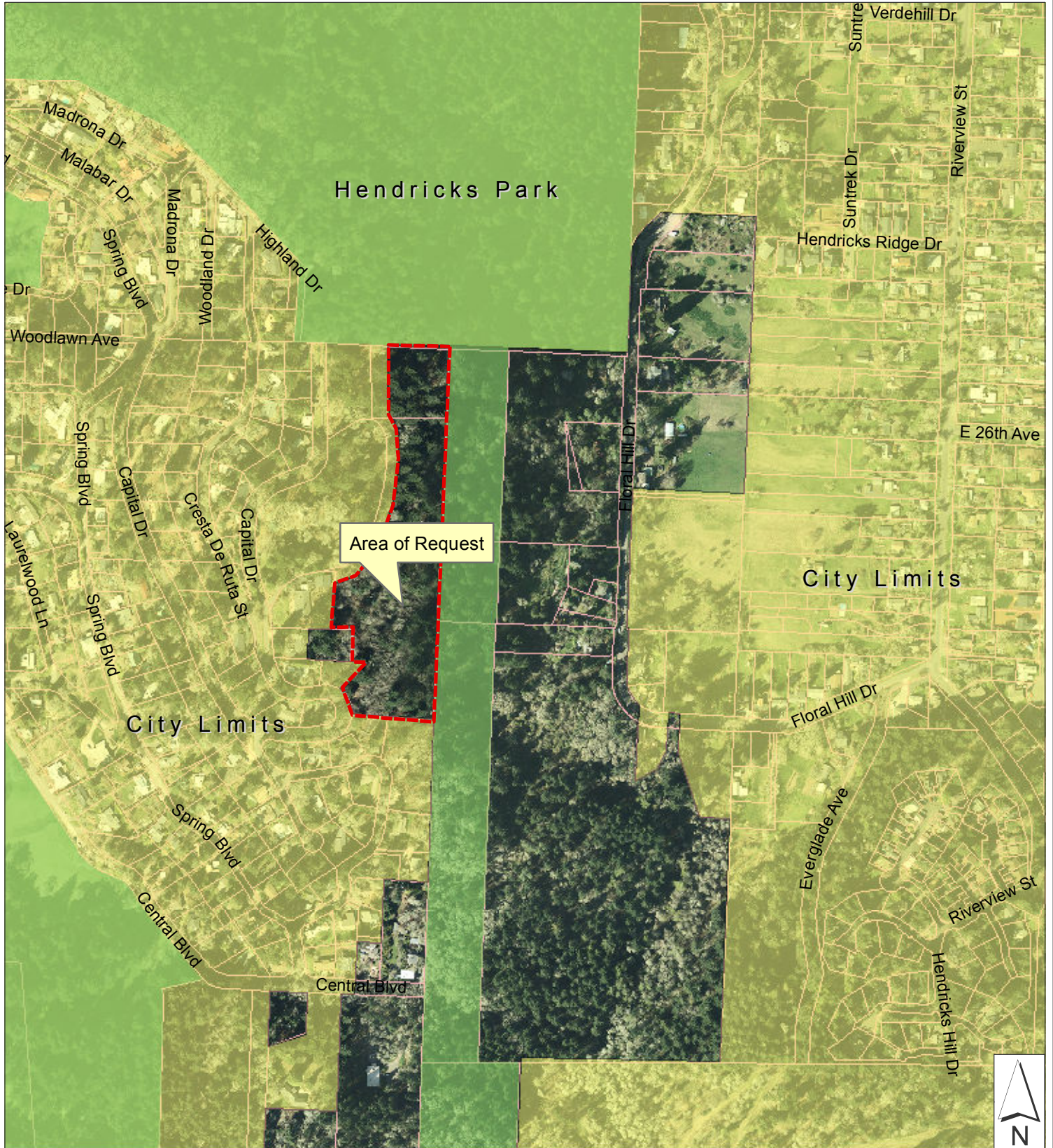
ATTACHMENTS

- 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 Email: Becky.G.Taylor@ci.eugene.or.us

Area of Request: Dreyer (A 14-6)



Legend

- Parks and Open Space
- EUG
- Taxlots

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



October 10, 2014

RESOLUTION NO. _____

**A RESOLUTION ANNEXING LAND TO THE CITY OF EUGENE
(ASSESSOR'S MAP 18-03-04-31; TAX LOTS 100 AND 201).**

The City Council of the City of Eugene finds that:

A. An annexation application was submitted by Cynthia and Thomas Dreyer on August 19, 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 18-03-04-31, Tax Lots 100 and 201.

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 26, 2014, a notice containing the location and assessor's map and tax lot numbers, 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 Laurel Hill Valley Citizens. The notice advised that the City Council would consider the Planning Director's full recommendation on the proposed annexation on October 27, 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 18-03-04-31, Tax Lots 100 and 201, 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 R-1/UL to R-1 pursuant to EC 9.7820(3) shall become effective in accordance with State law.

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

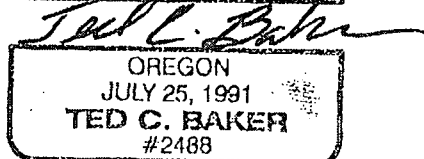
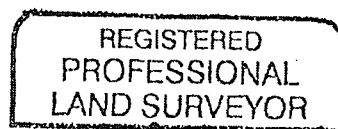
City Recorder

PROPERTY TO BE ANNEXED

ASSESSOR'S MAP 18-03-04-31 A PORTION OF TAX LOTS 100 AND 201

A tract of land located in the Southwest 1/4 of Section 4, Township 18 South, Range 3 West of the Willamette Meridian, said tract being within Block 5 of the plat of Capital Hill Addition to Eugene, Oregon as platted and recorded at page 104 of Volume 4, Lane County, Oregon Plat Records, said tract being more particularly described as follows:

Commencing at the Northwest corner of Lot 1, Block 5 of the plat of Capital Hill Addition to Eugene, Oregon as platted and recorded at page 104 of Volume 4, Lane County, Oregon Plat Records; thence along the North boundary of said Lot 1, South 89°41'00" East, 210.00 feet to a point, said point marks the **POINT OF BEGINNING** of this tract of land; thence continuing along said North boundary of Lot 1, South 89°41'00" East, 220.01 feet to the Northeast corner of said Lot 1, Block 5; thence along the East boundary of said Block 5, South 0°18'58" West, 1251.42 feet to the Southeast corner of Lot 5, Block 5 of the plat of Capital Hill Addition to Eugene, thence along the South boundary of said Lot 5, North 88°56'27" West, 291.88 feet to the Easterly right-of-way line of Capital Drive; thence along said Easterly right-of-way line along a 96.35 foot radius curve left (the chord of which bears North 29°02'36" West, 92.39 feet) a distance of 96.36 feet; thence leaving said Easterly right-of-way line, North 46°44'00" East, 36.47 feet; thence along the arc of a 285.00 foot radius curve left (the chord of which bears North 38°49'01" East, 79.44 feet) a distance of 79.70 feet; thence North 89°41'00" West, 50.93 feet; thence North 0°19'00" East, 110.41 feet; thence South 87°46'00" West, 70.08 feet; thence North 0°19'00" East, 159.92 feet; thence North 75°57'00" East, 31.61 feet; thence along the arc of a 152.30 foot curve left (the chord of which bears North 51°59'00" East, 123.73 feet) a distance of 127.41 feet; thence North 28°01'00" East, 63.88 feet; thence North 16°51'30" East, 194.57 feet; thence North 5°42'00" East, 84.30 feet; thence North 0°16'30" East, 79.77 feet; thence along the arc of a 123.00 foot radius curve left (the chord of which bears North 18°03'33" West, 75.67 feet) a distance of 76.92 feet; thence North 89°41'00" West, 24.59 feet; thence North 1°58'27" West, 249.61 feet to the point of beginning, all in Lane County, Oregon and containing 7.19 acres more or less.



EXPIRES 12-31-13

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Ted C. Baker

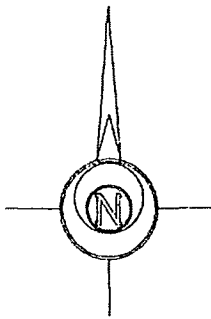
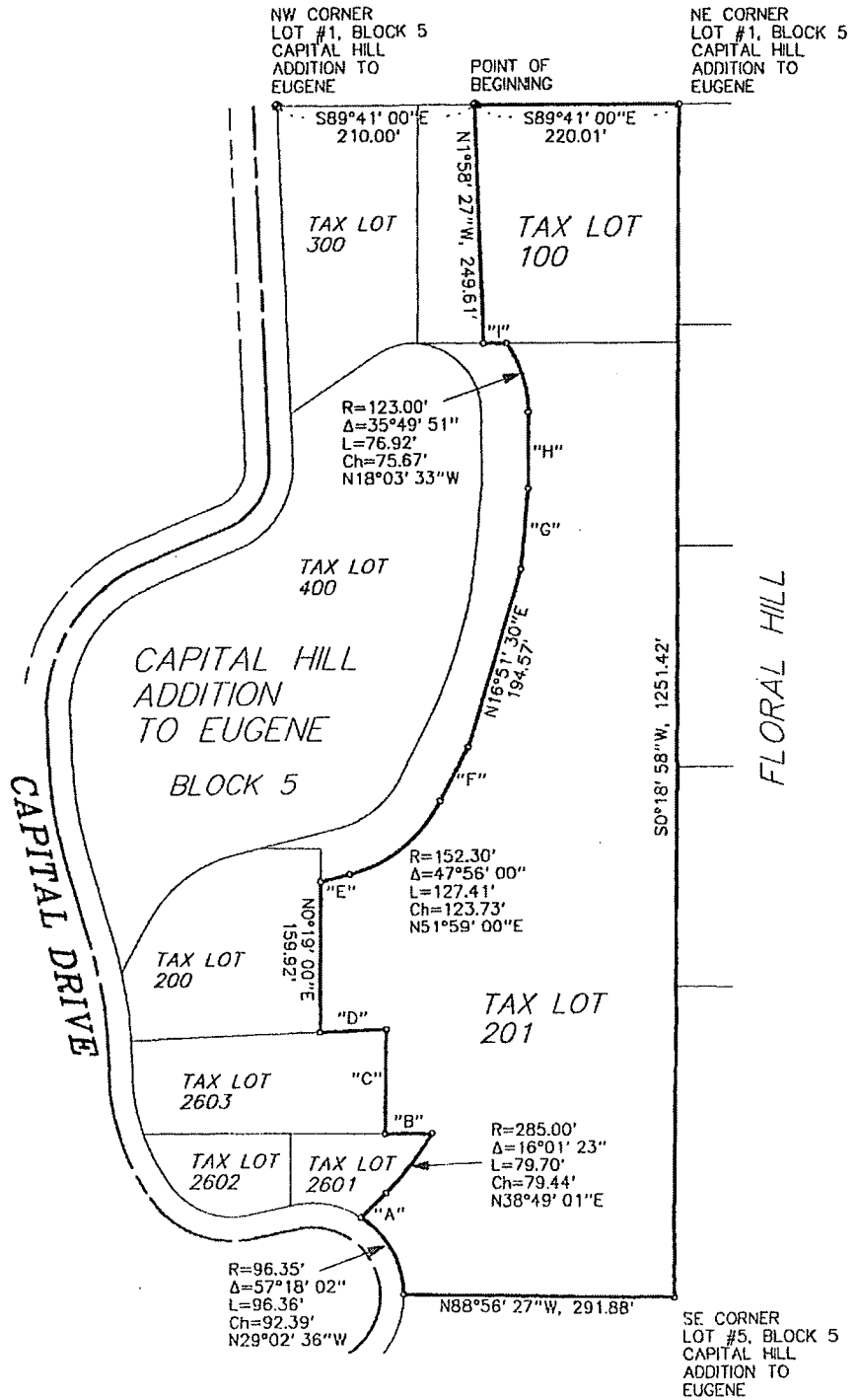
OREGON
JULY 25, 1991
TED C. BAKER
#2488

EXPIRES 12-31-2013

HENDRICKS PARK

LINE DATA

LINE	BEARING	DISTANCE
"A"	N46°44' 00"E	36.47'
"B"	N89°41' 00"W	50.93'
"C"	N0°19' 00"E	110.41'
"D"	S87°46' 00"W	70.08'
"E"	N75°57' 00"E	31.61'
"F"	N28°01' 00"E	63.88'
"G"	N5°42' 00"E	84.30'
"H"	N0°16' 30"E	79.77'
"I"	N89°41' 00"W	24.59'



SCALE: 1" = 200'



**Planning Director's Recommendations and Findings:
Dreyer, Cynthia and Thomas (A 14-6)**

Application Submitted: August 19, 2014	
Applicant: Cynthia and Thomas Dreyer	
Map/Lot(s): 18-03-04-31: 100 and 201	
Zoning: R-1/UL Low-Density Residential with Urbanizable Land Overlay	
Location: East side of Capital Drive, south of Hendricks Park	
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</p> <p>(b) Separated from the city only by a public right of way or a stream, bay, lake or other body of water.</p>	
Complies	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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, south, and west are in City limits.	
EC 9.7825(2) The proposed annexation is consistent with applicable policies in the Metro Plan and in any applicable refinement plans.	
Complies	
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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>	

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>Laurel Hill Plan</u> and the <u>South Hills Study</u> are the adopted refinement plan for the subject property, which also designate the area for residential uses. Both refinement plans limit the overall residential density for the subject property to five units per acre and require Planned Unit Development procedures to further develop the property.</p> <p>The property is currently zoned R-1/UL Low-Density Residential with Urbanizable Land Overlay. The /UL overlay will be automatically removed from the zoning following annexation approval. The applicant plans on further dividing the property through the Planned Unit Development permit process.</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 <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 Works staff confirms that public wastewater is available to serve the subject property from eight-inch mainlines located to the west. The applicant acknowledges that due to the terrain of the property, private pumps may be required.</p> <p>Stormwater Although there are no existing public stormwater facilities available, Public Works staff confirms that stormwater runoff from future development of the site can be managed on-site. The applicant acknowledges that post-development flows will not exceed pre-development levels. Compliance with applicable stormwater development standards will be ensured during the development permit process.</p> <p>Streets The subject property has frontage on Capital Drive, to the west. Public Works staff notes that street improvements will be determined as part of the PUD application.</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>

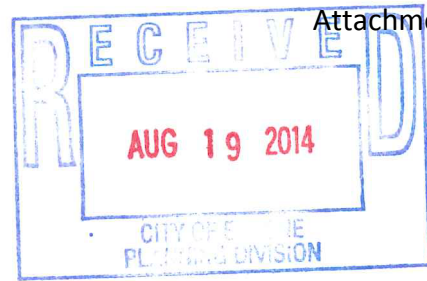
	<p>Water & Electric Eugene Water and Electric Board (EWEB) staff states no objection to serving the proposed annexation, provided future development of the subject property complies with applicable policies and procedures. EWEB staff notes, however, that water facilities in the area are limited and could result in high costs for water service, depending on future development plans.</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>. Hendricks park abuts the subject property, to the north.</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 CentryLink (formerly Qwest) communications 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 Edison Elementary School, Roosevelt Middle School and South Eugene 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.

August 20, 2014

TOM AND CINDY DREYER PROPERTY
Annexation Application
Map 18-03-04-31, Tax Lots 00100 & 00201



WRITTEN STATEMENT

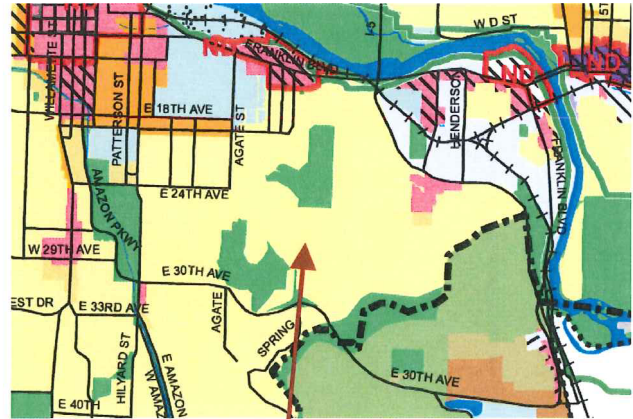
In accordance with EC 9.7800, Annexation Application Procedures and Criteria, the applicants, Cynthia A. and Thomas M. Dreyer, are requesting that the City of Eugene review this annexation request and determine that the proposal complies with criteria contained in EC 9.7825 and that the requested annexation can be approved. To aid Eugene staff in this endeavor, the following information is provided.

I. The Site and Existing Conditions

A. Planning Context

The Dreyer property has a Metro Plan land use designation of Low Density Residential (LDR)¹. The applicable neighborhood refinement plan (the Laurel Hill Plan), shows a land use designation of Low Density Residential and is zoned Low Density Residential (R-1). Development of the property is subject to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan), the Laurel Hill Plan, and the Eugene Code, in particular Chapter 9 which governs land use.

The site is inside the Urban Grown Boundary (UGB) and outside the City Limits of Eugene (CL). The site is contiguous to existing City of Eugene city limits along its north, western and south boundaries. Western portions of lots 00100 and 00201 have been annexed. (see legal description) There is an overlay zone of Urbanizable Land (/UL/*) which regulates and limits land use on the site until annexation. It would be extinguished upon annexation.



Excerpt
 Metro Plan Diagram
 December 2010

Additional planning documents also apply to the subject property, including TransPlan, Parks and Open Space Plan (not adopted), Goal 5 Water Resources Conservation Plan, and the in-process Envision Eugene project (not adopted but provides helpful direction).

While not directly applicable to annexation approval criteria, each of these planning documents, and their applicability to the Dreyer property, will become pertinent with later planning applications and/or development permits.

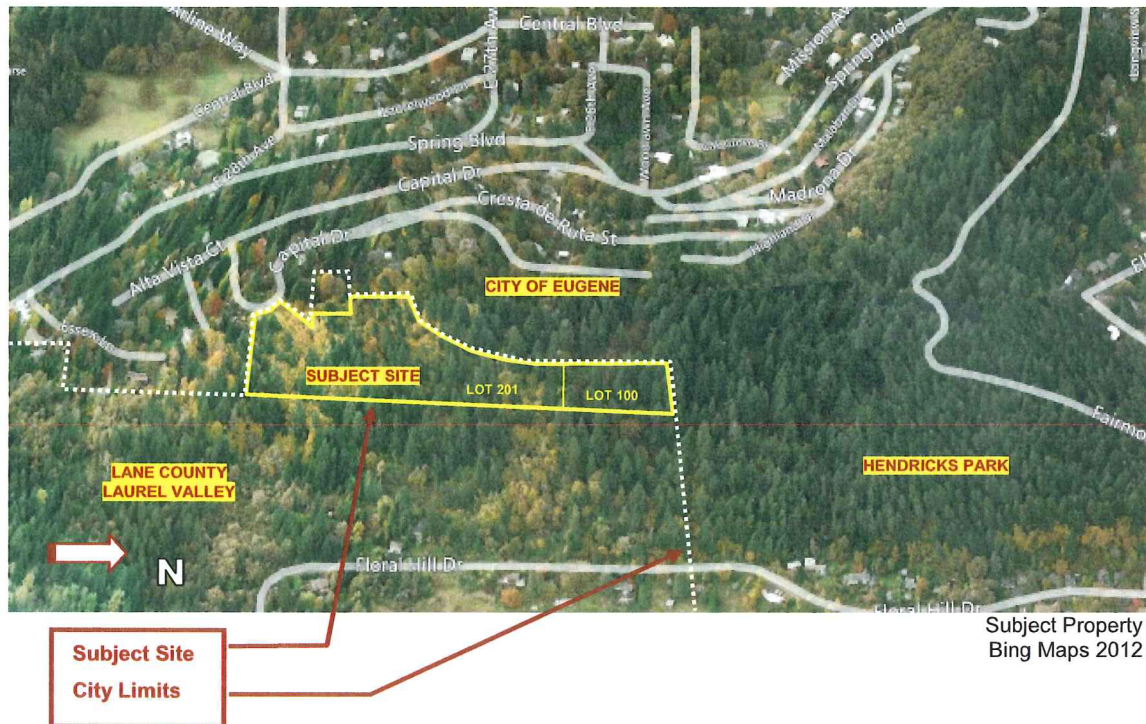
B. Subject Site

¹ The adopted Metro Plan Diagram is not tax lot specific, nor are the boundaries between different land use designations. Furthermore, the Metro Plan Diagram is valid at an 11x17 inch scale only. For the subject property, the surrounding land is unmistakably low density residential with the exception of clearly delineated existing Parks and Open Space.



The property is located in the southeast area of Eugene along the ridgeline that borders the Fairmount Neighborhood but technically falls in the Laurel Hill Valley Neighborhood. The site itself is approximately 7.22 acres in size and is undeveloped with the exception of an out-building/barn located on lot 100. It is located to the east of Capital Drive and faces east overlooking Laurel Hill Valley. Abutting the property along the eastern border is the City's Ribbon Trail which connects to Hendricks Park. Hendricks Park abuts the subject site along the northern border.

Along the western and southern borders are tax lots within City limits.



The site is fairly sloped and wooded with a mix of coniferous trees and deciduous broadleaf trees.

II. Annexation – Approval Criteria

Annexation Approval Criteria are found in Section 9.7825 of the Eugene Code. Applicable sections of the Code are in *italics*, followed by proposed findings of facts in plain text.

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 Dreyer property is contiguous to existing City of Eugene city limits on its north, south and western boundaries. Therefore, this criterion is met.

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

METRO PLAN: Applicable Metro Plan policies and findings in support of this annexation request are as follows:

C. Growth Management

- Policy 8a. *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 of key urban facilities and services can be provided to the area in an orderly and efficient manner.*

Response: Minimum key urban facilities and services as defined in the Metro Plan includes wastewater, stormwater, transportation, solid waste management, water service, fire and emergency medical service, police protection, city-wide parks and recreation programs, electric service, land use controls, communication facilities and public schools on a district-wide basis (Metro Plan, Chapter V, Glossary, definition 24). As documented elsewhere in this Written Statement these key urban facilities and services can be provided to the subject site in an orderly and efficient manner. See Urban Service Area Definition Specific Recommendations 3 and Attachment 5.

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

Response: Annexation into the corporate limits of the City of Eugene is codified in the Eugene Code (EC) 9.7800-9.7835. Processes and procedures regarding application, annexation, approval criteria, effective date and notice, and withdrawal from special districts are, by submittal and processing of this Annexation Application, being followed.

- 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.*

Response: The subject site is inside the Eugene jurisdiction of the metro area's Urban Growth Boundary. By this Annexation Application lands within the UGB (the subject site) is being annexed and, as required by applicable approval criteria, will be provided with the minimum level of urban facilities and services.

- Policy 17. *Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall be the water and electrical service providers within the UGB.*

Response: EWEB currently provides service to property adjacent to the subject site and would therefore provide service to the annexed property.

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

Response: No special service districts service this subject site. As codified in Eugene Code (EC) 9.7835, Annexation – Withdrawal from Public Service Districts Following Annexation, the Eugene City Council utilizes a set process to facilitate withdrawals from special districts.

- *Policy 21a. When unincorporated territory within the UGB is provided with any new urban service, that service shall be provided by the following method: Annexation to a city.*

Response: Future development of the vacant subject property will require the provision of urban services. Annexation is the preferred method to enable urban service provision. Approval of this Annexation Application herein will satisfy this Metro Plan policy.

APPLICABLE REFINEMENT PLAN: The applicable refinement plans are the Laurel Hill Plan and the South Hills Study. Applicable annexation criteria and findings in support of the annexation request are as follows:

LAUREL HILL PLAN

Section 1 – Land Use and Future Urban Design

POLICIES

Policy 1 - Approval of Valley development will take into consideration: Density, Size and Dispersal.

Response: Annexation of subject property will ensure property is developed through applicable development standards found in the Eugene Code including adherence to relevant refinement plans and area studies. Approval of this annexation application will enable this policy to be followed.

Policy 2 - Development proposals, land use applications, and code amendments shall continue to be referred to and reviewed by the neighborhood association(s) for review and comment within the existing guidelines of the Neighborhood Organization Recognition Policy.

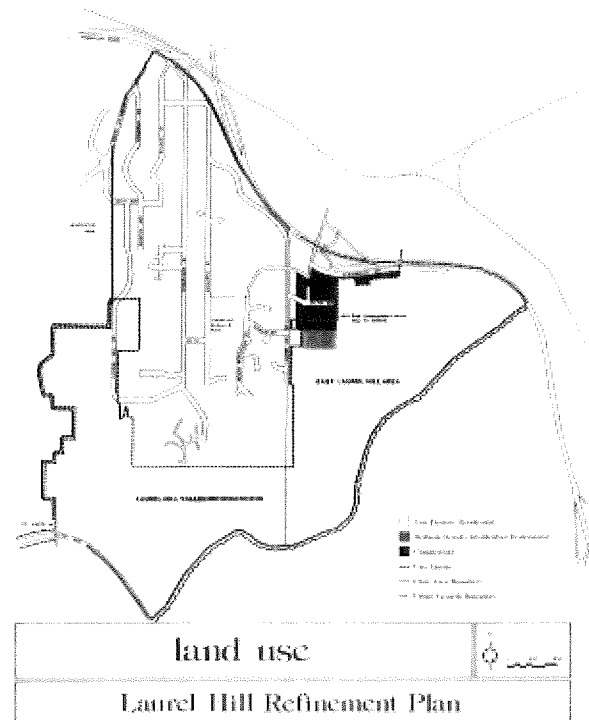
Response: Annexation is a land use application and will therefore be referred to and reviewed by the pertinent neighborhood associations for review and comment.

Section 2 – Transportation

POLICIES

All of the policies listed are embodied by the assumption that the best way to preserve the character of the Valley is to establish an attitude toward the automobile that is most beneficial for the Valley.

Response: While the subject site is included in the Laurel Hill Plan area, its physical congruency to the Fairmount Neighborhood and City limits, its isolation and separation from the Valley due to topography and abutting city park and open space property to the north and east will prevent direct transportation connection to the Valley. Annexation will not have an impact on transportation design or traffic in the Valley and will actually allow for the full provision of key urban facilities and services from outside the Laurel Hill Valley area.



Section 3 – Urban and Public Services**POLICIES**

No policies have been enacted under this section as of the 1982 edition of the Laurel Hill Plan.

Response: Similar to the Section 2 - Transportation, annexation of this subject site will have no direct impact on the Laurel Hill Valley area because of its physical location on the western ridgeline. Annexation will actually allow for the full provision of key urban facilities and public services from outside the Laurel Hill Valley area.

Section 5 – Relationship to the City**POLICIES**

Policy 2 – The City will communicate to the recognized neighborhood group its general information pertaining to programs and projects that may have a physical impact on the Valley, in order that the association can participate in the public discussion.

Response: Annexation of the subject site will allow the site to be developed. Participation with the neighborhood association will be a part of the development process as stipulated in the City of Eugene's development standards as well as the Laurel Hill Plan.

SOUTH HILLS STUDY

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF EUGENE, OREGON, as follows:

That the Purpose Statements and Recommendations set forth in Exhibit A are adopted as policy statements and as a refinement of the Eugene-Springfield Metropolitan Area 1990 General Plan for the south hills area and are to be used in making land-use and other decisions in that area.

Ridgeline Park**SPECIFIC RECOMMENDATIONS**

Recommendation 1 – That all vacant property above an elevation of 901' be preserved from an intensive level of development, subject to the following exceptions:

- 1. Development of individual residences on existing lots; and*
- 2. Development under planned unit development procedures when it can be demonstrated that a proposed development is consistent with the purposes of this section.*

Response: Annexation of the subject site will allow the site to be developed and reviewed through a PUD process. Through that process, the PUD will demonstrate how the future proposed design avoids an intensive level of development and is consistent with the recommendations and purposes of this section.

It should also be stated that area to the east and north of the subject site have been preserved as part of the ridgeline park system (namely Hendricks Park and the Ribbon Trail) and provide recreational connectivity.

Urban Service Area Definition**SPECIFIC RECOMMENDATIONS**

That future annexation requests within the potential urban service area be evaluated upon the following bases:

- 1. The ability of the community to provide public services for the potential development in an economic and efficient manner (and other factors normally considered in evaluation of annexations); and*

2. *The previous maintenance of the property as a desirable residential environment...*

Response: Minimum key urban facilities and services as defined in the Metro Plan includes wastewater, stormwater, transportation, solid waste management, water service, fire and emergency medical service, police protection, city-wide parks and recreation programs, electric service, land use controls, communication facilities and public schools on a district-wide basis (Metro Plan, Chapter V, Glossary, definition 24). As documented elsewhere in this Written Statement these key urban facilities and services can be provided to the subject site in an orderly and efficient manner. See Urban Service Area Definition Specific Recommendations 3 and Attachment 5

There are existing residential homes, a barn for the goats as well as existing maintained yards on this property. Some of the property proposed for annexation has been maintained as an urban forest, the goats have helped maintain the blackberries and a portion of this property is part of the manicured landscape associated with the existing homes.

This site is a desirable residential environment based on its proximity to available key urban facilities, access (Capital Drive) and access to City of Eugene Parks property (Hendricks Park directly abutting the north property line and the Ribbon Trail abutting the east property line). There is property abutting this property owned by the applicant and containing multiple single family homes. For all intents and purposes this property is part of the neighborhood here on Capital Hill and appropriate for inclusion in developable lands.

That development which can only be provided sewer service by contouring not be included in the definition of the potential urban service area.

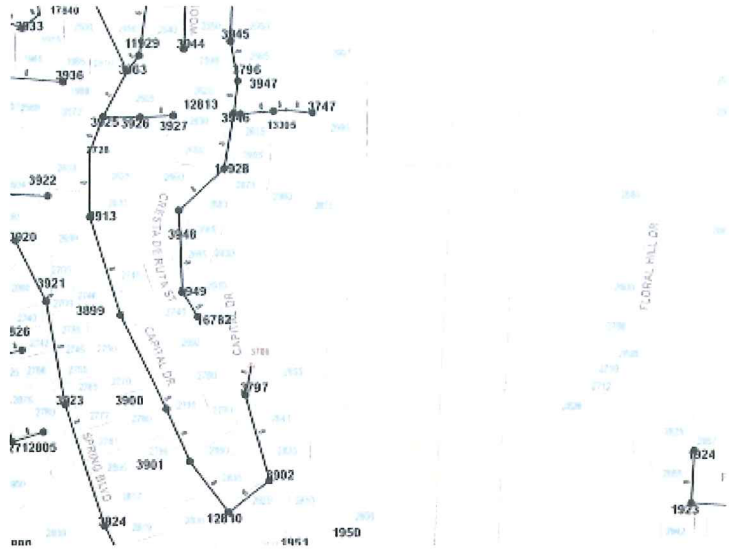
Response: Sewer service is easily provided to the site without contouring. There is adequate capacity in the existing public wastewater system in Capital Drive. Private pumps on some of the residential lots will provide access to these gravity fed pipes. No contouring will be necessary.

(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 minimum level of key urban facilities and services are available and have sufficient capacity to serve the site. The facility, provider and condition applicable to the site are as follows:

Wastewater

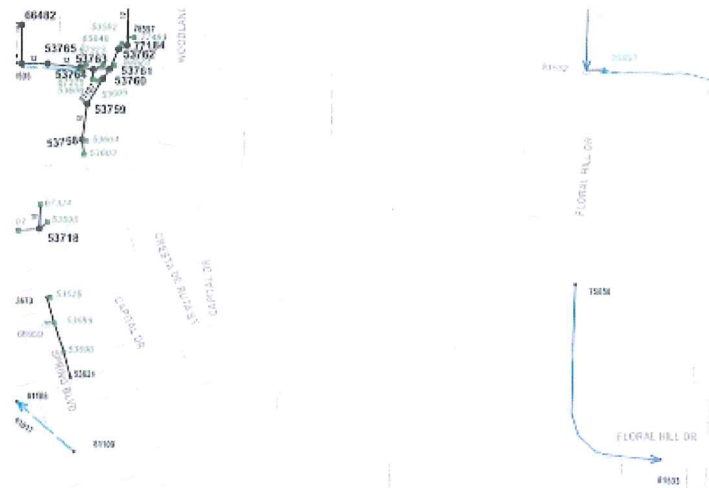
Public wastewater service is available to the site and is of sufficient capacity to serve the property at its planned low density residential (LDR) designation. Two 8-inch lines, one at the north end of the street (manhole 3747) and the other at the south end (manhole 3797) occur near the property's western boundary. Applicant does acknowledge that due to the terrain of the property a private wastewater system may be required that pumps wastewater up to the city system.



Preliminary discussions with staff recognize that utilizing private pumps to reach the public system as an alternative to gravity flow is an acceptable and viable alternative to contouring the property or artificially raising grades of homes to create a gravity flow system.

Stormwater

There are currently no existing stormwater facilities servicing the subject site. The majority of the site drains to the east into Laurel Hill Valley and is eventually picked up as surface drainage on Floral Hill Drive. Any proposed development will require a stormwater study to determine the best management strategy for treating and conveying stormwater from the site into the city's stormwater facilities.



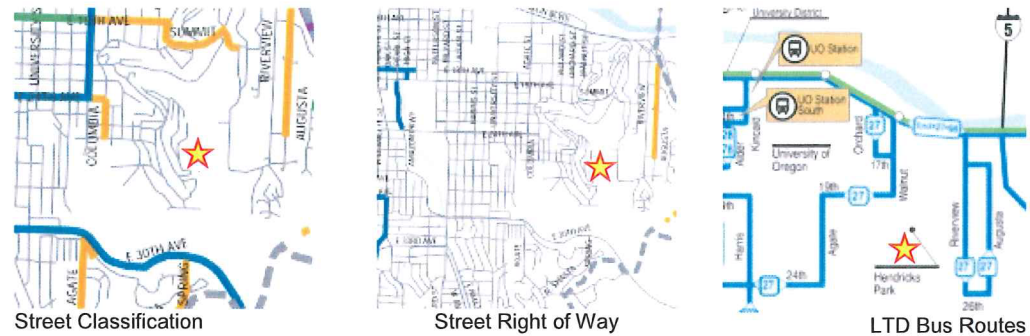
Any development plans will be required to meet current City of Eugene Stormwater Management criteria and will be evaluated by staff for compliance. Post development stormwater flows will not exceed predevelopment stormwater flows.

Transportation

Streets – The property is approximately 150-250 feet east of Capital Drive with existing City lots between. Capital Drive is a local street and the closest street with a different classification

is Columbia which is a neighborhood collector. There are no streets with special setbacks within proximity of the site.

Transit – Lane Transit District has regular bus service on Agate Street, East 19th Avenue and Walnut Street.



Solid Waste Management

Solid waste collection is provided by private firms, whose franchise territory granted by the City of Eugene includes the site. Regional disposal sites are operated by Lane County.

Water and Electric Service

Water and electric service is currently provided to the subject site. Eugene Water and Electric Board (EWEB) provide both water (6" main in Capital Drive and a water storage facility in close proximity north in Hendricks Park) and electric service to the site. There is sufficient capacity to serve the property at its planned Low Density Residential (LDR).

Fire and Emergency Medical Services

City of Eugene provides fire and ambulance service to the subject property.

Police Protection

City of Eugene will provide police protection.

City-Wide Parks and Recreation

The site is immediately adjacent to Hendricks Park and The Ribbon Trail which is part of the Ridgeline trail system. Parks and recreation services will be provided by the City of Eugene.

Land Use Controls

The subject property is inside the Eugene portion of the Metro Plan Urban Growth Boundary. The city of Eugene provides land use controls for the site.

Communication Facilities

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

Public Schools on a District-Wide Basis

Eugene 4J School District is the k-12 education service provider. Edison Elementary School and Roosevelt Middle School are to the northeast of the site. South Eugene High School also serves this site. The full range of District school services is available to the property.

Given the above regarding public and private facility availability, this criterion is met.

III. Attachments

The following attachments are included with this application.

1. Site Plan
2. Petition for Annexation
3. Consent for Annexation
4. Legal Description of Affected Territory to be Annexed
5. Summary of Urban Service Provision
6. County Assessor's Cadastral Map
7. Census Information Sheet

IV. Conclusion

Based on the information contained in this written statement, the applicant believes that the requested Annexation can be approved.

If there are any questions regarding the above information, please do not hesitate to contact Carol Schirmer, at Schirmer Satre Group, 541-686-4540 x1 or carol@schirmersatre.com.

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: 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 27, 2014
 Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
 Staff Contact: Vicki Silvers
 Contact Telephone Number: 541/682-5082

ISSUE STATEMENT

The City Council is scheduled to take action on proposed code changes to existing Eugene Public Contract law. The proposed changes add and delete 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. The council held a public hearing concerning the proposed ordinance on October 13, 2014, at which there was no public testimony.

BACKGROUND

The City of Eugene is subject to the public contracting laws of the State of Oregon. In 2005, the Eugene City Public Contracting Code was amended in accordance with state legislative changes in public contracting laws. Since that time, additional changes have been made to legislation. 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 the 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 practice 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 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 scheduled to have an additional work session on this topic in January 2015. The ordinance changes proposed here do not prevent future action by the council in this area.

COUNCIL OPTIONS

1. Approve the ordinance.
2. Revise and approve the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends the adoption of the public contracting ordinance as provided in Attachment A.

SUGGESTED MOTION

Move to adopt Council Bill 5128, concerning public contracting.

ATTACHMENTS

- A. Proposed Ordinance with changes marked and Findings in Support of Ordinance

FOR MORE INFORMATION

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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.]~~
- ~~(406) **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.~~
- ~~(417) **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

Approved by the Mayor this

___ day of _____, 2014

___ day of _____, 2014

City Recorder

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



A Resolution Approving A Low-Income Rental Housing Property Tax
Exemption for the Property Located at 2410 Park View Drive and 3060-
3090 Matt Drive, Eugene, Oregon (St. Vincent De Paul Society Of Lane
County, Inc./ Applicant)

Meeting Date: October 27, 2014
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Stephanie A. Jennings
Contact Telephone Number: 541-682-5529

ISSUE STATEMENT

The City Council is asked to approve a resolution for a 20-year Low-Income Rental Housing Property Tax Exemption (LIRHPTE) for Bascom Village Phase I, located at 2410-2466 Park View Drive and 3060-3090 Matt Drive. The developer of the project is St. Vincent de Paul Society of Lane County, Inc. (SVdP). The ownership entity is Bascom Village I Limited Partnership.

BACKGROUND

The City of Eugene utilizes federal and local subsidies to facilitate the development of housing affordable to low-income persons. The City issues a Housing Request for Proposals to identify proposed developments. The council may award land, federal HOME Investment Partnerships funds, and Systems Development Charge waivers to selected development proposals. These local resources are combined with state and federal subsidies in order to achieve rents affordable to low-income persons.

Approving the property tax exemption application for Bascom Village Phase I supports the Envision Eugene pillar of providing housing affordable to all income levels. The Envision Eugene 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.

Summary of the LIRHPTE Program

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 LIRHPTE program for an additional 10 years. The approved ordinance also enables recipients to reapply for the two-year LIRHPTE after the initial 20-year period has expired.

The council reviews each tax exemption request on a case-by-case basis. Most recently, the council

approved a LIRHPTE for Stellar Apartments in July, 2012. If an application meets the substantive criteria [EC 9.239(2)(a)-(i)] as referenced in the Report and Recommendation (Attachment A), the City must grant the exemption by resolution (Attachment B). A decision to deny the exemption cannot be made by simple motion or inaction; it would need to be made by a resolution (Attachment C) that explains how the applicant has failed to demonstrate that the tax exemption is in the public interest.

Summary of Requested Tax Exemption for Bascom Village Phase I

The requested tax exemption is for Bascom Village Phase I, a 53-unit affordable housing development providing rental housing to individuals and families earning at or below 50 percent of the Area Median Income. The development is located at 2410-2466 Park View Drive and 3060-3090 Matt Drive, and will consist of 13 one-bedroom units, 23 two-bedroom units, 15 three-bedroom units, one four-bedroom unit and one on-site manager unit. The development site is close to shopping, jobs, public transit, schools, and other services. Bascom Village Phase I includes a large community center with a learning center, children's play areas, and ample vehicle and bicycle parking.

SVdP and the Housing and Community Services Agency (HASCA) worked together to develop the proposal for Bascom Village, a two-phase development with a total of 101 units, and submitted the application for land and funds through the 2011 Housing Request for Proposals. In November 2011, the council awarded the County Farm landbank site and subsidies to support both phases. SVdP received an allocation of HOME funds provided by the City (\$351,603) and Systems Development Charge waivers (\$249,593) to subsidize the development of Phase I. At that time, SVdP notified the City that it would seek a property tax exemption in order to achieve rents affordable to low-income persons. When the Eugene Water & Electric Board could not provide Systems Development Charge waivers they had granted to the project, in April 2013, the City Council awarded Bascom Village Phase I supplemental HOME funds to fill the gap, increasing the total HOME award to \$410,274. Construction of Bascom Village Phase I commenced in July 2015 and will be completed by October 2015. Tenants will move in shortly thereafter.

The requested exemption meets the substantive criteria [EC 9.239(2)(a)-(i)] as shown in the Report and Recommendation (Attachment A).

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 supports the objective by creating 53 units for low-income families and individuals.

Eugene Adopted Growth Management Policies - The City of Eugene affordable housing development programs and Bascom Village Phase I supports 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 the City of Eugene.

COUNCIL OPTIONS

The City Council may approve or deny the tax exemption.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends approval of the resolution granting a 20-year low-income rental housing property tax exemption for the property located at 2410-2466 Park View Drive and 3060-3090 Matt Drive, Eugene, Oregon (Assessor’s Property Account Number 1862455).

SUGGESTED MOTION

Move to adopt Resolution 5121, approving a 20-year low-income rental housing property tax exemption for the property located at 2410-2466 Park View Drive and 3060-3090 Matt Drive, Eugene, Oregon (Assessor’s Property Account Number 1862455).

ATTACHMENTS

- A. Report and Recommendation
- B. Resolution to Approve the Tax Exemption
- C. Resolution to Deny the Tax Exemption

FOR MORE INFORMATION

Staff Contact: Stephanie A. Jennings
 Telephone: 541-682-5529
 Staff E-Mail: Stephanie.A.Jennings@ci.eugene.or.us

Item 4.

**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 2410-2466 Park View Drive and 3060-3090 Matt Drive, Eugene, Oregon**

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

1. Bascom Village I Limited Partnership (with St. Vincent de Paul Society of Lane County, Inc. as general partner) is the owner of real property located at **2410-2466 Park View Drive and 3060-3090 Matt Drive**, Eugene, Oregon, 97402 (Assessor's Map 17-03-17-11; Tax Lot No. 802; Assessor's Property Account Number 1862455). 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, 4J School District, and the affected neighborhood groups. The only comment received was a letter from HACSA in support of the tax exemption. HACSA owns the Maplewood Meadows development at 2855 Matt Drive and is planning to develop the adjacent Bascom Village Phase II property as affordable housing.

Therefore, based on the above findings, the proposed project conforms with all applicable City Code provisions, local plans, planning regulations, the Envision Eugene 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 13 day of October, 2014.

Print: Denny Braud

Sign: 

Community Development Manager of the Planning and Development Department

RESOLUTION NO. _____**A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 2410-2466 PARK VIEW DRIVE AND 3060-3090 MATT DRIVE, EUGENE, OREGON. (St. Vincent De Paul Society of Lane County, Inc. / Applicant.)****The City Council of the City of Eugene finds that:**

A. Bascom Village I Limited Partnership (with St. Vincent de Paul Society of Lane County, Inc. as general partner) is the owner of real property located at 2410-2466 Park View Drive and 3060-3090 Matt Drive, Eugene, Oregon, 97402 (Assessor's Map 17-03-17-11; Tax Lot No. 802; Assessor's Property Account Number 1862455). 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 53 residential units and residential common areas that are being constructed on the property, all of which will be used for low-income housing. Construction is expected to be completed by October 14, 2015.

C. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation 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, the Community Development Manager found that 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, 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 2410-2466 Park View Drive and 3060-3090 Matt Drive, Eugene, Oregon, 97402 (Assessor's Map 17-03-17-11; Tax Lot No. 802; Assessor's Property Account Number 1862455), which will consist of 53 residential units and residential common areas. All units shall be offered for rent to persons whose earnings fall at or below 46% 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, 2015, 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, 2015. 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 ____ day of October, 2014.

City Recorder

RESOLUTION NO. _____

A RESOLUTION DENYING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR PROPERTY LOCATED AT 2410-2466 PARK VIEW DRIVE AND 3060-3090 MATT DRIVE, EUGENE, OREGON. (St. Vincent De Paul Society of Lane County, Inc. / Applicant.)

The City Council of the City of Eugene finds that:

A. Bascom Village I Limited Partnership (with St. Vincent de Paul Society of Lane County, Inc. as general partner) is the owner of real property located at 2410-2466 Park View Drive and 3060-3090 Matt Drive, Eugene, Oregon, 97402 (Assessor’s Map 17-03-17-11; Tax Lot No. 802; Assessor’s Property Account Number 1862455). 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 53 residential units and residential common areas that are being constructed on the property, all of which will be used for low-income housing, offered for rent to persons whose earnings fall at or below 46% of the Area Median Income based on their family size.

C. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation 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, the Community Development Manager found that 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. Notwithstanding the findings in the Community Development Manager’s Report and Recommendation, the City Council denies 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 2410-2466 Park View Drive and 3060-3090 Matt Drive, Eugene, Oregon, 97402 (Assessor’s Map 17-03-17-11; Tax Lot No. 802; Assessor’s Property Account Number 1862455), because the applicant has failed to demonstrate that it is qualified for the tax exemption.

Item 4.

Section 2. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten days from the date of adoption of this Resolution, along with a notice informing the applicant of the right to appeal in the manner set forth in ORS 34.010 to 34.100.

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

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

City Recorder