CORVALLIS
CITY COUNCIL AGENDA

June 3, 2013
6:00 pm

[Executive Session at 5:30 pm]

Downtown Fire Station
400 NW Harrison Boulevard

[Note: The order of business may be revised at the Mayor's discretion. Due to time constraints, items on the agenda not considered will be continued to the next regularly scheduled Council meeting.]

COUNCIL ACTION

5:30 pm – Executive Session under ORS 192.660(2)(i) (status of employment-related performance)

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PROCLAMATION / PRESENTATION / RECOGNITION

A. International Institute of Municipal Clerks Program Excellence in Governance Award

V. VISITORS' PROPOSITIONS – This is an opportunity for visitors to address the City Council on subjects not related to a public hearing before the Council. Each speaker is limited to three minutes unless otherwise granted by the Mayor. Visitors' Propositions will continue following any scheduled public hearings, if necessary.

VI. CONSENT AGENDA – The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a citizen through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.

A. Reading of Minutes
1. City Council Meeting – May 20, 2013
2. City Council Work Session – May 22, 2013
3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
   a. Investment Council – May 9, 2013

b. Public Art Selection Commission – May 23, 2013

B. Confirmation of Appointment to Board of Appeals (Ruttan)

C. Confirmation of an Executive Session at 5:30 pm under ORS 192.660(2)(i) (status of employment-related performance)

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. UNFINISHED BUSINESS

A. City Attorney employment agreement (after Executive Session) [direction]

B. Levy-related decisions [direction]

C. City Legislative Committee – May 28, 2013 [information]

D. Process for consideration of Collaboration Corvallis Steering Committee recommendations [direction]

IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee – May 21, 2013

1. Healthy Eating Active Living (HEAL) Cities Campaign
   ACTION: *A resolution joining the Healthy Eating Active Living (HEAL) Cities Campaign,* **to be read by the City Attorney** [direction]
2. Municipal Code Review: Chapter 5.03, "Offenses" (Alcohol/Special Response Notice)
   ACTION: *An ordinance amending Corvallis Municipal Code Chapter 5.03, "Offenses," as amended,* **to be read by the City Attorney** [direction]
3. Smoking Prohibition in Public Places
   ACTION: *An ordinance amending Corvallis Municipal Code Chapter 5.03, "Offenses," as amended,* **to be read by the City Attorney** [direction]

B. Urban Services Committee – May 21, 2013

1. Municipal Code Review: Chapter 8.13, "Mobile Food Units"
   ACTION: *An ordinance amending Corvallis Municipal Code Chapters 8.13, "Mobile Food Units," and 8.03, "Fees Chapter," as amended,* **to be read by the City Attorney** [direction]

C. Administrative Services Committee – May 22, 2013

1. Visit Corvallis Third Quarter Report [direction]
2. Downtown Corvallis Association Third Quarter Report – Economic Improvement District [direction]

3. Municipal Code Chapter 8.14, "Single-use Plastic Carryout Bags" Follow-up [direction]

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

B. Council Reports

C. Staff Reports

XI. NEW BUSINESS

XII. PUBLIC HEARINGS – 7:30 pm

A. A public hearing to consider State Revenue Sharing Funds for Fiscal Year 2013-2014
ACTION: *A resolution authorizing receipt of State Revenue Sharing Funds as general revenue in the General Fund,* **to be read by the City Attorney** [direction]

B. A public hearing to consider a Fiscal Year 2013-2014 budget [direction]

XIII. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 541-766-6901 or the Oregon Communications Relay Service at 7-1-1 to arrange for TTY services. A large print agenda can be available by calling 541-766-6901.

A Community That Honors Diversity

CITY OF CORVALLIS

ACTIVITY CALENDAR

JUNE 3 -15, 2013

MONDAY, JUNE 3

- City Council Executive Session - 5:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- City Council - 6:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

TUESDAY, JUNE 4

- Airport Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Human Services Committee - 2:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- OSU/City Collaboration Project Steering Committee - 2:30 pm - Senior Center, 2601 NW Tyler Avenue
- Urban Services Committee - 5:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

WEDNESDAY, JUNE 5

- Administrative Services Committee - 3:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- Corvallis-Benton County Public Library Board - 7:30 pm - Library Board Room, 645 NW Monroe Avenue

FRIDAY, JUNE 7

- Bicycle and Pedestrian Advisory Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue

SATURDAY, JUNE 8

- Government Comment Corner (Councilor Biff Traber) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

MONDAY, JUNE 10

- Economic Development Commission - 3:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- OSU/City Collaboration Project Parking and Traffic Work Group - 5:30 pm - Osborn Aquatic Center Activity Room, 1940 NW Highland Drive
- City Council Work Session - 7:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

TUESDAY, JUNE 11

- City Legislative Committee - 7:30 am - City Hall Meeting Room A, 501 SW Madison Avenue
- OSU/City Collaboration Project Neighborhood Planning Work Group - 5:30 pm - Osborn Aquatic Center Conference Room, 1940 NW Highland Drive
- Historic Resources Commission - 6:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

WEDNESDAY, JUNE 12

- Citizens Advisory Commission on Transit - 8:20 am - City Hall Meeting Room D, 501 SW Madison Avenue
- Downtown Commission - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

THURSDAY, JUNE 13

- Citizens Advisory Commission on Civic Beautification and Urban Forestry - 8:30 am - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- Board of Appeals – 12:00 pm – Madison Avenue Meeting Room, 500 SW Madison Avenue (Orientation)
- City Council Work Session - 5:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue (Historic Resources Commission and Planning Commission interviews)

SATURDAY, JUNE 15

- No Government Comment Corner

Minutes of April 18, 2013

Access Benton County

Present: Marlene Massey, Hugh White, Tony Albert, Jim Smith, and Guests Chris Bielenberg and Laura Duncan Allen.

ABC Minutes are intended to describe the discussions, decisions, and actions that occur during ABC's monthly meeting. The minutes are to be considered only a draft until they are approved at the following monthly meeting. Persons who receive the draft of the minutes and see inaccuracies or omissions in them are asked to please inform ABC.

A. **Discussion with Special Guest, Chris Bielenberg. Chris has worked with Benton County for nearly 30 years. He has responsibilities with building maintenance and utilities which involves grounds, water and waste water. He is well experienced with code requirements to meet the ADA standards. He did an audit of facilities when the ADA first was passed! A document was developed that identified the improvements that the County would need to do. That list is still in use today as improvements are made.**

   The Commissioner's Meeting Room where we met with Chris is a good example of the many improvements that need to be made when a building becomes a Benton County facility. This building was recently fitted with electronic doors that are really great. All of the restrooms were updated to meet ADA guidelines as well as passage ways, parking spaces, and other accommodations. Details such as door hardware (lever handle preferred), door opening strength requirements, and width of door ways are checked.

The County has recently purchased the former building where Siuslaw National Forest Headquarters was situated on Research Way in Southwest Corvallis. A "major remodel" was necessary and a lot of work for Chris and his staff! He says this was a "good decision" and the building now contains several agencies. Other improvements to be done there include reasphalting and restriping the parking lot.

He mentions the upgrading of the Parole and Probation Department in the Law Enforcement Building on 5th Street. Much work was done to give the Sheriff's Department and City Police separate areas in the building.

The historic Benton County Courthouse does present many challenges due to the age of the building and the older construction features that do not easily bow to modifications. He described some of the work-arounds that are required to meet the spirit of the ADA in terms of access there. For example, there is an intercom in the back street-level entrance. To contact any of the offices in the building for a person who does not have a mobile phone , the intercom can be reached by entering the back entrance and a short distance ahead the intercom is found. All windows in the building were replaced recently at considerable expense. This was for weatherizing purposes. Authentic casings were preserved or replaced in order to harmonize with the appearance. The old windows and sash weight pulleys will be available for sale on May 18th if anybody is interested! The proceeds will go to the preservation committee.

Mr. Bielenberg welcomes any input on Benton County accessibility concerns: (541) 766-6821.

B. Laura Duncan Allen joins us to inform Corvallis residents about a new program to make our sidewalks safe for everybody. The event is called "Walk Your Walk" and is sponsored by the Corvallis Sustainability Coalition (http://sustainablecorvallis.org
The first annual Walk Your Walk is a cleanup day! "Our sidewalks are

used by citizens with varying abilities-children on bicycles, senior citizens, persons in wheelchairs, commuters, joggers and families out for a stroll."
Please call Laura for more details about how you can get help to make your sidewalks clear and safe: (541) 760-1532.

Treasurer's Report: Petty Cash remains $75.00.

Correspondence: E-mails and phone calls related to ABC business. One phone call related to access concerns about remodeling of a public restaurant in Monroe that doesn't have accessible restrooms.

C. Continuing Business:

1. **Update on Mr. Naasko Project: We are thrilled to report that the City Council voted unanimously to name the future Riverfront Park playground after "Ronald Naasko"! Several organizations and individuals worked together to honor his many contributions to Corvallis in this way! We estimate that more than thirty individuals attended the Council Meeting to support the naming proposal on April 15, 2013.**
2. **The results of the recent questionnaire ABCers were asked to complete concerning ABC's future were discussed. The results will be put on our website soon. Thank You!**

D. New Business:

1. **We will obtain special guests concerning building code enforcement and vehicle parking for future meetings.**
2. **No changes to ABC Goals and Objectives for 2013 made.**
3. **We welcome any suggestions for updating our Website.**

www.accessbentoncounty.org

Next ABC meeting June 20, 2013, 12:00 Noon to 1 p.m.,

Board of Commissioner's Meeting Room, 205 NW 5th St.,

Corvallis, OR 97330.

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

May 20, 2013

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Staff Reports 1. Sustainability Annual Report 2. City Manager's Report – April 2013 Pages 239-240, 258	 Yes Yes		
Visitors' Propositions 1. Parenting Success Network (Gable) 2. State Legislation – Gun Sales (McDonald, Mathews, Griffiths, Willard) 3. State Legislation – Firearms on School Grounds (Brekken, Mathews, Willard, Simpson) 4. OSU Transportation Conditions (El-Nashaar) 5. Council Housing Goal/TGM Grant (Griffiths) 6. OSU/City Collaboration Project Parking and Traffic Work Group Recommendations (Griffiths) 7. OSU/City Collaboration Project Work Group Recommendations (Daniels) Pages 240-245	 Yes Yes Yes Yes Yes Yes		• RESOLUTION 2013-18 passed 6-2
Consent Agenda Pages 245-246			
Unfinished Business 1. OSU/City Collaboration Project Steering Committee Recommendations 2. City Legislative Committee – May 14, 2013 Pages 246-254			• Proceed with developing Property Maintenance Code passed 7-1 • Referred parking issue to USC passed U • Authorized Mayor to communicate City's opposition to building-related legislation affecting local control passed U
Items of HSC Meeting of May 7, 2013 1. Liquor License Annual Renewals 2. Youth Mental Health Issues Page 254-255	 Yes		• Approved renewals passed U
Items of USC Meeting of May 7, 2013 1. TMDL Update 2. Municipal Code Review: Chapter 6.10, "General Traffic Code" (Weight Restrictions) Pages 255-256			• Suspended work passed U • ORDINANCE 2013-05 passed U

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Items of ASC Meeting of May 8, 2013 1. Republic Services Annual Report 2. Republic Services Franchise Agreement Extension Page 256-257	Yes		• ORDINANCE 2013-06 passed U
Other Related Matters 1. LDC Text Amendment – OSU Campus Master Plan 2. BSWCD Conservation Incentive Program Grant Page 257			• ORDINANCE 2013-07 passed 8-0 • RESOLUTION 2013-19 passed U
Council Reports 1. PERS Calculator (Sorte) 2. Garfield Elementary School International Night (Hirsch) 3. City-Sponsored Ward 8 Meeting (Traber) 4. State Senate Bill 347 (Traber) 5. Cuban Lunch (Beilstein) 6. Oklahoma City Hurricane (York) Page 257-258	Yes Yes Yes Yes Yes Yes		
New Business 1. TGM Grant Program Proposal 2. Real Property Transaction – Library 3. Municipal Judge Pages 258-259, 259			• Approved submitting one application to update Transportation Plan passed 6-2 • Approved to exercise option agreement passed U • Authorized Mayor to enter agreement passed U
Executive Session 1. Labor Negotiations – CRCCA 2. Real Property Acquisition – Library 3. Pending Litigation – Credit Card Fees 4. Municipal Judge Contract 5. City Attorney Performance Evaluation Page 259	Yes Yes Yes Yes Yes		

Glossary of Terms

ASC	Administrative Services Committee
BSWCD	Benton Soil and Water Conservation District
CRCCA	Corvallis Regional Communications Center Association
HSC	Human Services Committee
LDC	Land Development Code
OSU	Oregon State University
PERS	Public Employee Retirement System
TGM	Transportation Growth Management
TMDL	Total Maximum Daily Load
U	Unanimous
USC	Urban Services Committee

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

May 20, 2013

I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 6:00 pm on May 20, 2013, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Manning presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Manning, Councilors Brauner, York, Traber, Hervey, Hirsch, Sorte, Brown, Beilstein

ABSENT: Councilor Hogg (excused)

Mayor Manning directed Councilors' attention to items at their places, including:

- Information regarding Parenting Success Network (PSN) (Attachment A)
- An excerpt from the May 2013 issue of *Oregon Business* concerning public transit in various Oregon and Southwest Washington communities (Attachment B)
- Attachment 1 from the May 8 Administrative Services Committee minutes packet regarding Republic Services rate increase history compared to the consumer price index (Attachment C)
- An announcement of a Cuban Lunch fund-raising event (Attachment D)
- A memorandum from Finance Director Brewer regarding Hewlett-Packard's property tax appeal (Attachment E)
- Proposed resolutions concerning gun-related legislation and supporting letters (Attachment F)

IV. PROCLAMATION / PRESENTATION / RECOGNITION – None.

X. MAYOR, COUNCIL, AND STAFF REPORTS

C. Staff Reports

1. Sustainability annual report

Sustainability Program Specialist Dybvad noted that the City's sustainability program experienced some challenges during the past year but achieved some important accomplishments. He reviewed highlights of the City's sustainability annual report.

Mayor Manning noted that the City had made progress on six of its 11 goals.

Councilor Beilstein asked about the progress toward reducing the community's carbon footprint.

Mr. Dybvad said he reviewed other communities' means of reducing carbon footprints. The review disclosed the source, but not the quantity, of Corvallis' carbon emissions. Several community groups were working toward reducing carbon emissions and developing a climate action plan. Former-Mayors Berg and Tomlinson signed the Mayors' Climate Protection Agreement toward achieving carbon emission reductions. He noted that the goal could not be achieved through the efforts of only one organization; it would require efforts from multiple groups.

Councilor Beilstein inquired how the community could reduce community-wide carbon emissions when a majority of people working and studying in Corvallis commuted from elsewhere.

Mr. Dybvad said vehicle miles traveled was a standard measurement. He would verify that the Corvallis Area Metropolitan Planning Organization (CAMPO) had commuting mileage data for Corvallis. He was unsure whether commuters' travels to and from Corvallis would count toward the community's greenhouse gas inventory. The inventory calculation was not an exact measurement but served for some comparison purposes and to identify the largest areas of emissions impacts that should receive mitigating attention.

Councilor Brauner noted that the May 21 CAMPO meeting would include acceptance of a grant from the Department of Environmental Quality (DEQ) and Oregon Department of Transportation. The grant would support scenario planning regarding greenhouse gases, transportation, and land use and how they might affect emissions. The CAMPO could apply for a Federal grant for a broader examination of greenhouse gas areas.

Councilor Hervey suggested a community-wide motto of "one less flight" to reduce carbon emissions. He elaborated that the fuel consumed for each flight could heat a house or fuel a vehicle for one year.

Councilor Traber referenced Mr. Dybvad's statement that a greenhouse gas inventory was the first step toward a climate action plan. He asked when the inventory might be ready for Council review.

Mr. Dybvad said he was uncertain how much time would be needed to develop a greenhouse gas inventory, but he hoped to have some information ready by early-summer. He was still determining the years and geographic area to study. He hoped to develop an inventory that would meet multiple community needs.

Councilor Hirsch thanked Mr. Dybvad for demonstrating to the community the City's commitment to sustainability.

V. VISITORS' PROPOSITIONS

Cyrel Gable, Coordinator of Parenting Education at LBCC and Facilitator of the multi-agency collaboration Parenting Success Network, referenced Attachment A. She noted that this was Oregon Parenting Education Week, per Governor Kitzhaber's proclamation. She acknowledged that parents wanted to do their best raising their children; however, some parents needed assistance – parenting

was not an instinctual skill for humans, and many challenges of modern life affected many families. She cited the number of child abuse and domestic violence calls handled by Corvallis Police Department last year.

She said many children were unprepared to begin and fully participate in kindergarten; 30 percent of students did not graduate from high school. This affected personal prosperity and the economic vitality of the community. She said PSN was launching a new initiative focused on kindergarten readiness to prepare children and parents for the kindergarten experience. Self-regulation skills (ability to pay attention, remember instructions, persist at a task, and have self-control) were important to early success in school and lifelong success.

Ms. Gable opined that Corvallis needed parenting education, and she urged the Council to support Parenting Education Week and ensure that people knew help was available. PSN representatives were available to make presentations to groups.

In response to Councilor York's inquiry, Ms. Gable explained that most parenting educators were trained in child development, psychology, human development, and family sciences. The National Parenting Education Network outlined the functions of a good parenting educator. LBCC brought in parenting educators for presentations.

Councilor Beilstein said he appreciated LBCC's parenting classes when he was a new parent. Being in classes with other new parents and addressing issues together was beneficial. He was glad the community had a strong parenting education program through LBCC.

Sarah Finger McDonald, a Co-Leader of the Mid-Willamette Chapter of Moms Demand Action for Gun Sense in America, asked the Council to adopt a resolution supporting bills before the Oregon Senate (included in Attachment F). She explained that Senate Bill 700 would expand background checks to private and on-line gun sales. She elaborated that 14 to 22 percent of Oregon gun sales did not involve background checks. A small percentage of private gun sellers took advantage of their legal ability to conduct background checks. In 2000, Oregon approved a law requiring background checks at gun sales; however, a loophole allowed felons, dangerous abusers, and people with dangerous mental illnesses to legally purchase guns. Most felons legally obtained their guns. Background checks would not prevent gun sales to people who should not have guns, but they would make it difficult for people who could not pass a background check to legally obtain a gun. Where background checks were required on handgun sales, 38 percent fewer women were killed by their domestic partners. Where background checks were conducted on all private handgun sales, 49 fewer gun-involved suicides occurred, without impacts to suicides by other means.

Ms. McDonald noted the community's value of children and citizens. Adoption of Senate Bill 700 would benefit Corvallis by reducing the probability of gun-related injuries and violence, reducing risks involved in domestic violence, and reducing the number of gun-involved suicides. She asked the Council to adopt a resolution expressing support of Oregon Senate Bill 700, United States House Resolution 1565, and United States Senate Bill 649 with Amendment 714.

Councilor Beilstein explained that legislative matters were typically reviewed by the City Legislative Committee (CLC), with a report at the next Council meeting. He asked how soon the Council would need to take action on the cited legislative matters.

Ms. McDonald responded that action soon would be preferred. Her group contacted area legislators and were told that negotiations were underway to approve the Bills. Senate leadership would like to proceed soon. Corvallis' senator did not support the Bills. The Council's resolution may not change the senator's position, but it would express the views of the community and its desires of its elected officials.

Councilor Sorte observed that many leaders discussed the issue of gun control in relation to mental health, which, he acknowledged was an important part of gun control. He commended Ms. McDonald's group for advocating for the Bills. He noted that Mayor Manning chose not to support the gun control legislation because Corvallis citizens supported both gun control and gun rights. He suggested that Ms. McDonald's group analyze the issue and determine whether the majority of Corvallis citizens supported gun control. He expected that the issue of guns in schools had extensive local support.

Councilor Beilstein asked how the Council wanted to handle Ms. McDonald's request. He would support adopting the resolution immediately, given the sense of urgency on the matter.

Councilors Beilstein and Hirsch, respectively, moved and seconded to adopt a resolution supporting Oregon Senate Bill 700, United States House Resolution 1565, the King-Thompson Gun Background Check Bill, and United States Senate Bill 649 with Amendment 715.

Councilor Traber opined that background checks made sense and should be conducted. He agreed that Council support for the bills should be expressed immediately to have any effect on the upcoming votes.

Councilor Brown expressed concern regarding adopting resolutions or taking Council action based upon visitors' propositions presentations. He would not support the motion.

Councilor York expressed support for gun safety measures; however, she would prefer opportunity to review a resolution before being asked to vote on it and would appreciate a review by the CLC or Human Services Committee (HSC). She believed there was a relationship involving the safety of the community and gun control. She did not sense urgency regarding the resolution, as the community's Senate representative expressed her view on gun control and would likely not be swayed by a Council resolution. She would not support the motion but would be willing to have the CLC or HSC discuss the issue.

Councilor Brauner expressed a preference that resolutions be reviewed by committees before the Council took action. Since the State Legislature would be meeting for only another month, he would support the Council submitting a resolution supporting the Bill, even though the community's senator expressed opposition. He said he would support the motion.

Councilor Hirsch concurred that it was unlikely that the community's senator would change her position on the issue of gun control; however, he agreed with Councilors Brauner, York, and Brown. The Council rarely took legislative action based upon visitors' propositions presentations. He would support the motion.

Councilor Hervey concurred with Councilor Brauner and expressed support for the motion.

Councilor York noted that gun control was a divisive issue in communities throughout the United States. She had strong feelings supporting Ms. McDonald's organization; however, she was willing to hear the views of people advocating against the cited resolutions. Since the resolution was not stated on the Council's meeting agenda and had not been reviewed through the City's standard process, the Council did not have opportunity to receive testimony from community members.

RESOLUTION 2013-18 passed six to two, with Councilors Brown and York opposing.

Christy Anderson Brekken, a Co-Leader of the Mid-Willamette Chapter of Moms Demand Action for Gun Sense in America, requested more information regarding the City's processes for submitting legislative recommendations.

She referenced a proposed resolution supporting Oregon Senate Bill 345, which would authorize local entities controlling school grounds to adopt written policies restricting or prohibiting people with concealed handgun licenses from bringing firearms onto school grounds (included in Attachment F). Currently, school districts had no authority to ask people with concealed weapons licenses to leave firearms off school grounds. Senate Bill 345 would return the rule-making authority to local school districts. She said the National Education Association and the National Parent Teacher Association believed a gun-free zone was the most effective school climate.

Councilor Brauner suggested that it may be more appropriate for a school district board to take action on the proposed resolution.

Ms. Brekken said her group had not found the process to present the resolution to Corvallis School District 509J's (509J) Board. She believed the Council could express support for returning control to local school districts. If the Bill was adopted, any entity controlling school grounds would be able to set policy. She noted that her group began its legislative efforts as a response to calls and a statement by Senator Betsy Close that having volunteer armed guards in schools would be a good idea. Ms. Brekken and Ms. McDonald disagreed with that position and wrote a letter to Senator Close, which more than 300 Corvallis residents signed.

In response to Councilor Beilstein's inquiry, Ms. Brekken said she was unsure whether the proposed resolution involved a United States or Oregon Constitutional issue. She understood that the Oregon Legislative Counsel would have researched the constitutionality of Oregon Senate Bill 347 and legitimately corrected a statutory problem. A Supreme Court ruling indicated that laws forbidding firearms in sensitive places, such as schools, would be a legitimate regulation.

Councilor York explained that the Willamette Criminal Justice Council (WCJC), comprised of representatives of cities, counties, law enforcement, and juvenile justice, had a new strategic plan with a goal of school safety. She suggested that Ms. Brekken speak with the WCJC.

Hossien El-Nashaar said he was working with Oregon State University (OSU) Vice President of University Relations and Marketing Steven Clark regarding transportation conditions on the OSU campus, which impacted the community. They were considering suggestions for alternative transportation and parking, such as asking all incoming freshmen to leave their vehicles at home and use an OSU-provided bicycle for two years; better commuting on the OSU campus during games, such as satellite parking and shuttles; and alternative parking sites for employees amd shuttles. He sought input from the Council and direction regarding which City advisory body to contact with his suggestions.

Mayor Manning suggested that Mr. El-Nashaar check the OSU/City Collaboration Project Web site.

Councilor Brown said he would contact Mr. El-Nashaar with comments about his suggested solutions. He liked that the suggestions were OSU-based in terms of how OSU could help resolve the community's transportation problems.

Kate Mathews, League of Women Voters of Corvallis President, expressed support for the resolutions presented by Ms. McDonald and Ms. Brekken. She referenced her letter to the *Corvallis Gazette-Times* supporting the resolutions (included in Attachment F). She thanked the Council for adopting the resolution presented by Ms. McDonald.

Betty Griffiths thanked the Council for supporting the resolution presented by Ms. McDonald. She agreed that it was usually best to forward legislative action to the CLC for review; however, time was critical in this case. She acknowledged that the issue of gun control was complex and involved mental health and school safety; however, all facets of the issue must be addressed. She urged the Council to refer to the CLC the resolution regarding gun-free school zones and discuss the issue with 509J.

Ms. Griffiths referenced Community Development Director Gibb's May 15 memorandum to the Mayor and Council regarding the Council's housing-related goal and the possibility of applying for a transportation growth management grant. She urged the Council not to apply for the grant. She supported working on housing issues, and she hoped the Council would speak with the Corvallis Sustainability Coalition Housing Action Team regarding how the Team could help the Council achieve its goal. She did not support the grant application because it would directly compete with a needed update of the 1996 Transportation Plan.

Ms. Griffiths urged the Council to proceed slowly with the recommendation from the OSU/City Collaboration Project Parking and Traffic Work Group and not merely begin a pilot study in a specific area. She believed the issue was very controversial, and she asked that any parking district be clear, cover an entire area, and charge the market rate for non-resident parking, as was done in other cities.

She thanked the Council for supporting the resolution regarding firearm background checks and acknowledged the oppositions expressed by Councilors Brown and York.

Patricia Daniels chaired the OSU/City Collaboration Project Neighborhood Planning Work Group and expressed support for recommendations from the other Collaboration Project work groups. She explained that much of the work by the three work groups was inter-related. The Neighborhood Livability Work Group recommended a property maintenance code, and the Neighborhood Planning Work Group repeatedly received input regarding the issue of demolition by neglect. The property maintenance code should address the issue of demolition by neglect. She encouraged the Council to approve the property maintenance code recommendation, which she noted was complex and controversial.

Ms. Daniels supported residential parking districts and hoped the Council would approve expanding the existing districts. She said neighborhood petitions had been the practice for establishing and changing districts, but she believed that the Council should decide the district boundaries. Property owners near the OSU campus typically did not live in the neighborhoods and were not familiar with

the burdens and difficulties of the neighborhoods. Many residents of the neighborhoods were older adults who wanted parking districts but were unable to solicit petition signatures for a district.

Sherri Willard thanked the Council for supporting the resolution regarding firearm background checks and urged the Council to consider gun-free zones and the desired nature of the community. She spent her youth in Los Angeles, California, where schools had armed guards, bullet-proof glass, ten-foot-high wire-rimmed fences, and quarterly lock-downs. Her family moved to Corvallis 1972 for a safer school environment. She opined that violence was a prevalent issue in society, and she urged the Council to consider gun-free zones and alternatives.

LoErna Simpson reviewed her written testimony regarding Senate Bill 347 concerning firearms on school premises (included in Attachment F).

Councilor Sorte said he considered it important that 509J and its Board act quickly concerning Senate Bill 347. He thought much of the issue of firearms in schools was prompted by the size of schools and classes and the funding being invested but the unwillingness to pay for education to identify people who may have problems. He could support the resolution if the 509J Board discussed the issue. He opined that the Council should not need to take all actions regarding school safety without 509J also taking action.

Ms. Simpson expressed her understanding that, if Senate Bill 347 was not approved, 509J would not have the option to ban firearms on school grounds.

Councilor Sorte said he would like a statement from 509J's Board regarding its intent and willingness to lobby.

Councilor York said the Linn-Benton Community College Board of Education reviewed the issue of firearms on school grounds when it learned it did not have authority to make an associated policy decision. She would not take action on the resolution without having an opportunity to review the matter. She would support the CLC discussing the resolution. She believed the Council should follow 509J's Board, rather than taking action before the Board.

VI. CONSENT AGENDA

Councilors Sorte and Traber, respectively, moved and seconded to adopt the Consent Agenda as follows:

A. Reading of Minutes
   1. City Council Meeting – May 6, 2013
   2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Arts and Culture Commission – April 17, 2013
      b. Citizens Advisory Commission for Civic Beautification and Urban Forestry – May 9, 2013
      c. Corvallis-Benton County Public Library Board – April 3, 2013
      d. Downtown Commission – April 10, 2013
      e. Downtown Parking Committee – September 25, 2012
      f. Economic Development Commission – March 11, 2013
      g. Historic Resources Commission – April 9, 2013

h. Parks, Natural Areas, and Recreation Board – April 18, 2013
i. Watershed Management Advisory Commission – April 24, 2013

B. Confirmation of Appointment to Corvallis-Benton County Public Library Board (Krane)

C. Announcement of Appointment to Board of Appeals (Ruttan)

D. Schedule public hearings for June 3, 2013, to consider State Revenue Sharing Funds for Fiscal Year 2013-2014 and a Fiscal Year 2013-2014 budget

E. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with Benton County for collaboration of a Situational Leadership Program

F. Schedule an Executive Session for June 3, 2013, at 5:30 pm or following the regular meeting under ORS 192.660(2)(d)(i) (status of labor negotiations; status of employment-related performance)

G. Confirmation of an Executive Session following the regular meeting under ORS 192.660(2)(a)(d)(e)(h)(i) (status of employment of a public officer; status of labor negotiations; status of real property transaction; status of pending litigation or litigation likely to be filed; status of employment-related performance)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA – None.

VIII. UNFINISHED BUSINESS

A. March 18, 2013 Collaboration Corvallis Steering Committee recommendations

Mr. Gibb reviewed the staff report to the Council. He said staff was prepared to proceed with the recommendations not related to parking and property maintenance. Staff report Attachment 3 contained more information regarding the property maintenance code recommendation prepared by the Collaboration Project Neighborhood Livability Work Group. Staff sought Council authorization to proceed with the recommendations proposed by the Collaboration Project Steering Committee. Staff report Attachment 4 contained more information regarding the parking district recommendations. He noted that the Council could take action immediately regarding the parking district recommendations or refer them to a Council Standing Committee for review Staff suggested modifications to the recommendations from the Steering Committee.

Councilor York opined that recommendations 6 and 7 regarding neighborhood associations and neighborhood issues also related to the Council goal concerning public participation and process. She did not want those recommendations limited to neighborhoods surrounding the OSU campus. She opined that the Council must find ways to support all neighborhood associations.

Mr. Gibb confirmed that the recommendations were intended to address Councilor York's concerns. Staff envisioned that the City's Housing Division would provide additional but limited services for neighborhood groups throughout the community.

Councilor Hervey said he would support increasing the number of sworn police officers; however, that would not mean he was set on having 1.2 officers per 1,000 residents. He was not convinced that the cited officer-resident ratio was required if the other recommendations were implemented. He was interested in what OSU's Office of Student Conduct and Community Standards would do; from his research, it appeared that there would be much reliance on the City to resolve the problem. He would like more information regarding how OSU would respond to student problems, rather than relying upon the City's Police Department.

Mr. Gibb clarified that, with most of the recommendations, the Council would be directing staff whether to proceed. The Council would not specifically vote whether to increase police officer staffing. OSU's Office of Student Conduct and Community Standards was developing job descriptions for increased staff, who would work with Corvallis Police Department and the Oregon State Police campus office.

In response to Councilor Brown's inquiry, Mr. Gibb explained that the Neighborhood Livability Work Group discussed establishing a performance-based inspection model, under which inspections would be related to identified problem areas, with poor performance relating to more inspections. The Work Group did not submit this specific recommendation; it was based upon a model used in Portland, Oregon, targeting areas with problems with proactive property maintenance inspections. (Councilor Sorte left the meeting at 7:19 pm.) He clarified that the inspection model was discussed in terms of evaluation over a two-year period, once the Work Group's recommendation was implemented. The Work Group did not specifically recommend the action; it suggested further discussion.

Councilor Brown noted that the Neighborhood Livability Work Group recommended increasing the Rental Housing Program fee from $12 to $35. He inquired what the fee might be if mandatory inspections were required.

Mr. Gibb clarified that the Work Group considered increasing the Rental Housing Program fee to $55 to $65 for a proactive inspection.

(Councilor Sorte returned to the meeting at 7:20 pm.)

In response to Councilor Brown's inquiry, Mr. Gibb said ten percent of property owners in the collaboration neighborhoods responded to a survey regarding parking. The Parking and Traffic Work Group considered the survey response rate significant.

Councilor Brown noted that the Residential Parking District permit fee was proposed to be increased from $15 to $35. He asked whether enough revenue to operate the parking district program could be raised by charging $15 throughout the parking districts.

Public Works Director Steckel responded that the Parking and Traffic Work Group received information from a small percentage of people within the Residential Parking Districts who purchased parking permits. Staff had data regarding the number of potential permits per

household and the number of permits purchased per household. The Work Group attempted to balance the revenue source (permit fees) against expected expenditures, considering increased costs for enforcement and sign maintenance, based upon the concept of increasing the Residential Parking Districts. The Work Group considered $35 the maximum amount for the number of permits purchased to generate the revenue needed for the program. At the $15 permit rate, the program was not self-funded.

In response to Councilor Traber's inquiry, Ms. Steckel said three parking permits at $15 each for one household would generate $45 in fees revenue from that household. Two permits per household at $35 each would generate $70 in fees revenue from the household.

Councilor Traber asked whether there was data for an offsetting revenue from possible permit fees. He could support expanding the parking districts, if staff could provide projected revenue and expense data.

Ms. Steckel noted that staff estimated how many parking permits would be purchased. The staff report addressed Residential Parking District Program costs, regardless of parking permits sold. Parking ticket revenue, which supplemented the Program, could be estimated from historic data.

Councilor Sorte suggested that how offsetting revenue was reviewed could determine whether the Residential Parking District Program was self-supporting. He said he requested information by block for revenue generated from parking citations. He asked whether the revenues for parking citations and parking permits, combined, covered Program expenses.

Ms. Steckel said revenue from parking tickets and parking permit fees did not cover the Residential Parking District Program, based upon the size of the current districts.

Councilor Sorte requested the data by parking district. He said he did not see in the staff report any discussion of statistical significance in the parking survey responses, but he considered a ten-percent survey response rate very low.

Mr. Gibb said the survey responses were used by the Parking and Traffic Work Group to develop recommendations. The Work Group offered various means for people to provide input. The Work Group believed the response rate was significant enough to use it as part of the basis for the recommendation.

In response to Councilor Hervey's inquiry, Mr. Gibb explained that the International Code Council (ICC) Property Maintenance Code (PMC) was part of a collection of ICC codes. The City followed the ICC Building, Electrical, and Plumbing Codes. The PMC addressed issues not regulated by other codes, related to property maintenance, and addressed issues not included in the City's rental Housing Code. Staff developed a matrix of various City codes and issues that were not addressed. Several Oregon cities adopted the ICC PMC as their basic code for regulating property maintenance.

Councilor Hervey said the staff report suggested a Program Design Work Group to provide advice to staff; Group membership would include a rental property owner and property manager and neighborhood and rental housing consumer representatives. He was interested in the Group including student representatives. He elaborated that the high cost of living

caused many college students to live in sub-standard conditions. He opined that a student representative would be useful.

Councilors Traber and Hirsch, respectively, moved and seconded to provide direction to staff to proceed with development of a property maintenance code implementation package, as recommended by the OSU/City Collaboration Project Steering Committee and described in Attachment 3 to Community Development Director Gibb's May 15, 2013, memorandum to the Mayor and City Council.

Councilor Brauner suggested a friendly amendment to "... implementation package, based upon the recommendations from the OSU/City ..." He explained that the recommendations must be investigated before they were adopted. Councilors Traber and Hirsch accepted the friendly amendment. Councilor Traber noted that more work must be done on the recommendations, and it was time to proceed. The recommendations provided a framework for proceeding.

Councilor Brown expressed concern regarding investigating the recommendations. He was unsure whether Corvallis citizens would support the proposed recommendations, and he did not believe there was significant public involvement in developing the recommendations. He would prefer that the recommendations be reviewed by a Council Standing Committee, with opportunity for citizen input.

Councilor Brown expressed further concern that the recommendations proposed large programs that would comprise substantial portions of the City's budget. He believed that all of the recommendations involved unequal participation by the City and OSU, with the majority of the financial burden being placed on the City. He suggested that this be carefully considered, based upon the City's financial situation.

Councilor Hervey thanked Councilors Brauner and Hogg for their participation on the Collaboration Project Steering Committee. He questioned the start-up and continuing costs for the property maintenance program.

Mr. Gibb said most of the start-up costs could be absorbed, and the property maintenance program would be phased in. The costs included expenses already incurred through the Code Enforcement Program and Rental Housing Code management. The $515,000 cited in the staff report represented the total cost of the property maintenance program effort, including expanding one full-time-equivalent staff position to support the program, additional staff support from existing staff, and program costs anticipated related to restoring services through the Neighborhood Empowerment Program (NEP). Staff would present to the Council finalized cost estimates.

Councilor Brown and Sorte, respectively, moved and seconded to amend the motion to recommend that staff not consider expansion of the proposed property maintenance code to include mandatory property maintenance inspections, performance-based inspections, and the Neighborhood Empowerment Program.

Councilor Brown said the NEP seemed positive, but it was eliminated because of budget concerns. He thought the $10,000 for the NEP might be better invested for a greater result. He questioned the value of the performance-based inspection model and considered it open

ended. He characterized the mandatory property maintenance inspection recommendation as a "meat ax" approach to addressing the community's problems. The Rental Housing Program began ten years ago at the urging of the OSU student body president. He had not heard Council discussions regarding the recommended property maintenance program, which he considered a radical change. He thought it was unnecessary to consider mandatory inspections.

Councilor Traber said he understood that staff recommended proceeding with Option 2, which was a complaint-based code-compliance program. He did not interpret that the future topics for consideration would be addressed later. He would support not pursuing the performance-based inspection, as Option 2 would involve more activity than was currently done but less activity than would be required by a mandatory inspection model. Therefore, he considered it reasonable to exclude the mandatory inspection model.

Mr. Gibb explained that the references to performance-based models, enhanced inspection models, and mandatory inspections were recommendations from the Neighborhood Livability Work Group to be implemented after the primary recommendation was enacted and would require future action. Staff would focus on developing a property maintenance code and not spend time on the additional recommendations. Staff suggested that a neighborhood services model could include a small grant program; this could be decided later.

The motion to amend failed four to five on the following roll call vote, with Mayor Manning breaking the tied vote:
Ayes: York, Traber, Sorte, Brown,
Nayes: Brauner, Hervey, Hirsch, Beilstein, Manning

Councilor Brauner said he opposed the amendment because most of the amendment factors were not included in the recommendation. In the future, the Council could direct staff to pursue those factors.

In response to Councilor Traber's inquiry, Mr. Gibb said staff would present to staff a recommendation from the Program Design Work Group, which could be referred to a Council Standing Committee.

Councilor Brown said he would support referring the recommended property maintenance code to a Council Standing Committee.

Councilor Traber said the Council was asked to direct staff to proceed with a four- or five-step recommendation. He was concerned that a specific request for Council action could be so complex that a Council Standing Committee would need to review the request. Referring the recommendation to a Committee now would involve another step before staff presented a specific proposal.

Councilors Traber and Brown respectively, moved and seconded to amend the motion to empower staff to proceed with the process modified so that a final recommendation would be reviewed by a Council Standing Committee before it was presented to the Council.

Councilor Sorte said he would oppose the amendment. He considered the Collaboration Project useful and believed it should not guide the City's policy development. He opined that every recommendation should be reviewed and focused by a Council Standing Committee before staff developed a proposal for the Council.

Councilor Hirsch observed that the Council was attempting to include citizen input, and the proposed amendment procedure would allow citizens time to offer input and help guide the process. He believed that was appropriate and best done via Council Standing Committees. He supported the amendment.

The motion to amend passed five to three on the following roll call vote:
Ayes: Brauner, Traber, Hervey, Hirsch, Brown
Nayes: York, Sorte, Beilstein

Councilor York said she opposed the amendment because she anticipated a problem of recommendations emerging from the Collaboration Project Steering Committee. Technical or complex recommendations could leave the Council uncertain how to proceed. She believed the recommendations should be considered in the normal manner of a Council Standing Committee review.

The main motion, as amended, to develop a property maintenance code implementation package to be reviewed by a Council Standing Committee passed seven to one, with Councilor Sorte opposing.

Noting the complexity of the parking recommendation, Councilor Brauner suggested that it may be appropriate to refer the recommendation to a Council Standing Committee before issuing any Council decisions. He wanted more information and Council discussion regarding impacts of the recommendation.

Councilors Brauner and Brown, respectively, moved and seconded to refer to the appropriate Council Standing Committee the OSU/City Collaboration Project Steering Committee recommendation regarding residential parking districts.

Mayor Manning recessed the meeting from 7:56 pm until 8:03 pm.

Councilor Sorte said he spoke with the Coalition Project Steering Committee Chair (OSU Vice President of University Relations and Marketing Steven Clark) and believed the Committee reviewed the issues that needed attention and heard citizens' input. He concurred with Councilor Brown that all Steering Committee recommendations should be further investigated. He said Mr. Clark wanted to use positive incentives, such as changing OSU's parking permit fee schedule and transit system, to change people's parking behavior. He has not seen any difference in several neighborhoods as a result of OSU's latest efforts. He expected that an increase in OSU parking permit fees would cause people to drive through neighborhoods to find parking spaces. During the 1990s, parking congestion in neighborhoods surrounding OSU's campus prompted concerns of safety and livability. The two-hour parking districts in the neighborhoods caused problems and resulted in turnover at least four times each weekday. If there were no parking districts, people would park early in the morning, there would be very little turnover or congestion, and residents would have the same amount of limited parking access as they had with the two-hour parking districts.

He suggested that expanding the residential parking district as the Steering Committee recommended would cause more harm than benefit. He believed it would be better to eliminate the residential parking districts north and west of the OSU campus. He suggested that the Council seek a long-term solution. He concurred with Ms. Griffiths that the Council should proceed slowly in implementing the recommendations.

Councilor Sorte distributed photographs of parking scenarios along streets in the area bordered by NW Van Buren Avenue, NW 30th Street, NW Polk Avenue, and NW 35th Street (Attachment G). He said people did not park on the streets he photographed during OSU football games. Leaving the area as an eight-hour parking district would not create an impact or cause parking turnover. He suggested that, before forwarding to a Council Standing Committee the issue of expanding residential parking districts, the Council should discuss the matter in a work session. He also suggested that the Council consider incremental expansion of parking districts with pricing that would prompt students to park on OSU's campus; if parking was less expensive in neighborhoods, OSU students would likely park in the neighborhoods. He believed the City must charge more for on-street parking and become competitive with OSU and housing developments.

Councilor Sorte said he would like the Council to consider opportunities for revenue generation from parking. He suggested that parking enforcement could be contracted to a private enterprise and not create more work for the Municipal Court. He urged the Council to consider establishing a city-wide parking committee.

Councilor Beilstein said he philosophically opposed parking districts; however, he supported all resident-requested parking districts. He believed residential parking districts should only be expanded on a small, regional basis at the request of neighborhood residents. He did not believe the City should create residential parking districts that were not requested by neighborhood residents. He agreed with Councilor Sorte that parking should be utilized as a revenue source to compensate the City for providing a valuable resource to the community. Allowing free parking caused problems because OSU charged for parking on its campus, prompting people to park in neighborhoods surrounding the OSU campus. He was willing to refer the parking district issue to an appropriate Council Standing Committee or a Council work session. He said it may be best to allow neighborhood residents to request any desired residential parking districts.

Councilor York said she would support referring the residential parking district issue to a Council Standing Committee or a Council work session. She believed it was more likely that the Council would reach a consensus through a work session discussion.

Councilor Hervey said most productive work sessions began with a staff report with basis and background. He had not heard indication of a process to provide background. He expected that proposals could be presented to a Council Standing Committee for review and consideration. He would like more indication that a Council work session would be productive.

Councilor Sorte offered to present information from his experiences living in neighborhoods surrounding OSU's campus and his conversations with City staff regarding parking. He said he could provide information regarding issues of how parking districts might be increased (incrementally by block, upon residents' requests, etc.) and comparisons with other

communities (e.g., University of Oregon had only one-third the on-campus parking spaces of OSU).

Councilors Sorte and Brown, respectively, moved and seconded to amend the motion to discuss residential parking districts in a Council work session and then refer the issue to Urban Services Committee.

Councilor Brown said he could support or oppose the motion. He expected that he and Councilor Sorte would have competing proposals in a work session.

Mayor Manning noted that part of the initial budgetary investment in proceeding with the three-year Collaboration Project was an expenditure for Group McKenzie to conduct a parking and traffic study. The study information was available to the Parking and Traffic Work Group. She noted that, with significant information available, it was up to the Council how it wanted to proceed with the information and make requested decisions.

Councilor Brauner opined that it would be appropriate to consider Councilor Sorte's alternatives and information at a Council Standing Committee meeting. He thought an initial Council work session would be less productive and less timely than a Council Standing Committee reviewing the material and presenting a recommendation to the Council. Any Councilor could present a proposal to a Council Standing Committee. He was concerned about a Council work session resulting in Council direction without specific information having been investigated.

Councilor Traber noted that the Council's schedule was full, and there was no time for an additional work session until July. He concurred that a significant parking, safety, and livability situation existed. He expected that the situation would worsen as OSU's student enrollment continued increasing. The City needed to proceed to resolve the situation. A work session would be beneficial; however, he opined that the issue should be referred to a Council Standing Committee for review, rather than adding the issue to a Council work session or trying to schedule an additional work session.

Councilor Brown said he seconded the motion to amend to allow for discussion, but the discussion convinced him to oppose the motion.

Councilor Sorte said he was not sympathetic to arguments about waiting two months for a Council work session, as he had worked on the parking issue for 23 years. He considered the issue very important to many people. He believed the proposal was based upon incentives. He opined that the City had extensive data but with little evidence. He considered the ten-percent survey response rate inadequate. He asserted that it would not be inappropriate to canvass the neighborhoods for input.

Councilor Hervey noted that referring the parking issue to a Council Standing Committee could actually delay the process of preparing a recommendation to the Council. He elaborated that two Committee members could not discuss the issue outside a Committee meeting because they would constitute a Committee quorum. The Committee would need to meet in order to agree to request additional information.

Councilor Brown suggested that the issue of Committee quorums and Councilors' opinions could be resolved by Councilors submitting information to the Committee; the information would be included in the Committee's records.

The motion to amend failed three to five on the following roll call vote:
Ayes: York, Sorte, Beilstein
Nayes: Brauner, Traber, Hervey, Hirsch, Brown

The main motion to refer to Urban Services Committee the OSU/City Collaboration Project Steering Committee's recommendation regarding residential parking districts passed unanimously.

B. City Legislative Committee – May 14, 2013

Mayor Manning reviewed that the Committee discussed staff preparing a statement for her to forward to legislators regarding Senate and House bills that would affect local control related to building permits and corresponding revenues. The bills were not expected to proceed through the current Legislative Session but were expected to be presented again in the future.

Councilors Hervey and Hirsch, respectively, moved and seconded to authorize Mayor Manning to communicate to the City's legislators that the City would strongly oppose any legislation that would negatively impact the City's ability to predict funding for the building department or result in the loss of local control over the City's Building Code management processes.

Councilor Hirsch thanked staff for being aware of legislative bills that could affect the City's operations and bringing such bills to the Council's attention.

The motion passed unanimously.

IX. STANDING COMMITTEE REPORTS AND ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee – May 7, 2013

1. Liquor License Annual Renewals

Councilor York reported that staff did not find any problems in reviewing the annual liquor license renewal applications.

Councilors York and Beilstein, respectively, moved and seconded to approve all liquor license renewal applications and submit a favorable recommendation to the Oregon Liquor Control Commission. The motion passed unanimously.

2. Youth Mental Health Issues

Councilor York said the Committee received a report from 509J Board Chair Ann Schuster regarding the recent youth mental health community discussion. The Committee invited Dr. Caroline Fisher, Samaritan Health Services Childhood

Psychology Department head, to speak to the Council; and the Committee was discussing the presentation format. The Committee also discussed the possibility that the State may attempt to regionalize health departments. At the Committee's request, she spoke with Benton County Health Department Director Mitch Anderson, who said regionalization was not a real or immediate concern but could be presented again in the future. Mr. Anderson did not recommend any City action at this time.

This topic was presented for information only.

B. Urban Services Committee – May 7, 2013

1. Total Maximum Daily Load (TMDL) Update

Councilor Hervey reported that the Committee and staff continued discussing the City's solution alternatives for meeting wastewater discharge temperature requirements. He referenced a recent United States District Court ruling denying the DEQ's method of establishing temperature requirements. The Environmental Protection Agency (EPA) was allowed 120 days to provide direction to the DEQ regarding the temperature requirement calculation methodology; the DEQ would re-assess its decisions regarding the issue. The revised requirements could impact which of the alternatives under consideration would best meet the City's new requirement.

Councilors Hervey and Brown, respectively, moved and seconded to direct staff to suspend work on the project until new wastewater temperature standards were known. The motion passed unanimously.

Councilor Hervey said, depending upon the new temperature standards and when the City must comply with the standards, staff may need to be ready to implement compliance operations with little notification.

Councilors Hervey and Brown, respectively, moved and seconded to approve funding in the Fiscal Year 2013-2014 budget to resume total maximum daily load work when the new discharge water temperature standards are known.

Public Works Director Steckel explained that an amount of funding was carried forward to the proposed Fiscal Year 2013-2014 budget. The amount of work necessary to fully investigate all three options could cost an additional $200,000, which was not currently in the proposed budget.

In response to Councilor Traber's inquiry, Ms. Steckel explained that the additional $200,000 was in the Wastewater Fund and available only for wastewater projects.

Finance Director Brewer added that the proposed budget amendment would be presented to the Council during its public hearing on the budget.

Councilor Hervey amended his motion to indicate that the additional $200,000 for work on the total maximum daily load project would be derived from the Wastewater Fund.

Councilor Brauner opined that a motion was not necessary, as the Council would consider the $200,000 allocation as a staff-initiated amendment to the proposed budget during the Council's June 3 public hearing on the budget. He suggested that the motion be withdrawn. Councilors Hervey and Brown withdrew their motion.

Councilor Beilstein said he spoke with Public Works Department staff regarding the possibility of not returning treated wastewater to the Willamette River and, instead, re-using it as drinking water. He noted that communities with serious water shortages used this practice, and he considered it ecologically sound. He acknowledged that this option may be too expensive, compared to the wastewater cooling options under consideration. Nevertheless, he would like staff to consider this option. He noted that the City's drinking water source was downstream from other municipalities' wastewater discharge points.

2. Municipal Code Review: Chapter 6.10, "General Traffic Code" (Weight Restrictions)

Councilor Hervey referenced a citizen's testimony regarding heavy truck traffic on NW Harrison Boulevard, in violation of the Municipal Code. Staff clarified for the Committee that the weight restrictions were intended to divert highway traffic from community streets. In reviewing the issue, staff realized that City maintenance vehicles and buses and private franchise utility vehicles violated the Code. Staff recommended amending the Code to ensure that City vehicles could legally travel City streets, while providing staff with the ability to grant temporary waivers of the weight restrictions for construction vehicles.

City Attorney Fewel read an ordinance amending Corvallis Municipal Code Chapter 6.10, "General Traffic Code," as amended.

ORDINANCE 2013-05 passed unanimously.

C. Administrative Services Committee – May 8, 2013

1. Republic Services Annual Report

Councilor Hirsch reported that Republic Services was considering switching its vehicle fleet to operate on compressed natural gas, which produced less carbon emission. The compressed natural gas infrastructure was being designed to accommodate future partners that might utilize the same fuel system.

This topic was presented for information only.

2. Republic Services Franchise Agreement Extension

Councilor Hirsch said the Committee unanimously recommended that the Council adopt an ordinance extending Republic Services' franchise agreement with the City.

Mr. Fewel read an ordinance regulating solid waste management including, without limitation, granting an exclusive solid waste franchise to Republic Services of Corvallis, establishing service standards and public responsibility, repealing Ordinance 2008-15, and stating an effective date.

ORDINANCE 2013-06 passed unanimously.

D. Other Related Matters

1. Mr. Fewel read for the second time an ordinance relating to the Land Development Code, amending Ordinance 93-20, as amended, and declaring an emergency.

ORDINANCE 2013-07 passed eight to zero.

2. Mr. Fewel read a resolution accepting a Benton Soil and Water Conservation District Conservation Incentive Program grant ($2,000) for Chip Ross Natural Area restoration.

Councilors Hirsch and Traber, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2013-19 passed unanimously.

X. MAYOR, COUNCIL, AND STAFF REPORTS – Continued

A. Mayor's Reports

B. Council Reports

Councilor Sorte announced that the Public Employees Retirement System (PERS) Web site had a calculator estimating the amount of PERS funds entering a community. For every $1,000 taken from the 3,400 PERS retirees in Corvallis, the local economy would lose $3.4 million. He estimated that this rate may double or triple over the next 10 to 15 years.

Councilor Hirsch reported that he attended the annual Garfield Elementary School International Night. He noted that many families participated in the event, and he encouraged Council members to attend the event in future years.

Councilor Traber thanked City Department Directors for attending the City-sponsored Ward 8 meeting.

Councilor Traber opined that the Council should clearly indicate its intention to refer State Senate Bill 347 to the City Legislative Committee for review. He asked that the Committee

track the Bill and that the City coordinate with 509J to ensure the two entities have similar positions on the Bill.

Councilor Beilstein referenced the flyer announcing the fund-raising lunch for the annual Pastors for Peace caravan to Cuba (Attachment D). This year's caravan would leave Corvallis July 15. He said the caravan members would perform re-construction work in the east end of Cuba, which was damaged by Hurricane Sandy.

Councilor York expressed concern for residents of Oklahoma City, Oklahoma, as a result of a recent tornado. Her father-in-law in Oklahoma City was okay. She urged citizens to be prepared for emergencies.

C. Staff Reports – Continued

2. City Manager's Report – April 2013

XI. NEW BUSINESS

A. Transportation and Growth Management grant program proposal

Councilor Traber inquired whether, if the City did not use the Transportation Growth Management grant for housing-related projects, it would be able to apply for a Transportation Plan update and if this was the appropriate time to update the Plan.

Mr. Gibb responded that it was time to update the Transportation Plan. He explained that the City could submit multiple applications for the Transportation and Growth Management grant. All of the applications would compete with each other for available funds. The Transportation Plan update seemed a better "fit" for the grant. Staff received good feedback from a discussion regarding the prospects of a project that would, at least in part, directly respond to a Council goal. He believed it would be best to submit only one application that best aligned with the grant's focus. One of the greatest issues was the timetable associated with the grant in relation to the Council goal.

Councilor Brauner said he opposed submitting the grant application. He acknowledged that the Transportation Plan needed to be upgraded, and that should have a high priority. He also noted that the housing issue was a Council goal. If the City received a grant for the housing project, staff would not be able to begin work on the project until almost the end of the Council term. Funds were budgeted for the Council goals. He believed updating the Transportation Plan was the first priority.

Councilors Brauner and Beilstein, respectively, moved and seconded to submit one Transportation and Growth Management grant application for updating the City's Transportation Plan.

Councilor Brown acknowledged that the City was behind in updating many of its master planning documents, and he considered it important that the Transportation Plan be updated. However, he was a proponent of the housing goal for the Council term, and the grant was a means of obtaining funding to help complete the housing project. Therefore, he would support the grant.

Councilor York observed that applying for the grant to update the Transportation Plan seemed more likely to be successful than applying for funding for the housing project. She noted that funds were available within the City budget to conduct the housing study. The grant could enable the City to have funds for both projects.

The motion passed six to two, with Councilors Traber and Brown opposing.

Mayor Manning read a statement, based upon changes in Oregon laws regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. She reminded Council members and staff that the confidential executive session discussions belonged to the Council as a body and should only be disclosed if the Council, as a body, approved disclosure. She suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

The Council entered executive session at 9:00 pm.

Deputy City Attorney Brewer, Human Resources Manager Altman Hughes, and Police Chief Sassaman briefed the Council regarding the status of labor negotiations with the Corvallis Regional Communications Center Association.

Library Director Rawles-Heiser briefed the Council regarding a possible real property acquisition opportunity.

Deputy City Attorney Coulomb briefed the Council regarding a pending class-action lawsuit involving credit card fees.

Council President Hervey led the Council through a discussion of the proposed contract for a new Municipal Judge.

Council President Hervey led the Council through the City Attorney's annual performance evaluation.

The Council emerged from executive session and returned to open session at 9:48 pm.

XI. NEW BUSINESS – Continued

B. A motion relating to real property transaction

Councilors Brauner and Hervey, respectively, moved and seconded to exercise the option agreement on the Library property. The motion passed unanimously.

C. A motion relating to employment of a public officer

Councilors Sorte and Hervey, respectively, moved and seconded to authorize Mayor Manning to enter into the proposed agreement with Chris Dunfield to serve as the City's Municipal Judge. The motion passed unanimously.

XII. PUBLIC HEARINGS – None.

XIII. ADJOURNMENT

The meeting was adjourned at 9:51 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

Ready Together

Supporting School Readiness

Ready Parents = Ready Children

In order for children to be successful in school, they need to know more than their ABC's and 1-2-3's. In fact, even more important than learning basic math and reading are the abilities to:

- listen and pay attention
- remember instructions
- persist at a task
- have self-control

The good news is – these skills can be taught, and you can teach them through games you play with your child.

Here are some common activities, some with slight variations to increase the need for listening, paying attention and self-control, that you can do with your child over the summer. **Help your child get a great start in school next fall!**

- **Red Light – Green Light** – listening, following instructions, self-control.
  One child is the stoplight; the others are the cars. When the stoplight says "Green Light," the children run toward the streetlight. When the stoplight says, "Red light," the children must stop. Reverse order game – Make Red mean 'go' and Green mean 'stop.' Or add new colors or other rules.
- **Head/Toes – Knees/Shoulders** – listening, remembering instructions, persistence and self-control.
  This is not the same as the common "Head-shoulders-knees and toes" song – though you might use the song as a good starting place. Then, begin putting the body parts in pairs and touching the opposite body part:
  Say 'head' & have your child touch their toes, say 'toes' & have them touch their head. Do this several times until it's easy for them. Next, say 'shoulders' and touch knees, say 'knees' & touch shoulders. Once your child can touch the opposite body parts in pairs, increase the difficulty by using all four words – and requiring child to touch the body part that is its paired opposite.
- **Simon Says** – requires listening, following instructions and self-control.
  Play with regular rules – to increase learning, add new rules and switch the rules.
- **Mother May I?** – requires listening and self-control.
  Figure out your own way to switch the rules to make extra concentration and self-control necessary.
- **Duck-Duck-Goose** – requires listening, paying attention.
- **Playdough, blocks or Tinkertoys** – attention to detail, breaking down a task into parts, following a sequence of actions, organization.
  Build a figure and then have your child build an exact replica in size and color.
- **Dance** – listening, attention, remembering instructions.
  Start having children dance slowly to slow music. Then have them dance fast to fast music. Then change the rules and tell them to dance slowly to fast music, and dance fast to slower music. Add in new rules to increase the complexity of the game.
- **Talk** – Children learn language and other early literacy skills by listening to their parents and others talk.
  - *Talk with your child - often!*
  - *Respond to what your child says and extend the conversation.*
  - *Stretch your child's vocabulary. Repeat what your child says and use new words.*
  - *If English isn't your first language, speak to your child in the language you know best. This allows you to explain things more fluently so your child will learn more.*

Linn-Benton COMMUNITY COLLEGE

Parenting Success NETWORK

Leyendo Juntos

Apoyando la Preparación para la Escuela

Padres de familia Listos = Niños Listos

Para que los niños tengan éxito en la escuela, ellos necesitan más que saber su Abecedario y los números. De hecho inclusive más importante que el aprender las matemáticas básicas y la lectura, es prender las habilidades para:

- Escuchar y poner atención
- Recordar instrucciones
- Permanecer en un trabajo/tarea/proyecto
- Tener auto-control

La buena noticia es: Que estas habilidades pueden ser enseñadas y Ud. puede enseñárselas, a través de juegos que puede realizar con su hijo/a.

Aquí hay algunas actividades comunes, algunas de estas con pequeñas variaciones, para incrementar la necesidad de escuchar, poner atención y auto-control; las cuales Ud. puede hacer con su hijo/a, durante el verano. **¡Ayude a su hijo/a a tener un excelente inicio en la escuela el próximo otoño!**

- **Luz roja –Luz verde** – Es para aprender a escuchar, a seguir instrucciones y auto-control.
  Un niño/a es el semáforo; los otros son los autos. Cuando el semáforo dice: "Luz verde," los niños corren hacia la luz. Cuando el semáforo dice: "Luz roja", los niños deben detenerse. Ordene el juego al revés – Haga que el color rojo significa 'ir' y el color verde signifique 'pare.' También puede añadir colores nuevos y otras reglas.
- **Cabeza/dedos – rodillas/hombros** – Es para aprender a escuchar, recordar instrucciones, persistencia y auto-control.
  Este no es el mismo juego de la canción: "Cabeza-hombros-rodillas y dedos"– sin embargo Ud. puede usar la canción para empezar. Luego empiece a poner las partes del cuerpo en pares y a tocar la parte del cuerpo opuesta:
  Diga 'cabeza' & haga que su hijo/a toque sus dedos, diga 'dedos' & haga que toque su cabeza. Haga esto muchas veces, hasta que esto sea fácil para él/ella. Luego diga 'hombros' y toque sus rodillas, diga 'rodillas' & toque sus hombros. Una vez que su hijo/a pueda tocar la parte del cuerpo opuesta en pares, incremente la dificultad, usando todas las cuatro palabras – y pídale a su hijo/a que toque la parte del cuerpo opuesta.
- **Simón dice…** – Es para aprender a escuchar, a seguir instrucciones y auto-control.
  Juegue con las reglas regulares –para incrementar el aprendizaje, añada nuevas reglas y cambie las reglas.
- **Mamá ¿Yo Podría….?** – Es para aprender a escuchar y auto-control.
  Encuentre su propia manera de cambiar las reglas, para poner extra concentración y el auto-control necesario.
- **Plastilina, bloques o "LEGOS"** – Es para aprender a poner atención a los detalles, a dividir un proyecto o trabajo en diferentes partes, a seguir una secuencia de acciones y la organización.
  Construya una figura y haga que su hijo/a realice una réplica exacta en el mismo tamaño y color.
- **Bailar** – Es para aprender a escuchar, a poner atención y a recordar instrucciones.
  Empiece haciendo que los niños bailen lentamente con música lenta. Luego haga que bailen rápido con música rápida. Luego cambie las reglas y dígale que baile lentamente con música rápida y baile rápido con música lenta. Añada nuevas reglas para aumentar la complejidad del juego.
- **Hablar** – Los niños aprenden el lenguaje y otras habilidades de alfabetización inicial, escuchando hablar a sus padres y a otras personas.
  - *Hable con su hijo/a -¡muy seguido!*
  - *Responda a las preguntas de su hijo/a y amplié la conversación.*
  - *Amplié el vocabulario de su hijo/a. Repita lo que su hijo/a diga y use palabras nuevas.*
  - *Si el idioma inglés no es su idioma natal, hable con su hijo/a en el idioma que Ud. conozca mejor. Esto le permitirá explicar las cosas con fluidez y de esta manera su hijo/a aprenderá más.*

Knowing how to be a good parent isn't always easy.

Nobody is born with perfect parenting skills. When it comes to our kids, we all learn by doing.

But that doesn't mean you have to go it alone There are resources in Linn and Benton Counties to connect you with the support you want.

Check out our website at: **parentingsuccessnetwork.org** and see what resources are available for you:

- Parenting classes
- Family support resources
- Childcare resources
- Parenting tips
- Special topic workshops
- Parent advice line

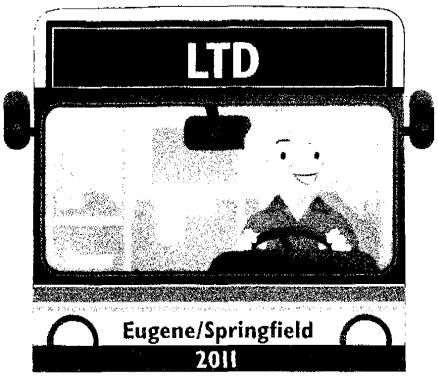
We're here to provide the resources you need to be the best parent you can be.

NETWORK

Parenting support for families in Linn and Benton Counties

Parent Advice Line:
541.917.4899

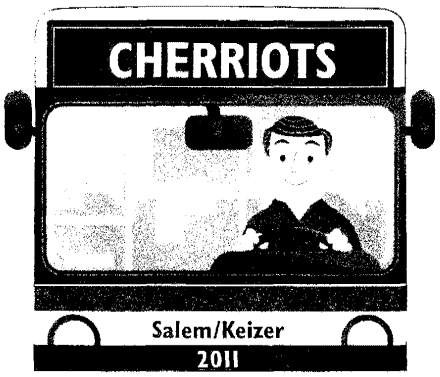
Find Us On facebook



47.3 M (+2.7%)

11.6 M (-0.9%)

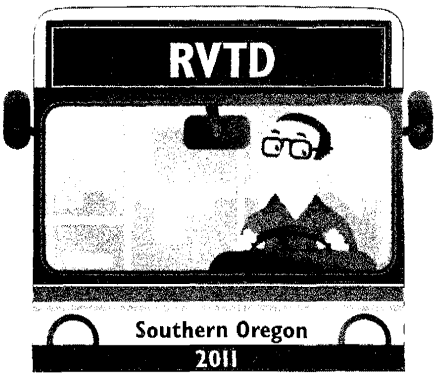
$3.19 (+8.9%)



21.5 M (+13.7%)

4.7 M (-1.8%)

$4.40 (+5.0%)



5.5 M (+3.4%)

1.1 M (+8.1%)

$4.72 (-3.1%)

175.5 K

377.4 K

$4.54

PICKING UP SPEED

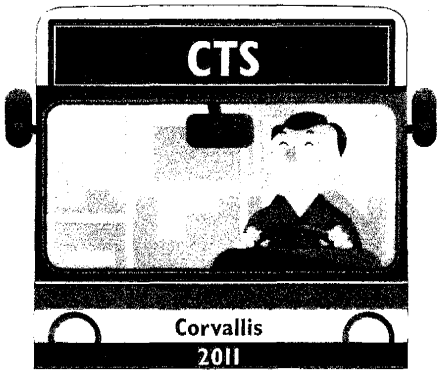
BY BRANDON SAWYER

TriMet, Oregon's biggest transit agency, took passengers for a bumpy ride last year — reducing service, cutting routes, eliminating its "Free Rail Zone" and raising fares. But the agency boosted passenger miles 5% to 472 million for the 12 months ending June 2012 and increased boarding rides 2% to 103.3 million. Smaller transit systems are also gaining momentum. Corvallis Transit became entirely fareless in 2011 with a citywide tax, and Southern Oregon's Rogue Valley Transportation District received a three-year federal Congestion Mitigation and Air Quality grant in April 2012, allowing it to introduce evening and Saturday service. Since then, ridership has increased 24%. Paige Townsend, RVTD senior planner, notes that transit use has been on the rise nationally, with a 1.6% increase in the second quarter of 2012. Figures from the National Transit Database provide a 2010-2011 comparison of agencies around the state. OB

36.0 M (+6.5%)

7.0 M (+6.2%)

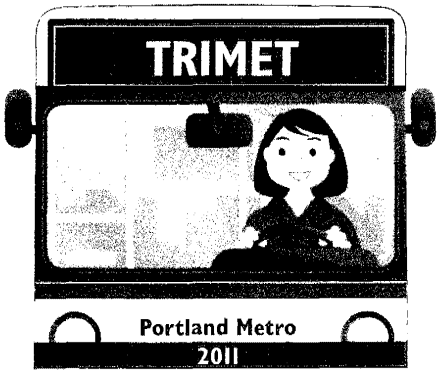
$4.45 (-0.4%)



3.6 M (+6.9%)

884.7 K (+26.2%)

$2.60 (-21.7%)



452.4 M (-0.2%)

104.6 M (+0.3%)

$3.83 (-3.0%)

Percent change from 2009 to 2010

Rate Increase History vs. CPI

(automated residential 35 gallon cart)

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	**Average**
Rate Increase	11% *					4.35%	6.2%	3.5%	9.85% **		20.3% ***			6% ****	**4.37%**
Increase minus new service	11% *					4.35%	6.2%	3.5%	3% **		6.9% ***			6% ****	**2.93%**
CPI Increase	2.83%	3.28%	2.72%	1.27%	1.36%	2.04%	2.48%	2.73%	3.43%	3.86%	1.00%	1.60%	2.57%	2.53%	**2.41%**

* Previous rate increase was 1993

** New weekly co-mingled recycling cart service added - 3% of increase was for inflation of on-going expenses

*** Yard debris service increased to weekly accounting for 13.4% of increase - Remaining 6.9 % inflation increases for 2009 and 2010

**** Rate increase driven primarily from diesel fuel price increases

$10 starting monthly rate	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012		
Rate increase	$ 11.10	$ 11.10	$ 11.10	$ 11.10	$ 11.10	$ 11.58	$ 12.30	$ 12.73	$ 13.11	$ 13.11	$ 14.01	$ 14.01	$ 14.01	$ 14.85	$ 0.91	6.5%
CPI Increase	$ 10.28	$ 10.62	$ 10.91	$ 11.05	$ 11.20	$ 11.43	$ 11.71	$ 12.03	$ 12.44	$ 12.92	$ 13.05	$ 13.26	$ 13.60	$ 13.94		

Missing from ASC 5/8/13 Minutes

Attachment 1

CUBAN LUNCH!

Noon, Saturday June 1, 2013
at 101 NW 23rd St, Corvallis

Fundraiser for the Pastors for Peace 24th Cuban aid caravan, dedicated to repairing the devastation of Hurricane Sandy in Santiago, Cuba, and celebrating the 60th anniversary of the start of the Cuban Revolution. Traditional Cuban meal of beans, rice and *ropa vieja*.

No cost to attend, but donations will be accepted. Program will discuss the successes of Cuban healthcare, education and organic agriculture, updates on the struggle for normalization of relations, freedom to travel, current challenges and opportunities.

Sponsored by the Corvallis Committees of Correspondence for Democracy and Socialism - **www.cc-ds.org**
Information on P4P at: **www.ifconews.org**
For event information, contact Mike Beilstein at 541 754 1858.

MEMORANDUM

May 20, 2013

TO: Mayor and City Council

FROM: Nancy Brewer, Finance Director NB

SUBJECT: **Hewlett-Packard Property Tax Appeal**

City staff was notified today by Benton County staff that the Oregon Tax Court has upheld Hewlett-Packard's appeal of the assessed value on their buildings as that value was determined by the Oregon Department of Revenue. This appeal covers that tax years of 2008-2009 through 2010-2011, but by extension changes values for 2011 and 2012 as well.

Benton County Finance staff is working on the total refund amount that will be due. This calculation includes running both principal and accrued interest based on the timing of each of three tax payments made during the three years in question and the intervening period. At this point, it appears the total refund will be around $9.5 million shared proportionately by all taxing entities in Benton County; the City is currently estimated to lose $2.24 million, broken down as follows:

- Permanent rate $1,794,560
- General Obligation Bonds 90,594
- Local Option Levy 158,127
- Benton County Library Service District 210,986

It is not clear what the timing will be for making the actual refund. Benton County Finance is exploring all options, and will hold discussions with taxing districts about preferences for an immediate lump sum or a five-year repayment period. Since the timing is not clear, it is also difficult to know the implications for adopting a balanced budget for FY 13-14. Corvallis Finance Department staff is in communication with Benton County Finance to gather information as quickly as possible to be able to develop a plan and/or alternatives before the FY 13-14 budget public hearing before the City Council on June 3.

Benton County staff will meet with Department of Revenue staff this week to discuss whether or not DOR will appeal the tax court's decision. Additional information will be shared with the City Council when it is known.

RESOLUTION 2013-___

Minutes of the _____, 2013, Corvallis City Council meeting, continued.

A resolution submitted by Councilor_____.

WHEREAS, Oregon State Senate Bill 700 (SB 700) requires background checks for private and online gun purchases, such that each person will be required to request a criminal background check before transferring firearm to another person, with exceptions for family members, inherited firearms and antique firearms; and

WHEREAS, US House Resolution 1565 (HR 1565), the King-Thompson gun background check bill, and US Senate Bill 649 with Amendment 715 (S. 649 and S. Amdt. 715) Safe Communities, Safe Schools Act of 2013 with Manchin-Toomey amendment, require background checks at the federal level for commercial gun sales; and

WHEREAS, from 1994 through 2008, background checks prevented 1.8 million prohibited people in the United States, including felons and the mentally ill, from buying guns; and

WHEREAS, in states that require background checks for every handgun sale, 38% fewer women are shot to death by partners; and

WHEREAS, in states that require a background check for private handgun sales, there are 49% fewer firearm suicides, while the rates of suicide by other methods are nearly identical; and

WHEREAS, the International Association of Chiefs of Police has taken the position that Congress "should enact laws requiring that all gun sales and transfers proceed through a Federal Firearms License (FFL), thus ensuring that a mandatory background check will be conducted on the transferee."; and

WHEREAS, 85% of Americans and 81% of Oregonians support universal background checks; and

WHEREAS, the US Supreme Court opinion in the District of Columbia vs. Heller allows for prohibitions on the possession of firearms by felons and the mentally ill; and

WHEREAS, the Oregon State Police already provides the Firearms Instant Check System that allows private sellers of firearms to conduct background checks on potential buyers; and

WHEREAS, universal background checks instituted at the state level benefit the City of Corvallis by reducing the probability of gun related injuries and fatalities,

domestic violence, suicide, and gun crimes thus saving local law enforcement resources and providing another tool for prosecution of gun related crimes;

NOW, THEREFORE, THE CITY COUNCIL OF CORVALLIS RESOLVES THAT the City of Corvallis supports and adopts this Resolution in support of State and Federal legislation to require universal background checks for private gun sales as defined in proposed SB 700, HR 1565 and S. 649 and S.Amdt. 715.

BE IT FURTHER RESOLVED THAT the City Council of Corvallis appreciates the co-authorship of Oregon Representative Peter DeFazio and co-sponsorship of Oregon Representatives Suzanne Bonamici and Earl Blumenauer of proposed HR 1656, noting that Congressman DeFazio represents Corvallis.

BE IT FURTHER RESOLVED THAT the City Council of Corvallis appreciates the support of Oregon State Senators Jeff Merkley and Ron Wyden for S. 649 and S. Amdt. 715.

BE IT FURTHER RESOLVED THAT the City Council of Corvallis urges our Oregon State Senator, Betsy Close, to vote in favor of SB 700 and appreciates the public support of Oregon House Representative Sara Gelser of expanded background checks.

BE IT FURTHER RESOLVED THAT the City of Corvallis directs the Mayor to forward a copy of this Resolution to Oregon's State Legislative delegation, Oregon's Congressional Delegation and the White House of the United States.

_____

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

RESOLUTION 2013-____

Minutes of the _____, 2013, Corvallis City Council meeting, continued.

A resolution submitted by Councilor_____.

WHEREAS, Oregon Senate Bill 347 (SB 347) authorizes locally school districts/entities controlling school grounds to adopt written policy restricting or prohibiting concealed handgun licensees from possessing firearms on school grounds; and

WHEREAS, under Oregon statute 166.370, anyone who holds one of Oregon's 169,000 concealed handgun licenses may bring firearms, including assault weapons, into public K–12 schools; and

WHEREAS, local school districts need discretion to set policies that affect the safety of students, faculty, and staff and can be held liable for failing to maintain a safe environment; and

WHEREAS, the National Education Association recommends strictly enforced rules that prohibit guns on school grounds and the National PTA believes the most effective school climate to be gun-free; and

WHEREAS, the Supreme Court of the United States in their finding on the District of Columbia v. Heller wrote "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons or the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings."

NOW, THEREFORE, THE CITY COUNCIL OF CORVALLIS RESOLVES THAT the City of Corvallis supports and adopts this Resolution in support of SB 347 to authorize local school districts/entities controlling school grounds to adopt written policies restricting or prohibiting concealed handgun licensees from possessing firearms on school grounds.

BE IT FURTHER RESOLVED THAT the City Council of Corvallis urges our Oregon State Senator, Betsy Close, to vote in favor of SB 347 and appreciates the public support of Oregon House Representative Sara Gelser of SB 347.

BUT IT FURTHER RESOLVED THAT the City of Corvallis directs the Mayor to forward a copy of this Resolution to Oregon's State Legislative delegation, Oregon's Congressional Delegation and the White House of the United States.

_____

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

Sen. Betsy L. Close, District 8
900 Court Street, NE
Room S-311
Salem, OR 97301

January 24, 2013

Senator Close,

We, citizens of Benton and Linn counties in Oregon Senate District 8, wish you to reconsider your opinion that armed volunteers are a reasonable solution to gun violence in schools. In your letter to Sarah Finger McDonald dated Jan. 16, 2013 you stated that you believe that enlisting volunteer deputies to guard schools is a promising move towards reducing gun violence. We emphatically disagree with your position.

Guns in schools, especially in the hands of volunteers, will not protect our children. In 1981 Ronald Reagan was shot while he was surrounded by highly trained Secret Service and police officers. An armed deputy was on the Columbine High School campus but could not stop the massacre there in 1999. Virginia Tech has its own police force. Their trained officers were unable to prevent the massacre on their campus in 2007. These were armed, trained, law enforcement officers, not unpaid volunteers. Despite their training and experience they could not stop the young men armed with semi-automatic weapons and large capacity clips who carried out these grievous crimes.

In 2011, when Arizona congresswoman Gabrielle Giffords and 18 others were shot, police officers were present but it was an unarmed citizen who tackled the gunman. In fact, an armed citizen nearly shot the Good Samaritan who stopped the shooter. Even highly trained police officers hit bystanders when engaged in a confrontation with a gunman. On August 29, 2012, NYPD officers hit NINE innocent pedestrians when they shot, and hit, a gunman outside the Empire State Building. A study of shootings by the NYPD revealed that even highly trained police officers hit their target only 34% of the time. An armed volunteer in a school would be expected to do far worse in the event of a school shooting, putting children at greater risk.

Adding guns to a population increases the rate of violent death for the whole population. Putting guns in our schools in the hands of unpaid, inexperienced volunteers without law enforcement training will not decrease gun violence, rather it will increase the likelihood that students, teachers and administrators will be victims of violence.

We are mothers, fathers, grandparents, friends and teachers. Our children are our most precious gifts and their care is our greatest responsibility. We would do anything to protect them, including laying down our lives, as the faculty and staff at Sandy Hook did on that horrific day. We know that putting guns in our schools will only put our children at greater risk. We need preventative steps to stop mass gun violence, not reactive measures, not just waiting for the next mass murder to occur, not thinking that we can "shoot down" every threat. We are committed to keeping our children safe and we will work to build a world where they can go to school free and without fear. Guns in our schools are not an answer. Guns in our schools will not ensure the safety of our cherished children. We will not allow guns in our schools.

Sincerely,

Sarah Finger McDonald & Brian W. McDonald
Parents of 2, ages 7 and 2

Corvallis, OR 97330

Christy Anderson Brekken & Ted K.A. Brekken
Parents of 2, ages 7 and 4

Corvallis, OR 97330

This Mother's Day, members of Moms Demand Action for Gun Sense in America are demanding that our rights as mothers to protect our children from harm are not infringed. On Friday, May 10 we will deliver bouquets of eight paper flowers, representing the eight mothers who lose a child to gun violence each day, and our Mother's Bill of Rights to senators in Salem. Along with our partners in the Oregon Alliance to Prevent Gun Violence, we will ask our legislature to take action. We will tell them that they can keep our flowers this Mother's Day, we want our rights.

Yes, every day in the United States eight mothers lose a child to gun violence. Eight children. Eight mothers. For weeks after the Sandy Hook Elementary School massacre, I thought about the empty beds the parents of the victims had to face every day. And while massacres like Sandy Hook, Aurora, Tucson, Fr. Hood, and Virginia Tech grab our attention and break our hearts so should the deaths that occur every day. Every day - eight children, eight mothers.

The Oregon Health Authority reports that, in Oregon, 51 children under 18 were lost to gun violence in 2010 [1]. That is almost one child a week. Twenty-three of the deaths were homicides.

Gun violence is a public health crisis in the US and in Oregon. The Oregon legislature has introduced several bills to curb gun violence, but now the media are reporting they're stalled.

In 2000, Oregon led the country by passing legislation to close the 'gun show loophole' and require background checks at sales of more than 25 guns. But we still have a gaping loophole: 14 – 22% of guns sold in Oregon are sold privately, creating a gun pipeline for criminals and other people who could not—and should not—pass a background check. Universal background checks have almost universal support among voters, including most gun owners and NRA members. Oregon can take the lead again, and pass SB 700: Universal Background Checks.

Do you know what else we can do? Restore local control to school districts and allow them to keep guns out of their schools if they choose (SB 347). Like every parent in Oregon, after the Sandy Hook shooting, I worried about my children at school. I asked about security measures being considered, but I also realized that mass shootings are extremely rare and while we should do what we can to prevent these massacres, we must also prevent the accidental shootings that occur too often when kids get their hands on a gun. A school is no place for guns, unless they are carried by highly-trained and experienced public safety officers.

We've talked for years about reducing gun violence. Every time a mass shooting occurs we hear the same speeches both for and against common-sense gun legislation. In December we were shocked by the shooting at Clackamas Town Center and we wept for students and teachers that could easily have been our children and mothers. In April our hearts broke when a 9-yr old girl in Oregon City and a 4-yr old boy in Donald were killed in accidental shootings. It's time to stop talking and hold a vote on bills that could make our children and communities safer. We've spent too long watching the death toll rise and worrying about our children. Unregulated gun sales are tearing apart our families and our communities and we've had enough.

Sarah Finger McDonald
Co-leader, OR/Mid-Willamette chapter
Moms Demand Action for Gun Sense in America

1. *Firearms Fatalities in Oregon*. Oregon Public Health Division 2012, May 8, 2013. http://public.health.oregon.gov/DiseasesConditions/InjuryFatalityData/Documents/firearm%20fatality12_18_2012.final.pdf

CEASEFIRE oregon
Reason. Educate. Legislate.

Securing Our Schools from Gun Violence

Under current Oregon law: Most guns in schools are prohibited by both federal and state law. But anyone who has one of Oregon's over 169,000 concealed handgun licenses (CHLs) can carry a firearm, including an assault weapon, into a public school (K–College).

- The armed visitor does not have to tell the school he is bringing a gun into the school.
- The armed visitor does not have to present a CHL.
- The school cannot find out whether an armed visitor has a valid CHL.

And there is no skill requirement for getting a concealed handgun license in Oregon—you don't have to be able to hit what you shoot at. Some school districts have more restrictive regulations, but the legal validity of those rules is doubtful.[1]

Senate Bill 347 would permit K–12 school districts to prohibit CHL holders from bringing guns into their schools, pursuant to the district's written policy. Even in districts that adopt such a policy, public safety officers would still be able to carry guns into schools, as would other authorized people. And even in those districts, parents who are CHL holders would still be permitted to have their guns with them when they drop off or pick up their children at school, as long as the guns are not carried into a school building. School districts that want to permit all CHL holders to bring their guns into schools can still do so (and would not have to take any action to do so) under this bill.

SB 347 improves student and teacher safety in these ways:

1. It puts school districts in charge. Local districts can be expected to confer with public safety officials, teachers, and parents about the best way to keep students safe. Local school districts will be permitted to decide whether and under what circumstances to allow armed civilians into their school buildings. Under current law, school districts have no control over who brings a gun into schools.

2. It reduces the risk of vigilantes in the schools. Parental concern is high right now, and many parents own guns for the purpose of defending their homes and families. Few gun owners have the training and skill needed to respond in a crisis situation without further endangering students and staff. SB 347 will allow school districts to develop needed security plans and keep well-meaning individuals from creating additional risks.

3. It reduces the risk of unintentional shootings. Although mass shootings are the focus of public attention right now, on a day-to-day basis, accidents and inappropriate access to firearms are the causes of many more child deaths. Careless gun owners, like the Tillamook gun dealer who lost his handgun in a theater where it was found by school children the next day, are far more common than mass murderers. School kids need to be protected from them as well.

Please share this message with parents and teachers. Tell your legislators to support SB 347.

---

1. Exceptions to the basic rule above are teachers, contractors, and students over 21 if the district has inserted those prohibitions into their contracts.

http://www.ceasefireoregon.org • ceasefireoregon@gmail.com
7327 SW Barnes Road, #316 • Portland, Oregon 97225 • 503.220.1669

In support of the resolutions about gun control submitted to the City Council of Corvallis on May 20, 2013 a letter published March 19, 2013 in the GT

Gazette Times to the Editor

The League of Women Voters of Corvallis would like to have the following letter published in Letters to the Editor.

Support for Gun Control

The League of Women Voters of Corvallis urges common sense solutions to the gun violence that is plaguing our nation. Since 1990 the League of Women Voters of the United States has had a position, reached by consensus of our members, in support of common sense regulations of guns. This position has been used to lobby in support of the assault weapons ban, legislation requiring all dealers to run criminal background checks at gun shows and in opposition to laws that grant special protection for the gun industry.
The position states: "The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification."

It is time to advocate for measures that will ban assault weapons, place limits on magazine size, close the gun show loophole and mandate annual reporting on gun violence in America. Gun control is a matter of public safety and public health. These measures will not affect responsible gun owners and in no way will take guns away from them, but help make our communities safer.

Kate Mathews, President, League of Women Voters of Corvallis

May 20, 2013

LoErna Simpson

Corvallis, OR 97330

Statement asking for Corvallis City Council to officially SUPPORT SB 700 Universal Background Checks and SB 347 Guns at K-12 Schools.

I am LoErna Simpson, a long time resident of Corvallis, a mother and grandmother, a voting citizen, a member of Moms Demand Actions for Gun Sense in America, and a member of the Corvallis United Methodist Church, which has declared that our Church is a Gun-Free Zone.

Both of these bills that are before the Oregon Senate are reasonable and useful bills...an essential part of a picture of providing better Gun Safety for all people in Oregon.

SB 347: I especially think that SB 347- Guns at K-12 Schools is a thoughtful approach. As the law reads now, anyone can walk into any Oregon school carrying a gun if they have a CHL / Concealed Handgun License, and the school will not know that they have a gun and neither can ask if they are carrying a gun. The law as it stands does nothing to help all teachers, administrators and children feel safe, comfortable and at ease in their schools.

Rather than changing the law to read that *no one* with a CHL can carry a concealed gun into K-12 schools, the Bill 347 allows school districts themselves to make that decision of whether guns are allowed inside schools or not.

I believe it is very important for each local community school board to make that decision. Communities vary in many ways. Oregonians like to be 'in control' and this bill provides that option, whereas before it was dictated to us that guns must be allowed in schools.

SB 700: This requires a background check before sale or other transfer of every firearm, except transfers to immediate family members.

The current law only requires licensed dealers and sellers at gun shows to run background checks. There is a big loophole, because an individual can sell a gun privately to an individual and is not required to do a background check on that person before the sale.

As others have already stated, the general American public overwhelmingly supports the requirement of background checks on any gun sale, including individual sellers.

Summary:

- These 2 bills will not reduce ALL of the deaths by firearms, but these 2 bills are thoughtful parts of the picture of safety.

- When put together these laws will provide better safety for all people in our communities, while still allowing citizens to own their guns.

Therefore, I urge the Corvallis City Council to declare their support of these 2 bills, SB 347 and SB 700.

Thank you.

LoErna Simpson

LoErna Simpson

34th N of Polk

Tyler 3th W

34th E on Polk to 31st

34th S Polk to Harrison

35th S Polk to Harrison

Van Buren E 32nd to 30th

CITY OF CORVALLIS
COUNCIL WORK SESSION MINUTES

May 22, 2013

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 7:00 pm on May 22, 2013 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Manning presiding.

I. ROLL CALL

PRESENT: Mayor Manning, Councilors Sorte, Hervey, Brauner, Brown, Beilstein, York, Traber, Hirsch

ABSENT: Councilor Hogg (excused)

Mayor Manning welcomed Budget Commissioners Wright, O'Brien, Carone, Butcher, and Bull. Also present was City Manager Patterson, Department Directors, City staff, and citizens.

Finance Director Brewer briefed Council about the Hewlett-Packard (HP) tax appeal decision (Attachment A). Based on tax assessments beginning 2008, the estimated HP refund is $9.5 million. Assessed proportionately to all Benton County taxing jurisdictions, the City's share will be approximately $2.4 million, including the 80 percent Corvallis Rural Fire Protection District (CRFPD) pays to the City from their property tax revenue. A decision by the Oregon Department of Revenue about an appeal to the Supreme Court is expected in the next few weeks. Benton County will pay the refund from FY 2013-14 property tax revenue, which will impact the City's property tax revenues. City Department Directors agree that it is best to pay the refund as soon as possible to stop the 12 percent interest accrual. This information will be shared with other County taxing jurisdictions during a meeting the County will schedule to discuss HP refund alternatives.

Staff is working on impacts to the current fiscal year (FY) budget and the 2013-2014 proposed budget. Strategies to address the $2.4 million expense include:

- A discretionary spending freeze has been initiated. No discretionary purchases or projects planned but not started will be implemented for the remainder of this FY. Monies saved will be set aside in the fund balance reserve.
- Staff proposes to use the $967,911 that was placed in the fund balance reserve by Council in FY 2011-12 to offset the loss of property tax revenues. The City will continue to build the fund per the directed amounts identified in the Financial Policy for the current FY and FY 2013-14.
- Consider an interfund loan from System Development Charge (SDC) balances to manage cash flow; essentially borrowing from ourselves. The loan will be repaid with interest. During Council's FY 2013-14 budget adoption discussions, staff will provide information about the interfund loan amount, appropriations, and proposed interest rate.

There are two primary areas of concern for the FY 2013-14 budget. The HP tax court decision reduces assessed values in the City by $117 million. For FY 2013-14, the City's property tax revenues from the permanent tax rate will decrease by $600,000 and local option levy tax revenue will decrease by $52,650. In addition, the Library Service District will lose $46,180. Total revenue loss is approximately three percent of projected revenue. Most likely, the City's property tax revenue for FY 2013-14 will be flat or below FY

2012-13 levels. Even without paying the refund, these losses place the proposed FY 2013-14 budget out of balance and it will no longer meet Council's definition of a sustainable budget.

Ms. Brewer reviewed staff's recommended strategies to pay the refund:

- Public Employee Retirement System (PERS) rates are estimated to be 2.5 percent lower for FY 2013-14, based on adopted State legislation. This translates to a $412,370 savings in the General Fund (GF).
- Local option levy funded services will be managed with fewer resources. Staff will inform United Way of Benton and Lincoln Counties of the $12,000 to $13,000 decrease in funding available for FY 2013-14 social service allocations.
- Departments are discussing how to address the loss of revenues. Information will be submitted in the materials for the FY 2013-14 budget public hearing on June 3.

Regarding debt service, Ms. Brewer said the General Obligation (GO) Debt Fund cannot absorb the $90,600 refund associated with the HP appeal. During the June 3 budget public hearing, staff will recommend increasing the levy amount for GO debt service in order to make the FY 2013-14 bond payments, and to keep the GF from absorbing the $90,600 revenue loss. This recommendation requires a re-publication of the proposed budget and a second budget public hearing on June 17.

Ms. Brewer added that discussions with the City's financial advisor include notification to Moody's, bond market disclosure requirements, and other related issues.

Mayor Manning thanked Ms. Brewer and the Finance Department staff for aggressively addressing this issue during the last 48 hours.

Ms. Brewer responded to questions posed by Councilors.

Councilor Traber: What was the expected ending reserve balance for FY 2012-13?
Ms. Brewer: $2.9 million. When the proposed FY 2013-14 budget was presented, staff believed the reserve fund would be fully funded in four years instead of five. This action will increase that time line to five years.

Councilor Brown: The 12 percent interest rate seems punitive. Is there a reason it is so high?
Ms. Brewer: State law dictates the amount. Several efforts to reduce the interest rate have failed.

Councilor Hervey: The existing local option levy is rate based. How much will the levy lose?
Ms. Brewer: The refund share in the local option levy is $158,000 and the estimated revenue loss for FY 2013-14 is $52,650.

Councilor York: Benton County set aside tax revenues for this purpose. Are those monies restricted to their use only?
Ms. Brewer: Several times in the past, Benton County has withheld $1 million from tax distributions in expectation of the HP appeal. Those funds have been used to pay other appeals. A few years ago during an attempt to reduce the 12 percent interest rate, the State made it allowable for counties to refund taxes paid during an appeal process. If the appeal failed, the taxpayer would be required to pay the taxes. The counties were not required to pay the 12 percent interest because they were not holding taxpayer money. The $1 million withheld in the current FY has been used to pay appeal refunds to Comcast and Timberhill. Another sizeable appeal has been filed and the County will also refund those dollars while the appeal is in process.

Councilor York: What is the status of the Comcast appeal?
Ms. Brewer: The money has been refunded to Comcast, but the appeal decision has not yet been made.

Councilor Traber: How does the interfund loan work?
Ms. Brewer: Department Directors are trying to balance fiscally prudent decisions (refund the HP amount to stop accruing interest) with the impact on operations, services, jobs, and citizens. The interfund loan would be the minimal amount needed with payback to begin in FY 2014-15. Interfund loans are for one year, but Council could decide to pay a portion back in the first year and re-loan the money for another payback in FY 2015-16.

Councilor Traber: Rolling forward parts of the debt will undermine Council's direction to pay for current operations with current revenues. [This is also known as the green line.]
Ms. Brewer: The payback on the debt will come from the green line.

Councilor Traber said the non-payback portion does not fall within the green line. The $600,000 loss in FY 2013-14 will never be returned, and the $117 million assessed value is removed from each fiscal year. New development may replace some of those funds, but not quickly. It is reassuring to know that an interfund loan can help with some of the refund, which softens the impact on the FY 2013-14 operating budget. Staff might consider providing alternatives that more dramatically change the FY 2013-14 operational budget in the spirit of the green line.

Ms. Brewer responded that an interfund loan is similar to a personal bank loan. She noted that the City cannot borrow money from a bank for operations unless it is paid back in one year.

Ms. Brewer added that, due to the timing of the HP decision, staff has two weeks to prepare a balanced budget. Resolving this refund issue by cutting programs and services places the burden on citizens who are paying taxes for services they would no longer receive. If Council wants to deal with this issue on a long-term basis by cutting additional ongoing costs, direction needs to be given during the June 3 public hearing for consideration on June 17. If a balanced budget can be adopted for FY 2013-14, planning for future years can begin. Moving toward a longer-term plan makes more sense, as noted in Mr. Patterson's budget message, and allows the City to strategically address long-term costs.

In response to Councilor Traber's comments about the HP assessments, Ms. Brewer said the refund brings HP's assessed value back to 2012. HP can also appeal the next tax assessment.

Ms. Brewer agreed with Councilor Traber's summary that staff is trying to find a way to pay the $2.4 million refund without using all operations funds at once; that it would not be appropriate to dramatically cut services to pay the refund; and, staff is considering alternatives to deal with the changes in recurring revenue.

Councilor Brown said this is a perfect lesson in why the City must have reserves. He stated concern about negative reserving in the long-run, but understands the short-term need to adopt a FY 2013-14 budget. Negative reserving will become an important issue in the future.

In response to Commissioner Carone's inquiry, Ms. Brewer said Benton County indicated that no organization has ever waived the 12 percent interest.

Commissioner Carone suggested Mayor Manning ask HP to waive the 12 percent interest. He encouraged staff and Council not to panic and do something in two weeks that may be regrettable in the future.

II. UNFINISHED BUSINESS

A. Tax Levy / Levies Discussion

Mayor Manning said Council has pending issues related to potential funding for City services beyond adoption of the FY 2013-14 budget, which include renewing the current local option levy that will expire in 2014 and proposing a new local option level supporting public safety services.

Commissioner Wright noted his experience working on levies for the City and Benton County. In considering what might be approved by the voters, he believes combining the two issues (renewal and public safety) on one ballot has a better chance of passing. There are many citizens who support Osborn Aquatic Center (OAC), the Library, and Chintimini Senior Center. Large groups do not support police and fire services. All City services are important and if they are presented as a single-levy, the probability of it passing is as high as the renewal passing. If Council refers two separate levies, he recommends the renewal for the November election and the public safety levy for May 2014. He noted that the public safety levy is not perceived as replacing current services or preventing a reduction in services. Citizens need to be educated about why the Scott Zimbrick Memorial Fire Station #5 (Station 5) needs to be reopened and why additional police officers are needed. He added that the downside to presenting two levies is "levy fatigue." Eventually voters become unhappy with continual requests for more money.

Commissioner Butcher stated support for a single levy. In response to her inquiry, Mayor Manning explained that a renewal is essentially a new levy and Council can modify how funds are used.

Commissioner Butcher suggested funding Police and Fire services through the GF by using Library and Parks (OAC and Senior Center) GF monies and increasing the current levy by the same amount to fund Library and Parks. Library and Parks would receive the same amount of funding, but from a different source.

Commissioner Butcher opined that the funding amounts the Library and Parks are currently receiving from the levy are not sufficient and need to be significantly increased, especially with the proposed reductions for FY 2013-14. She inquired as to the dollar amount of the levy if the renewal and public safety options are combined.

Councilor Traber stated concern about the failure of a levy that is the primary support for Library and Parks. It would be a high risk venture for both departments.

In response to Councilor Traber's inquiry about the election time line, Ms. Brewer confirmed that the details of the levy (amount, what it funds, etc.) need to be determined by July 1. Council would need to pass a resolution to forward the levy to the ballot.

Councilor Traber said Council needs to discuss levy renewal options and changes. Expenses and funding have changed since the levy was approved. The Parks and Recreation Department adopted a new cost recovery model that needs to be considered. It may be more appropriate to refer a levy for a March or May 2014 election. He agreed that it would not be appropriate to refer two levies on the same ballot.

Ms. Brewer noted that a March election requires a double majority.

Councilor Brown stated support for a combined levy. When the current levy was presented, the voters were told that services would be cut if the levy did not pass. If the levy expires, the City is obligated to follow-through on those directions or the public loses faith in what the City is doing. Voter participation levels will be important to the decision about when to place a levy on the ballot.

Councilor Brauner agreed that one combined levy is preferable. The time line to refer a levy for the November election is tight; however, Council already has most of the details and can easily decide which items to include. If the levy is not approved by the voters in November, a renewal of the current levy could be referred for the May election. If Council waits until May to refer a levy, and it is not approved, there will be a gap in services before another levy can be referred to the voters.

Councilor Beilstein noted that two years ago public safety accounted for 108 percent of the total property tax revenues. That has declined some due to budget reductions in Police and Fire. Public safety costs more than what is collected in property taxes.

Councilor Beilstein supports a single levy and November election. He believes Council can make a decision about levy details during the June 3 Council meeting.

Councilor Brown agreed that a decision can be made quickly if Council has the data about what items can be included in the levy.

Commissioner Bull agreed with forwarding a combined levy in November if the information can be gathered and made easily understandable. The levy needs to identify funding amounts and clarify how funds will be used.

Councilors Brown, Traber, and Brauner all stated preference for a five-year levy.

Councilor Brauner agreed that the levy information needs to be clear. Council has the data needed to decide what can be included in the levy. The public safety items were discussed in relation to a fee on the City services billing. The remaining items are being funded by the current levy or are a restoration of prior reductions.

Commissioner O'Brien agreed that a five-year levy is the best option. He expressed concern about convincing voters to approve a levy that protects existing services and includes new services. He suggested Council consider a levy for general operating funds versus service specific funds. This would gauge the value citizens place on government services and provide Council with more flexibility to spend revenues as needed. It is one way to rebuild citizen trust in government.

Councilor Hervey agreed that Council has current public safety information. Since the levy passed, additional budget reductions have occurred in Library and Parks. It will be important to see proposals from those departments related to redistribution of funds.

Councilor Brauner said Council knows what was in the levy and what was reduced over the last three years. The decision is related to which items are important enough to include in a levy. He is not proposing including items that the City has never had before.

Commissioner Butcher said non-specific general levies are often not successful. Defining specific services for the large group of citizens who support Parks and Recreation is what passed the current levy. Citizens were told that the levy would give the City time to look at the budget. Citizens will remember those remarks and question why the City is asking for more money.

Councilor Traber reported that the Parks and Recreation Department created a cost recovery strategy for OAC, recreation programs, and the Senior Center. This will change the dollar amount needed. The renewal cannot be exact since some of the structure has changed.

Councilor Brauner said the City has spent three years trying to find solutions. Staff explored alternative revenue sources and adding taxes onto utility bills. There are no other solutions other than major budget reductions and/or property tax levies.

Councilor Brown agreed that it has been difficult to find revenue sources for the last few years. Public trust is essential and the levy will need to be explained clearly so citizens understand the implications of their vote.

Commissioner Wright noted that the current levy was specific. He agreed with Commissioner O'Brien that a general operating levy is better government; however, a better election comes from telling the voters exactly what they are getting.

Commissioner Bull explained that when the current levy was being considered, survey data was available that indicated how much citizens were willing to spend to support a levy that included specific items. One way to build trust is to find ways to do things better. She inquired whether there are things the City would like to be doing better or more efficiently, but cannot due to the lack of funding. She opined that it is worth thinking about whether this levy can fund new ways of doing things.

Mayor Manning said she is impressed with what City staff has done with less funds. Sometimes this forces more creativity and innovation. The City has secured many grants for software, equipment, and other items. Staff is on board with that type of thinking.

Mayor Manning summarized the general consensus: One levy referred to the November 2013 election with a five-year term and specific services are to be determined. She encouraged Council to discuss a tax rate and noted that the current levy tax rate is $0.45/$1,000. This generates less than $2 million for current services. A tax rate of $1/$1,000 generates approximately $4 million in revenues.

Commissioner O'Brien said the main point of Mr. Patterson's budget message was slow growth in property tax revenue related to high growth in City expenses. This could also be expressed as slow economic growth combined with increasing expenses. Property tax revenues could be enhanced by a moderate growth in City development. He understands that the public safety levy request was driven by a shortfall and the number of police officers needed. It also included a request for fire staff. He noted that other than repeated testimony

from CRFPD, only one citizen testified in support of reopening Station 5 during the last two budget cycles. Citizens are not requesting Station 5 be reopened. The number of reductions in the Community Development Department impede economic growth in Corvallis. If Council considers a levy, it is crucial to add an enhancement for Community Development to return them to pre-reduction staffing levels. They are critical to continuing economic vitality in Corvallis.

Councilor Sorte noted that in the 2012 Citizen Attitude Survey (CAS), the highest support for a levy item was reopening Station 5. He suggested Councilors read *Our Patchwork Nation: The Surprising Truth About the "Real" America* (Dante Chinni and James Gimpel) and *The Signal and the Noise: Why So Many Predictions Fail - but Some Don't* (Nate Silver), and review the outcome of the 14 levies that were on Oregon's May ballots. He noted that the CAS includes relevant information and he requested cross-tabbing by Ward, gender, and age.

Councilor Sorte said he would also prefer a general operating fund levy. According to Nate Silver's book, the value of homes did not grow between 1896 and 1996 in terms of real dollars; the values only kept up with inflation. The City cannot rely on citizens to cover the tax structure. Other considerations should be early retirement buyouts and cutting staff to .75 full-time equivalency (FTE), forcing the remaining .25 FTE to be raised through grants, contracts, and/or fees. If the City does not do this, the public needs to know that every five years a request for levy renewal will be made.

Councilor Sorte added that he supports a five-year levy and tax rate of $1/$1,000. A quick survey would determine what citizens will approve.

Councilor Brown said to determine a tax rate, Council can look at the cost of the programs included in the levy compared to CAS responses and make an estimate of what amount might be approved.

Councilor York said the City should follow through on any statement about cutting a service if funding cannot be found. Council needs to discuss which items are important to include in the levy. She does not believe all of the items on the public safety levy list or renewal need to be included.

In response to Councilor Hervey's inquiry about an interfund loan from SDC having a direct impact on Capital Improvement Program (CIP) funding, Ms. Brewer said there are reasonable balances in the Street, Water, and Wastewater Funds. Staff will take into account the balances and proposed CIP projects and recommend which funds will be most appropriate for the loan.

Councilor Hirsch said he has been convinced that one levy is the best choice. He agrees with a five-year levy, and said he will support a tax rate more than $1/$1,000 if the City can justify the need.

Commissioner Bull said she supports including items that can be supported by a levy outside of the renewal and public safety lists. She is frustrated by the increased funding for economic development when the Planning Division has their funding decreased. She

advocates funding basics (legal obligations to the City) without cuts. The next tier for funding is a levy that includes items citizens and staff want beyond the basics.

Commissioner O'Brien said promises were made three years ago to take steps to improve the financial constraints in the City budget. Much was accomplished in those three years and those are the items that need to be articulated if Council refers a levy. More can be done on vacation and sick leave accruals, privatization of services, and eliminating low-priority, non-required services in the City.

Mayor Manning said it would be useful to discuss the kinds of strategic suggestions for those people who may work on a Political Action Campaign (PAC) if Council decides to refer a levy.

Councilor Traber said Council is considering one levy for a multitude of items, including renewing what is already being done and restoring previous cuts. The CAS indicates citizens want City government to cut costs and look for new revenue. The City needs to continue to work on managing personnel costs and unfunded liabilities to be fiscally responsible.

Commissioner Butcher said the information suggested by Councilor Traber is good for the media, but not when knocking on doors to seek citizen support. Talking points need to be clear and concise. Councilor Brauner agreed.

In response to Councilor Sorte's inquiry about what must be accomplished by July 1 and forwarded to Benton County by September 5 for a November election, Ms. Brewer said the elections time table includes publishing the ballot language, allowing for appeal period and judicial review, and other items. Ms. Brewer will need to clarify the time table with Assistant to City Manager/City Recorder Louie to determine whether the decision can be postponed to a special Council meeting after July 1.

Councilor Sorte said Council needs to know the legal constraints of referring a levy before and after the decision is made. This includes when staff stops working on levy associated items and removes levy related materials from the City's Web site.

In response to Councilor Hervey's inquiry about next steps, Councilor Brauner said a special Council meeting may need to be scheduled. More specific election dates can be reviewed at the June 1 Council meeting. If September 5 is the last day to file notice of levy with the County, then all levy items must be decided by that date. Not everything needs to be done by July 1. A decision to refer a levy triggers next steps.

Commissioner Bull stated concern about not adopting a sustainable budget. The levy will not solve the next step toward sustainability, which addresses increasing costs and declining revenues.

III. ADJOURNMENT

The work session adjourned at 8:41 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

MEMORANDUM

May 22, 2013

TO: Mayor, City Council, and Budget Commissioners

FROM: Nancy Brewer, Finance Director

SUBJECT: **Hewlett-Packard Tax Appeal – More Information**

I. Issue

To update the City Council and Budget Commission on the Hewlett-Packard (HP) appeal.

II. Scope

As noted in my memo dated May 20, 2013, the total amount of the HP refund, assessed proportionately to all taxing jurisdictions in Benton County, is $9.5 million. The City's share can be identified as follows:

Permanent rate	$1,794,560
General Obligation Bonds	90,594
Local Option Levy	158,127
City of Corvallis	$2,043,281
Benton County Library District	210,986
80% of Rural Fire Protection*	100,170
Total likely cost	$2,354,437

* The Corvallis Rural Fire Protection District amount was inadvertently left off the list on the May 20 memo. The CRFPD pays 80% of its property tax collection to the City each year; the figure above assumes CRFPD will maintain that ratio for the refund.

III. Implications

The implications of this tax court decision are many, varied, and complex. Summarized and grouped, and reflecting the knowledge we have today, implications are:

A. Appeal – Whether or not there will be an appeal is a decision the Department of Revenue will make in conjunction with the Attorney General's office. Our understanding at this point is that DOR is taking the matter under consideration and hope to make a decision in the next couple of weeks.

B. The refund – Benton County Finance will pay the refund out of FY 13-14 property tax revenue paid to the County. The City will not have an expenditure related to the refund; rather the impact to the City of Corvallis will be a reduction in the property

tax revenue turned over during the course of the year. Benton County Finance staff is expected to meet with taxing jurisdictions to obtain their input on whether to pay the refund in one lump sum or over a period of five years. Department Directors have discussed this issue and are in agreement that it would be considerably better to pay the refund once and not continue to accrue 12% interest on the outstanding balance over five years; Finance Department staff will provide that perspective at the taxing jurisdiction's meeting, expected to occur next week.

Staff's recommended strategy – Department Directors met Tuesday morning to discuss possible strategies for making the refund. To the greatest extent possible, Directors unanimously agreed that further service, program, and position cuts in the FY 13-14 budget should be avoided. To meet that objective, Directors recommend using the following mechanisms to address the refund:

a. Discretionary spending freeze – no discretionary purchases or projects planned but not started will be implemented for the remainder of fiscal year 12-13. Budget Office staff is working with departments to determine how much this may save that would be set aside in the fund balance reserve at June 30, 2013, much like the one-time set-aside done last fiscal year.

b. Use the $967,911 in one-time fund balance reserve set-aside from FY 11-12 to offset the loss in property tax revenue. City Council used this money to fund the reserve faster than policy required, and the purpose of the reserve is to shelter the City from unexpected financial challenges exactly like the one the City faces with this refund. By limiting the draw on the reserve to only the one-time set-aside, the City continues to build the reserves by the Financial Policy directed set asides in FY 12-13 and FY 13-14.

c. Put in place an interfund loan, borrowing from ourselves from cash reserves in another fund (likely SDC balances) to manage the cash flow. This will require re-paying the loan, with interest (at a rate significantly lower than 12%), but should allow operations to continue. The amount of this loan is currently unknown and will depend largely on some of the other issues addressed here.

C. FY 13-14 Budget – The Budget Commission's recommended budget now has two primary areas of concern:

a. **Sustainable Operations** – another outcome of the tax court's decision is that H-P's assessed value will drop by $117,000,000. This translates to a FY 13-14 reduction of $600,000 in property tax revenue from the permanent tax rate and $52,650 in lost revenue from the local option levy; the Library Service District would lose $46,180. This comes on top of a couple of smaller appeals that have already reduced expected revenue and led to current fiscal year re-payments. The total revenue loss is about 3 percent of projected revenue, so even with some new development coming onto the tax rolls, it is likely the City's property tax revenue for FY 13-14 will be flat or below FY 12-13 levels. This places the FY 13-14 budget out of balance even without making the refund and the

budget no longer meets the City Council's definition of a sustainable financial operation.

Staff's recommended strategy – like the strategy to pay the refund, this has multiple steps:

1. PERS rates are expected to be lower for FY 13-14 based on adopted and signed legislation that is projected to drop rates by around 2.5% of payroll or $412,370 in the General Fund. Other legislation may occur that would drop rates even further, but since nothing has been passed staff is reluctant to rely on any additional PERS savings.
2. Local option levy funded services will be managed with fewer resources. To that end, United Way will be informed of the expected $12,000 to $13,000 decrease in monies available for allocations in FY 13-14.
3. The balance of how to address the funding loss is being discussed by departments. A plan will be forthcoming with the budget public hearing staff report.

b. **Debt Service** – revenue losses in FY 12-13 due to the Timberhill valuation appeal will leave the ending fund balance in the GO Debt Fund below target, so the fund will not be able to absorb the $90,600 refund associated with the HP appeal. The levy amount for debt service proposed by staff and recommended by the Budget Commission is now inadequate to make the scheduled FY 13-14 bond payments. At the City Council Public Hearing on the budget, staff will recommend the Council increase the levy amount. This will require re-publication of the budget and a second public hearing at the June 17 City Council meeting before the Council can adopt the budget, but in my opinion is the best way to keep from having the General Fund absorb this $90,600 in revenue loss.

IV. Requested Action

No action is required at this time. This is provided as an update to the City Council and Budget Commission on what is known or surmised at this point in time, and to provide the City Council and Budget Commission with information on the strategies staff is implementing to address this significant funding shortfall. More information will be forthcoming to the City Council as part of the public hearing process scheduled for June 3.

Review and Concur:

City Manager

DRAFT
CITY OF CORVALLIS
INVESTMENT COUNCIL MEETING
May 9, 2013
MINUTES

The City of Corvallis Investment Council meeting was called to order at 7:30 a.m. on May 9, 2013, in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon.

ROLL CALL

Present: Jim Patterson, Nancy Brewer, Scott Fewel, Bill Mercer, Janet Chenard, Jeanna Yeager and Rebecca Wrobleski
Absent: Richard Hervey

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
Introductions/Overview	X		
Approve Minutes of February 15, 2013			Approved as drafted.
Fiscal Year 2012-2013 Third Quarter Review	X		
Addition of OSU-Federal Credit Union to City's Approved Financial Institutions List	X		Approved by email vote in advance of meeting.
Open Discussion	X		
Adjournment – 8:00 a.m.			

CONTENT OF DISCUSSION

I. INTRODUCTIONS/OVERVIEW

City Manager Jim Patterson called the meeting to order and noted three items for discussion with open questions at the end of the meeting.

II. APPROVES MINUTES OF FEBRUARY 15,2013

Mr. Patterson invited any corrections to the minutes from February 15, 2013 meeting. There being none, the minutes were approved as drafted.

III. Fiscal Year 2012-2013 Third Quarter Review

Accountant Jeanna Yeager read the following statement regarding the economic outlook:

Following their January meeting, the Federal Open Market Committee released in its March 20th statement that economic activity has continued to increase at a moderate pace in recent months. Although employment has risen slowly, the unemployment rate remains elevated. Housing market conditions continued to improve but fiscal policy has become more restrictive.

Inflation has been lower than anticipated, apart from temporary variations that reflect higher energy price fluctuations, and longer-term inflation expectations have remained stable.

To support continued progress toward maximum employment and price stability, the Committee expects to maintain a highly accommodative stance of monetary policy and plans to keep the federal funds rate exceptionally low – in the 0 to quarter percent range, at least as long as unemployment remains over 6.5 percent.

Ms. Yeager presented the Quarterly Portfolio Summary for the quarter ending March 31, 2013 (Attachment A). The third quarter showed a net decrease in ending cash balances of approximately $2.6 million. A drop is to be expected, and cash balances should continue decreasing until next November when the next influx of property taxes occurs. Investment purchases included a Polk County School District municipal bond in February for $500,000, which will mature in June 2016. The City's total portfolio book yields have decreased by four basis points. The Core portfolio remained stable, and the State Pool dropped six basis points over the quarter. The Two-Year Treasury dropped one basis point over the period.

City Attorney Scott Fewel confirmed with Ms. Yeager that the Total Portfolio return was 0.58 percent at the end of the quarter.

Mr. Patterson asked for clarification on the reference to more restrictive current fiscal policy. Ms Yeager stated that this comment was with regard to lending practices. Budget and Financial Planning Manager Janet Chenard noted that the whole concept of apparent long term stability prevailing is in the context of "stabilized at a very low level." This adverse economic situation has been going on for several years now, and appears to be expected to continue for at least a few more years.

Mr. Fewel expressed confusion about the fact that there seemed to be more good news lately about the housing market improving, and stock markets rebounding. Finance Director Nancy Brewer responded with additional information on the local community, business and lending practices and the impact on how the markets look at municipalities as investments. There was continued discussion that housing values in Corvallis are increasing, but that actual permits for single family housing starts still are not at the volume they have been in the past.

The discussion continued on to the current legislation and the reporting implications of the Public Employee Retirement System (PERS) liabilities in the future.

Citizen representative Bill Mercer questioned if the City's PERS obligation has gone up year over year. Senate Bill 822, in the process of being signed by the governor, may decrease the City's employer rate from the originally calculated percentage change. This rate change should be

determined later this year, and would be retroactive to July 1, 2013. There is a 3.6% - 4.6% rate increase built into the FY 2013-14 Proposed Budget depending on the plan the individual is in and based on rates given to the City by PERS. Further discussion related to possibly setting aside any savings from a decreased rate in a specified PERS reserve for future costs, and information on the impending GASB requirements for additional disclosure of the City's pension liability.

Mr. Fewel raised the issue of possibly moving funds from the State Pool to other higher yielding investments since the LGIP rate is so low at 0.58 percent. Ms. Yeager responded with the information that the City has just made some additional investments that would be addressed under the third agenda item. Ms. Chenard continued the discussion by relaying that there are not a lot of additional investment opportunities out in the market, with appropriately short terms (given summer liquidity needs) that have better returns than the State Pool at this time. The City's investment advisor is primarily considering the municipal bond market at this time as one of the better options to place the remaining half million of the City's $15 million Core Investment portfolio.

III. ADDITION OF OSU-FEDERAL CREDIT UNION TO CITY'S APPROVED FINANCIAL INSTITUTIONS LIST.

Ms. Chenard noted that members provided electronic approval effective April 8, 2013 to add the Oregon State University Federal Credit Union (OSU-FCU) as an approved Financial Institution for the City of Corvallis. OSU-FCU had recently become a State approved depository, which provided the City with an opportunity to develop a local banking relationship for which a strong community contingent have expressed support.

An investment was made on April 19, 2013 with OSU-FCU for $1 million in a Certificate of Deposit for a three year term at a one percent annual yield. This is a remarkable rate in the current market environment. OSU-FCU has agreed that it would be fine to publicize the City's efforts to enhance local investment. The State requires that there be notification of such transactions with any of these newly approved credit union depositories, to ensure that the State, who will be closely monitoring the credit unions' performance, may quickly contact investing agencies if the credit worthiness of any of these institutions deteriorates. The OSU-FCU is not part of the Federal Deposit Insurance Corporation (FDIC) but participates in the National Credit Union Administration (NCUA) insurance program which also covers up to $250,000 in balances; to hold public monies in excess of the insurance level requires the OSU-FCU to collateralize the balances with the State. In addition to its apparent interest in being a lender for local government, OSU–FCU has made it clear that it would like to be the City's primary depository institution in the future.

IV. OPEN DISCUSSION

The next Investment Council Meeting has been tentatively scheduled for August 8, 2013 at 7:30am. Deanne Woodring from Davidson Fixed Income Management, the City's Investment Advisor, will be attending the next meeting, so this date or another will be confirmed with the investment council members electronically. Ms. Chenard asked that every one please double check their calendars since August can sometimes be difficult to get a quorum of attendees due to summer vacations.

V. ADJOURNMENT

The meeting was adjourned at 8:00 a.m.

DRAFT

CITY OF CORVALLIS
MINUTES OF THE PUBLIC ART SELECTION COMMISSION
May 23, 2013

Present
Chi Meredith
Josh Hackenbruck
Bill Laing
Joel Hirsch, Council Liaison

Staff
Steve DeGhetto, Assistant Director
Jackie Rochefort, Parks Planner
Claire Pate, Recorder

Absent
Shelley Curtis
Shelley Moon
Paul Rickey, Jr.
Cynthia Spencer

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order/Introductions	
II.	Review of Minutes a. August 16, 2012 b. April 25, 2013	No quorum; postponed to next meeting
III.	Capital Project list for Central Park	
IV.	Visitors' Propositions	
V.	Mandatory Review of Council Policy 98-4.12, Guidelines for Public Art Selection	Postponed to next meeting
VI.	Members eligible for reappointment and elections	
VII.	Selection Policy Process Review and Selection Process Brochure	Postponed to next meeting
VIII.	Adjournment at 4:50pm	The next meeting to be determined in June 2013 at the P&R Conference Room

CONTENT OF DISCUSSION

I. CALL TO ORDER. Steve DeGhetto called the meeting to order at 4p.m. With the absence

of Shelley Curtis, he asked if Hackenbruck would serve as the chair pro tem. It was noted that since there was no quorum, several items would be postponed to the next meeting. Meredith expressed her disappointment that there was no quorum, especially since she had come back from the coast expressly to attend the meeting.

II. APPROVAL OF MEETING MINUTES.

For lack of a quorum, consideration of draft minutes for August 16, 2012, and April 25, 2013, was postponed until the June meeting.

III. CAPITAL PROJECTS LIST FOR CENTRAL PARK

Jackie Rochefort, Parks Planner, introduced herself and talked about the Capital Improvement Program (CIP). The CIP is a 5-year plan identifying capital improvement expenditures throughout the community, and is updated on an annual basis. She said that Public Works oversees the program, but Parks and Recreation is a major player in that a large portion of the projects are under its purview.

The CIP has two criteria for determining whether projects qualify for consideration: 1) they must be valued at $25,000 or more, and 2) need to have a 10-year life span. The City seeks input each year from citizens who suggest various projects. The ones that are appropriate to Parks and Recreation come to her for an initial review process then a review process by a CIP subcommittee which has representation from both staff as well as members of various boards and committees. This subcommittee reviews the projects using additional criteria. Those that meet the criteria are then evaluated for cost estimates as well as what the timing might be for implementation and completion. If a project is put into the first year of the CIP, it has to have identified funding. If it is placed in subsequent years, funding can be determined at a later date.

Once reviewed by the Parks and Recreation CIP subcommittee, projects then go to the City's CIP Commission for a public hearing process. They are then sent to the Planning Commission and Budget Commission for review, and ultimately to the City Council for approval. The CIP is adopted for the next fiscal year as part of the City's Budget.

Rochefort said that PASC might have involvement in various ways. Within a larger capital project there could possibly be a component for public art. For instance, in redoing Tunison Park there had been talk about including some sort of mural or art project along with the walking path. Additionally, this group might review a significant art piece that in and of itself meets the criteria. A member of PASC might possibly be asked to serve on the CIP subcommittee.

In response to questions from commissioners, Rochefort further explained that projects will often move through the five-year queue and still not find funding. The reason for having the projects maintained in the CIP is to increase the possibility of getting grants and financing which generally are awarded to projects that have already been adopted as part of a plan. Funding sources include grants, property tax dollars, Systems Development Charge funds, private donations, partnerships, and money raised by the group "Friends of Corvallis Parks and Recreation." The emphasis lately has been on projects dealing with health and safety. They have also prioritized projects that bring funds back to the City.

IV. VISITOR'S PROPOSITIONS. None

V. MANDATORY REVIEW OF COUNCIL POLICY 98-4.12, GUIDELINES FOR PUBLIC ART SELECTION

DeGhetto said that this had been sent out as part of the packet, and that a review and update of the document needed to be done by June 25, 2013, with recommendations sent back to City Council for consideration. He is looking to the commissioners to make suggestions for changes that might be appropriate, and hopes that a meeting can be scheduled early enough so that this can be accomplished. One change that is needed is one which might accommodate electronic copies of images.

VI. MEMBERS ELIGIBLE FOR REAPPOINTMENT AND ELECTIONS

Chi Meredith, Bill Laing, and Josh Hackenbruck indicated their willingness to continue on as members of PASC.

VII. SELECTION POLICY PROCESS REVIEW AND SELECTION PROCESS BROCHURE.

Consideration of this was postponed to the next meeting.

VIII. ADJOURNMENT

There was discussion about when to have the next meeting, though consensus was that the day and time of the week (Thursdays, at 4pm) worked. Staff will poll the commissioners to determine whether the next meeting would be on June 13, 20, or 27th.

The meeting was adjourned at 4:40pm.

MEMORANDUM

To: City Council Members

From: Julie Jones Manning, Mayor

Date: May 30, 2013

Subject: Confirmation of Appointment to Board of Appeals

At our last regular meeting, I appointed the following person to the Board of Appeals for the term of office stated:

Denise Ruttan
Term expires June 30, 2014

I ask that you confirm this appointment at our next Council meeting, June 3, 2013.

1035

TAX LEVY ELECTION TIMELINE
NOVEMBER 5, 2013 ELECTION
Updated May 28, 2013

Date	**Event**
May 22	City Council Work Session on tax levy/levies
June 3	City Council discussion/decision relating to a tax levy
June 10	City Council Work Session on tax levy (define/consider what is in levy)
July 8	Special City Council meeting for public comments
July 15	City Council approves forwarding tax levy to voters for November 5, 2013 election
July 17	ASC considers Ballot Title and Explanatory Statement
August 5	City Council approves Ballot Title and Explanatory Statement
August 6	Assistant to City Manager/City Recorder (ATCM/CR) publishes "Notice of Receipt of Ballot Title" (August 9 or 10 GT publication)
August 15	Deadline to file dissatisfaction with Circuit Court
August 19 - 23?	Circuit Court holds hearing and decides on ballot title if appealed
September 3	City Council adopts resolution sending tax levy to a vote of the people on November 5, 2013, and directing the ATCM/CR to publish notice of municipal election
September 5	Last day for ATCM/CR to file Notice of City Measure Election and Explanatory Statement with Benton County Elections
Mid October	Ballots in mailboxes
October 19 and 26	ATCM/CR publishes "Notice of Municipal Election" and post in four locations
October 25	Explanatory Statement published in "*the City*"
NOVEMBER 5	**Election**
December 2	ATCM/CR prepares Abstract of Votes and Canvass of Votes to City Council

*** * * MEMORANDUM * * ***

MAY 28, 2013

TO: **MAYOR AND CITY COUNCIL**

FROM: **RICHARD HERVEY, COUNCIL PRESIDENT**

SUBJECT: **MAY 28, 2013, CITY LEGISLATIVE COMMITTEE WORKING NOTES**

1. Call to Order

   The meeting was called to order by Council President Hervey at 7:30 am, with Councilors York and Brauner also in attendance. Also present was Police Chief Sassaman.

2. SB 347 – Gun-Free Zones in Schools

   The Committee reviewed the text of Senate Bill 247 to clarify a few points, reviewed information for Corvallis School District 509J Board Chair Schuster, and heard Chief Sassaman's perspective regarding the effect the Bill's passage would have on the Corvallis Police Department.

   Councilor York moved to recommend Council adoption of a resolution supporting Senate Bill 347. The motion died for lack of a second.

3. Next meeting – June 11, 2013

   The next Committee meeting is June 11.

4. Adjournment

   The meeting adjourned at 7:55 am.

Senate Bill 347

Sponsored by Senator BURDICK, Representative TOMEI; Senators DINGFELDER, HASS, ROSENBAUM, STEINER HAYWARD, Representatives DOHERTY, FREDERICK, GALLEGOS, GREENLICK, WILLIAMSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Modifies crime applicable to possession of firearm, or instrument used as dangerous weapon, while in or on school grounds. Requires entity controlling school grounds to adopt written policy before concealed handgun licensees may assert affirmative defense to crime.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to weapons on school grounds; creating new provisions; amending ORS 166.173, 166.262, 166.360, 166.370, 166.380 and 419A.004; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 166.370 is amended to read:

166.370. (1)**(a)** [*Any*] **A** person who intentionally possesses a [*loaded or unloaded*] firearm or any other instrument used as a dangerous weapon, while in or on a public building, [*shall upon conviction be guilty of*] **commits** a Class C felony.

(b) A person who intentionally possesses a firearm or any other instrument used as a dangerous weapon, while in or on school grounds, commits a Class C felony.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

(A) A firearm in a court facility [*is guilty, upon conviction, of*] **commits** a Class C felony. A person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement officer.

(B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon to a law enforcement officer or to immediately remove it from the court facility. A person who fails to comply with this subparagraph [*is guilty, upon conviction, of*] **commits** a Class C felony.

(b) The presiding judge of a judicial district may enter an order permitting the possession of specified weapons in a court facility.

(3) Subsection (1) of this section does not apply to:

(a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while acting within the scope of employment.

(b) A person summoned by a peace officer to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

(c) An active or reserve member of the military forces of this state or the United States, when engaged in the performance of duty.

[*(d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.*]

[*(e)*] **(d)** A person who is authorized by the [*officer or agency*] **person or entity** that controls the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

public building **or the school grounds** to possess a firearm or dangerous weapon in [*that*] **or on the** public building **or in or on the school grounds**.

[*(f)*] **(e)** An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a firearm in the course of the lawful taking of wildlife.

[*(g)*] **(f)** Possession of a firearm on school property if the firearm:

(A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and

(B) Is unloaded and locked in a motor vehicle.

(4)(a) Subsection (1)(a) of this section does not apply to a person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

(b) Subsection (1)(b) of this section does not apply to a person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun, if the school district or other entity that controls the school grounds adopts a written policy authorizing persons licensed under ORS 166.291 and 166.292 to possess a firearm in or on the school grounds under the control of the district or other entity.

[*(4)*] **(5)** The [*exceptions listed in subsection (3)(b) to (g)*] **defenses described in subsections (3)(b) to (f) and (4)** of this section [*constitute*] **are** affirmative defenses [*to a charge of violating subsection (1) of this section*].

[*(5)(a)*] **(6)(a)** [*Any*] **A** person who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place that the person knows is a school [*shall upon conviction be guilty of*] **commits** a Class C felony.

(b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

(A) As part of a program approved by a school in the school by an individual who is participating in the program;

(B) By a law enforcement officer acting in the officer's official capacity; or

(C) By an employee of the United States Department of Agriculture, acting within the scope of employment, in the course of the lawful taking of wildlife.

[*(6)*] **(7)** [*Any*] **A** weapon carried in violation of this section is subject to the forfeiture provisions of ORS 166.279.

[*(7)*] **(8)** Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a violation of both subsections [*(1) and (5)*] **(1)(b) and (6)** of this section, the district attorney may charge the person with only one of the offenses.

[*(8)*] **(9)** As used in this section, "dangerous weapon" means a dangerous weapon as that term is defined in ORS 161.015.

SECTION 2. ORS 166.360 is amended to read:

166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

(1) "Capitol building" means the Capitol, the State Office Building, the State Library Building, the Labor and Industries Building, the State Transportation Building, the Agriculture Building or the Public Service Building and includes any new buildings which may be constructed on the same grounds as an addition to the group of buildings listed in this subsection.

(2) "Court facility" means a courthouse or that portion of any other building occupied by a circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by personnel related to the operations of those courts, or in which activities related to the operations of those courts take place.

[*(3) "Loaded firearm" means:*]

[*(a) A breech-loading firearm in which there is an unexpended cartridge or shell in or attached to*

the firearm including but not limited to, in a chamber, magazine or clip which is attached to the firearm.]

[*(b) A muzzle-loading firearm which is capped or primed and has a powder charge and ball, shot or projectile in the barrel or cylinder.*]

[*(4)*] **(3)** "Public building" means a hospital, a capitol building, [*a public or private school, as defined in ORS 339.315,*] a college or university, a city hall or the residence of any state official elected by the state at large, and the grounds adjacent to each such building. The term also includes that portion of any other building occupied by an agency of the state or a municipal corporation, as defined in ORS 297.405, other than a court facility **or a building on school grounds**.

(4) "School grounds" means a school as defined in ORS 339.315.

(5) "Weapon" means:

(a) A firearm;

(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife other than an ordinary pocket knife, the use of which could inflict injury upon a person or property;

(c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

(d) An electrical stun gun or any similar instrument;

(e) A tear gas weapon as defined in ORS 163.211;

(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any similar instrument, the use of which could inflict injury upon a person or property; or

(g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

SECTION 3. ORS 166.380 is amended to read:

166.380. [*(1) A peace officer may examine a firearm possessed by anyone on the person while in or on a public building to determine whether the firearm is a loaded firearm.*]

[*(2) Refusal by a person to allow the examination authorized by subsection (1) of this section constitutes reason to believe that the person has committed a crime and the peace officer may make an arrest pursuant to ORS 133.310.*] **For purposes of ORS 166.370 (4)(b), a school district or other entity that controls school grounds may adopt a written policy that authorizes persons licensed under ORS 166.291 and 166.292 to possess a firearm in or on the school grounds under the control of the district or other entity.**

SECTION 4. ORS 166.173 is amended to read:

166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the possession of loaded firearms in public places as defined in ORS 161.015.

(2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

(a) A law enforcement officer in the performance of official duty.

(b) A member of the military in the performance of official duty.

(c) A person licensed to carry a concealed handgun.

(d) A person authorized to possess a [*loaded*] firearm while in or on a public building**, in or on school grounds** or **in a** court facility under ORS 166.370.

(e) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.

SECTION 5. ORS 166.262 is amended to read:

166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or (b) or 166.370 (1)**(a)** if the person has in the person's immediate possession a valid license to carry a firearm as provided in ORS 166.291 and 166.292.

SECTION 6. ORS 419A.004, as amended by section 30, chapter 97, Oregon Laws 2012, is

amended to read:

419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires otherwise:

(1) "CASA Volunteer Program" means a program that is approved or sanctioned by a juvenile court, has received accreditation from the National CASA Association and has entered into a contract with the Oregon Volunteers Commission for Voluntary Action and Service under section 4, chapter 97, Oregon Laws 2012, to recruit, train and supervise volunteers to serve as court appointed special advocates.

(2) "Child care center" means a residential facility for wards or youth offenders that is licensed under the provisions of ORS 418.240.

(3) "Community service" has the meaning given that term in ORS 137.126.

(4) "Conflict of interest" means a person appointed to a local citizen review board who has a personal or pecuniary interest in a case being reviewed by that board.

(5) "Counselor" means a juvenile department counselor or a county juvenile probation officer.

(6) "Court" means the juvenile court.

(7) "Court appointed special advocate" means a person in a CASA Volunteer Program who is appointed by the court to act as a court appointed special advocate pursuant to section 2, chapter 97, Oregon Laws 2012.

(8) "Court facility" has the meaning given that term in ORS 166.360.

(9) "Department" means the Department of Human Services.

(10) "Detention" or "detention facility" means a facility established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders pursuant to a judicial commitment or order.

(11) "Director" means the director of a juvenile department established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

(12) "Guardian" means guardian of the person and not guardian of the estate.

(13) "Indian child" means any unmarried person less than 18 years of age who is:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(14) "Juvenile court" means the court having jurisdiction of juvenile matters in the several counties of this state.

(15) "Local citizen review board" means the board specified by ORS 419A.090 and 419A.092.

(16) "Parent" means the biological or adoptive mother and the legal father of the child, ward, youth or youth offender. As used in this subsection, "legal father" means:

(a) A man who has adopted the child, ward, youth or youth offender or whose paternity has been established or declared under ORS 109.070 or 416.400 to 416.465 or by a juvenile court; and

(b) In cases in which the Indian Child Welfare Act applies, a man who is a father under applicable tribal law.

(17) "Permanent foster care" means an out-of-home placement in which there is a long-term contractual foster care agreement between the foster parents and the department that is approved by the juvenile court and in which the foster parents commit to raise a ward in substitute care or youth offender until the age of majority.

(18) "Planned permanent living arrangement" means an out-of-home placement other than by adoption, placement with a relative or placement with a legal guardian that is consistent with the

case plan and in the best interests of the ward.

(19) "Public building" [*has the meaning given that term in ORS 166.360.*] **means:**

(a) A public building as defined in ORS 166.360; or

(b) School grounds as defined in ORS 166.360.

(20) "Reasonable time" means a period of time that is reasonable given a child or ward's emotional and developmental needs and ability to form and maintain lasting attachments.

(21) "Records" means any information in written form, pictures, photographs, charts, graphs, recordings or documents pertaining to a case.

(22) "Resides" or "residence," when used in reference to the residence of a child, ward, youth or youth offender, means the place where the child, ward, youth or youth offender is actually living or the jurisdiction in which wardship or jurisdiction has been established.

(23) "Restitution" has the meaning given that term in ORS 137.103.

(24) "Serious physical injury" means:

(a) A serious physical injury as defined in ORS 161.015; or

(b) A physical injury that:

(A) Has a permanent or protracted significant effect on a child's daily activities;

(B) Results in substantial and recurring pain; or

(C) In the case of a child under 10 years of age, is a broken bone.

(25) "Shelter care" means a home or other facility suitable for the safekeeping of a child, ward, youth or youth offender who is taken into temporary custody pending investigation and disposition.

(26) "Short-term detention facility" means a facility established under ORS 419A.050 (3) for holding children, youths and youth offenders pending further placement.

(27) "Sibling" means one of two or more children or wards related:

(a) By blood or adoption through a common legal parent; or

(b) Through the marriage of the children's or wards' legal or biological parents.

(28) "Substitute care" means an out-of-home placement directly supervised by the department or other agency, including placement in a foster family home, group home or other child caring institution or facility. "Substitute care" does not include care in:

(a) A detention facility, forestry camp or youth correction facility;

(b) A family home that the court has approved as a ward's permanent placement, when a private child caring agency has been appointed guardian of the ward and when the ward's care is entirely privately financed; or

(c) In-home placement subject to conditions or limitations.

(29) "Surrogate" means a person appointed by the court to protect the right of the child, ward, youth or youth offender to receive procedural safeguards with respect to the provision of free appropriate public education.

(30) "Tribal court" means a court with jurisdiction over child custody proceedings and that is either a Court of Indian Offenses, a court established and operated under the code of custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings.

(31) "Victim" means any person determined by the district attorney, the juvenile department or the court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or youth offender before the juvenile court. When the victim is a minor, "victim" includes the legal guardian of the minor. The youth or youth offender may not be considered the victim. When the victim of the crime cannot be determined, the people of Oregon, as re-

presented by the district attorney, are considered the victims.

(32) "Violent felony" means any offense that, if committed by an adult, would constitute a felony and:

(a) Involves actual or threatened serious physical injury to a victim; or

(b) Is a sexual offense. As used in this paragraph, "sexual offense" has the meaning given the term "sex crime" in ORS 181.594.

(33) "Ward" means a person within the jurisdiction of the juvenile court under ORS 419B.100.

(34) "Young person" means a person who has been found responsible except for insanity under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

(35) "Youth" means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

(36) "Youth care center" has the meaning given that term in ORS 420.855.

(37) "Youth offender" means a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

SECTION 7. The amendments to ORS 166.262 and 166.370 by sections 1 and 5 of this 2013 Act apply to conduct occurring on or after the effective date of this 2013 Act.

SECTION 8. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Rec'd from Councilor York

City Council process to receive and act on collaboration work group recommendations

1. **(Council) The Council recieves, reviews and assigns recommendations.**
    a. All recommendations will treated individually or grouped into like categories.
    b. Generally the recommendations (singly or by groups) will be referred to a standing committee.
    c. Occasionally the Council may choose to send the recommendation to staff directly to begin work. At the same time the Council or Mayor will determine the standing committee that the staff will bring their work to. That committee will follow the work of the staff.
    d. On an exception basis the Council may decide to table or eliminate a recommendation without sending it to a standing committee or staff, to revise it before sending it to a standing committee or to staff, or to take direct action.
2. **(Standing committees, City staff) The work group recommendations are analyzed and prioritized. A recommendation for action is made for Council.**
    a. Generally the assigned standing committee will review the recommendation and discuss the staff or committee work that is needed to proceed. The committee will work with the City Manager to prioritize this work. Based on its analysis and deliberation it will formulate a recommendation for action to be made to the Council. (This follows the regular process for most Council work.)
    b. The Standing Committee will keep the Council informed via minutes and standing reports
3. **(Council) The Council directs action.**
    a. The Council will review the work group recommendation along with related staff work, standing committee deliberation, and public comment. It will direct action in consideration of City resources, Council goals, and City priorities.

5/28/2013 py

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MAY 29 2013
CITY MANAGERS OFFICE

MEMORANDUM

Date: **May 15, 2013**

To: **Mayor and City Council**

From: **Ken Gibb, Community Development Director**

Re: **March 18, 2013 Collaboration Steering Committee Recommendations**

Background:

As noted in the March 27, 2013 memorandum to the City Council (Attachment 1), the Collaboration Corvallis work groups made 14 recommendations to the Steering Committee at the March 18th meeting, all of which were accepted and forwarded to Oregon State University and the City of Corvallis for action. The memorandum also suggested that for some of these recommendations, it would be advisable to have preliminary Council direction prior to engaging staff and community resources in moving these projects forward.

Discussion:

The project management team memorandum to the Steering Committee is provided in Attachment 2 and provides a description of the 14 work group recommendations. Additional background can be accessed via the documents and maps section of the Collaboration Corvallis website.

For review purposes, these recommendations are summarized below with primary implementation assignments identified in ***bold italics***:

1. Support a community policing model by establishing a goal of increasing the ratio of sworn officers from the current rate of 0.96 to 1.2 per 1000 population – ***City***

2. Implement a property maintenance code with a complaint based enforcement model, develop an equitable funding structure to support the program, provide sufficient staffing and utilize education and outreach strategies to engage stakeholders – ***City***

3. Utilize a progressive enforcement strategy to resolve code enforcement complaints – ***City***

4. Seek further information and input from stakeholders to help develop additional programs and policies to address habitability and livability concerns and review options for additional measures to address housing conditions within 2 years of implementing a property maintenance code - ***City***

5. Develop and provide orientation programs to prepare students for living off-campus with topic areas including landlord/tenant laws, pertinent city ordinances, neighborhood livability issues – ***OSU and City***

6. Assign a city department to provide support to neighborhood associations and students in coordination with ***OSU and City***

7. Develop a Community/Neighborhood Welcome program – ***OSU and City***

8. Develop a mediation/conflict resolution service for community members – ***OSU and City***

9. Develop and approve Land Development Code (LDC) amendments that related to lot line adjustments and unusable yard areas ***- City***

10. Develop and approve LDC amendments related to setback requirements for single family attached units ***- City***

11. Develop and approve LDC amendments related to density calculations ***- City***

12. Develop and approve LDC amendments increasing public notice requirements for certain land use applications - ***City***

13. Develop and approve LDC amendments related to minimum density requirements for infill residential projects - ***City***

14. Develop and implement a series of parking management actions including the expansion of parking districts in conjunction with OSU campus parking management actions such as a variable cost pricing structure and enhanced shuttle system – ***OSU and City***

The following will discuss the implementation of the above items with a focus on city actions that are needed to move forward. It is noted that two of the recommendations (property maintenance code and parking districts) will be discussed in more detail with City Council direction requested. This is due to the timing, scope and complexity of these particular recommendations.

Item # 1- Increasing the Number of Sworn Police Officers

The City Council has had recent discussions about the need and funding strategies to address public safety services including the addition of police officers. The proposals under consideration would move the Corvallis Police Department staffing toward the Collaboration Corvallis recommendation of 1.2 officers per 1000 (resulting in 13 additional officers) but not achieve that target goal immediately.

The Council has recently determined that public safety enhancements should be supported by a property tax levy rather than through a city services fee. Discussions are ongoing regarding the scope and timing of such a levy. Therefore, City action related to this item will depend on the Council's decision whether to propose a public safety levy and if so, the ultimate decision by Corvallis voters.

Items # 2, 3 & 4 - Property Maintenance Code and related actions

Attachment 3 provides detail and a request for Council direction on the property maintenance code and related actions that would address recommendations 2, 3 and 4. This is primarily a City responsibility but will involve considerable coordination with OSU through the proposed OSU and neighborhood liaison function.

Items # 5, 6 & 7 – Program development to support off campus student living, assigning city staff for neighborhood association support and developing a community/neighborhood welcome program.

These are largely shared responsibilities with OSU. The recommendations identify the need to provide education on rental housing related contracts and laws, education on city ordinances, roommate responsibilities, and relationships with neighbors and livability issues in general and recommends that a city department be assigned the responsibility to provide neighborhood support. Item 5 sets a target date of spring 2013 for the development of a pilot program while items 6 and 7 identify implementation targets for the fall 2013.

Staff notes that City Housing Division staff currently works with OSU in several of these areas such as student orientation on rental housing issues albeit not through a comprehensive and formal program. The Corvallis Police and Fire Departments also currently address some parts of these recommendations.

As described in Attachment 3, the proposed creation of the Housing and Neighborhood Services Division in conjunction with a property maintenance code and expanded code enforcement services would dedicate additional resources to neighborhood issues and liaison work with OSU. It is envisioned that the liaison role would address off campus living programs collaboratively with OSU as well as other aspects of these proposals.

The recommended pilot program target date of spring 2013 is not attainable. However, should the Housing and Neighborhood Services Division concept move forward, additional staff resources could be in place by early 2014 to support these proposals. Resources would be linked to the funding strategy identified in Attachment 3.

Item # 8 – Mediation/Conflict Resolution Service

This has been identified as a shared responsibility between OSU and the City with a target date of fall 2013. The work group envisioned that in conjunction with additional staffing at the OSU Student Conduct office, additional coordination and possibly direct OSU mediation services could be offered.

City staff will work with OSU over the upcoming months on opportunities to move this recommendation forward.

Items # 9 – 13 - Land Development Code amendments

As called for in the Planning work program recently endorsed by the City Council, Collaboration Project LDC amendments will be included in a package to be developed and presented for Planning Commission review and City Council approval later in 2013. The package will include the above recommendations, previous LDC related proposals

approved by the Steering Committee late in 2012 and measures potentially to be presented to the Steering Committee at the June meeting.

One of the potential recommendations coming from the Neighborhood Planning Work Group is the development of neighborhood design standards. Should that proposal and/or related concepts move forward, additional resources will likely be necessary to help develop specific code language. The proposed 2013-14 city budget includes $25k for this effort as a collaboration related expenditure.

Item #14 – Parking District and Associated Recommendations

Attachment 4 addresses the recommendation to expand parking districts which is the major city implementation responsibility related to the Parking and Traffic Work Group recommendation.

Requested Action:

Staff requests that the City Council review this information, ask questions and provide feedback on the information provided above. In addition, as described in Attachments 3 and 4, preliminary direction is requested regarding moving forward on the Collaboration recommendations related to a property maintenance code and expansion of parking districts.

Review and Concur:

Jim Patterson, City Manager

Mary Steckel, Public Works Director

Jon Sassaman, Police Chief

Nancy Brewer, Finance Director

Attachments:

- Attachment 1 - 3/27/13 Memo to Council
- Attachment 2 – 3/13/13 Collaboration Steering Committee Recommendations
- Attachment 3 – Property Maintenance Cod and Related Recommendations
- Attachment 4 – Parking District Recommendation

Memorandum

Date: **March 27, 2013**

To: **Mayor and City Council**

From: **Ken Gibb, Community Development Director**

Re: **Status of City Actions on Collaboration Corvallis Recommendations**

Council requested a status report on the Collaboration Corvallis recommendations for which the City is responsible. This report will review the status of recommendations accepted by the Collaboration Corvallis Steering Committee prior to the March 18, 2013 Steering Committee meeting. The Council previously received the full agenda packet for that meeting that included matrices summarizing the various recommendations (dated 1/18/13) and the status of implementation dated 3/1/13). These matrices are attached to this memorandum for reference.

There were several additional recommendations approved by the Steering Committee at the March 18 meeting. A process to address the City related implementation of these recommendations will also be previewed in this report.

Status of Collaboration Recommendations Made Prior to March 18

City implementation of some of the previously accepted recommendations is completed, e.g., parking requirements for 4/5 bedroom units, while others are in progress or have been scheduled for future consideration. The attached status review summary provides a snapshot of the actions that are either solely the City's responsibility or are joint efforts with OSU.

March 18 Collaboration Corvallis Recommendations

All of the 14 Work Group recommendations were accepted by the Steering Committee at the March 18 meeting. Many of these have City implementation actions required and include major items such as hiring additional police officers, expanding parking districts and implementation of a property maintenance code. A summary of these items will be presented to the Council in May.

In addition, it is anticipated that at least for some of these recommendations, preliminary direction from the Council will be requested at that time so that staff and community resources can then be invested in moving these projects forward. More information will be developed related to process, timelines, staffing and budget matters and provided to the Council as part of the presentation in May.

Review and Concur:

AIC

James A. Patterson, City Manager

Collaboration Corvallis
Brief Review-Status of City Implementation Actions

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed
	Neighborhood Livability				
1.1	Off Campus Living Guide	City/OSU	2013	Guide Completed. Funding being sought by OSU for printing	Staff Time
1-2	CDP/State Police Coordination	City/OSU	Ongoing	Communication has been enhanced. More CPD officers needed to expand patrols	Additional Police Officers, Public Safety tax being considered
1-3	SRN warnings	City	Ongoing	Expanded use of SRNs within current staffing levels	Additional Police Officers, Public Safety tax being considered
1-6	ITGA participation	City/OSU	Spring 2013	City/OSU planning to join International Town/Gown Association	Travel/Training Budget
1-7	Safer Universities Project	City/OSU	Spring 2013	Secure national expert to visit on April 9th	Grant supported project
2-1	Increase alcohol fines	City	Spring 2013	Ordinance amendments being developed	Staff time
2-2	Social host ordinance	City	Spring 2013	Review related ordinances/policy	Staff time
2-3	Monitor SRN effectiveness	City	Late 2013/early 2014	Evaluate progress through survey	Staff time/small budget for survey ($5,000)
2-4	Gravel parking enforcement	City	Late 2013	Existing conditions survey to enhance enforcement	Staff time/small budget (&5,000)
2-5	Refuse disposal enforcement	City	Early fall 2013	Municipal Code to be amended	Staff time
	Neighborhood Planning				
2-1 through 2-3	LDC definitions	City	Late 2013	LDC changes	Staff time
2-4	Parking requirements	City	Completed Dec 2012	LDC change to address parking for 4/5 bedroom units	Staff time
	Parking and Traffic				
4-1	Expanded CTS service	City	September 2012	Implemented	Only needed if funded runs continue to future years --$30,000

Item No.	Item/Work Group	Primary Responsibility	Timeline	Action/Progress	Resources Used / Needed
4-5	CTS Vehicle Info Service	City	September 2013	RFP published in March 2013; responses due by April 19th.	$500,000 from federal grant plus staff time to implement.
4-6	CTS marketing plan	City	September 2014	City staff met with OSU on February 22, 2013. OSU to do some work and then set next meeting date	$20,000 from OSU and staff time to implement the plan that is developed
4-7	funding for Loop	City and OSU	With start of FY 13-14	Funding level has been established; beginning discussions with Albany and ODOT on how to move FTA grant funds between MPOs	$105,000 increase in funding from CTS to Loop to come from FTA grant funds; results in loss of those funds being used on CTS services
4-8	OSU commitment for CTS funding	OSU and City	No timeline	No progress beyond 2013 agreement	TBD
4-9	on-campus transit hub	City	July 2014	City has secured agreement from MPO to do study as part of their FY 13-14 work plan	$50,000 for the study to come from state planning dollars for transit
4-10	market alternative modes of safe travel	OSU/City	July 2014	City staff to support OSU marketing efforts	Staff time

Collaboration Corvallis Workgroup Recommendation Summary

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Neighborhood Livability	1. Create a sustainable program to mitigate issues associated with having a large student population within neighborhoods. a. Develop livability standards that can be used as a guide for municipal code enactment and OSU Student Conduct standards.	1. Production and distribution of an "Off-campus Living Guide" modeled after similar documents in use at Michigan State University, Colorado State University, the University of Florida, the University Colorado Boulder, and the University of California at Davis.	Increased awareness of information essential for OSU students to successfully transition to living off-campus.
		2. The Corvallis Police Department, Oregon State Police, and the Oregon State University Office of Public Safety should find new and improved ways to collaborate in order to decrease incident response times, and increase law enforcement presence in the neighborhoods near Oregon State University.	Increased efficiencies in providing consistent community policing and proactive education on local and state laws that address alcohol use, nuisances and disorderly conduct, and other factors affecting neighborhood livability.
		3. The Corvallis Police Department no longer issue warnings for Special Response Notices (SRN), but issue the citation upon the first response instance instead.	In comparison to 2011 totals, a substantial Increase in number of SRNs issued between September and June, resulting in fewer calls for service related to disruptive social gatherings, excessive noise, etc.
		4. Oregon State University should amend the Student Code of Conduct to clearly state that the Student Code of Conduct applies to behavior occurring off campus in the Corvallis community. The University should proactively notify students of the aforementioned change.	Increased awareness by OSU students that the Code of Conduct applies to behavior that occurs off-campus, and that the possible sanctions can be imposed in response to incidents that occur off-campus. This knowledge is anticipated to act as a deterrent of behaviors that impact neighborhood livability.
		5. Oregon State University should increase staffing in the Office of Student Conduct and Community Standards to allow for effective enforcement of the Student Code of Conduct against behavior occurring off-campus. It is estimated that it would require an additional two FTE's to accomplish effective off-campus enforcement.	More effective management of off-campus student conduct; including expanded education programs and more efficient implementation of corrective response.
		6. Oregon State University and the City of Corvallis should establish and maintain membership in the International Town Gown Association; and Oregon State University and the City of Corvallis should send delegates to the next annual International Town Gown Association conference.	Improved access to national research on policies and programs designed to improve the social relationships between a university and its host community.

Collaboration Corvallis Workgroup Recommendation Summary

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Neighborhood Livability (cont.)	1. Create a sustainable program to mitigate issues associated with having a large student population within neighborhoods. a. Develop livability standards that can be used as a guide for municipal code enactment and OSU Student Conduct standards.(cont.)	7. Oregon State University and the City of Corvallis should commit resources necessary to fund Dr. Robert Saltz to provide Oregon State University and the City of Corvallis consultation on best practices for enforcement of underage drinking laws and nuisance statutes. Following the Safer California Universities Project guidelines developed by Dr. Saltz, the Neighborhood Livability Workgroup recommends that the Corvallis Police Department and the Oregon State Police perform targeted, publicized, enhanced enforcement weekends.	Through partnering with the Benton County Strategic Prevention Framework, development of strategies that would be applied community-wide to decrease existing rates of underage and high-risk drinking. This would include the creation of strategy effectiveness metrics that would be periodically measured.
	2. Prepare associated municipal code amendments and student conduct standards and move them through the enactment process.	1. The Neighborhood Livability Workgroup recommends that the City of Corvallis amend Municipal Code Section 5.03.040.010.02 as follows, which would impose minimum fines that are consistent with Oregon Revised Statue section 471.410.	Increasing the existing minimum monetary penalties for providing alcohol to a minor to be consistent with State law is expected to serve as a better deterrent of this behavior than existing minimum fines.
		2. The City of Corvallis should amend Corvallis Municipal Code section 5.03.040.010.10 to be consistent with the attached model Social Host ordinance (see Nov. 26, 2012, memo to Steering Committee). The provisions that impose an escalating fine schedule for repeat offenses, and that clearly state each person who contributes to a violation of the ordinance is subject to the associated penalties are critical for addressing neighborhood livability concerns. It is concurrently recommended that the Corvallis Police Department respond to calls for Social Host violations as a top priority call.	Revising the existing Corvallis Municipal Code Section 5.03.040.010.10, as described, is expected to serve as a better deterrent of this behavior than existing penalties. It should be noted, however, that consistent police response to suspected Social Host violations as a top priority call will likely require an increase in the number of sworn officers employed by the Corvallis Police Department.

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Neighborhood Livability (cont.)	2. Prepare associated municipal code amendments and student conduct standards and move them through the enactment process. (cont.)	3. The City of Corvallis Police Department should continue to monitor the effectiveness of the Special Response Notice (SRN) ordinance and recent decisions to impose SRN cost recovery fees more frequently rather than informal "warnings", and continue to share citation reports with the Oregon State University Office of Student Conduct and Community Standards. It is further recommended that, before November 2013, the Corvallis Police Department assess whether the perception of improved neighborhood livability conditions exists in those areas of the city currently experiencing frequent disturbances from social gatherings, and consider the potential effectiveness of increasing the existing SRN 30-day probation period and increasing the fees and/or fines currently imposed through the ordinance.	By November 2013, a determination of whether modifications to the SRN ordinance are necessary to improve neighborhood livability. If modifications are required, it is anticipated that implementation would require up to six months.
		4. The Corvallis City Council should direct Community Development Department staff to devise a plan that facilitates effective and consistent enforcement of Corvallis Municipal Code Section 6.10.040.040(6).	Creation of an accurate physical survey of existing gravel parking areas that would be used to enforce against the creation of additional gravel parking areas, as prohibited by Corvallis Municipal Code Section 6.10.040.040(6).
		5. The City of Corvallis should amend Corvallis Municipal Code Section 4.01.070 by removing the words "promptly" and "before it becomes offensive", and revise the associated language so it is clear and objective.	Increased ease of enforcing Corvallis Municipal Code 4.01.070, making the regulation more effective at controlling the improper management of refuse on private property.
Neighborhood Planning	2. Review current development standards, and identify potential measures that would minimize potential impact from the creation of high density housing in or near lower density residential areas.	1. In order to encourage affordable housing built specifically for low-income residents, who typically have lesser needs for parking, the City Council should direct City Planning staff to develop Land Development Code language that would exempt multifamily affordable housing development, defined as units made available for rent or purchase by households at or below 60 percent of the Area Median Income, from the parking requirements for four- and five-bedroom units.	Removal of a potential disincentive for developing additional housing in Corvallis consistent with Federal regulations pertaining to affordable housing for low-income individuals and families.

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Neighborhood Planning (cont.)	2. Review current development standards, and identify potential measures that would minimize potential impact from the creation of high density housing in or near lower density residential areas. (cont.)	2. The definition of "Family" contained in Chapter 1.6 of the Corvallis Land Development Code should be amended to include the term "domestic partnership", and be inserted after the word "marriage" as it appears in the current definition.	Clarification that the term "Family" includes domestic partnerships.
		3. A definition for the term "Residential Home" should be added to Land Development Code Chapter 1.6, and that the term be added to the existing list of residential use classifications contained in Chapter 3.0. The language for each should be consistent with the definition provided in Oregon Revised Statute Section 197.600(2).	Clarification that a "Residential Home", as defined in Oregon Revised Statute Section 197.600(2), is a permitted use.
		4. The off-street parking standards in Land Development Code Section 4.1.30 should be amended to address duplex, attached, and multi-family dwellings with more than three bedrooms. Units with four bedrooms should require the provision of 3.5 parking spaces, and units with five bedrooms should require 4.5 parking spaces. Similar adjustments to standards for on-site bicycle parking should also be made.	Revising the Land Development Code to include parking standards for multi-family units with four or five bedrooms is expected to reduce the potential for additional neighborhood parking impacts, as well as promote infill development that is more compatible with existing neighborhoods.
	3. Review opportunities to provide housing for OSU students that are compatible within the community. a. Evaluate ways to increase on-campus housing, such as on-campus living requirements, public-private partnerships, etc. b. Consider the merits and means to incentivize off-campus housing in preferred target areas such as downtown Corvallis, greenfield sites, etc.	1. OSU should strive to increase the percentage of undergraduate students living on campus through means such as entering into public-private partnerships to develop housing that is closer to market rates, and developing housing that is attractive to upper division students and allows more independence and autonomy for students. New housing should be designed so students don't have to bring cars to campus and reserves land for future housing demand. Based on a review of on-campus housing supply at comparator institutions identified by OSU in its Strategic Plan, as well as consideration of other factors, it is recommended that 28-30 percent of OSU undergraduate students are able to live on campus by 2019.	Provision of on-campus housing for up to an additional nine percent of the undergraduate student population. Based on data available in the 2011 Housing Study commissioned by University Housing & Dining Services and the number of new multi-family units permitted by the City of Corvallis as of June 2012, the rental housing vacancy rate is expected to increase to roughly 4-5 percent if 28 percent of the undergraduate student population lives on campus. This additional amount of housing on campus would minimize pressure on existing neighborhoods surrounding the OSU campus to accommodate increased student housing.

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Neighborhood Planning (cont.)	3. Review opportunities to provide housing for OSU students that are compatible within the community. a. Evaluate ways to increase on-campus housing, such as on-campus living requirements, public-private partnerships, etc. b. Consider the merits and means to incentivize off-campus housing in preferred target areas such as downtown Corvallis, greenfield sites, etc. (cont.)	2. OSU should include in their Campus Master Plan a chapter on student housing that sets goals, objectives, and targets for the percentage of students living on campus, and incorporates the land use planning necessary to achieve those goals, objectives, and targets. Goals should include providing housing on campus for a minimum percentage of students physically enrolled at the Corvallis campus. A determination of the minimum percentage should consider the potential impacts of OSU's enrollment growth on neighborhoods surrounding the campus that could be mitigated through on-campus housing. To the extent practicable, the Campus Master Plan should designate preferred sites to accommodate housing for the minimum percentage of students, which will provide greater assurances to University Housing & Dining Services and prospective development partners that land is available for this purpose.	Greater focus through the Campus Master Plan on how and where additional on-campus student housing can be accommodated. The recommended range of 28-30 percent of undergraduate students being able to live on campus should be used as a benchmark for updates to the Campus Master Plan. Identification of specific sites for new housing is expected to facilitate University Housing & Dining Services' efforts to plan new housing facilities.
		3. OSU place a priority on exploring the use of Public/Private Partnerships and other options that would facilitate development of an innovative on-campus village-style housing project for students, faculty, and staff. Elements for OSU to consider as part of such a project include: (see Nov. 26, 2012, memo to Steering Committee).	Strategic consideration of the use of Public/Private Partnerships to deliver new housing on campus for students, faculty, and staff in combination with retail space and recreational facilities; similar to the West Village project in Davis, California.

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Parking and Traffic	3. Find opportunities to better manage traffic volumes and parking impacts within study area.	1. Increased marketing and educational outreach for existing transportation demand management resources. • Increasing awareness of Corvallis Transit System (CTS) routes that directly serve the OSU campus and target areas of Corvallis with high OSU student, faculty, and staff residency. • OSU should develop and distribute educational literature to new and returning students about the trade-offs of bringing a car to Corvallis. OSU increase publicity of its existing rideshare program, which is implemented through the Office of Sustainability in partnership with Cascades West Rideshare and the "Drive Less. *Connect.*" program.	Within the OSU campus population, increased awareness of the availability and effectiveness of alternate transportation modes that could replace trips made via single occupancy vehicles. See the Aug. 8, 2012, memorandum to the Steering Committee for more information.
		2. Fully fund the on-campus bike-share program currently under development by the OSU Student Sustainability Initiative (SSI) and the Department of Recreational Sports (DRS) that would be available to OSU students, faculty, and staff. (See Aug. 8, 2012, memo to the Steering Committee for more details.)	Expansion of the existing bike rental fleet that is available to OSU students, faculty, and staff, which would increase options for traveling by bike to and from campus on a regular basis, or as needed.
		3. Install wayfinding signage at State Highway 34 bypass intersection to encourage parking at Reser Stadium and the 26th Street parking garage on campus.	Increased awareness by individuals who commute to the OSU campus on State HWY 34 of on-campus parking options. Redirection of trips to the south side of the OSU campus and away from residential neighborhoods along the north boundary that are currently experiencing parking impacts.

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Parking and Traffic (cont.)	3. Find opportunities to better manage traffic volumes and parking impacts within study area (cont.)	4. In order to promote full utilization of available parking on the Oregon State University campus, including under-utilized parking facilities on the east side of campus, at Reser Stadium and in the Gill Coliseum Garage, OSU should undertake full consideration and the implementation in Fall 2013 of a variable pricing on-campus parking program that would create higher parking permit fees for parking in the campus core and in parking lots near the north campus border and lesser parking permit fees in lots at Reser Stadium, other identified lesser-used parking lots and the Gill Coliseum garage.	Increased utilization of on-campus parking facilities such as the parking lots near Reser Stadium and the parking garage near Gill Coliseum, which regularly have utilization rates of less than 25 percent. Decreasing the price for parking in areas further away from the core of campus is also intended to function in tandem with expanded neighborhood parking management off campus to further encourage increased utilization of on-campus parking facilities.
	4. Leverage transit system and OSU shuttle as much possible	1. Annual OSU contribution of an additional $30,000 to fund CTS service expansions for Routes 5, 6, and C1. (See Aug. 8, 2012, memo to the Steering Committee for more details).	Increased transit ridership on key routes that are heavily used by OSU students, faculty, and staff. Projected ridership increases for the identified service expansions totaled approximately 11,000 trips annually.
		2. Improved schedule and route coordination between CTS and OSU Shuttle.	Reduce the number of single occupant commuter trips to the OSU campus occurring at peak travel times, but also improve service levels for students, faculty, and staff who must travel to and from campus multiple times each day. It will be necessary for staff from the City of Corvallis and OSU's Transit and Parking Services to review the existing routes and schedules to identify opportunities for improving service coordination. Such discussions might also include the logistics of implementing a seamless GPS-based transit vehicle tracking system, which is a new management tool both entities are currently considering independently.

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Parking and Traffic (cont.)	4. Leverage transit system and OSU shuttle as much possible (cont.)	3. The mission of the OSU Shuttle should be immediately redefined to emphasize transit services between on-campus parking facilities on the fringe of campus, future transit hubs serving CTS and the OSU Shuttle, and service to a handful of core campus destinations.	The OSU shuttle provides a critical service for transporting students, faculty, and staff between the campus core and outlying areas. Its ability to operate efficiently is anticipated to become even more important to facilitate changes in on-campus parking management. Reinforcing the mission of the shuttle to focus on these duties is expected to help minimize traffic and parking impacts in neighborhoods surrounding campus.
		4. The OSU-Shuttle should fully implement a GPS positioning system (VIS) for its buses and actively promote public use of mobile applications that provide shuttle users "real-time" information on the location and time at which the shuttle will arrive. It is strongly encouraged that the GPS tracking system compliment and be compatible with GPS tracking information generated by similar systems implemented in the future for the Corvallis Transit System.	Implementation of VIS is expected to improve shuttle ridership due to the ability for riders to more accurately plan trips by having access to real-time data on the shuttle's location and projected time of arrival at each stop. These benefits are expected to be even more significant if the system is coordinated with a VIS implemented for the Corvallis Transit System.
		5. The City of Corvallis should implement a fully operational GPS system for its buses by September 2013, and actively promote the use of mobile applications that provide CTS users "real-time" information on the location and time in which CTS service will arrive.	Implementation of VIS is expected to improve CTS ridership due to the ability for riders to more accurately plan trips by having access to real-time data on the shuttle's location and projected time of arrival at each stop. These benefits are expected to be even more significant if the system is coordinated with a VIS implemented for the OSU Shuttle.
		6. The city of Corvallis should adopt; fully fund; and implement a transit marketing and communications plan for CTS that targets at least a 20 percent increase in transit ridership and frequency among residents and employees working within two miles of the OSU campus. This program will be conducted to complement efforts to reduce the impacts of traffic and parking associated with the growth of OSU campus, LBCC Benton Center and employment in the downtown.	As articulated in the recommendation, the marketing and communications plan is expected to generate at least a 20 percent increase in transit ridership. The actual period of time over which this increase occurs was not specified, but should be set by City staff in order to compel adjustments to marketing strategies if ridership gains are not occurring at a significant rate.

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Parking and Traffic (cont.)	4. Leverage transit system and OSU shuttle as much possible (cont.)	7. A funding agreement should be reached by April 30, 2013 between the cities of Corvallis and Albany, the counties of Linn and Benton, Oregon State University, LBCC and other partners to at least sustain, if not grow, current transit service levels provided by the Linn-Benton Loop.	Sustained service of the Linn-Benton Loop bus routes, which serve commuters who regularly travel between Albany, Corvallis, OSU, and LBCC is expected to help maintain, if not decrease, the number of single occupancy vehicle trips made daily between these destinations.
		8. A historical evaluation and full understanding should be provided related to the 2004 OSU Campus Master Plan commitment that calls upon Oregon State University to fully fund expansion of CTS service as necessitated by OSU growth. The city of Corvallis and OSU should undertake discussions to mutually agree on a defined process and outcomes by which any future transit funding commitments are made by -- or requested of -- the University.	A review of the commitment made in the OSU Campus Master Plan to fund OSU-related CTS service expansions is expected to give both organizations the opportunity to establish a specific and detailed agreement for how, to what extent, and when such funding contributions shall be made.
		9. The city of Corvallis, along with Oregon State University and other regional transit providers should undertake a study to consider the development of a transit hub/transit center located on or adjacent to the OSU Campus. The objectives of this study would be to determine: the cost of creating such a transit hub; whether such a hub would promote – and to what degree -- increased use of transit services provided by CTS and other regional providers; whether such a hub would more effectively connect and serve the OSU campus and LBCC's Benton Center by transit; whether such a hub would link well to OSU Shuttle service serving campus destinations; variable funding sources for such a hub; and what measurements for expanding transit service to the proposed hub would be utilized. This study would be completed by Aug. 1, 2013.	The expected recommendation outcomes are articulated in its language.

Workgroup	Scope of Work Objectives	Recommendations	Expected Outcomes
Parking and Traffic (cont.)	4. Leverage transit system and OSU shuttle as much possible (cont.)	10. The city of Corvallis and Oregon State University should undertake a communications, marketing and public engagement campaign to promote alternative modes of safe travel within targeted residential areas that are within two miles of the core of the University campus. The purpose of this campaign would be to promote the recommendations presented by the workgroup to the Steering Committee for consideration at the November 29, 2012, meeting, as well as any subsequent recommendations regarding alternate transportation modes.	The expected recommendation outcomes are articulated in its language.

Collaboration Corvallis Workgroup Recommendation Disposition

Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Neighborhood Livability	No. 1-1 Off-campus Living Guide	Oregon State University • Office of Student Conduct and Community Standards • Division of University Relations and Marketing City of Corvallis • City Manager's Office	6 to 12 months. OSU used existing staff to update guide. OSU's cost to print is $2,200. Distributed beginning spring term 2013.	2	Final guide is complete and ready for printing. OSU Division of University Relations and Marketing is coordinating with Benton County Strategic Prevention Framework staff to obtaining funding for production. (12-21-12)
	No. 1-2 Corvallis Police Dept./Oregon State Police coordination	Oregon State University • Oregon State Police • University Office of Public Safety City of Corvallis • Police Department	Ongoing; however, initiation of discussions to explore opportunities for enhanced patrols on weekends should occur as soon as possible. Enhanced communication with City and Sheriff's office using existing OSP staff. Additional staffing necessary (each Sworn Officer @ $100,000)	Enhanced Communication: 1 Funding additional Sworn Staffing: 5 OSU: 2	CPD has worked with OSP/OSU and OSU Office of Student Conduct enhancing sharing of information beyond existing Mutual Aid agreements. Existing legal limits regarding jurisdiction and enforcement authorization remain. Enhanced patrols require additional officers. CPD and OSP coordinate patrols as appropriate based on known activity.
	No. 1-3 Eliminate Special Response Notice (SRN) "warnings"	City of Corvallis • Police Department	Immediate. We've implemented strict enforcement of SRN's and CNP's. (in-kind staffing/ moderate effort) Additional Sworn Staff: (each Sworn Officer @ $100,000)	Strict Enforcement: 3 Funding additional Sworn Staff: 5	Police Department has begun issuing SRNs consistent with this recommendation. However, it is anticipated that additional staffing will be necessary to sustain this practice long term. (12-21-12)
	No. 1-4 Amend Student Code of Conduct	Oregon State University • Office of Student Conduct and Community Standards	6 to 12 months. Requires OAR amendment that should be in effect by fall of 2013.	1	

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Collaboration Corvallis Workgroup Recommendation Disposition

Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Neighborhood Livability (cont.)	No. 1-5 Increase Student Conduct Staffing	Oregon State University • Office of Student Conduct and Community Standards	6 months. Anticipate 2.5 FTE at a cost of $220K.	3	Additional staffing has been authorized. Anticipate filling these new positions by summer 2013.
	No. 1-6 City/OSU ITGA Membership and Annual Conf.	Oregon State University • Office of the President City of Corvallis • City Manager's Office	3 to 6 months. Membership: $800 Annual Conf.: $2,000 per person; 1 staff member each from City and OSU	1	
	No. 1-7 Consult with Dr. Robert Saltz on California Safer Universities project	Oregon State University • Office of the President • Oregon State Police • University Office of Public Safety City of Corvallis • City Manager's Office • Police Department	3 to 6 months. Currently coordinating with Benton County Strategic Prevention Framework to pay costs for Dr. Saltz consultation. Dependent upon strategy development Recruitment to hire and realize effective tasks no less than 1 year. (In-kind staff/ Moderate effort) Additional Sworn Staff: (each Sworn Officer @ $100,000)	Consultation Planning and Coordination: 2 Recruitment & Hiring: 3 Funding additional Sworn Staff: 5	Staff from the Benton County Strategic Prevention Framework and Collaboration Corvallis have contacted Dr. Saltz to identify dates when he could attend meetings in Corvallis with relevant stakeholders, and begin an assessment of opportunities for implementing strategies utilized in the Safer California Universities project. It is currently anticipated that Dr. Saltz will visit Corvallis in April (3-1-13). Enhancing staffing to address underage drinking laws and nuisance statutes through a targeted and publicized campaign require additional staffing and/or officers on overtime.
	No. 2-1 Increase minimum fines for providing alcohol to minors	City of Corvallis • City Manager's Office • Police Department • City Attorney's Office	Spring 2013 (Target - end of March) (In-kind staff/ Moderate effort)	2	Staff is developing ordinance modification and reports for council consideration modifying fine amounts to be consistent with State Statute. (3-1-13)

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Collaboration Corvallis Workgroup Recommendation Disposition

Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Neighborhood Livability (cont.)	No. 2-2 Adopt specific elements of a Social Host Ord.	City of Corvallis • City Manager's Office • Police Department • City Attorney's Office	Assessment, decisions and ordinance modifications completed by Sept. 2013. (In-kind staff/ Moderate effort) Additional staffing necessary (each Sworn Officer @ $100,000)	Evaluate/Modify Ordinances: 3 Funding additional Sworn Staff: 5	Social Host ordinance overlaps existing ordinances. A comparative analysis is being conducted to determine if existing ordinances should be modified or updated. Existing ordinances address Alcohol offenses, SRN, CNP, Disturbance and noise issues. Increased investigatory requirements are counter-productive to enforcement efficiencies. Additional staff are needed to enforce at levels desired by the Livability work group. CPD will continue to triage and prioritize calls for service based on nature of call and staffing levels.
	No. 2-3 Monitor effectiveness of SRN ordinance; report by Nov. 2013	Oregon State University • Office of Student Conduct and Community Standards City of Corvallis • City Manager's Office • Police Department	SRN Ordinance modifications for initial response cost recovery is anticipated to be completed by Sept. 2013. (In-Kind staffing/ Moderate effort) Livability Conditions Survey – November 2013. Complete by February 2014 Cost - $5,000 (In-kind staffing/Moderate effort)	Evaluate/Modify Ordinance: 3 Livability Report: 4	Staff will begin to explore enhancing the SRN ordinance to recover initial response costs. Sharing of information with OSP/OSU and Office of Student Conduct has been improved and occurring now. We recommend the Work Group conduct a survey to assess livability conditions in November 2013. Extending the SRN Ordinance probation period beyond 30 days must consider fairness for residents who didn't live at the location yet are subject to a second response penalty. Preliminarily this may have legal challenges.

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Collaboration Corvallis Workgroup Recommendation Disposition

Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Neighborhood Livability (cont.)	No. 2-4 Gravel parking area enforcement	City of Corvallis • Community Development Department	Completed by December 2013 $5,000 (In-kind staffing/Moderate effort)	3	Physical survey of existing gravel parking areas to create baseline.
	No. 2-5 Refuse disposal enforcement	City of Corvallis • Community Development Department	Completed by August 2013 (In-kind staffing/Moderate effort)	2	Change Municipal Code language to provide for easier enforcement.
Neighborhood Planning	No. 2-1 Affordable housing parking exemption	City of Corvallis • Community Development Department	December 2013 (In-kind staffing/Minimal effort)	2	Part of LDC Collaboration Package
	No. 2-2 Amend LDC def. of "family"	City of Corvallis • Community Development Department	December 2013 (In-kind staffing/Minimal effort)	2	Part of LDC Collaboration Package
	No. 2-3 Add LDC def. of "Residential Home"	City of Corvallis • Community Development Department	December 2013 (In-kind staffing/Minimal effort)	2	Part of LDC Collaboration Package
	No. 2-4 LDC parking standards for 4- and 5-bedroom units	City of Corvallis • Community Development Department	December 2012 (In-kind staffing/Major effort)	4	The City of Corvallis has completed the necessary public hearing process for the recommended Land Development Code amendments, and they were implemented as of December 2012. (12-21-12)

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Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Neighborhood Planning (cont.)	No. 3-1 On-campus housing for 28-30% of undergrad students by 2019	Oregon State University • University Housing & Dining Services	6 years Growing from current 18% to 30% would be an increase of 3,187 students based on 2019 projected enrollment. Our planned new residence hall costs approximately $90K/bed. This will leave 2,858 left to grow by 2019. Using this cost/bed, OSU would need to spend approximately $257M to house to a total of 30% of undergraduates in 2019, using traditional bond financing methods. In addition to additional residence halls, growing to 30% would require an additional dining facility, which would cost approximately $12M. OSU will be constructing a new 324 bed residence hall in April, opening fall of 2014 at a cost of $30 million. Hard cost $21 million, soft cost plus fees $9 million.	Currently planned residence hall: 3 Plan for future publicly funded residence halls: 5	On-going investments are being made in existing inventory to improve quality of life while minimizing costs to residents. The New Student Residence Hall will begin construction in April 2013. See No. 3-3 for update on PPP that may be able to help address the objective of housing 30% of undergrads.
	No. 3-2 Housing chapter in Campus Master Plan	Oregon State University • Campus Planning	18-24 months. Housing will be addressed more thoroughly in the CMP update. No cost, as staffing and funding are already anticipated.	1	

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Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Neighborhood Planning (cont.)	No. 3-3 Public/Private Student Housing	Oregon State University	Timeframe: If project is feasible – 2 years for project completion. Cost associated with project delivery will be based on partnership agreement. In-kind staff / Major effort	Requires legal counsel involvement, market analysis, financial agreements. Requires significant planning and review at each stage: 3	UHDS has completed the first phase - Exploration of Interest: UHDS has developed a first draft of a Request for Proposal (RFP) as the second phase.
Parking and Traffic	No. 3-1 Increased TDM marketing	Oregon State University • Division of University Relations and Marketing • Campus Operations City of Corvallis • Public Works Department – Transportation Division	6 to 12 months. Beginning March, 2013, the OSU Sustainability Office and URM will be working collaboratively to increase TDM marketing. Specific costs need to be confirmed with Steve, but it would be reasonable to invest at least $1000 winter quarter and $3000 spring quarter. If City's assumption that OSU takes the lead is correct, the cost for the City would be characterized as minimal. OSU anticipates increased TDM marketing as early as this fall if tiered parking is implemented. $20,000 for marketing materials.	Difficulty of effort to increase marketing (City): 2 OSU: 3	Programs included will be the bike rental program, Drive Less Connect (carpool system), use of CTS and OSU Shuttle, and bicycle and pedestrian options. Methods will begin with print and social media, continued events targeting bicycle and pedestrian commuters and incentive/awards for those using alternatives to the single occupancy vehicle. Recommendations are targeted to the OSU campus population so assume OSU will take the lead. City will provide support/ information to OSU for their efforts on campus.

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Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Parking and Traffic (cont.)	No. 3-2 Fund on-campus bike share program	Oregon State University • Student Sustainability Initiative • Department of Recreational Sports • Campus Operations – Sustainability Program	Implemented Jan.7, 2013. Estimated startup costs (Brandon to confirm) were $3,840 with $2,000 coming from the Student Sustainability Initiative and $1,840 (of $4,000 max allocated) coming from the Collaboration via Steve Clark and Brandon Trelstad. Ongoing O&M costs will be covered by rental fees ($35/term, $10/week, $3/day) and Rec Sports.	2	Operated by Recreational Sports, the bike loan program began operation Jan.7,2013. As of early February, two of the 14 bikes in the fleet were rented. Additional marketing and outreach will occur over Feb. and Mar.2013. Website: http://oregonstate.edu/ssi/feature/20130113-osu-bike-loan-program Contact Brandon Trelstad for more info.
	No. 3-3 Parking wayfinding signage	Oregon State University	OSU to lead. 6-9 months. In kind – Major $10,000 for signage	OSU: 4 ODOT follows strict guidelines for signage on highways and this may not be a permitted use: 4	Oregon Department of Transportation controls signage on the State highway.
	No. 3-4 On-campus variable parking permit pricing	Oregon State University • Campus Operations – Transit & Parking Services	12 months. Cost – TBD	3	OSU intends to develop variable parking permit pricing with possibly a phased implementation to coincide with the City's execution of parking districts around campus. The first phase could be implemented by Fall 2013 .

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Parking and Traffic (cont.)	No. 4-1 OSU funding for expanded CTS service	Oregon State University • Division of University Relations and Marketing City of Corvallis • Public Works Department – Transportation Division	Routes implemented September 2012 Cost: $22,880 No specific agreements in place for FY14.	Difficulty of effort to expand operations: 2	The service expansions have been operational since the end of September 2012. The recommendations and expected outcomes may need to be refined as a result of discussions between OSU and the City on this item. OSU has committed to fund additional runs on three CTS routes (5, 6, and C1) for one year only (i.e. FY 12-13). The funding amount is $22,880. OSU and the City of Corvallis are finalizing an intergovernmental agreement for one year of funding support for the additional runs. A commitment beyond that one year has not been determined. Based on the previous ridership of the affected routes, a more realistic target for the expected outcome is 8,500 trips (not 11,000)

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Parking and Traffic (cont.)	No. 4-2 Improved CTS/OSU Shuttle coordination	Oregon State University • Campus Operations City of Corvallis • Public Works Department – Transportation Division	3 to 6 months. (depending on when work completed to set shuttle purpose and schedule) For City, cost is mainly in staff time and is expected to be moderate. OSU – In-kind / Moderate effort	Provided coordination of systems will actually result in expected outcomes (i.e., shuttle is best suited for getting folks around campus from south and west parking areas; CTS is best suited for getting folks to the north and middle of campus. May not be much overlap of riders: 3	Potential for coordination will depend on whether there is overlapping purpose between the two transit systems, on what is the proposed shuttle schedule, and on the specific shuttle route times and stop locations. First meeting to took place in early February 2013. Follow-up work assigned and next meeting to be scheduled by OSU in early March. OSU has implemented GPS units on campus shuttles. City to implement GPS by fall of 2013.
	No. 4-3 OSU Shuttle emphasis as transport between campus fringe and core	Oregon State University • Campus Operations – Transit & Parking Services	OSU - This should be completed by a transit specialist at $10,000 - $15,000; 3-6 months. OSU will need one to two more shuttles that are ADA accessible at $100K each. OSU will need additional drivers from First Student at a cost of $X.	OSU: 3	

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Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Parking and Traffic (cont.)	No. 4-4 OSU Shuttle implement Vehicle Info Service	Oregon State University • Campus Operations – Transit & Parking Services	3 to 6 months. OSU has implemented a GPS shuttle tracking system the initial cost for the equipment was $900 and the recurring subscription costs are $85 per month per bus. To fully implement the system we will need to update signage at all of the shuttle stop locations. Estimated cost for signage updates is approximately $250 per sign location, anticipating 12 to 15 signs. This could be completed during the summer.	2	Transit & Parking Services staff initiated a VIS trial run in Nov. 2012 and intended to continue the test for several months to determine how to best configure the system. Final purchase and implementation is expected before the Fall 2013 term. (12-21-12)
	No. 4-5 CTS implement Vehicle Info Service	City of Corvallis • Public Works Department – Transportation Division	September 2013 Part of a $500,000 project	Significant workload to review proposals, secure vendor, configure and install product, and work through bugs: 4	Request for Proposals for VIS system to be published in February 2013. Expected Outcomes text "the shuttle's location" should be replaced with "bus locations".

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Collaboration Corvallis Workgroup Recommendation Disposition

Workgroup	Scope of Work Objective No. – Recommendation No. [1]	Organization(s) Responsible for Implementation	Anticipated Implementation Timeframe / Estimated Cost	Magnitude of Difficulty [2]	Implementation Status / Comments
Parking and Traffic (cont.)	No. 4-6 City implement CTS Marketing Plan	City of Corvallis • Public Works Department – Transportation Division • Oregon State University -- Division of University Relations and Marketing	12 to 18 months. September 2014 $20,000	No CTS staff capacity or expertise: 5	The recommendation would ideally reflect a joint effort between the City and OSU to develop a marketing plan. CTS does not have the staff capacity or expertise to do this work. City to work with OSU Marketing resources to develop a plan to make progress toward the objectives. OSU has initiated a first meeting. After discussion with staff, a more realistic percentage of increased ridership in both the Recommendations and Expected Outcomes section would be 10% (vs. current 20%)
	No. 4-7 City/OSU funding for Linn-Benton Loop	City of Corvallis City of Albany Oregon State University Linn-Benton Community College Benton County Linn County	May 2013 About $210,000 needed to make up lost revenue sources for the Loop Negotiations between City of Albany (who runs the Loop) and other partners is complete for FY14 funding amounts. OSU agreed to $102,000 for FY14, a significant increase above the current FY13 funding level of $81,900 Corvallis contribution proposed to increase from ~$20k to $125k, which means $100k reduction for CTS service	Difficulty to establish 'fair' funding model among partners and to reallocate scarce funds from each agency's current services to Loop (City): 3 OSU: 2	Historical ridership statistics show 70% associated with either OSU or LBCC. All partner organizations listed have been meeting throughout the winter to discuss possible funding models. A final proposal is being reviewed for approval. No additional support from OSU has been requested for the Loop for FY13. OSU has agreed to the increase noted to the left for FY14. Please contact Brandon Trelstad for more info.

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Parking and Traffic (cont.)	No. 4-8 Evaluate OSU commitment for CTS funding	Oregon State University • Division of Finance and Administration City of Corvallis • City Manager's Office • Public Works Department – Transportation Division • Community Development Department	6 months. To be discussed.	OSU: 2	As noted above, there is an agreement nearly final for supplemental funding for additional runs during FY13, but no commitments have been made for FY14.
	No. 4-9 Evaluate need for on-campus transit hub	Oregon State University Linn-Benton Community College City of Corvallis Corvallis Area Metropolitan Planning Organization	Study completed by July 2014 Cost to support MPO planning effort is major.	Significant work to evaluate need, determine location(s) and perform cost/benefit analysis: 5	City met with OSU in early February 2013. City sought MPO planning support and project is included in MPO proposed work plan for FY 13-14. More realistic schedule is July 2014.
	No. 4-10 Marketing to promote alternate modes of safe travel	Oregon State University • Division of University Relations and Marketing • Campus Operations City of Corvallis • City Manager's Office • Police Department • Public Works Department	July 2014 Cost for City is moderate	Develop, implement, and manage a campaign with constrained staff resources: 4	Objective appears to be to market the changes made as a result of the Collaboration process; therefore timeframe moved to after an expected implementation of the feasible recommendations. City staff will provide support to OSU.

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MEMORANDUM

TO: **Collaboration Corvallis Steering Committee**

FROM: **Eric Adams, Project Manager**

DATE: **March 13, 2013**

SUBJECT: **Third Round of Work Group Recommendations**

Provided below is the third round of recommendations that have been developed by each of the three Collaboration Corvallis work groups directly in response to the Scope of Work objectives.

I. Neighborhood Livability Workgroup Recommendations

Scope of Work Objective 1 – Create a sustainable program to mitigate issues associated with having a large student population within neighborhoods

a. **Develop livability standards that can be used as a guide for municipal code enactment and OSU Student Conduct standards**

Recommendations

1. **In order to allow the Corvallis Police Department to return to a Community Policing model that emphasizes cost-effective education and outreach strategies designed to proactively address community livability; to facilitate more consistent and effective enforcement of existing and proposed Corvallis Municipal Code regulations regarding nuisances, disorderly conduct, vandalism, and alcohol violations; to improve the safety of both the community and police officers who respond to the community's calls for service; and to promote and sustain livable neighborhoods throughout Corvallis; the Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis establish a goal of increasing the ratio of sworn police officers from the current rate of 0.96 per 1,000 residents to 1.2 sworn officers per 1,000 residents.**

   Basis for Recommendation

   The work group has revisited its recommendation on the topic of police staffing levels, which was originally presented to the Steering Committee at its November 29, 2012, meeting, but

returned for further consideration. In particular, the Steering Committee requested that the work group:

- Investigate whether it would be possible to improve neighborhood livability through more efficient coordination of existing law enforcement staff of the Corvallis Police Department, Oregon State Police, and Benton County Sherriff;
- Consider opportunities for strategic enforcement of Municipal Code regulations that respond to high-profile neighborhood livability issues;
- Discuss whether expanding education and outreach programs might proactively address behavior that detracts from livable neighborhoods;
- Explore whether non-sworn OSU public safety officers or civilian patrols could help with off-campus community policing; and
- Consider additional work load and staffing issues that might impact the City of Corvallis Municipal Court, Benton County Jail, and District Attorney's Office.

Since the November 29, 2012, Steering Committee meeting, the following actions have occurred relative to the five requests noted above.

1. Improved coordination between the Corvallis Police Department, Oregon State Police, and OSU Office of Student Conduct and Community Standards has increased identification of OSU students charged with violations of Oregon law and/or the Corvallis Municipal Code, which instigates follow-up communications with those students by the OSU Office of Student Conduct and Community Standards.
2. The Corvallis Police Department began strictly enforcing the Special Response Notice ordinance, which requires payment of enforcement costs associated with subsequent responses to the same property within 30 days of an initial citation. Increasing and maintaining enforcement of this ordinance at current levels has caused some Corvallis Police Department officers to incur overtime because of existing staffing levels.
3. The City of Corvallis has tentatively been awarded a $142,000 state grant to implement an electronic citation system, which will significantly improve the efficiency of existing prosecution, data tracking, and administrative tasks completed by the Municipal Court and Police Department.
4. The Corvallis Police Department and Collaboration Corvallis project staff have conducted additional research on police staffing levels from comparator jurisdictions, and, to the extent possible, have taken the associated crime rates into consideration. Additional discussion of these comparators is provided below.
5. The Corvallis Police Department provided the work group with a detailed comparison of the city's total population, OSU's student population, total calls for service, and number of sworn officers for Fiscal Years 1991/1992 and 2011/2012. Fiscal Year 1991/1992 was the last year in which the sworn officer ratio was near 1.2 per 1,000 of total population. See Attachment A for more information.

6. The Corvallis Police Department discussed with the Municipal Court, District Attorney's Office, and Benton County Jail potential impacts to their work loads and staffing requirements if citation rates were increased as a result of a higher ratio of sworn officers. In general the Benton County Jail and District Attorney's Office noted they had been able to accommodate the rate of prosecutions when the Corvallis Police Department's sworn officer ratio was closer to 1.2 per 1,000 of total population, and anticipated being able to return to that same level of service if the current sworn officer ratio increased. They also noted that most citations issued by the Corvallis Police Department are prosecuted by the Corvallis Municipal Court, particularly those often related to neighborhood livability concerns. The Municipal Court anticipates that the new electronic citation system mentioned above will provide additional work load capacity that could accommodate an increased number of citations, assuming an increase occurred.
7. The Corvallis Police Department has had discussions with Collaboration Corvallis project staff, as well as staff from the Benton County Strategic Prevention Framework, concerning enforcement expectations related to recent recommendations to modify existing Municipal Code regulations dealing with alcohol violations. Forthcoming consultations with Dr. Robert Saltz of the Safer California Universities project, and the likelihood of recommendations to institute targeted enforcement and publication of enforcement outcomes, have also been discussed in light of existing staffing levels. Lastly, items related to education and outreach programs that are included with this most recent round of recommendations from the work group were reviewed for potential demands on current police staffing.
8. The Corvallis Police Department has provided the work group with a description of current cost containment initiatives, which include:
    - Reduced annual budget of $1,600 for volunteer crime prevention and similar community resource programs;
    - Continuation of "No Report Written" (O-6) call for service response, estimated to have saved approximately $294,000 in office time for 2012;
    - Continuation of the "CopLogic" online reporting system, estimated to have saved $33,950 in officer time for 2012; and
    - Phone-based reporting by non-sworn staff, estimated to have saved approximately $55,000 in officer time for 2012.

In addition to this information, the work group has also reviewed the following.

1. Statistical information on the percentage of calls for service logged in 2012 for each of the three Corvallis Police Department districts, as well as the corresponding percentages of total population. The Central District, which includes most of the Collaboration Corvallis Project Area is noted to have 32 percent of the city's population but generated 49 percent of the calls for service. See Attachment A.

2. The work group received a summary of findings from previously conducted surveys and staffing studies related to the community's perception of crime and safety (Attachment A). These include:

   - Results from the 2010, 2011, and 2012 City of Corvallis Citizen Attitude Survey, which show that the percentage of respondents who felt safe in their neighborhood or Downtown has decreased by 6 percent and 13 percent, respectively, over the last three years.
   - Findings from a 2011 International City Manager Association (ICMA) Survey, which identified "police services" as the only city service to be a "Corvallis Key Driver", a "National Key Driver", and a "Core Service." Key Drivers are those factors which have the greatest influence residents' opinions on quality of life.
   - A comparison of police staffing ratios for all Oregon jurisdictions that was completed in 2009 by the League of Oregon Cities. At that time, Corvallis had the fourth lowest ratio of all Oregon jurisdictions and the lowest ratio of all jurisdictions with a population of greater than 50,000 people. This information was considered as part of the work group's previous recommendation to increase police staffing to be consistent with other university communities.
   - Findings from a 2008 police staffing study conducted by Matrix Consulting Group, a national firm specializing in the assessment of municipal service provision, which based its recommendation that the City of Corvallis attain a sworn officer ratio of 1.2 per 1,000 of total population on then-current statistical rates for Part I, II, and III crimes, and not comparisons of total population. It also noted that the Corvallis community was prone to overestimating safety, partly due to changes in enforcement practices brought about by the "No Report Written" cost-savings measure described above. Additionally, the study concluded that the Corvallis Police Department had "*insufficient unobligated time for Community Policing*" efforts due to below-average staffing levels.
   - A comparison of the police staffing ratios from a random sample of 12 comparable university communities from across the country, which shows that Corvallis has the second lowest police staffing ratio (Attachment A).

     In addition to this information, Collaboration Corvallis project staff also analyzed the police staffing ratios and crime rates for all U.S. jurisdictions with a population between 53,000 and 60,000 people. Of the 83 cities, only 25 are home to a nationally accredited university, and only six of those have a total student enrollment of 20,000 or greater. Corvallis' police staffing ratio ranks second lowest among those cities with a university population of 20,000 or greater, and seventh lowest among all 83 cities.

     It is also worth noting that while the Uniform Crime Rate reported for Corvallis (33.2 per 1,000 in 2011) is consistent with the national average, it only captures Part I crimes, which include murders, rapes, robberies, assaults, burglaries, thefts, auto thefts, and arsons. Part II and Part III crimes, which include the spectrum of nuisance, vandalism, disorderly conduct, and alcohol violations that have become increasingly common in some neighborhoods near the OSU campus, are not

captured in the Uniform Crime Rate. Therefore, comparisons of the Uniform Crime Rate from other jurisdictions with similar populations may not be a valid metric for determining an appropriate sworn officer staffing ratio. For this reason, the study completed by Matrix Consulting is likely to be the most accurate indicator of an optimal sworn officer ratio for Corvallis.

3. As noted above, the Corvallis Police Department has instituted a "No Written Report" policy, or "O-6" response, for some calls for service as a means of responding to reduced budgets. In general, these types of calls are often related to Part II and Part III crimes, for which simply halting or disrupting a certain nuisance or disorderly behavior is the most that can be accomplished with current staffing levels. When a call for service is "O-6'd", no citations are issued, and no contact information is collected for future education and outreach. This enforcement approach has been described by the Police Department as "purely reactive triage", and is frequently applied to relatively low-level violations that have been documented to negatively impact neighborhood livability with increasing regularity. Over the last three years, the Corvallis Police Department has averaged roughly 12,000 "No Written Report" responses, which, for 2012, equates to approximately 44 percent of all calls for service. Given that the Central District is generating the highest percentage of calls for service, it is reasonable to conclude that neighborhoods within the Collaboration Corvallis Project Area are most impacted by this enforcement approach.

4. The City's land use planning and community visioning documents also speak to the importance and expectation of adequate public safety resources. The 2020 Vision Statement notes several relevant community characteristics, such as:

   - "a continued public safety commitment makes downtown a safe place at any time of day or night";
   - "OSU and Corvallis are active partners with a range of shared resources and cooperative agreements to support mutual interests in areas such as fire and police protection…"; and
   - "Corvallis residents determine livability by the quality of the schools, the safety and security of citizens and their property…"

   Additionally, policies 10.8.1 and 10.8.2 from the Corvallis Comprehensive Plan highlight the expectation of providing expanded public safety services as the city's population increases and desire for community policing, traffic and crime prevention grows. These expectations are reflected in Table 2.6-1 of Corvallis Land Development Code Chapter 2.6 – Annexations, through the inclusion of a sworn officer staffing ratio of 1.2 per 1,000 as a livability benchmark and possible criterion for determining whether to annex land into the city limits.

5. Finally, the work group has received commentary from the Corvallis Police Department that, given current staffing levels, it will not be possible to effectively implement many of the work group's recommendations concerning enforcement of certain Municipal Code ordinances, or consistently participate in education and outreach programs proposed in response to Scope of Work Objective 3. Based on research conducted as part of the

Collaboration Corvallis project, and by specific members of the work group, many of these strategies have been implemented in other university communities and were demonstrated to have significant positive impacts on neighborhood livability.

Given these considerations, the work group reiterates its conclusion that increasing the existing police staffing ratio to be consistent with and supportive of the community's own public safety goals is essential for promoting and sustaining livable neighborhoods.

Scope of Work Objective 3 – Develop a funding mechanism to support an enhanced code enforcement and student conduct program.

a. Create outreach and informational programs as key components of the new Program

At the outset of its efforts to address Scope of Work Objectives related to the Neighborhood Livability track, the work group articulated a set of 12 goals that has served as a guide for strategy development and assessment. The six following goals relate to Scope of Work Objective 3.

- Decrease the current amount of high risk drinking.
- Decrease the amount of junk/trash and vandalism.
- Identify resources necessary to establish and/or maintain efficient and effective responses to conduct issues.
- Increase prevention and education.
- Quiet, safe, and clean neighborhoods.
- Create a landlord training and accountability program.

These goals respond to testimony received by the work concerning property maintenance conditions and tenant conduct that can have negative impacts on neighborhood livability. Property maintenance concerns include excessive accumulation of debris and refuse, illegally parked vehicles, general deterioration of a dwelling's exterior (e.g., old paint, cracked and decaying siding, broken windows, unmaintained roofing, etc.), and lack of regular landscape maintenance, all of which can detract from the aesthetics of a neighborhood. Tenant behaviors related to frequent disruptive social gatherings, loud noise, and other forms of disorderly conduct were also repeatedly cited as adversely affecting neighborhood livability. In general, the complaints regarding these issues seemed to be associated with rental housing units more often than not. Of primary concern was a perception that rental property managers and landlords are either not aware of property maintenance issues and tenant behavior, or are not willing to address these issues in order to mitigate impacts on the surrounding neighborhood.

As part of its review of "best-practices" research compiled by Collaboration Corvallis project staff, the work group identified implementation of a Property Maintenance Code and Rental Housing Licensing program as a potential solution for these issues. Six public meetings were held on this concept to assess the effectiveness of similar programs implemented in other university jurisdictions, gain public input from a diverse set of stakeholders, and discuss the associated trade-offs and potential unintended

consequences. Through the course of receiving additional public testimony, the work group became aware of several concerns from local landlords and property managers concerning the equitability of such a program. The work group also gained a fuller understanding of the types of health and safety impacts to various segments of the community's rental housing tenants that can result from inadequate property maintenance practices.

The work group reviewed and considered the effectiveness of existing rental housing and property maintenance codes administered and enforced by the City of Corvallis. In general, the work group found that these existing codes and programs are inadequate to thoroughly address the spectrum of property maintenance issues impacting both tenants and neighborhood residents. Of particular concern was the need for increased staffing to more efficiently respond to a significant increase in code enforcement complaints. In 2012, more than 850 complaints were received by the City of Corvallis related to Land Development Code, Municipal Code, or Rental Housing Code regulations. Approximately 280 of those pertained to habitability issues, but only 170 could be addressed locally through the existing Rental Housing Code. Currently, there is a backlog of more than 600 code enforcement cases.

Another need identified by the work group was an increase in educational and outreach efforts to inform the community about opportunities for resolving property maintenance issues, as well as identify financial resources that might be available to prevent them from occurring. Several programs researched for this topic include a liaison who works to fulfill this need by facilitating communications between property owners, tenants, neighborhood residents, and local government staff. The City of Corvallis Housing Division staff are currently performing many of these tasks. However, the work group concluded that additional resources are necessary to respond to increasing needs within the community as rental housing becomes a greater portion of the overall housing supply.

Recommendations

1. **The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis:**

    a. **Implement a Property Maintenance Code that applies to all properties;**

    b. **Create, through subsequent political process, an equitable funding structure that gives consideration to demands on the complaint-response system;**

    c. **Provide staffing commensurate with the requirements of the code; and**

    d. **Utilize culturally and linguistically appropriate education and outreach strategies to engage community stakeholders to better understand and reduce barriers to complaints**

Basis for Recommendation

Testimony to the Neighborhood Livability Work Group from community stakeholders and local experts has illuminated significant health, safety, and neighborhood livability concerns (e.g., overcrowding, mold, illegal housing units, inadequate exterior maintenance, and solid waste accumulation) that are not adequately addressed by existing, locally-enforced housing codes.

Testimony suggests that such conditions can be the result of tenant and/or landlord actions, and that impacts to neighborhood livability resulting from these conditions have increased over the past several years. In addition, testimony indicates that many community members do not utilize the current complaint-driven rental housing system due to fear of intimidation or eviction, language barriers, and/or lack of awareness.

A Property Maintenance Code (PMC), with adequate staffing and resources, would provide an important and immediate first step in addressing these concerns. Furthermore, culturally and linguistically appropriate, targeted education, outreach to and engagement with community stakeholders are essential in order to better understand and address barriers to the current complaint-driven system. A Neighborhood Liaison position has the potential to assist with these efforts. An equitable funding structure that gives consideration to resource demands on the complaint-response system should be determined by the City Council through subsequent political processes.

2. **The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis utilize a progressive enforcement strategy as part of the process for resolving complaints related to habitability and livability codes.**

   Basis for Recommendation

   Testimony provided to the work group from the community (including students, at-large renters, landlords, property managers, and City of Corvallis staff) reflects a divided argument between two positions. Renters believe there is a need for additional property maintenance oversight while property managers and landlords disagree. It is estimated that 30% of the approximately 13,000 rental housing units in Corvallis are in need of some type of improvement to comply with locally enforced safe housing codes, Oregon Landlord/Tenant Law, or requirements addressed through a typical Property Maintenance Code. At present, City Code Enforcement Staff are faced with a backlog of over 600 complaints, approximately 75% of which are estimated to be related to rental housing, and 20% are estimated to be associated with property owners who have multiple complaints. The maximum civil penalty for failure to comply with a Notice and Order under the existing Rental Housing Code is $250 per day, while most violations of the Land Development Code are punishable by a maximum fine of $500 per day. Staffing limitations aside, the current code enforcement process does not include a progressive enforcement strategy with increasing fines for repeat violations, which, if adopted, could act to diminish the prevalence of livability and habitability issues currently impacting Corvallis neighborhoods; particularly those within the Collaboration Corvallis Project Area.

3. **The Neighborhood Livability Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis:**

   a. **Support collaborative efforts to seek additional information and input from diverse stakeholders to develop additional programs and policies to address concerns raised, and**

b. **Review options for additional policies or programs needed to address housing conditions (e.g, a rental licensing program with mandatory inspections, a performance-based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, self-monitoring by property managers) within two years of implementing a Property Maintenance Code.**

Basis for Recommendation

A number of solutions, such as a rental housing licensing program with mandatory inspections, a performance-based inspection model, an enhanced inspection model that focuses on problem areas and/or landlords, and a system of self-monitoring by property managers, have been proposed as responses to livability concerns. However, the work group believes further investigation and consideration are needed before adopting any particular approach beyond implementation of a Property Maintenance Code. Although qualitative data concerning the conditions of housing stock and barriers to utilizing a complaint-driven system exist and warrant action, more comprehensive, quantitative data are needed to fully understand the scope of these issues.

Therefore, during the first two years of implementation of a Property Maintenance Code accompanied by increased staffing and community outreach, additional information should be collected on: benefits and gaps of the new Property Maintenance Code, conditions of local housing stock, dynamics related to a complaint-driven system, and potential programmatic solutions. Furthermore, during this period of assessment, opportunities exist for continuing to engage diverse community stakeholders (e.g., property owners, managers, and brokers; student groups; housing experts; City and County staff; cultural groups; and the faith community) through participatory public processes (e.g., public meetings, work groups, and/or a health impact assessment) to better understand current conditions and seek solutions.

A commitment to review the issue within two years of implementation provides time to observe the impact of the Property Maintenance Code, seek additional information, work collaboratively with community stakeholders, and ensures that the City is committed to addressing these concerns.

Scope of Work Objective 4 – Evaluate and implement opportunities to utilize students, peers, and neighborhood volunteers in outreach and informational programs

In order to respond to this Scope of Work Objective, the work group has reviewed education and outreach programs from several comparator universities that place an emphasis on assisting students as they transition to living in the community. Included in this review were programs from the following institutions:

- Cornell University
- Michigan State University
- Ohio State University
- Penn State University

- Purdue University
- Texas A&M University
- University of Arizona
- University of California at Davis
- University of Illinois
- University of Wisconsin

Recommendations

1. **The Work Group recommends to the Collaboration Corvallis Steering Committee that OSU, with assistance from the City of Corvallis, develop and provide orientation programs that prepare students for living off campus. Based on models from other universities that were research to develop this recommendation, the following elements should be included:**

    a. **Education on rental housing, including lease contracts and Oregon's landlord/tenant laws.**

    b. **Considerations for selecting roommates and managing household responsibilities.**

    c. **Process for initiating utilities and refuse collection services**

    d. **Education on city ordinances concerning on-street parking regulations, nuisance behaviors, noise, alcohol possession and consumption, and others.**

    e. **Awareness of neighborhood livability issues and effective ways to establish and maintain mutually respectful relationships with neighbors.**

    Assuming commensurate staff are available, it is further recommended that OSU and the City of Corvallis strive to implement a pilot program before the end of the Spring 2013 term.

    Basis for Recommendation

    Currently there is no organized orientation provided for students preparing or desiring to live off campus. Beginning Fall of 2013, all traditional freshman students are required to live on the OSU campus, which will provide focus opportunities for educating students on these matters before transitioning to off-campus housing.

    OSU and the City of Corvallis have knowledgeable and experienced personnel who could provide orientation and programming on how to live off campus in a manner that promotes and supports community livability.

2. **The Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis identify and assign to a city department the responsibility of providing support to neighborhood associations and student living groups in coordination with OSU. The purpose of this recommendation is to:**

    a. **Improve and foster communication between neighborhood associations, the City of Corvallis, and OSU regarding neighborhood livability issues.**

b. **Assist neighborhood associations with identifying and securing resources that will improve and sustain their ability to manage neighborhood livability at the neighborhood level.**

c. **Provide neighborhood associations and student living groups with a central point of contact for future community initiatives related to improving and sustaining neighborhood livability.**

It is recommended that this strategy be implemented prior to Fall 2013.

Basis for Recommendation

The citizens of Corvallis living in close proximity to Oregon State University have raised significant concerns about neighborhood livability.

Best-practices in other university towns with effective education and outreach strategies include city government support of neighborhood associations and student living groups. This support might consist of providing staff assistance to facilitate constructive communication regarding livability issues between neighbors; developing neighborhood-specific livability goals and communication plans; and securing third party funding for initiatives that promote livable neighborhoods.

3. **The Work Group recommends to the Collaboration Corvallis Steering Committee that the City of Corvallis and OSU develop and implement a "Community/Neighborhood Welcome" program with assistance from neighborhood associations and other community stakeholders. The expected outcomes of this strategy include:**

   a. **Setting a positive tone at the beginning of each school year to encourage mutually respectful relationships between neighbors.**

   b. **Supporting related efforts to engage students with neighborhood livability education and outreach programs.**

   c. **Working to diminish hostility toward students that has grown in the community.**

   d. **Providing additional opportunities for community leaders to visibly engage in efforts to support livable neighborhoods.**

It is recommended that this strategy be implemented prior to Fall 2013.

Basis for Recommendation

Due to the concentration of rental housing units in neighborhoods surrounding the Oregon State University campus, many permanent residents and students who live in these areas are new neighbors to one another each year. This dynamic can become a disincentive for permanent residents and students to invest time to become acquainted and communicate openly about their respective neighborhood livability expectations. Several university communities researched for the purpose of devising effective education and outreach programs currently hold a "Welcome

Week". Anecdotal information suggests that these programs are an important aspect of supporting neighborhood livability.

4. **The Work Group recommends to the Collaboration Corvallis Steering Committee that Oregon State University and the City of Corvallis identify, coordinate, and make available to community members a mediation/conflict resolution service.**

   It is recommended that this strategy be implemented prior to Fall 2013.

   Basis for Recommendation

   Many times there are significant conflicts between neighbors that are difficult to resolve. Typical interventions might not always be successful.

   Professional mediation has proven to be a viable solution in many college town communities.

   A mediation organization and qualified personnel are located in the local community and are available to assist with dispute resolution. The availability of these resources could be coordinated through new staff in the OSU Office of Student Conduct and Community Standards, who might also be certified mediators.

II. Neighborhood Planning Workgroup Recommendations

Scope of Work Objective 2 – Review current development standards, and identify potential measures that would minimize potential impact from the creation of high density housing in or near lower density residential areas.

a. **Develop and enact Land Development Code (LDC) language that would implement selected mitigation measures (measures to mitigate impacts to neighborhood character, privacy, parking, and other issues, as identified).**

As part of its ongoing efforts to identify and devise possible amendments to the Land Development Code that would facilitate infill development that is compatible with existing neighborhoods, the work group considered several suggestions from the Avery Addition Neighborhood Association. The following recommendations respond to those items which the work group concluded would support neighborhood compatible development.

Recommendations

1. **The Work Group recommends that the City of Corvallis explore amending the Corvallis Land Development Code so that lots reconfigured through the Lot Line Adjustment process do not contain "unusable area", as yet to be defined.**

   Basis for Recommendation

   The Work Group received public testimony that highlighting the potential for the Lot Line Adjustment process to be used in a way that increases the square footage of an existing lot in order to meet minimum area requirements for certain dwelling types of dwelling units, but do so in a way that may result in additional lot area that is, in practical terms, not usable. For example, a common lot line between two properties could be adjusted to transfer enough area to permit construction of a duplex, but the area transferred could be so narrow or oddly connected to the original lot as to make its use impractical. In this scenario, the property owner would have gained the option of potentially constructing a larger dwelling in comparison to the surrounding development pattern, which may negatively impact the character of the neighborhood and not be compatible with the mass and scale of adjacent dwellings. The subject recommendation is intended to balance the transition of existing neighborhoods to potentially higher density with the desire to preserve historic development patterns and the resultant neighborhood character.

2. **The Work Group recommends that the City of Corvallis amend the Corvallis Land Development Code so that the minimum required side yard setback distance specified for zero lot line, single attached units is the same as that for a duplex, and that the setback distance be consistent for these two dwellings types in each zone in which they are permitted. However, the Work Group also recommends that a minimum side yard setback distance of 10 feet only be required in instances of infill development, as yet to be defined.**

   Basis for Recommendation

   Duplexes and zero lot line, single attached dwelling units are currently allowed in the RS-5, RS-6, RS-9, RS-9U, RS-12, RS-12U, and RS-20 zones. In each of these zones, the minimum side yard setback distance for zero lot line, single attached units is eight (8) feet, while the minimum side yard setback for a duplex is 10 feet. The Work Group discussed the potential for two zero lot line, single attached units to have a building footprint, mass, and scale that is similar to that of a duplex, to the extent that, when viewed from the street or adjacent properties, one dwelling type might not be distinguishable from the other. Given these similarities and the effects building massing can have on neighborhood character, the work group determined it was appropriate for the current minimum side yard setback distance for zero lot line, single attached units to be increased from eight (8) feet to 10 feet.

3. **The Work Group recommends that the City of Corvallis amend Chapter 2.14 (Partitions, Minor Replats, and Property Line Adjustments) of the Corvallis Land Development Code, specifically Section 2.14.30.05.b.2(b), by removing the option to calculate density potential by including up to 50 percent of the area of public street right-of-way that fronts a site.**

   Basis for Recommendation

   In some instances involving existing lots in established residential neighborhoods, the option of adding up to 50 percent of the area of public street right of way abutting a site causes the resultant density calculation to allow an additional unit that would not otherwise be permitted. For example, in the RS-9 zone, the maximum allowed density is 12 units per acre, which results in a maximum density of 1.38 units, or one unit for a 5,000 square foot lot. When half of the corresponding public street right of way area (approximately 1,500 square feet) is added to the lot square footage, the maximum density increases to 1.79 units or two units.

   The Work Group received public testimony on the potential for this provision to allow an additional unit as a result of including the public street right-of-way area, and the resultant potential for infill development to be of greater density than what is observed in the surrounding neighborhood. It has been suggested that this difference between existing density and redeveloped density can negatively impact neighborhood character and unnecessarily encourage the demolition of historic homes to facilitate the development of investment properties. For example, it might be possible to redevelop an infill lot with a duplex that was previously developed with a detached single family home. The subject recommendation is intended to balance the transition of existing neighborhoods to potentially higher density with the desire to preserve historic development patterns and the resultant neighborhood character.

4. **The Work Group recommends that the City of Corvallis amend Chapter 2.12 (Lot Development Option) and Chapter 2.0 (Public Hearings) of the Corvallis Land Development Code, specifically Sections 2.0.50.04(b) and 2.12.30.04(b), to increase the public notice area for Major Lot Development Options to include all owners and occupants of properties within 500 feet of a site.**

   Basis for Recommendation

   The Major Lot Development Option process can be used to request and receive approval of variations to numerically based development standards that apply to residential lots. Such requests could pertain to increasing maximum building height, reducing minimum setbacks, increasing maximum lot coverage, reducing minimum parking requirements, reducing minimum window coverage, or standards related to public street improvement, among others. There is no limit to which the base standard can be modified (i.e., up to 100 percent).

   The Work Group received public testimony that expressed concerns about the potential for a Major Lot Development Option to facilitate infill development in existing residential neighborhoods and negatively alter the existing pattern of development. However, it is noted the review of such requests is conducted through a public hearing process, and relies on subjective assessment of "compatibility criteria" related to site design, landscape buffering, parking, traffic,

noise, odor, lighting, water quality, transportation, and utilities. In order to inform the public, notice of the hearing for a Major Lot Development Option request is currently mailed to owners and occupants of all property within 300 feet of the subject site. After taking into consideration the potential increased costs associated with expanding the notice area to 500 feet, the Work Group determined that it is in the public's best interest for a larger area to be informed of Major Lot Development Option requests, especially due to their potential to significantly alter standards that were implemented to facilitate compatible development in residential zones.

5. **The Work Group recommends that the City of Corvallis amend the Corvallis Land Development Code to allow the redevelopment of residential infill properties at densities that are otherwise below minimum required density.**

Basis for Recommendation

The Work Group discussed the existing provisions in the Corvallis Land Development Code that permit "rounding up" to the next whole number when the density calculation for a property results in a fraction of 0.5 or greater. For example, if the calculated maximum density for a given parcel of land was 1.5 units, the owner could build up to two units. A request to eliminate this provision was presented to the Work Group through public testimony.

While a recommendation to that affect was not adopted, the Work Group also discussed the merits of facilitating redevelopment of infill properties at densities that may be closer to the original development patterns, particularly in older historic neighborhoods surrounding the Oregon State University campus. Rather than addressing scenarios related to maximum density, the subject recommendation would not require density intensification. For example, if the calculated minimum required density was 1.5, the owner could choose to "round down" to 1 unit. This option is intended to help foster the preservation of original development patterns, particularly in historic neighborhoods.

III. Parking and Traffic Workgroup Recommendations

Scope of Work Objective 3 – Find opportunities to better manage traffic volumes and parking impacts within study area.

The Parking and Traffic Work Group has expended considerable effort to gain a thorough understanding of the dynamics influencing parking, traffic, and transportation trends related to Oregon State University and other civic, commercial, and residential uses within the Project Area. Based on its evaluation of various technical data and professional analyses, the work group forwards the following recommendations regarding neighborhood parking management for consideration by the Steering Committee. These strategies, if implemented, funded, and sustained over time as part of an aligned, systemic, and improved community-wide parking management strategy, are expected to achieve, in part, the following goals.

- Reduce negative neighborhood parking impacts.

h. Pending analysis of the initial performance of on- and off-campus parking management strategies, consideration of a "no car" policy for freshmen OSU students.

11. On-street Parking Capacity Management Improvements – As part of ongoing efforts to monitor and improve the management of neighborhood parking trends, the work group recommends that the City of Corvallis consider the following:

    a. Increased maintenance of yellow painted curbs at street intersections, and effective means for application of yellow paint along curbs at private driveway aprons.

    b. Opportunities for educating and promoting motorists to park efficiently.

    c. Exploration of the trade-offs associated with designating on-street parking spaces through the use of striping.

IV. Summary

The Steering Committee should expect to receive additional recommendations in response to the following Objectives at the next quarterly meeting, which is anticipated to occur near the end of June 2013.

Neighborhood Livability

Objective 5 – Consider the merits of creating an ongoing City and OSU supported group that would monitor achievement of livability goals and make recommendations to the City and OSU.

The next set of recommendations will include feedback the adoption of a property maintenance and rental licensing program, as well as concepts such as a student ambassador program and neighborhood association assistance program. These concepts would respond to Objectives 3 and 4. The final issue to be explored by the Neighborhood Livability Workgroup will address the concept of forming a permanent advisory body to track implemented recommendations and develop new strategies.

Neighborhood Planning

Objective 2 – Review current development standards, and identify potential measures that would minimize potential impact from the creation of high density housing in or near lower density residential areas.

a. Develop and enact Land Development Code (LDC) language that would implement selected mitigation measures (measures to mitigate impacts to neighborhood character, privacy, parking, and other issues, as identified).

Forthcoming recommendations from the Neighborhood Planning Workgroup will focus on the possible creation of additional neighborhood design standards that could be implemented to minimize the impacts of medium and high density development on neighborhoods near the Oregon State University campus.

HUMAN SERVICES COMMITTEE
MINUTES
May 21, 2013

Present
Councilor Penny York, Chair
Councilor Bruce Sorte
Councilor Mike Beilstein

Visitors
Skip Hamilton, ProPrint

Staff
Jim Patterson, City Manager
Jon Sassaman, Police Chief
Mary Steckel, Public Works Director
Steve Deghetto, Parks and Recreation Assistant Director
Robyn Bassett, Transportation and Buildings Division Mgr
Carrie Mullens, City Manager's Office

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Healthy Eating Active Living (HEAL) Cities Campaign			Approve participation in the HEAL Cities Campaign **by adoption of a resolution read by the City Attorney**.
II.	Municipal Code Review: Chapter 5.03, "Offenses" (Alcohol Minimum Fines/Social Host/Special Response Notice)			Amend Corvallis Municipal Code Chapter 5.03, "Offenses," **by means of an ordinance read by the City Attorney**.
III.	Smoking Prohibition in Public Places			Amend Corvallis Municipal Code Chapter 5.03, "Offenses," **by means of an ordinance read by the City Attorney**.
IV.	Other Business	***		

Chair York called the meeting to order at 2:00 pm.

CONTENT OF DISCUSSION

I. Healthy Eating Active Living (HEAL) Cities Campaign

Mr. Deghetto said the Oregon Public Health Institute and League of Oregon Cities collaborated to bring the HEAL Cities Campaign to Oregon to assist civic leaders in creating healthy communities through policy, wellness, the built environment, and access to healthy choices.

The four policy areas outlined in the HEAL menu include: 1) land use and transportation, 2) access to healthy foods, 3) shared use, and 4) workplace wellness.

The City's Departments already participate in the four policy areas. Human Resources sponsors many workplace wellness events. The transit system is free for all riders, offers disability access, and onboard bicycle transportation. The City partners with Corvallis School District 509J for shared facility usage and Benton County for shared equipment. The Parks and Recreation Department provides access to walking and hiking trails, community gardens, and healthy food choices. After the City adopted a Community Gardens Master Plan, the Parks and Recreation staff began working with Oregon State University (OSU) students to create a community gardens brochure that is easily understood and bilingual. Parks and Recreation is also working on nutrition guidelines for summer camps and vending facilities to limit high calorie items and high sugar content beverages.

In response to Councilor Beilstein's inquiry, Mr. Deghetto said participation allows staff to take advantage of additional grants and partnerships. The HEAL organization has many tools that can be useful in continuing the work City staff has already initiated. Corvallis would also be recognized as a participant in the HEAL Cities Campaign and be defined as a "FABULOUS CITY" in the HEAL model.

Mr. Deghetto opined that Corvallis is already a fabulous city and said participation in this campaign will not increase staff workload. The program will encompass current efforts and accomplishments and provide staff with a good framework for use on other related projects.

The Committee unanimously recommends Council approve participation in the HEAL Cities Campaign **by adoption of a resolution read by the City Attorney**.

II. Municipal Code Review: Chapter 5.03, "Offenses" (Alcohol Minimum Fines/Social Host/Special Response Notice)

Chief Sassaman explained that the recommendation to amend the Corvallis Municipal Code (CMC) is the result of work efforts of the OSU/City Collaboration Neighborhood Livability Work Group. The work group was charged with examining issues and concerns to improve the quality of life in neighborhoods experiencing increased parties, noise, and police response incidents. The work group reviewed laws focusing on alcohol enforcement ordinances in Corvallis and other university jurisdictions related to noise, drinking in public, minors in possession (MIP), furnishing alcohol to minors, social hosting, and other alcohol-related issues. From those studies and based on current CMC, the work group discovered that Corvallis is ahead of most other jurisdictions in having the legal tools (ordinances) needed to

respond to many of these issues (chronic nuisance property, second response notice (SRN), open container, drinking in public). The work group discussed how to apply the social host concept to existing ordinances to make them consistent with State statutes. The work group recommended increasing some fines to be consistent with the State and to amend the SRN ordinance to assign greater accountability.

Chief Sassaman said CMC Subsection 5.03.040.010, Alcohol, does not include a purpose statement. The work group recommended the following language be included in the ordinance to establish the purpose of alcohol legislation:

> The City Council finds that the unlawful use and/or possession of alcoholic liquor contributes to the commission of offenses defined and made punishable under this code and contributes to the degradation of and poses substantial risks to the public health, safety, and welfare concerns for Corvallis citizens.

Chief Sassaman reviewed additional ordinance amendments recommended by the work group:

- Update the Oregon Liquor Control Act definition in CMC 5.03.040.010.01.6. The current definition has outdated statutory reference.
- Increase fines addressing persons providing alcoholic liquor to persons under the age of 21 to be consistent with the related Oregon Revised Statute (ORS). [CMC 5.03.040.010.01 and ORS 471.410.]
- Include a new subsection in 5.03.040.010 that states, "This Section is intended to be a strict liability crime and the court shall not require proof of mental state."

  Chief Sassaman explained that adding the new subsection means the City is not required to prove a culpable mental state of either intentionally, knowingly, recklessly, or criminal negligence at trial. As a strict liability offense, the act is proof the ordinance has been violated and the language makes a person legally responsible by the act.

- Replace existing CMC MIP language with ORS MIP language to remain current with the State law in its entirety. [CMC 5.03.040.010.03 and ORS 471.430.]
- Remove out-of-date statutory references in CMC 5.03.040.010.07, Arresting Officer to seize property.
- Amend CMC 50.03.040.010.10, Hosting party for minors, to add affirmative defense in subsection 2, identify the offense as a strict liability crime in subsection 3, and add incremental penalties in subsection 4 to be consistent with CMC 5.03.040.010.02 and State statute.

- Modify the SRN [CMC 5.03.150] to capture the actual cost for the first response and second response if a subsequent response occurs within 30 days.

Chief Sassaman provided several examples related to the proposed changes for SRN, hosting, and strict liability offense.

Chief Sassaman assured Chair York that the Department will provide community education regarding the SRN amendments, if approved. He clarified that the first response continues as a warning only. If a second response occurs within 30 days, the offender would be required to pay the costs for the first and second responses, based on the proposed language. Language printed on the warning document will be updated to match amended CMC language.

In response to Councilor Beilstein's inquiry, Chief Sassaman said he could not estimate the cost of a first response since any response could develop into other issues. Councilor Beilstein said, at the time of the first response, the offender needs to be told they will be charged for the first response if a second response is necessary.

Chief Sassaman clarified for Chair York that many of the proposed amendments create consistency with State statute language and fines.

Councilor Beilstein said open container violations are inconsistent with State penalties for drunk driving. A drunk driving violation allows the offender to complete diversion and an open container violation (if convicted) is identified as a crime on the criminal record. It appears that it may be better to receive a drunk driving violation.

Chief Sassaman explained that drunk driving diversion options include classes and large fines. Any failure along the way negates the diversion and a second offense increases fines substantially. The criminal record of individuals completing diversion identifies the violation as diversion versus a conviction; however, it is listed on their criminal record. Diversion is an acceptance of guilt. An open container violation is an arrestable offense adjudicated by the court.

In response to Councilor Sorte's inquiries, Chief Sassaman offered the following:

- When the work group reviewed laws at other universities related to furnishing alcohol to minors, they found an advantage to enforcement with jurisdictions who had matching local and state law. University communities deal with new populations every year so a decline in violations due to matching ordinances was not noted.

- The Department conducts education in advance, but uses a reactive model for enforcement. Several ordinances provide tools needed for investigative latitude when responding to parties (furnishing alcohol to minors, open container, etc.). Officer observations of criminal behaviors also allow the Department to obtain a search warrant when needed.
- OSU representatives are not present when the Department responds to related complaints, but they are notified afterwards. Often times a complaint is based on a fight or disturbance at a party. Providing immediate response does not allow time to include an OSU representative in the response.
- OSU is hiring additional staff in the student conduct office. When that process is complete, the Department will initiate collaboration to mitigate these types of issues.
- A third conviction for furnishing alcohol to minors can result in a 30-day jail sentence. In those cases, the Department pays the Benton County Sheriff's Office for each booking. Some offenders serve the entire 30 days and the judge has the latitude to identify how long and when the sentence should occur (weekend, day, up to 30 days). It is very rare to escalate to the third offense on the same individual.

The Committee unanimously recommends Council amend Corvallis Municipal Code Chapter 5.03, "Offenses," **by means of an ordinance read by the City Attorney**.

III. Smoking Prohibition in Public Places

Ms. Bassett reviewed the staff report recommending expansion of the smoking prohibition ordinance to include the entire City Hall block. The recommendation follows a large number of complaints from citizens and business owners about exposure to second-hand smoke in and near City bicycle parking structures, bus shelters, and the Downtown Transit Center (DTC). Public Works and Police Department staff discussed proposed changes and enforcement issues. The expanded prohibition will make bicycle shelters more available for their intended use and enhance the comfort and health of transit system users.

Ms. Bassett identified proposed amendments to CMC Chapter 5.03, Offenses:

- Add language in the "public place" definition (5.03.080.160.01) to include City-owned bicycle parking structures and transit shelters.
- Add language prohibiting smoking in the interior of and within ten feet of the exterior of any City-owned covered bicycle parking structure and transit shelter; and on the entire City Hall block (5.03.080.160.02).

Ms. Bassett explained that smoking in private automobiles parked on the City Hall block is allowed if all windows and doors are closed. She noted that the City Hall

block language was created primarily due to the difficulties of enforcing the ten-foot rule around existing City-owned facilities on the block.

In response to Councilor Sorte's inquiries, Ms. Steckel said the Police Department will respond on a complaint basis. Staff assumes citizens who want to smoke while waiting for a City bus will use the 5th Street parking lot, east of the DTC. They can view incoming and outgoing buses from this location. Staff is working with the property owners to provide trash and ash containers.

Councilor Sorte stated preference for a transit employee or transit officer to enforce the rule instead of having a police officer respond. He did not believe it was a good use of a Police Officer's time.

Skip Hamilton stated support for the proposed amendments. He said an unintended consequence of the fareless transit system transformed the DTC into an easy place for people to congregate and socialize. Littering and spitting has dramatically increased and it can be intimidating for other citizens to walk through the DTC to the Library or City Hall parking lot. Many families use free transit to visit the Library, Police Department, Benton County Courthouse, and other businesses and organizations downtown. They are forced to walk through litter and second-hand smoke. He understands that the Police Department is understaffed and believes that if Council adopts the amendments and installs no smoking signs on the block, the social group currently meeting at the DTC will migrate to another location.

Councilor Beilstein said when the ordinance was amended to prohibit smoking on the Library block, Library staff told smokers about the new law and asked them to move on. If they refused, the Police Department was called. Most likely, if smoking is prohibited on the City Hall block, the same circumstances will occur. Citizens and transit employees can easily be responsible to inform smokers about the new law.

The Committee unanimously recommends Council amend Corvallis Municipal Code Chapter 5.03, "Offenses" **by means of an ordinance read by the City Attorney**.

IV. Other Business

The meeting adjourned at 2:55 pm.

The next Human Services Committee meeting is scheduled for 2:00 pm on Tuesday, June 4 in the Madison Avenue Meeting Room.

Respectfully submitted,
Penny York, Chair

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Human Services Committee
From: Karen Emery, Director
Steve DeGhetto, Assistant Director
Date: May 21, 2013
Subject: Healthy Eating Active Living Cities Campaign (HEAL)

Issue: To review and consider a recommendation to City Council to participate in the Healthy Eating Active Living Cities Campaign (HEAL).

Background: The Oregon Public Health Institute and the League of Oregon Cities have teamed up to bring the HEAL Cities Campaign to Oregon. The HEAL Cities Campaign helps civic leaders create healthy communities through policy, wellness, built environment and access to healthy choices.

Discussion: The City has been actively working on the four policy areas outlined in the Heal Cities Policy Menu:

- Land Use and Transportation
- Access to Healthy Foods
- Shared Use
- Workplace Wellness

The list of goals, guidelines, and implementation plans align with current work plans in the respective City departments. Collaboration between Departments and outside agencies has been successful for the implementation of Healthy Eating and Active Living strategies. Cities that provide healthy, fit environments rate higher on livability, and are more attractive to families and businesses.

Recommendation: Staff recommends that the Human Services Committee recommend to City Council to adopt a resolution to participate in the HEAL Cities Campaign and become a "FABULOUS CITY" as defined in the HEAL model.

Review and Concur:

James A. Patterson, City Manager

Nancy Brewer, Finance Director

Attachments:

1. Heal Cities Policy Menu
2. Minutes, March 12/2013 City Legislative Committee

HEALTHY EATING
ACTIVE LIVING
CITIES
CAMPAIGN

MODEL RESOLUTION INSTRUCTIONS

The Campaign began in 2012, when the League of Oregon Cities and the Oregon Public Health Institute agreed to partner in the Healthy Eating Active Living (HEAL) Cities Campaign. The Campaign assists public officials to create healthy, fit communities, through policies that expand access to options for healthy eating and active living throughout the community, and that create a culture of health at municipal workplaces. These policies have multiple benefits. A city that adopts a number of HEAL policies will improve local livability and have a profound positive impact on the community's health and well-being.

INSTRUCTIONS

Joining the HEAL Cities Campaign is easy to do.

- EAGER CITIES join the Campaign by providing the Campaign with a resolution, proclamation, or letter expressing the intent to work with the Campaign to explore HEAL policies.
- ACTIVE CITIES are cities that already had at least one HEAL policy on their books before joining the Campaign. ACTIVE CITIES join the Campaign by submitting these policies, together with a resolution, proclamation, or letter expressing the intent to work with the Campaign to explore additional HEAL policies.
- FIT CITIES are cities that adopt and implement at least one new HEAL policy, and submit the policy to the Campaign with an implementation plan. A city may join as a FIT CITY, or may advance to FIT CITY status by adopting and implementing a policy after joining as an EAGER or ACTIVE CITY.
- FABULOUS CITIES are FIT CITIES that adopt and implement at least two additional HEAL policies, and submit the policies to the Campaign with implementation plans.

All EAGER, ACTIVE, FIT & FABULOUS CITIES are eligible for HEAL City Campaign resources, including use of the HEAL Cities logo and an invitation to free trainings. Participating cities are also eligible for technical assistance. Basic technical assistance is available at no charge.

Use this Resolution form if your city is not ready to adopt a HEAL policy at the present time, but wants to join the Campaign and work with the Campaign to explore HEAL policies. The Resolution allows you to specify whether your city already has at least one HEAL policy on the books. Please modify the Draft Resolution based on local conditions. All highlighted text should be modified.

You may wish to use this Resolution together with the HEAL Cities Policy Menu.

We look forward to working with you, and hope that you will share your adopted resolution and/or policies.

RESOLUTION NO. ___
SETTING FORTH [MUNICIPALITY]'S COMMITMENT TO PUT HEALTHY OPTIONS WITHIN REACH OF ALL RESIDENTS

WHEREAS, improving livability and community health are important goals; and

WHEREAS the nutrition and physical activity choices that individuals make for themselves and their families are influenced by their environment; and

WHEREAS local policies on land use & transportation, access to healthy food, and shared use determine whether options for healthy eating and active living are within reach of the people who live, work, go to school, play or worship in the city; and

WHEREAS high rates of costly chronic disease among both children and adults are correlated to environments with few or no options for healthy eating and active living; and

WHEREAS, (city) is a member of the League of Oregon Cities; and

WHEREAS, in 2010, the League of Oregon Cities Board of Directors resolved to partner with and support the national *Let's Move!* Campaign headed by the First Lady of the United States, and has encouraged Oregon cities to adopt preventive measures to fight obesity; and

WHEREAS, in 2012, the League of Oregon Cities Board of Directors resolved to partner with the Oregon Public Health Institute (OPHI) in the *Healthy Eating Active Living (HEAL) Cities Campaign*, and encouraged all Oregon cities to join the *HEAL Cities Campaign* and qualify as a HEAL City by accepting information, training and technical assistance from OPHI staff on policies to support healthier eating and increased physical activity levels for all residents, create more livable communities, and create a culture of wellness at municipal workplaces, and adopting at least one recommended HEAL policy; and

WHEREAS, <add description of previous HEALpolicy actions taken by city, if any>
WHEREAS, <add description of other pertinent local conditions, if any>;

NOW, THEREFORE, LET IT BE RESOLVED that the City Council hereby recognizes that joining the HEAL Cities Campaign has the potential to improve local livability and have a positive impact on the community's health and well-being. To that end, [name of city] adopts this HEAL Resolution;

BE IT FURTHER RESOLVED that [name of city] Staff shall work with HEAL Cities Campaign Staff to explore HEAL policies and to identify those policies that are suitable for the City's unique local circumstances.

BE IT FURTHER RESOLVED Staff will report back to this Council with recommendations not later than [___] days from the date of this Ordinance.

[Insert Block for Council sign-off]

HEALTHY EATING
ACTIVE LIVING
CITIES
CAMPAIGN

HEAL CITIES POLICY MENU

The Oregon Public Health Institute and the League of Oregon Cities have teamed up to bring the HEAL Cities Campaign to Oregon, with the financial support of Kaiser Permanente.

The HEAL Cities Campaign helps civic leaders create healthy communities. The Campaign has a **policy** focus, because policies establish the rules and shape the environment in which employees, residents and businesses make decisions about nutrition and physical activity. Opinion surveys show that people want to eat better, move more, and feel energized to do the things they love. **It is much more difficult for people to make healthy choices in an unhealthy environment.**

Cities that provide healthy, fit environments rate higher on livability, and are more attractive to families and businesses.

The Campaign provides cities with information about policy options in four areas: Land Use & Transportation, Access to Healthy Food Options, Shared Use, and Workplace Wellness & Nutrition Standards. This Policy Menu is designed to help answer these questions:

1. **What policies might expand options for healthy eating and active living in my city?**
2. **What policies might improve workplace wellness for my city's employees?**

The Campaign will work with participating cities to tailor policies for their communities. If you are interested in learning more about any aspect of the HEAL Cities Campaign, or if you would like technical assistance from the HEAL Cities Campaign to adapt a policy for your city, please see our website, www.HEALCitiesNW.org, or contact Beth Kaye, HEAL Cities Campaign Manager, at bethkaye@orphi.org or 503 227-5502x 230.

315 SW FIFTH AVENUE, SUITE 202
PORTLAND, OR 97204
PHONE: 503-227-5502
FAX: 503-416-3696
www.healcitiesnw.org
info@healcitiesnw.org

HEAL CITIES POLICY MENU

LAND USE AND TRANSPORTATION
Comprehensive Plan, Land Use Plan, and Transportation Plan Updates
1. Include general health goals; promote physical activity and access to healthy food options
2. Promote mixed-use, transit-oriented, and/or compact development
3. Promote street connectivity
4. Promote "complete streets"
5. Promote pedestrian and bicycle safety in all transportation planning
6. Improve access for all residents to existing recreational and natural areas
7. Provide transit access to grocery stores
8. Collaborate with public health agencies and organizations to support programs and activities related to nutrition, including classes in gardening, meal planning, and cooking
9. Increase the number of parks, open spaces, and recreational trails
Establish Guidelines and/or Zoning Controls
10. Adopt incentives for compact, mixed use and/or transit-oriented development
11. Establish pedestrian and bike friendly street design standards
12. Allow new and/or support existing farmers markets
13. Allow new and/or support existing community gardens
14. Create a healthy food zone around schools and parks by allowing or supporting the location or wholesome food retail and community gardens in those areas
15. Allow or support the location of wholesome food retail in neighborhoods that have a concentration of retailers of sugar-loaded beverages, high fat, high salt, and heavily processed foods
16. Allow Community Supported Agriculture distribution points on public property
Bicycle and Pedestrian Plans
17. Establish dedicated pathways for pedestrians and cyclists
18. Address pedestrian and bicycle safety at crossings, along traffic corridors, on routes between residential areas and schools, and in other transportation projects
Healthy Infrastructure Investments
19. Increase accessibility of recreational facilities and other key destinations to pedestrians, cyclists, and transit riders
20. Create Safe Routes to Schools from residential neighborhoods to local elementary, middle, and high schools
21. Prioritize capital improvement projects that fund sidewalks, crosswalks and bike lanes in neighborhoods with high obesity rates
ACCESS TO HEALTHY FOOD OPTIONS
Improving Access to Healthy Food Options
22. Attract retailers that offer fresh fruits and vegetables and wholesome staple items at reasonable prices
23. Provide economic incentives for healthy food retail projects
24. Support availability of fresh fruits and vegetables and wholesome staple items at reasonable prices in

areas identified as 'food swamps' or 'food mirages'
25. Support community gardens
26. Support year-round farmers markets
27. Support Community Supported Agriculture
28. Encourage low-income residents to purchase fresh produce by offering economic incentives (e.g., at your local farmers market, offer $5 worth of produce for each $1 of SNAP benefits)
Recognize Retailers that Promote Healthy Eating
29. Recognize restaurants that disclose the calorie amount and grams of fat for each menu item listed on a menu or menu board in a clear and conspicuous manner
30. Recognize restaurants that remove foods containing artificial trans-fat from their menu
31. Recognize restaurants that offer smaller portions of popular high-calorie and high-fat dishes
32. Recognize restaurants that establish pricing structures that encourage consumption of lower-calorie, lower-fat, and less processed foods
33. Recognize restaurants and markets that feature healthy check-out lanes for orders that include only lower-calorie, lower-fat, and less processed or unprocessed foods
SHARED USE AGREEMENTS
34. Negotiate agreements with school districts or other entities to open use of existing recreational facilities (e.g., pools, tennis courts, fields) to general public during off-hours
35. Partner with school districts or other public entities to share the cost and responsibilities of building and maintaining new park and recreation facilities
36. Partner with school districts, religious institutions, or other entities to share the cost and responsibilities of institutional kitchens for public cooking demonstrations, cooking lessons, and/or congregate meal preparation and distribution
37. Partner with school districts, religious institutions, or other entities to share the cost and responsibilities of food distribution centers
WORKPLACE WELLNESS & NUTRITION STANDARDS
Workplace Wellness
38. Require a self-assessment of wellness practices in each municipal workplace
39. Require the city to create a tailored plan to address its needs
40. Schedule activity breaks during the work day
41. Encourage use of stairways
42. Improve breastfeeding accommodations for employees
Healthy Meeting Policies
43. Require that all meetings with food offer a healthy option (e.g., fruit, nuts)
44. Make water the preferred beverage at meetings
45. Encourage walking meetings
46. Establish physical activity breaks for meetings that last more than one hour
Nutrition Standards
47. Set nutrition standards for vending machines located in city owned or leased locations
48. Set nutrition standards for food offered for sale or served at city events, city sponsored meetings, city facilities, city concessions, and city programs

Access to Healthy Food Options in the Workplace
49. Offer Community Supported Agriculture (CSA) programs to city employees
IMPLEMENTATION
50. Prioritize funding for projects and programs that create or expand HEAL options in areas identified as having the fewest options, and/or where obesity rates are highest
51. Create incentives for development project proposals that create or expand HEAL options in areas identified as having the fewest options, and/or where obesity rates are highest

Memorandum

March 28, 2013

To: Human Services Committee

From: Jonathan M. Sassaman, Chief of Police

Subject: City-OSU Neighborhood Livability Recommendations to update Corvallis Municipal Code relative to Alcohol Offenses and Special Response Notice

Issue:

This staff report updates the Corvallis Municipal Code (CMC) relative to alcohol offenses and the Special Response Ordinance consistent with recommendations from the City-OSU Neighborhood Livability Work Group adopted by the Steering Committee. Council action required.

Background:

The City-OSU Neighborhood Livability Work Group was established and charged with examining issues and concerns which could be addressed in order to improve the quality of life in neighborhoods experiencing increased parties, noise and incidents requiring police response. Over the past year and a half the work group reviewed a wide variety of laws, focusing on alcohol enforcement ordinances from other university jurisdictions, finding in general that ordinances which impose significant monetary fines that escalate for repeat offenses were most effective.

In November 2012, the Work Group made a recommendation to the Steering Committee to increase the fine structure of the CMC to be consistent with Oregon Revised Statutes (ORS) for alcohol offenses, as currently there is no fear of the penalties for alcohol-related violations, partially due to Corvallis Police staffing limitations, and partially because the existing fines imposed are not significant enough to act as a deterrent. Based on the Work Group's research of other university communities, the conclusion was drawn to adopt the higher fine amounts intended to act as a stronger deterrent to alcohol violations. The City-OSU Collaboration Steering Committee adopted and approved the recommendations to move forward to City Council. Much discussion surrounded the concept of a Social Host Ordinance which would embody the concept of an escalating fine structure and personal accountability to individuals at these parties. Although a separate and unique "Social Host" ordinance is not being proposed, the concepts are included in the updates to the existing code, without creating duplicate sections.

Discussion:

The City of Corvallis Municipal Code sections related to Alcohol and the Special Response Notice are discussed below with proposed modifications consistent with the City-OSU Collaboration recommendations.

1. **CMC 5.03.040.010 Alcohol**

The current Alcohol Section 5.03.040 of the CMC lacks a preamble addressing legislative (Council) position related to the offenses. As part of the Neighborhood Livability Work Group's efforts, staff is proposing the following language to establish a purpose related to alcohol legislation:

> *"The City Council finds that the unlawful use and/or possession of alcoholic liquor contributes to the commission of offenses defined and made punishable under this code and contributes to the degradation of and poses substantial risks to the public health, safety and welfare concerns for Corvallis citizens.*

See Exhibit 1, for language drafted into Ordinance.

2. **CMC 5.03.040.010.01.6 Definitions: Oregon Liquor Control Act**

The definition for the Oregon Liquor Control Act in the CMC has an outdated statutory reference. The City Attorney's Office proposes the noted modification updating the definition to the correct language. See Exhibit 1.

3. **CMC 5.03.040.010.02 Providing alcoholic liquor to certain persons prohibited**

CMC 5.03.040.010.02, "Providing alcoholic liquor to certain persons prohibited", is the City's version of ORS 471.410 "Providing liquor to persons under 21 or to intoxicated person" (See Exhibit 2). The CMC Section of "Alcohol" was last updated in 1992. ORS 471.410 was last updated in 2011. Both laws are consistent relative to persons who can and cannot provide alcohol to a person under 21 years of age, both are Class A Misdemeanors, and both have an escalating fine structure. Currently, the CMC fine structure is less than the ORS. The below table depicts the current differences.

CMC: 5.03.040.010.01	**ORS: 471.410**
Upon a first conviction, a fine of $350	Upon a first conviction, a fine of at least $500
Upon a second conviction, a fine of $1,000	Upon a second conviction, a fine of at least $1,000
Upon a third conviction, a fine of $1,000 and not less than 30 days of imprisonment.	Upon a third or subsequent conviction, a fine of at least $1,500 and not less than 30 days of imprisonment.

Staff proposes the following modifications to the Corvallis Municipal Code to be consistent with the Oregon Revised Statute addressing those person(s) who provide alcoholic liquor to persons under the age of 21:

1. Increase the first conviction fine amount to $500.
2. Maintain the second conviction fine amount at $1,000.
3. Increase the third conviction fine amount, and subsequent convictions to $1,500.

Staff has consulted with the City Attorney regarding the recommended change which is allowable under the law. In addition, the City Attorney's Office recommended minor structural changes to the ordinance and the creation of sub-section 4, to include: *"This Section is intended to be a strict liability crime and the court shall not require proof of mental state."* The result of this added language means the City is not required to prove a culpable mental state of either Intentionally, Knowingly, Recklessly or Criminal Negligence at trial; rather as a strict liability offense, the act itself is proof the ordinance has been violated. This language makes a person legally responsible by his/her act.

All other provision of CMC 5.03.040.010.02, remain the same. See Exhibit 1.

4. **CMC 5.03.040.010.03 Purchase or possession of alcoholic liquor by minors**

Staff, in consultation with the City Attorney's Office desire to replace the existing CMC "Purchase or possession of alcoholic liquor by minors" commonly referred to as a Minor in Possession (MIP), with the Oregon Revised Statute 471.430 MIP language. The full ORS text is included in Exhibit 1. The City of Corvallis adopted the State's text in 2003. In order to remain current with the State law in its entirety, including embedded statutory references, adopting the State's text is preferred. The elements of the offense remain the same, as well as the presumptive fine amount of $260 per offense, and continues to afford the court existing sanctions related to suspending drivers licenses, treatment and/or community service. The statutory references are updated.

5. **5.03.040.010.07 Arresting Officer to seize property**

Modification to this section of the ordinance removes statutory references which are out of date. See Exhibit 1.

6. **CMC 5.03.040.010.10 Hosting party for minors**

CMC 5.03.040.010.10 Hosting party for minors, is very similar to the ORS related to "Providing liquor to persons under 21 or to intoxicated person" and the CMC "Providing alcoholic liquor to certain persons prohibited". The primary difference is between proving an individual(s) specifically provided a minor alcohol, compared to proving that a location was used for minors to

consume or possess alcohol illegally. The "Hosting a party for minors" CMC provision fills this gap. Any and all persons present who have permitted, allowed or hosted a party under the conditions set forth in this ordinance are subject to enforcement. The following are the elements recommended for ordinance modification and depicted in Exhibit 1:

1. Sub-section 2 of the CMC adds an affirmative defense. An affirmative defense is where the defendant confirms a condition is occurring or has occurred, however offers justification as a defense for any criminal culpability.
2. Sub-section 3, identifies this offense as a strict liability crime, rather than proving a culpable mental state (Intentionally, Knowingly, Recklessly or Criminal Negligence).
3. Sub-section 4, adds an incremental penalty consistent with CMC 5.03.040.010.02 "Providing alcoholic liquor to certain persons prohibited" and with State law.
    a. Upon a first conviction, a fine of $500;
    b. Upon a second conviction, a fine of $1,00; and,
    c. Upon a third conviction, a fine of $1,500 and not less than 30 days of imprisonment.

7. CMC 5.03.150 Special response fee

CMC 5.03.150 Special response fee (SRN) details the ordinance (Exhibit 3), whereas if a provision of any CMC contained within section 5.03 (Offenses) or the Criminal Code of Oregon is violated, an officer gives written notice to one or more persons engaged in the activity or who are in control of such activity, and that any and all subsequent responses within 30 days will be assessed a response fee. The response fee is defined as the total cost incurred by the City in connection with such response, including but not limited to, police officers, equipment, dispatch and supervisor time.

In keeping with the concepts of accountability and escalating fine recommendations, staff has modified the Special Response Fee provisions of the CMC to include capturing the actual cost for the first response, if a subsequent response occurs within 30 days. By way of example, if an officer issues an SRN (first response) and is required to respond a second time within 30 days, staff currently bill for the cost of the second response only. Using the same example, if the ordinance modifications are approved staff would bill for the second response and the cost of the first response. The infrastructure is in place to appropriately account for and bill for a first response identical to the methods used when billing for a second response. All other provisions of the ordinance remain consistent.

<u>Options:</u>

The following options are identified for council consideration:

1. Council could adopt the statutory references as clean up language and make no other modifications to Municipal Code language.
2. Council could adopt some of the Municipal Code modifications, but not all.
3. Council could adopt all modifications updating the Municipal Code.

Recommendation:

Staff recommends council adopt option #3. Option #3 includes the work of the City-OSU Collaboration Neighborhood Livability Work Group and Steering Committee which include the concepts of individual and/or corporate accountability, and escalating fine structures.

Review and Concur:

James A. Patterson, City Manager

4/10/2013
Date

Jim Brewer, City Attorney

4/9/13
Date

Attachment:

Exhibit 1: Copy of CMC 5.03.040 recommended modifications
- a. CMC 5.03.040.010 Alcohol
- b. CMC 5.03.040.010.01 Definitions
- c. CMC 5.03.040.010.02 Providing alcoholic liquor to certain persons prohibited
- d. CMC 5.03.040.010.03 Purchase or possession of alcoholic liquor by minors
- e. CMC 5.03.040.010.07 Arresting officer to seize property
- f. CMC 5.03.040.010.10 Hosting party for minors

Exhibit 2: Oregon Revised Statute 471.410 Providing liquor to persons under 21 or to intoxicated person

Exhibit 3: CMC 5.03.150.010 Special Response Fee Notice Provisions
CMC 5.03.150.020 Special Response Fee Liability Imposed

EXHIBIT 1

Field Cod

Section 5.03.040.010Alcohol.

Field Cod

The City Council finds that the unlawful use and/or possession of alcoholic liquor contributes to the commission of offenses defined and made punishable under this code and contributes to the degradation of and poses substantial risks to the public health, safety and welfare concerns for Corvallis citizens. (Ord. ? 2013)

5.03.040.010.01 Definitions.

1) Alcoholic liquor - Any alcoholic beverage containing more than one-half of one percent of alcohol by volume and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

2) Commission - The Oregon Liquor Control Commission as provided for by the Oregon Liquor Control Act.

3) Juvenile party - A social gathering attended by one or more persons under the age of twenty-one (21).

4) Licensed premises - The room or enclosure at the address within the corporate limits of the City of Corvallis for which a license has been issued by the Commission for the serving, mixing, handling, or selling of alcoholic liquor.

5) Licensee - A person who has an alcoholic liquor license from the Commission authorizing such person to sell or dispense alcoholic liquor.

6) Oregon Liquor Control Act - ~~The State law so designated by ORS 471.027 and includes the Oregon Distilled Liquor Control Act as defined by ORS 472.020.~~ The State law so designated by ORS 471.027 and includes the Oregon Distilled Liquor Control Act.

Field Cod

7) Place of residence - A building which regularly or intermittently is occupied by a person for dwelling, lodging or sleeping purposes, whether or not the person is actually present.

8) Sell - Includes soliciting or receiving an order for or keeping, offering, or exposing for sale, delivering for value, or in any way other than gratuitous, peddling, keeping with intent to sell, to traffic in, for any consideration, promised or obtained, direct or indirect, or under any pretext or by any means, procuring or allowing to be procured alcoholic liquor for any other person.

(Ord. 91-28 § 1 (part.), 1991; Ord. 82-77 § 103.01, 1982, Ord. ? 2013)

5.03.040.010.02 Providing alcoholic liquor to certain persons prohibited.

1)(a) No one other than the person's parent or guardian shall sell, give, or otherwise make available any alcoholic liquor to a person under the age of 21 years.

(b) A person ~~violates this subsection~~ who sells, gives, or otherwise makes available alcoholic liquor to a person with the knowledge that the person will violate this ~~sub~~section violates this subsection.~~.~~

2) A violation of this Section is a Class A Misdemeanor. Upon conviction, the Court shall impose at least a mandatory minimum sentence:

a) Upon a first conviction, a fine of $~~350~~500;

b) Upon a second conviction, a fine of $1,000; and,
c) Upon a third conviction, a fine of $1,~~0~~500 and not less than 30 days of imprisonment.
3) The mandatory minimum penalty provisions of subsection 2) of this Section shall not apply to
persons licensed or appointed by or through the Commission.
4) This Section is intended to be a strict liability crime and the court shall not require proof of a mental state. (Ord. ? 2013)

Field Cod

5.03.040.010.03 Purchase or possession of alcoholic liquor by minors.
I.~~1)~~ The City of Corvallis adopts ORS 471.430 in its entirety.
(1) A person under 21 years of age may not attempt to purchase, purchase or acquire alcoholic beverages. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of age may not have personal possession of alcoholic beverages.

Field Cod

(2) For the purposes of this section, personal possession of alcoholic beverages includes the acceptance or consumption of a bottle of such beverages, or any portion thereof or a drink of such beverages. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

(3) Except as authorized by rule or as necessitated in an emergency, a person under 21 years of age may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

(4)(a) Except as provided in paragraph (b) of this subsection, a person who violates subsection (1) or (3) of this section commits a Class B violation.

(b) A person commits a Class A violation if the person violates subsection (1) of this section by reason of personal possession of alcoholic beverages while the person is operating a motor vehicle, as defined in ORS 801.360.

(5) In addition to and not in lieu of any other penalty established by law, a person under 21 years of age who violates subsection (1) of this section through misrepresentation of age may be required to perform community service and the court shall order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. If a court has issued an order suspending driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this subsection may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.

(6) If a person cited under this section is at least 13 years of age but less than 21 years of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of any other penalty, the court shall issue notice

under ORS 809.220 to the department for the department to suspend the person's driving privileges under ORS 809.280 (4).

(7) In addition to and not in lieu of any penalty established by law, the court may order a person who violates this section to undergo assessment and treatment as provided in ORS 471.432. The court shall order a person to undergo assessment and treatment as provided in ORS 471.432 if the person has previously been found to have violated this section.

(8) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of the Oregon Liquor Control Commission or under the direction of state or local law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of alcoholic beverages to persons who are under 21 years of age.

(9) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under 21 years of age.

(Ord. 2003-03 §1, 01/21/2003; 2002-38 §1, 11/04/2002, Ord.? 2013)

~~2) No person under the age of 21 years shall attempt to purchase, purchase or acquire alcoholic liquor. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardians's consent, no person under the age of 21 years shall have personal possession of alcoholic liquor.~~
~~3) For purposes of this section, personal possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor, or any portion thereof or a drink of such liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.~~
~~4) Except as authorized by rule or as necessitated in an emergency, no person under the age of 21 years shall enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.~~
~~5) Any person who violates subsection (2) or (4) of this section commits a Class B violation.~~
~~6) In addition to and not in lieu of any other penalty established by law, a person under the age of 21 years who violates subsection (2) of this section through misrepresentation of age may be required to perform community service and the court shall order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. If a court has issued an order denying driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this subsection may include a recommendation that the person be~~

~~granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.~~
~~7) In addition to and not in lieu of any penalty established by law, the court:~~
~~a) Shall order a person who is at least 18 years of age and not more than 21 years of age, who is~~
~~convicted of violation of this section and who has been convicted of violation of this section at least once before when the person was at least 18 years of age, to undergo assessment and treatment as provided in ORS 471.432.~~
~~b) May order a person who is at least 18 years of age and not more than 21 years of age and who is convicted of violation of this section to undergo assessment and treatment as provided in ORS 471.432.~~
~~8) The prohibitions of this section do not apply to a person under the age of 21 years who is acting under the direction of the Oregon Liquor Control Commission or under the direction of state of local law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of alcoholic beverages to persons who are under the age of 21 years.~~
~~9) The prohibitions of this section do not apply to a person under the age of 21 years who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under the age of 21 years.~~
~~(Ord. 2003-03 §1, 01/21/2003; 2002-38 §1, 11/04/2002)~~

5.03.040.010.04 Misrepresentation of true age of minor.
1) No minor shall falsely represent that she or he is of any age other than his or her true age, or
produce any evidence that would falsely indicate his or her age, for the purpose of securing any right, benefit, or privilege denied minors by Section 5.03.040.010.
2) No person shall falsely represent a minor to be 21 years of age or older for the purpose of securing or assisting such minor in securing any right, benefit, or privilege denied to minors by this Section.
3) A violation of this section is a Class A Infraction.

5.03.040.010.05 Defense of written age statement.
If a licensee or an employee or agent is prosecuted in the Municipal Court for selling alcoholic liquor to a minor or permitting a minor to consume alcoholic liquor or to enter or loiter upon the licensed premises, the licensee or his or her employee or agent may offer in defense any written statement made by or for such minor prior to the violation, which statement was made and taken pursuant to the laws of Oregon and the rules and regulations of the Commission, and such statement shall constitute a prima facie defense.

5.03.040.010.06 Consumption of alcoholic liquor, possession of open container of alcoholic liquor in public places prohibited.
1) Except as otherwise allowed by law, no person shall drink or consume any alcoholic liquor, or
possess any open container of alcoholic liquor while in or upon any street, alley, public grounds,

building, or place open and available to the general public, or while in a motor vehicle on premises open to the public.
2) A violation of this Section is a Class C Misdemeanor.

5.03.040.010.07 Arresting officer to seize property.
When an officer arrests any person for violation of Section 5.03.040.010, the officer may take into his or her possession all alcoholic liquor which the person arrested has in his or her possession, or on the premises, which apparently is being used or kept in violation of Section 5.03.040.010. If the person arrested is convicted and the Court finds that the alcoholic liquor has been used in violation or this Section, such forfeiture proceedings as are authorized by ORS ~~471.605,~~ 471.610 ~~, and 471.615~~ may be instituted.

5.03.040.010.08 Prohibited sales.
1) No licensee shall sell or offer for sale any alcoholic liquor in a manner, or to a person, other than permitted by the license issued by the Commission.
2) A violation of this Section is a Class C Misdemeanor.

5.03.040.010.09 Liquor Commission to be notified.
When a conviction is obtained against any licensee of the Commission for a violation of Section
5.03.040.010 or a conviction is obtained against any person where the violation of Section 5.03.040.010 was committed on a licensed premise, the Municipal Court shall notify the Oregon Liquor Control Commission of such conviction.

5.03.040.010.10 Hosting party for minors.
1) No person shall permit, allow or host a juvenile party at his or her place of residence or premises under the person's control while alcoholic liquor is consumed or possessed by any minor.
2) It shall be an affirmative defense to this Section that the alcoholic liquor is provided by the minor's parent or guardian in accordance with this Chapter.
3) This Section is intended to be a strict liability crime and the court shall not require proof of a mental state. Field Cod
4~~3~~) A violation of this Section is a Class A misdemeanor. Upon conviction, the Court shall impose at least a mandatory minimum sentence: Field Cod
a) Upon a first conviction, a fine of $500;
b) Upon a second conviction, a fine of $1,000; and,
c) Upon a third conviction, a fine of $1,500 and not less than 30 days of imprisonment.

(Ord. 92-02 § 1, 1992; Ord. 91-28 § 2, 1991; Ord. 82-77 §§ 103.01.02--103.01.09, 1982, Ord. ? 2013)
~~(Ord. 92-02 § 1, 1992; Ord. 91-28 § 2, 1991; Ord. 82-77 §§ 103.01.02--103.01.09, 1982)~~

EXHIBIT 2

471.410 Providing liquor to person under 21 or to intoxicated person; allowing consumption by minor on property; mandatory minimum penalties. (1) A person may not sell, give or otherwise make available any alcoholic liquor to any person who is visibly intoxicated.

(2) No one other than the person's parent or guardian may sell, give or otherwise make available any alcoholic liquor to a person under the age of 21 years. A parent or guardian may give or otherwise make alcoholic liquor available to a person under the age of 21 years only if the person is in a private residence and is accompanied by the parent or guardian. A person violates this subsection who sells, gives or otherwise makes available alcoholic liquor to a person with the knowledge that the person to whom the liquor is made available will violate this subsection.

(3)(a) A person who exercises control over private real property may not knowingly allow any other person under the age of 21 years who is not a child or minor ward of the person to consume alcoholic liquor on the property, or allow any other person under the age of 21 years who is not a child or minor ward of the person to remain on the property if the person under the age of 21 years consumes alcoholic liquor on the property.

(b) This subsection:

(A) Applies only to a person who is present and in control of the location at the time the consumption occurs;

(B) Does not apply to the owner of rental property, or the agent of an owner of rental property, unless the consumption occurs in the individual unit in which the owner or agent resides; and

(C) Does not apply to a person who exercises control over a private residence if the liquor consumed by the person under the age of 21 years is supplied only by an accompanying parent or guardian.

(4) This section does not apply to sacramental wine given or provided as part of a religious rite or service.

(5) Except as provided in subsection (6) of this section, a person who violates subsection (1) or (2) of this section commits a Class A misdemeanor. Upon violation of subsection (2) of this section, the court shall impose at least a mandatory minimum sentence as follows:

(a) Upon a first conviction, a fine of at least $500.

(b) Upon a second conviction, a fine of at least $1,000.

(c) Upon a third or subsequent conviction, a fine of at least $1,500 and not less than 30 days of imprisonment.

(6)(a) A person who violates subsection (2) of this section is subject to the provisions of this subsection if the person does not act knowingly or intentionally and:

(A) Is licensed or appointed under this chapter; or

(B) Is an employee of a person licensed or appointed under this chapter and holds a valid service permit or has attended a program approved by the Oregon Liquor Control Commission that provides training to avoid violations of this section.

(b) For a person described in paragraph (a) of this subsection:

(A) A first conviction is a Class A violation.

(B) A second conviction is a specific fine violation, and the presumptive fine for the violation is $860.

(C) A third conviction is a Class A misdemeanor. The court shall impose a mandatory fine of not less than $1,000.

(D) A fourth or subsequent conviction is a Class A misdemeanor. The court shall impose a mandatory fine of not less than $1,000 and a mandatory sentence of not less than 30 days of imprisonment.

(7) The court may waive an amount that is at least $200 but not more than one-third of the fine imposed under subsection (5) of this section, if the violator performs at least 30 hours of community service.

(8) Except as provided in subsection (7) of this section, the court may not waive or suspend imposition or execution of the mandatory minimum sentence required by subsection (5) or (6) of this section. In addition to the mandatory sentence, the court may require the violator to make restitution for any damages to property where the alcoholic liquor was illegally consumed or may require participation in volunteer service to a community service agency.

(9)(a) Except as provided in paragraph (b) of this subsection, a person who violates subsection (3) of this section commits a Class A violation.

(b) A second or subsequent violation of subsection (3) of this section is a specific fine violation, and the presumptive fine for the violation is $1,000.

(10) Nothing in this section prohibits any licensee under this chapter from allowing a person who is visibly intoxicated from remaining on the licensed premises so long as the person is not sold or served any alcoholic liquor. [Amended by 1963 c.243 §1; 1971 c.159 §5; 1977 c.458 §1; 1977 c.814 §1; 1983 cor. c.736 §1; 1995 c.301 §40; 1995 c.599 §5; 1995 c.756 §1; 1999 c.351 §58; 2009 c.412 §1; 2009 c.587 §4; 2009 c.608 §3; 2011 c.597 §87]

Section 5.03.150.010Notice provisions.

1) When a police officer determines that one or more persons are engaged in an activity or conduct which violates the provisions of the Corvallis Criminal Code [Municipal Code Chapter 5.03] or the Criminal Code of Oregon, the police shall give written notice to one or more of the persons who are engaged in, or who are in control of, such activity or conduct that the activity or conduct must immediately cease.

2) Notice recipients shall be liable for ~~a~~ special response fees if a subsequent police response arising out of the activity or conduct is required within thirty (30) days following such notice. A special response fee will be charged to each person identified in subsection 5.03.150.020 of this Section. Separate fees shall be charged for the original and each subsequent police responses. The special response fee is defined as the total cost incurred by the City in connection with such response, including but not limited to, police officers, equipment, dispatch and supervisor time. (Ord. 2010-17 §1, 08/16/2010; Ord. 82-77, 1982)

(2010-17, Amended, 08/16/2010, Ord. ? 2013)

Section 5.03.150.020Liability imposed.

1) Each person responsible for, or engaged in, activity or conduct requiring ~~a subsequent~~ police response and resulting in the imposition of a special response fee as defined in subsection 5.03.150.010 of this Section shall be held jointly and severally liable for payment of the costs included in that~~e~~ special response fee. If any person responsible for, or engaged in, the activity or conduct is a minor, the minor's parent(s) or guardian(s) shall also be liable for such fee.

(Ord. 2010-17 §2, 08/16/2010; Ord. 82-77 1972)
(2010-17, Amended, 08/16/2010, Ord. ? 2013)

EXHIBIT
3

MEMORANDUM

TO: Human Services Committee

FROM: Mary Steckel, Public Works Director

DATE: May 9, 2013

SUBJECT: Ordinance Relating to an Expansion of Smoking Prohibition in Public Places

ISSUE

Staff has received regular complaints from citizens and business owners regarding people smoking in and near City bicycle parking structures, bus shelters and the grounds of the Downtown Transit Center (DTC).

DISCUSSION

People wishing to utilize these City facilities are subjected to second-hand smoke. To remedy this issue, staff is recommending an expansion of the existing smoking prohibitions within the Municipal Code. The expansion is expected to make the bicycle shelters more available for their intended use and enhance the comfort and health of transit system users.

Public Works and Police Department staff met to discuss this proposed change. The result of that discussion was a realization that it would be difficult to enforce a 10-foot smoking restriction at the DTC because there is no specific structure from which to measure. Therefore, staff is recommending that the restriction apply to the entire City Hall block.

REQUESTED ACTION

Staff requests that the Human Services Committee recommend that the City Council approve an ordinance change to prohibit smoking on the City Hall block and within 10 feet of all CTS bus shelters and City bicycle parking structures.

Reviewed and concur:

James A. Patterson, City Manager

City Attorney

Jon Sassaman, Police Chief

Attachment: Proposed ordinance changes

ORDINANCE 2013-____

AN ORDINANCE RELATING TO A SMOKING PROHIBITION AT COVERED BICYCLE PARKING SHELTERS AND TRANSIT FACILITIES AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 5.03 "OFFENSES," AS AMENDED.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Chapter 5.03 is hereby amended as follows:

5.03.080.160.01 Definitions.

1) Bar - An area which is devoted to the serving of alcoholic beverages for consumption by guests on premises and in which the serving of food is only incidental to the consumption of such beverages.

2) Business - Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including retail establishments where goods or services are sold as well as professional corporations and other entities where professional services are delivered.

3) Employee - Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a non-profit entity.

4) Employer - Any person or entity who employs the services of one or more individuals.

5) Enclosed area - All space between a floor and a ceiling which is exposed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structure.

6) Place of employment - Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

7) Public place -Any City-owned or managed park and recreational facilities, including parks, trails, open space, and special use areas, City-owned bicycle parking structures, and City-owned transit shelters, and any enclosed area to which the public is invited or in which the public is permitted including but not limited to banks, education facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

8) Restaurant - Any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

9) Retail tobacco store - A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

10) Service line - Any indoor line, or any portion of an indoor line that extends out of doors, at which one or more persons are waiting for or receiving services of any kind, whether or not such services involves the exchange of money.

11) Smoking - Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, plant, or other tobacco like product or substance in any manner or in any form.

12) Sports arena - Any sports pavilion, gymnasium, health spa, swimming pool, roller rink, bowling alley, and other places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

13) Tobacco product - Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

(Ord. 2013 - §1, Ord. 2006-01 §1, 01/03/2006)

5.03.080.160.02 Smoking prohibited in public places.

1) Smoking shall be prohibited in all enclosed public places within the City or located on City owned property, including, but not limited to the following places:

a) Elevators;

b) Rest rooms, lobbies, reception areas, hallways, and any other common-use areas;

c) Buses, taxicabs, and any other means of public transportation under the authority of the City;

d) Service lines, or within 10 feet of a service line that extends out of doors;

e) Retail stores;

f) All areas available and customarily used by the general public located in all businesses patronized by the public, including non-profit and public businesses. Affected businesses include, but are not limited to, professional offices, banks, laundromats, hotels and motels;

g) Restaurants;

h) Any facility which is primarily used for exhibiting any motion picture, stage or drama production, lecture, music recital or other similar performances, except performers when smoking is part of a stage or drama production;

i) Sports arena, including bowling facilities and convention halls;

j) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council commission, committee, including joint committees, or agencies of the City or any political subdivision of the City during such time as a public meeting is in progress, to the extent such a place is subject to the jurisdiction of the City;

k) Waiting rooms, hallways, wards, and semiprivate rooms of health care facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctor's and dentist's office;

l) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities; and

m) Polling places.

2) Smoking shall be prohibited in all City-owned or managed parks and recreational facilities, including all parks, trails, open space, and special use areas. This does not include designated parking areas.

3) Smoking shall be prohibited on all of the City-owned grounds, patios, plazas, steps, ramps, and facilities for the Corvallis-Benton County Public Library. This prohibition includes the library parking garage and library parking lot. This prohibition includes any sidewalk, pedestrian way, driveway, planting area, public right-of-way, street, curb, or gutter within 50 feet of the exterior of the City-owned Corvallis Benton County Public Library building. This prohibition does not include any property that is within 50 feet of the exterior of the City-owned Corvallis Benton County Public Library building that is not owned by the City or part of a public right-of-way. This prohibition does not include smoking within a private automobile with the doors and windows closed, except within the library parking garage or library parking lot, or the associated driveways.

4) Smoking shall be prohibited in the interior of and within 10 feet of the exterior of any City-owned covered bicycle parking structure and transit shelter.

5) Smoking shall be prohibited on all City-owned grounds, steps, ramps, sidewalks, planting areas, transit shelters, curbs, driveways, vehicle parking areas, and bicycle parking facilities for the entire City Hall block. The parcels within this block are identified as Block 8

Lots 1-12, County Addition. This prohibition does not include smoking within a private automobile with the doors and windows closed.

~~4~~6) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a non-smoking establishment.

~~5~~7) Any person who violates the provisions of this Code section shall be subject to the penalties as set forth in Section 5.03.080.160.10 of Chapter 5.03 of the Corvallis Municipal Code.

(Ord. 2013 - §2, Ord. 2011-09 §1, 05/16/2011; Ord. 2009-04 §1, 03/02/2009; Ord. 2006-01 §2, 01/03/2006)

PASSED by the City Council this _____ day of _____, 2013.

APPROVED by the Mayor this _____ day of _____, 2013.

EFFECTIVE this _____ day of _____, 2013.

_____
Mayor

ATTEST:

_____
City Recorder

RESOLUTION 2013 -

Minutes of the June 3, 2013, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, setting forth the City of Corvallis' commitment to put healthy options within reach of all residents; and

WHEREAS, the nutrition and physical activity choices that individuals make for themselves and their families are influenced by their environment; and

WHEREAS, local policies on land use and transportation, access to healthy food, and shared use determine whether options for healthy eating and active living are within reach of the people who live, work, go to school, play, or worship in the City; and

WHEREAS, high rates of costly chronic disease among both children and adults are correlated to environments with few or no options for healthy eating and active living; and

WHEREAS, the City of Corvallis is a member of the League of Oregon Cities; and

WHEREAS, in 2010, the League of Oregon Cities Board of Directors resolved to partner with and support the national *Let's Move!* campaign headed by the First Lady of the United States, and has encouraged Oregon cities to adopt preventive measures to fight obesity; and

WHEREAS, in 2012, the League of Oregon Cities Board of Directors resolved to partner with the Oregon Public Health Institute (OPHI) in the *Healthy Eating Active Living (HEAL) Cities Campaign*, and encouraged all Oregon cities to join the *Heal Cities Campaign* and qualify as a HEAL City by accepting information, training, and technical assistance from OPHI staff on policies to support healthier eating and increased physical activity levels for all residents, create more livable communities, and create a culture of wellness at municipal workplaces, and adopting at least one recommended HEAL policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that joining the *HEAL Cities Campaign* has the potential to improve local livability and have a positive impact on the community's health and well-being. To that end, the City of Corvallis adopts this HEAL resolution;

BE IT FURTHER RESOLVED that City of Corvallis staff shall work with *HEAL Cities Campaign* staff to explore HEAL policies and to identify those policies that are suitable for the City's unique local circumstances.

_____

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

ORDINANCE 2013-___

AN ORDINANCE RELATING TO ALCOHOL AND SPECIAL RESPONSE FEES, AMENDING MUNICIPAL CODE CHAPTER 5.03, "OFFENSES," AS AMENDED

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 5.03.040.010 is hereby amended as follows:

Section 5.03.040.010 Alcohol.

The City Council finds that the unlawful use and/or possession of alcoholic liquor contributes to the commission of offenses defined and made punishable under this code and contributes to the degradation of and poses substantial risks to the public health, safety and welfare concerns for Corvallis citizens.
(Ord. ? 2013)

Section 2. Municipal Code Section 5.03.040.010.01 is hereby amended as follows:

5.03.040.010.01 Definitions.

1) Alcoholic liquor - Any alcoholic beverage containing more than one-half of one percent of alcohol by volume and every liquid or solid, patented or not, containing alcohol, and capable of being consumed by a human being.

2) Commission - The Oregon Liquor Control Commission as provided for by the Oregon Liquor Control Act.

3) Juvenile party - A social gathering attended by one or more persons under the age of twenty-one (21).

4) Licensed premises - The room or enclosure at the address within the corporate limits of the City of Corvallis for which a license has been issued by the Commission for the serving, mixing, handling, or selling of alcoholic liquor.

5) Licensee - A person who has an alcoholic liquor license from the Commission authorizing such person to sell or dispense alcoholic liquor.

6) Oregon Liquor Control Act - ~~The State law so designated by ORS 471.027 and includes the Oregon Distilled Liquor Control Act as defined by ORS 472.020.~~ **The State law so designated by ORS 471.027 and includes the Oregon Distilled Liquor Control Act.**

7) Place of residence - A building which regularly or intermittently is occupied by a person for dwelling, lodging or sleeping purposes, whether or not the person is actually present.

8) Sell - Includes soliciting or receiving an order for or keeping, offering, or exposing for sale, delivering for value, or in any way other than gratuitous, peddling, keeping with intent to sell, to traffic in, for any consideration, promised or obtained, direct or indirect, or under any pretext or by any means, procuring or allowing to be procured alcoholic liquor for any other person.
(Ord. 91-28 § 1 (part.), 1991; Ord. 82-77 § 103.01, 1982, **Ord. ? 2013**)

Section 3. Municipal Code Section 5.03.040.010.02 is hereby amended as follows:

Section 5.03.040.010.02 Providing alcoholic liquor to certain persons prohibited.

1) No one other than the person's parent or guardian shall sell, give, or otherwise make available

any alcoholic liquor to a person under the age of 21 years. A person ~~violates this subsection~~ who sells, gives, or otherwise makes available alcoholic liquor to a person with the knowledge that the person will violate this subsection.

2) A violation of this Section is a Class A Misdemeanor. Upon conviction, the Court shall impose at least a mandatory minimum sentence:

a) Upon a first conviction, a fine of ~~$350~~**500**;

b) Upon a second conviction, a fine of $1,000; and,

c) Upon a third conviction, a fine of $1,~~0~~**5**00 and not less than 30 days of imprisonment.

3) The mandatory minimum penalty provisions of subsection 2) of this Section shall not apply to persons licensed or appointed by or through the Commission.

4) This Section is intended to be a strict liability crime and the court shall not require proof of a mental state.

(Ord. ? 2013)

Section 4. Municipal Code Section 5.03.040.010.03 is hereby amended as follows:

Section 5.03.040.010.03 Purchase or possession of alcoholic liquor by minors.

1) The City of Corvallis adopts ORS 471.430 in its entirety.

2) A person under 21 years of age may not attempt to purchase, purchase or acquire alcoholic beverages. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardian's consent, a person under 21 years of age may not have personal possession of alcoholic beverages.

3) For the purposes of this section, personal possession of alcoholic beverages includes the acceptance or consumption of a bottle of such beverages, or any portion thereof or a drink of such beverages. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

4) Except as authorized by rule or as necessitated in an emergency, a person under 21 years of age may not enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.

5) Except as provided in paragraph (a) of this subsection, a person who violates subsection (2) or (4) of this section commits a Class B violation.

a) A person commits a Class A violation if the person violates subsection (2) of this section by reason of personal possession of alcoholic beverages while the person is operating a motor vehicle, as defined in ORS 801.360.

6) In addition to and not in lieu of any other penalty established by law, a person under 21 years of age who violates subsection (2) of this section through misrepresentation of age may be required to perform community service and the court shall order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. If a court has issued an order suspending driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this subsection may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.

7) If a person cited under this section is at least 13 years of age but less than 21 years of age at the time the person is found in default under ORS 153.102 or 419C.472 for failure to appear, in addition to and not in lieu of any other penalty, the court shall issue notice under ORS 809.220 to the department for the department to suspend the person's driving privileges under ORS 809.280 (4).

8) In addition to and not in lieu of any penalty established by law, the court may order a person who violates this section to undergo assessment and treatment as provided in ORS 471.432. The court shall order a person to undergo assessment and treatment as provided in ORS 471.432 if the person has previously been found to have violated this section.

9) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of the Oregon Liquor Control Commission or under the direction of state or local law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of alcoholic beverages to persons who are under 21 years of age.

10) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under 21 years of age.

(Ord. 2003-03 §1, 01/21/2003; 2002-38 §1, 11/04/2002, **Ord.? 2013**)

~~2) No person under the age of 21 years shall attempt to purchase, purchase or acquire alcoholic liquor. Except when such minor is in a private residence accompanied by the parent or guardian of the minor and with such parent's or guardians's consent, no person under the age of 21 years shall have personal possession of alcoholic liquor.~~

~~3) For purposes of this section, personal possession of alcoholic liquor includes the acceptance or consumption of a bottle of such liquor, or any portion thereof or a drink of such liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.~~

~~4) Except as authorized by rule or as necessitated in an emergency, no person under the age of 21 years shall enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.~~

~~5) Any person who violates subsection (2) or (4) of this section commits a Class B violation.~~

~~6) In addition to and not in lieu of any other penalty established by law, a person under the age of 21 years who violates subsection (2) of this section through misrepresentation of age may be required to perform community service and the court shall order that the person's driving privileges and right to apply for driving privileges be suspended for a period not to exceed one year. If a court has issued an order denying driving privileges under this section, the court, upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this subsection may include a recommendation that the person be granted a hardship permit under ORS 807.240 if the person is otherwise eligible for the permit.~~

~~7) In addition to and not in lieu of any penalty established by law, the court:~~

~~a) Shall order a person who is at least 18 years of age and not more than 21 years of age, who is convicted of violation of this section and who has been convicted of violation of this section at least once before when the person was at least 18 years of age, to undergo assessment and treatment as provided in ORS 471.432.~~

~~b) May order a person who is at least 18 years of age and not more than 21 years of age and who is convicted of violation of this section to undergo assessment and treatment as provided in ORS 471.432.~~

~~8) The prohibitions of this section do not apply to a person under the age of 21 years who is acting under the direction of the Oregon Liquor Control Commission or under the direction of state of local law enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of alcoholic beverages to persons who are under the age of 21 years.~~

~~9) The prohibitions of this section do not apply to a person under the age of 21 years who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of alcoholic beverages to persons who are under the age of 21 years.~~

~~(Ord. 2003-03 §1, 01/21/2003; 2002-38 §1, 11/04/2002)~~

Section 5.03.040.010.04 Misrepresentation of true age of minor.

1) No minor shall falsely represent that she or he is of any age other than his or her true age, or produce any evidence that would falsely indicate his or her age, for the purpose of securing any right, benefit, or privilege denied minors by Section 5.03.040.010.

2) No person shall falsely represent a minor to be 21 years of age or older for the purpose of securing or assisting such minor in securing any right, benefit, or privilege denied to minors by this Section.

3) A violation of this section is a Class A Infraction.

Section 5.03.040.010.05 Defense of written age statement.

If a licensee or an employee or agent is prosecuted in the Municipal Court for selling alcoholic liquor to a minor or permitting a minor to consume alcoholic liquor or to enter or loiter upon the licensed premises, the licensee or his or her employee or agent may offer in defense any written statement made by or for such minor prior to the violation, which statement was made and taken pursuant to the laws of Oregon and the rules and regulations of the Commission, and such statement shall constitute a prima facie defense.

Section 5.03.040.010.06 Consumption of alcoholic liquor, possession of open container of alcoholic liquor in public places prohibited.

1) Except as otherwise allowed by law, no person shall drink or consume any alcoholic liquor, or possess any open container of alcoholic liquor while in or upon any street, alley, public grounds, building, or place open and available to the general public, or while in a motor vehicle on premises open to the public.

2) A violation of this Section is a Class C Misdemeanor.

Section 5. Municipal Code Section 5.03.040.010.07 is hereby amended as follows:

Section 5.03.040.010.07 Arresting officer to seize property.

When an officer arrests any person for violation of Section 5.03.040.010, the officer may take into his or her possession all alcoholic liquor which the person arrested has in his or her possession, or on the premises, which apparently is being used or kept in violation of Section 5.03.040.010. If the person arrested is convicted and the Court finds that the alcoholic liquor has been used in violation or this Section, such forfeiture proceedings as are authorized by ORS ~~471.605,~~ 471.610 ~~and 471.615~~ may be instituted.

Section 5.03.040.010.08 Prohibited sales.

1) No licensee shall sell or offer for sale any alcoholic liquor in a manner, or to a person, other than permitted by the license issued by the Commission.

2) A violation of this Section is a Class C Misdemeanor.

Section 5.03.040.010.09 Liquor Commission to be notified.

When a conviction is obtained against any licensee of the Commission for a violation of Section 5.03.040.010 or a conviction is obtained against any person where the violation of Section 5.03.040.010 was committed on a licensed premise, the Municipal Court shall notify the Oregon Liquor Control Commission of such conviction.

Section 6. Municipal Code Section 5.03.040.010.10 is hereby amended as follows:

Section 5.03.040.010.10 Hosting party for minors.

1) No person shall permit, allow or host a juvenile party at his or her place of residence or premises under the person's control while alcoholic liquor is consumed or possessed by any minor.

2) It shall be a**n affirmative** defense to this Section that the alcoholic liquor is provided by the minor's parent or guardian in accordance with this Chapter.

3) This Section is intended to be a strict liability crime and the court shall not require proof of a mental state.

4~~3~~) A violation of this Section is a Class A misdemeanor. **Upon conviction, the Court shall impose at least a mandatory minimum sentence:**

a) Upon a first conviction, a fine of $500;

b) Upon a second conviction, a fine of $1,000; and,

c) Upon a third conviction, a fine of $1,500 and not less than 30 days of imprisonment.

(Ord. 92-02 § 1, 1992; Ord. 91-28 § 2, 1991; Ord. 82-77 §§ 103.01.02--103.01.09, 1982**, Ord. ? 2013**)

Section 7. Municipal Code Section 5.03.150, Special response fee, is hereby amended as follows:

Section 5.03.150.010 Notice provisions.

1) When a police officer determines that one or more persons are engaged in an activity or conduct which violates the provisions of the Corvallis Criminal Code [Municipal Code Chapter 5.03] or the Criminal Code of Oregon, the police shall give written notice to one or more of the persons who are engaged in, or who are in control of, such activity or conduct that the activity or conduct must immediately cease.

2) Notice recipients shall be liable for ~~a~~ special response fee**s** if a subsequent police response arising out of the activity or conduct is required within thirty (30) days following such notice. A special response fee will be charged to each person identified in subsection 5.03.150.020 of this Section. Separate fees shall be charged for **the original and** each subsequent police response. The special response fee is defined as the total cost incurred by the City in connection with such response, including but not limited to, police officers, equipment, dispatch and supervisor time.

(Ord. 2010-17 §1, 08/16/2010; Ord. 82-77, 1982)

(2010-17, Amended, 08/16/2010, **Ord. ? 2013**)

Section 8. Municipal Code Section 5.03.150.020 is hereby amended as follows:

Section 5.03.150.020 Liability imposed.

1) Each person responsible for, or engaged in, activity or conduct requiring ~~a subsequent~~ police response **and resulting in the imposition of a special response fee** as defined in subsection

5.03.150.010 of this Section shall be held jointly and severally liable for payment of the costs included in th**eat** special response fee. If any person responsible for, or engaged in, the activity or conduct is a minor, the minor's parent(s) or guardian(s) shall also be liable for such fee.
(Ord. 2010-17 §2, 08/16/2010; Ord. 82-77 1972)
(2010-17, Amended, 08/16/2010, **Ord. ? 2013**)

Section 5.03.150.030Authorizing City Manager.

The City Manager is authorized to adopt a fee schedule, appropriate procedures for billing and other matters necessary for the administration of this Section.

Section 5.03.150.040 Collection.

A bill for the costs incurred by the City for its subsequent response(s) shall be prepared and delivered to the person(s) responsible therefor who shall be liable for its payment. The amount shall be deemed a debt to the City of the person(s) responsible who shall be liable in an action brought in the name of the City for recovery of such amount, including reasonable attorney's fees.

Section 5.03.150.050 Appeal.

Any person aggrieved by any decision to bill for costs of a subsequent response may appeal to a hearings officer by filing a notice of appeal with the City Manager within fifteen (15) days of the date of the billing. Upon the filling of such request, the City Manager shall set a time and place for the hearing and shall notify the appellant thereof. At the hearing, any person may present evidence in opposition to or in support of the appellant's case. At the conclusion of the hearing, the hearings officer may affirm, reverse or modify the decision and the decision of the hearings officer shall be final.

Section 5.03.150.060 Applicability.

This Section 5.03.150 shall only apply to activities or conduct described in subsection 5.03.150.010 of this Section for which a citation may be issued for a violation of a City law or State statute.

Section 5.03.150.070 Remedies.

The remedies herein set forth are nonexclusive and are in addition to any and all other remedies available to the City as provided by operation of law.
(Ord. 91-28 § 3, 1991)

PASSED by the City Council this _____ day of _____, 2013.

APPROVED by the Mayor this _____ day of _____, 2013.

EFFECTIVE this _____ day of _____, 2013.

_____
Mayor

ATTEST:

_____
City Recorder

ORDINANCE 2013-____

AN ORDINANCE RELATING TO A SMOKING PROHIBITION AT COVERED BICYCLE PARKING SHELTERS AND TRANSIT FACILITIES AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 5.03 "OFFENSES," AS AMENDED.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

<u>Section 1.</u> Municipal Code Chapter 5.03 is hereby amended as follows:

5.03.080.160.01 Definitions.

1) Bar - An area which is devoted to the serving of alcoholic beverages for consumption by guests on premises and in which the serving of food is only incidental to the consumption of such beverages.

2) Business - Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including retail establishments where goods or services are sold as well as professional corporations and other entities where professional services are delivered.

3) Employee - Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a non-profit entity.

4) Employer - Any person or entity who employs the services of one or more individuals.

5) Enclosed area - All space between a floor and a ceiling which is exposed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structure.

6) Place of employment - Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

7) Public place -Any City-owned or managed park and recreational facilities, including parks, trails, open space, and special use areas, **City-owned bicycle parking structures, and City-owned transit shelters,** and any enclosed area to which the public is invited or in which the public is permitted including but not limited to banks, education facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

8) Restaurant - Any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

9) Retail tobacco store - A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

10) Service line - Any indoor line, or any portion of an indoor line that extends out of doors, at which one or more persons are waiting for or receiving services of any kind, whether or not such services involves the exchange of money.

11) Smoking - Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, plant, or other tobacco like product or substance in any manner or in any form.

12) Sports arena - Any sports pavilion, gymnasium, health spa, swimming pool, roller rink, bowling alley, and other places where members of the general public assemble either to

engage in physical exercise, participate in athletic competition, or witness sports events.

13) Tobacco product - Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

(**Ord. 2013 - §1,** Ord. 2006-01 §1, 01/03/2006)

Section 2. Municipal Code Section 5.03.080.160.02 is hereby amended as follows:

5.03.080.160.02 Smoking prohibited in public places.

1) Smoking shall be prohibited in all enclosed public places within the City or located on City owned property, including, but not limited to the following places:

a) Elevators;

b) Rest rooms, lobbies, reception areas, hallways, and any other common-use areas;

c) Buses, taxicabs, and any other means of public transportation under the authority of the City;

d) Service lines, or within 10 feet of a service line that extends out of doors;

e) Retail stores;

f) All areas available and customarily used by the general public located in all businesses patronized by the public, including non-profit and public businesses. Affected businesses include, but are not limited to, professional offices, banks, laundromats, hotels and motels;

g) Restaurants;

h) Any facility which is primarily used for exhibiting any motion picture, stage or drama production, lecture, music recital or other similar performances, except performers when smoking is part of a stage or drama production;

i) Sports arena, including bowling facilities and convention halls;

j) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council commission, committee, including joint committees, or agencies of the City or any political subdivision of the City during such time as a public meeting is in progress, to the extent such a place is subject to the jurisdiction of the City;

k) Waiting rooms, hallways, wards, and semiprivate rooms of health care facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctor's and dentist's office;

l) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities; and

m) Polling places.

2) Smoking shall be prohibited in all City-owned or managed parks and recreational facilities, including all parks, trails, open space, and special use areas. This does not include designated parking areas.

3) Smoking shall be prohibited on all of the City-owned grounds, patios, plazas, steps, ramps, and facilities for the Corvallis-Benton County Public Library. This prohibition includes the library parking garage and library parking lot. This prohibition includes any sidewalk, pedestrian way, driveway, planting area, public right-of-way, street, curb, or gutter within 50 feet of the exterior of the City-owned Corvallis Benton County Public Library building. This prohibition does not include any property that is within 50 feet of the exterior of the City-owned Corvallis Benton County Public Library building that is not owned by the City or part of a public right-of-way. This prohibition does not include smoking within a private automobile with the doors and windows closed, except within the library parking garage or library parking lot, or the associated driveways.

4) Smoking shall be prohibited in the interior of and within 10 feet of the exterior of any City-owned covered bicycle parking structure and transit shelter.

5) Smoking shall be prohibited on all City-owned grounds, steps, ramps, sidewalks, planting areas, transit shelters, curbs, driveways, vehicle parking areas, and

bicycle parking facilities for the entire City Hall block. The parcels within this block are identified as Block 8 Lots 1-12, County Addition. This prohibition does not include smoking within a private automobile with the doors and windows closed.

~~4~~**6**) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a non-smoking establishment.

~~5~~**7**) Any person who violates the provisions of this Code section shall be subject to the penalties as set forth in Section 5.03.080.160.10 of Chapter 5.03 of the Corvallis Municipal Code.

(Ord.2013 - §2, Ord. 2011-09 §1, 05/16/2011; Ord. 2009-04 §1, 03/02/2009; Ord. 2006-01 §2, 01/03/2006)

PASSED by the City Council this _____ day of _____, 2013.

APPROVED by the Mayor this _____ day of _____, 2013.

EFFECTIVE this _____ day of _____, 2013.

_____
Mayor

ATTEST:

_____
City Recorder

URBAN SERVICES COMMITTEE
MINUTES
May 21, 2013

Present
Richard Hervey, Chair
Dan Brown

Absent
Roen Hogg (excused)

Visitors
Bob Harrison
Drew Kawell
Alan Pastre
Jodie Pastre
Aimee Prezzano
Michele Walker

Staff
Jim Patterson, City Manager
Ken Gibb, Community Development Director
Sarah Johnson, Associate Planner
Emely Day, City Manager's Office

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Municipal Code Review: Chapter 8.13, "Mobile Food Units"			• Amend Corvallis Municipal Code Chapters 8.03, "Fees," and 8.13, "Mobile Food Units," **by means of an ordinance to be read by the City Attorney** • Add to Urban Services Committee's schedule during summer 2013, discussion of expanding to NW Monroe Avenue the area where mobile food units would be permitted and have a decision ready by fall 2013
II. Other Business			

CONTENT OF DISCUSSION

Councilor Hervey called the meeting to order at 5:00 pm.

I. Municipal Code Review: Chapter 8.13, "Mobile Food Units"

Associate Planner Johnson reviewed that on October 3, 2011, the Council approved an ordinance to allow year 'round operation of mobile food units (MFUs) in the Central

Business and Riverfront Zones; the ordinance included a provision for a review of the legislation one year after its adoption. During September 2012, the Downtown Commission began a preliminary review of the legislation, beginning with a meeting to solicit public input from vendors, property owners, and others. During the year, no one applied for a MFU permit, leading staff to presume that the legislation was not working as well as was intended. During October 2012, MFU vendors presented input regarding legislative issues they observed and suggested amendments. The Commission formed a sub-committee to consider the issues presented. Over a two-month period, the sub-committee worked with a MFU vendor representative. Staff spoke with colleagues in the Fire and Public Works Departments and two area property owners. The sub-committee developed a final recommendation for the Commission. The Commission met in April to solicit public comment regarding the recommended legislative amendments and forwarded the recommended amendments to the Committee and Council.

Ms. Johnson reviewed the recommended legislative amendments:

- Ask Urban Services Committee or the Council to consider other potentially appropriate commercial zones for location of year 'round MFUs.
- Exempt trailer tow hitches from the calculation of the 16-foot length limitation of MFUs that could be located under the legislation.
- Reduce or eliminate set-backs from sidewalks in the Downtown area, depending upon circumstances.
- Reduce the separation distance between temporary chairs and tables and MFUs in scenarios where individual tables and chairs were placed near the units to accommodate patrons and flammable objects were not present. This would not affect the separation distance standard for common seating areas or wood structures.
- Change the fee structure and make vendors responsible for obtaining permits and working with property owners to determine on-site MFU locations.
- Change the fee structure to include an annual infrastructure impact fee payable by vendors and a one-time site review fee. The site review fee would be assessed again only if the MFU location changed.
- Change the Municipal Code Chapter title to Mobile Food Unit Siting Policy. The previous title (Mobile Food Unit) could imply that food units were fully licensed to operate on the site with just a permit through a City policy. The suggested title amendment would indicate that other possible permits might be required, and the legislation pertained only to the siting of a MFU on a property.

Ms. Johnson said the Commission would like to allow for re-consideration of the separation distance standard in case the City drafted a policy for implementing a program of inspecting fire-suppression equipment on MFUs.

Community Development Director Gibb noted that the proposed legislative amendments would not remove the provision requiring review after a year under the amended provisions.

Alan Pastre said he supported the concept of MFUs, but he considered the legislation, with the recommended amendments, still somewhat restrictive. He noted that Michele Walker,

who originally broached the concept of local MFUs, did extensive research, including the State Fire Code. He understood that Fire Department staff recommended not following the State Fire Code, which he considered a problem. He did not believe MFU pods would be successful without enough vendors interested in locating in an area to attract people. He noted that MFUs were very successful in Portland and Eugene, Oregon. He opined that Corvallis' approach to the MFU concept was not working and should be less restrictive and less cost prohibitive.

Mr. Pastre clarified for Councilor Hervey that one of the Commission's meeting minutes referenced Fire Department staff's position that the State Fire Code setback requirements would not provide sufficient access for fire suppression and that staff did not have enough information to determine whether each MFU would have sufficient fire suppression. Fire Department staff wanted more space to be able to bring in fire-suppression apparatus.

Aimee Prezzano said she supported entrepreneurship, making it easier to bring good food to the community, and reducing fees. In response to Councilor Hervey's inquiries, she opined that, even with the recommended amendments, the legislation and permit fees would still create a major barrier to a vendor entering the MFU market. She observed that the City wanted to make concessions, but the amendments would not be enough to make a MFU pod successful.

Jodie Pastre said the MFUs wanting to locate in Corvallis would provide ethnic food, rather than the conventional, greasy food associated with food carts. She thought the variety of quality foods should be a reason for the City to work with MFU vendors.

Michele Walker, representing Cartvallis and acting as spokesperson for the MFU vendors, agreed with the proposed legislative amendments and believed they would create legislation more aligned with the vendors' original desires. Under the amendments, vendors would be responsible for their permits. Since the ordinance was adopted in 2011, the vendors lost the opportunity to locate on at least three properties because the property owners did not like the original legislation that assigned them responsibilities. Under the proposed amendments, property owners would still have some responsibilities, but more responsibilities would be assigned to the MFU vendors.

Referencing the permit fees, Ms. Walker noted that many of the MFUs were start-up companies begun by low-income vendors. She suggested that the City present the MFU concept as an opportunity for small-business development. Most MFUs used locally produced ingredients and products. She said Portland, Eugene, and Bend, Oregon, did not charge fees for MFUs on private property. She understood the necessity of balancing municipal costs among MFUs and brick-and-mortar restaurants; she did not object to MFUs paying their "fair share" for infrastructure. The permit fees were her main concern.

In response to Councilor Hervey's inquiry, Ms. Walker said she did not know the rate of the proposed reduction in MFU fees. She surmised from discussions that the proposed fees

would be more reasonable, but she understood that the fee amount had not been determined.

Ms. Walker noted that the concept of MFUs was only discussed in relation to the Downtown and Riverfront areas, but she believed the units should be allowed throughout the community. She noted successful MFU operations on NW Monroe Avenue (Monroe). Those units were governed by the existing MFU policy that allowed them to operate in a location for only 45 days each year, even though they were successful and had support from neighboring businesses. She believed the legislation should be applicable throughout Corvallis to provide more equity among vendors.

Councilor Hervey noted that MFUs, whose customers were predominantly pedestrians, could increase patronage at nearby businesses. He reviewed a City zoning map to seek other possible locations for pedestrian-oriented mobile food units.

Ms. Walker suggested that Monroe and NW Ninth Street (Ninth) might be suitable areas for MFUs. Referencing her objective and her view that MFUs could be viable businesses in the community, she noted that Coffee Culture began as a MFU in Ride Aid's parking lot. The business continued operating beyond 45 days because no one complained about its presence. The business grew to three or four brick-and-mortar locations in the community. MFUs provided start-up, growth opportunities. She did not expect anyone to establish a mobile or stationary food unit in a residential neighborhood; the legislation should specify that such units could only be located where allowed by zoning regulations. MFUs would likely be more successful along Monroe while Oregon State University was in session and in the Downtown area during the summer months. Based upon that scenario, she believed the legislation should be applicable throughout the community.

Drew Kawell and his wife considered opening a drive-through coffee shop but realized the market was very saturated and vehicle focused, which was not as aesthetically pleasing as pedestrian-oriented MFUs. Last month they began selling espresso from a bicycle-operated cart, similar to some operating in Germany. He observed that the MFU concept was relatively new; however, it was pedestrian oriented, created little impact, and offered amenities for tourism and farmers' markets. He thought MFUs had opportunity to grow in Corvallis because of the community's reputation for walking and bicycling.

Bob Harrison was ready to open a MFU. He hesitated investing in the venture because of the 45-day operation limitation. He considered Portland's MFU operation an excellent model and an enhancement to the community's reputation. People often went to Portland because of the MFUs. He thought Corvallis had a good opportunity to create a MFU culture. The 45-day operation limitation was his greatest hurdle in proceeding.

In response to Councilor Brown's inquiry, Ms. Johnson explained that the 45-day operation limitation for MFU s was based upon the Land Development Code (LDC), which provided that temporary outdoor markets could operate for 45 days per year. Such markets included Christmas tree stands, produce stands, and other seasonal markets that were not

considered permanent structures or fixtures on a property. Temporary outdoor markets were permitted in the highly commercial zones. When the concept of MFUs was presented to staff, the LDC did not have an applicable use classification or regulation. Staff determined that MFUs were most similar to the temporary outdoor market classification and were treated thus until the MFU ordinance was approved in 2011.

Councilor Brown asked whether the City's policy that fees recover costs was the basis for the proposed MFU fees.

Mr. Gibb responded that the fees were intended to cover to a degree the cost of staff reviewing a site plan. When the concept of MFUs was originally considered, there was considerable discussion and public outreach input regarding some balancing of equalizing between brick-and-mortar restaurants and MFUs. The Council approved the Downtown Commission's recommendation of a fee to recognize impacts from MFUs on the infrastructure system. The proposed legislative amendments would reduce and re-structure the fees, based upon the Commission's recommendation.

Ms. Johnson said it was difficult to quantify the rate by which the fees were proposed for reduction because of the proposed structure, which she explained. The Commission proposed fees to initiate discussions.

- Site Review Fee – Staff would need to review a site plan for any MFU vendor wanting to site in a location. The review would determine whether the site plan met zoning, set-back, separation, and other standards. Upon locating the MFU on the site, the staff member would ensure compliance with the application. The $200 fee would be assessed once, unless conditions changed at the location, such as the vendor moving on the site or returning to the site after an absence and the site conditions being altered. A vendor wanting to operate from different locations during different periods of the year could pay a second $200 site review fee and have both sites reviewed; provided conditions did not change at either site, the vendor could operate from both sites indefinitely.
- Annual Infrastructure Impact Fee – The fee was associated with the property but was not considered a system development charge; it would not transfer with the property to a new occupant/owner. The fee would recognize the impact the MFU would have on area infrastructure. Staff recommended that the fee be amended to $100 annually.

Mr. Gibb added that the reduced vendors' fees were intended to respond to concerns about the initial costs. Staff also recommended discontinuing the annual permit renewal fee.

Ms. Johnson explained that the $200 site plan review fee was intended to pay for administrative staff time to ensure plan compliance with regulations and site compliance with the site plan. The Commission believed the annual infrastructure impact fee associated with each MFU would correlate with infrastructure impact caused by each unit.

In response to Councilor Hervey's inquiry, Ms. Johnson surmised that, if a MFU vendor returned to a previously approved location and the conditions of the property had not

significantly altered since the vendor's last approval for that location in terms of set-backs and separations, the vendor would not be charged for a second site plan review. If, for some reason, conditions on the property had significantly changed, a new site plan review would be needed, along with another site plan review fee.

In response to Councilor Hervey's inquiry, Mr. Gibb said removing trailer tow hitches from trailer dimension calculations and proposed set-back reductions would allow greater density of MFUs on any property. This amendment was a significant accommodation of vendors' interest.

Ms. Johnson said staff created mock-ups to estimate how many MFUs could be sited on a potential property. This prompted the recommendation for the set-back reduction. Placing units perpendicular to a property line with no set-back would significantly increase the interior space on a lot. Staff estimated that six to eight units could be sited on the parking lot at the southeast corner of the intersection of SW Third Street and SW Monroe Avenue and still meet the separation distance standards and provide space for eating areas and pedestrian pathways.

In response to Councilor Brown's inquiry, Mr. Gibb said the legislation could be reviewed at any time, regardless whether the legislation included a review requirement. Councilor Brown concurred with Councilor Hervey's suggestion of a review by Urban Services Committee with opportunity for citizen input.

City Manager Patterson observed the economic development-related theme of removing barriers to new businesses. The MFU concept illustrated how successful businesses began, such as Coffee Culture. He inquired about giving MFUs a separate LDC use classification to remove the 45-day operation limitation.

Mr. Gibb said the City could establish standards to allow MFUs in permitted locations; this option was suggested by the Commission. The Downtown area was considered pedestrian oriented, so the MFU concept was limited to the Central Business and Riverfront Zones. If the concept was expanded and vendors were allowed to operate permanently, it could be appropriate to discuss how MFUs impacted other businesses. To advance beyond the 45-day operation limitation, the City could consider amending the ordinance to allow MFUs in a larger geographic area; this would require staff time.

In response to Councilor Hervey's inquiry, Mr. Gibb said selling produce from a vehicle within an appropriate commercial zone was allowed; however, not all commercial zones would allow such activity.

Ms. Johnson explained for Councilor Hervey that allowing produce sales or MFUs under the temporary market use type to operate for more than 45 days would require a LDC amendment. Staff discussed the best means of responding to the issue of MFU locations. The concept of MFUs was new to City staff. She noted that the 45-day operation limitation applied to actual days of operation, rather than calendar days. Staff had not heard from

non-MFU vendors that the 45-day operation limitation was a problem. Staff noted that temporary operation provisions were throughout the LDC; addressing the issue via a LDC text amendment would be an extensive undertaking.

Councilor Hervey referenced a suggestion from the Downtown Commission to expand the MFU concept to other commercial zones. The Downtown area seemed attractive for this activity because of its pedestrian orientation. He was not enthusiastic about expanding the activity to Ninth. It seemed reasonable to allow MFUs along Monroe, as it had a lot of pedestrian activity and could be economically advantageous to vendors. He asked whether the legislation could be amended to include Monroe as an allowed location for MFUs. He was uncertain about allowing MFUs in all commercial areas.

Mr. Gibb suggested that, before adding the Monroe commercial area to the proposed ordinance, the City provide opportunity for merchants along Monroe to comment about allowing MFUs in their neighborhood.

In response to inquiries from the Committee, Mr. Gibb said staff had not received complaints regarding the MFUs along Monroe. He believed Monroe would be the next logical area to expand allowing MFUs. However, it would be appropriate to notify existing businesses that the proposal was being considered.

Councilor Hervey inquired about expanding the MFU permitted area of operation to Monroe without undergoing a lengthy process.

Noting the desire of MFU vendors to progress with the legislative update for the upcoming summer months, Mr. Gibb suggested that the Committee proceed with the proposed legislative amendments and direct staff regarding expanding the permitted area to Monroe. From the perspective of staff time commitments, it would be better to consider a specific area of allowed use, rather than considering expanding the use to the entire community.

Councilor Hervey said he did not want to create more staff work.

Mr. Gibb opined that it would be appropriate to solicit public input at an Urban Services Committee meeting regarding expanding the MFU permitted area to Monroe. He elaborated that Monroe was outside the purview of the Downtown Commission.

Based upon a motion moved and seconded by Councilors Brown and Hervey, respectively, the Committee unanimously recommends that Council amend Corvallis Municipal Code Chapters 8.03, "Fees," and 8.13, "Mobile Food Units," as recommended by staff, **by means of an ordinance to be read by the City Attorney.**

Councilors Brown and Hervey, respectively, moved and seconded to add to Urban Services Committee's schedule during summer 2013, discussion of expanding to NW Monroe Avenue the area where mobile food units would be permitted and have a decision ready by fall 2013.

In response to Councilor Brown's inquiry, Councilor Hervey said the Committee could discuss expanding the MFU permitted use area to South Corvallis.

Mr. Patterson suggested focusing on expanding the MFU permitted use area to Monroe and then consider further expansion. Councilor Hervey concurred, noting that South Corvallis was less pedestrian oriented than the Downtown and Monroe areas.

Based upon a motion moved and seconded by Councilors Brown and Hervey, respectively, the Committee unanimously recommends that Council add to Urban Services Committee's schedule during summer 2013, discussion of expanding to NW Monroe Avenue the area where mobile food units would be permitted and have a decision ready by fall 2013.

II. Other Business

A. The next regular Urban Services Committee meeting is scheduled for June 4, 2013, at 5:00 pm, in the Madison Avenue Meeting Room.

Councilor Hervey adjourned the meeting at 5:51 pm.

Respectfully submitted,

Richard Hervey, Chair

MEMORANDUM

Date: May 13, 2013

To: Urban Services Committee

From: Ken Gibb, Community Development Director

Re: Food Cart Policy Review and Recommendations

Background:

At the December 2012 Urban Services Committee meeting, Committee members received information regarding a one-year review of Municipal Code Ordinance 8.13 – Mobile Food Units. The Downtown Commission has conducted a review of the Ordinance, with public participation, and has drafted proposed amendments to the Ordinance (Attachment B), explained below. Also included for the Committee's consideration is Attachment A, which is a compilation of excerpted minutes from the Downtown Commission's discussions regarding potential policy changes, for reference.

Discussion:

Applicability – The Commission heard from the public that there are a limited number of available private sites in downtown that are eligible to host a year round food cart or collection of carts. Many carts are located elsewhere in the City, in areas where they do good business, and they feel it is a hardship for them to have to move to a new location after 45 days of operation. Food cart vendors feel that this 45-day limitation is an arbitrary and unnecessary one, and that greater locational flexibility could be achieved by amending the Ordinance to apply to other appropriate zones. **The Commission suggests that the Urban Services Committee could consider looking at other zones or areas in the City where this use may be appropriate and desirable.**

Definition – The current Ordinance limits food carts to 16 ft in length or 128 square feet. Interested parties noted that the language is not clear regarding whether the tow hitch and tongue of the cart is included in the length limitation, and offered that there should be no size limitation on carts, but rather, the size of carts on a particular lot would be controlled by the number of carts present and the separation requirements. After consideration, t**he Commission recommends retaining the size and square footage limitations, but exempting the tow hitch and tongue from that calculation.**

Setbacks and Separation – Interested parties asserted that the setback and separation requirements made many sites unviable for a collection of food carts. They found the

standards were too restrictive and required too much space per cart. They noted other communities had far lesser requirements for separation, if any, and recommended significantly reducing both setback and separation requirements.

Setbacks – Stakeholders noted that not all carts would necessarily be oriented with the vending window facing the street, and that a food cart pod could contain carts with windows facing perpendicular to the property line (with the rear of the cart facing the street) or with windows facing the interior of the lot. Furthermore, stakeholders noted that in the downtown area buildings are not required to have any setback from the property line, and the current 6 foot setback requirement results in loss of space and less visibility. **The Commission recommends reducing the setback to zero when the vending window is not facing the street, and to 2 ft. when the window faces the street.**

Separation – There was considerable discussion with regard to the 10 ft. separation standards in the current policy. The Commission heard that property owners could not place enough food carts on their properties with the separation requirements to make the food cart pod economically viable, and there were also comments that the seating areas, particularly for just one or two carts, should be able to be located much closer to the food cart, not 10 ft. away. Fire Department staff spoke explained the reasoning behind the separations standards, which is essentially for fire suppression and the lack of standards and programs to ensure proper fire suppression appliances on each food cart. Fire staff did allow that the separation standards could be relaxed with regard to location of seating areas closer to vending carts with the following conditions: tables/chairs/benches etc. must be composed of non-flammable materials; a minimum 4 ft. unobstructed ADA accessible pathway must be maintained around the eating area and between the eating area and each food cart; and relief valves on propane tanks must be positioned away from the eating area. **The Commission has deferred to fire staff with regard to the 10 ft separation requirements, and recommends maintaining the separation, with the above-mentioned exception for eating areas. It was noted by the Commission that if a policy and program for inspection of fire suppression equipment on food carts is implemented, the separation standards in the Ordinance should be re-evaluated.**

Fees and Responsible Party – The Commission heard from the vendor group and property owners that the structure of responsibility for site plans, permits, and fees is unwieldy, and poses hardship and risk for both parties. From the property owner's perspective, the $500 infrastructure impact fee is a risky expense, since the owner might pay the fee for one or more cart spaces, but have the food cart vendors move out in a very short amount of time, making it

difficult for the owner to recapture the upfront expense. From the vendor perspective, there is no security that the property owner will allow the food cart to remain in that location, but if the cost of the upfront impact fee is passed along to the vendor, the vendor is paying for an impact that they don't actually have on the site. Both parties agreed that the $500 per cart space impact fee is too high. Both parties also agreed that it should be the vendor's responsibility to meet with staff and pay for permitting, noting that where multiple carts are located, the vendor will, by a matter of logistics, need to work with both the property owner and other vendors to create a site plan that all agree on and that meets setback and separation requirements. Vendors agreed that their businesses do have some impact on infrastructure, but suggested that the impact fee could be reduced to a smaller increment to be paid on a per-year basis. It was noted that this structure would provide a benefit to both vendors and property owners, since property owners will have an incentive to keep vendors on their site, and vendors will have an incentive to stay at one location for a long period of time, rather than having to pay site plan review fee for a new site. It was also noted that, should a property owner wish to provide utilities (water, gas, electric, etc.) on their site, the owner would be required to pay Systems Development Charges, just as they would with any building development, but SDC fees are tied to the property and would remain a credit for future improvements with development of the property. The Commission discussed responsible parties and fee structure in great detail, and make the following recommendations:

- **Change the permitting structure so that the vendor is responsible for site plan, permitting fees, impact fees, and organization with the property owner and other vendors on the site.**

- **Charge a one-time fee for site plan review of each location the food cart wishes to occupy. If the cart remains in one or more previously reviewed and approved locations for multiple years that fee would not be paid again. If the cart moves to a new location, a new site plan review would be required, and the fee would be paid again. The Committee suggested this fee might be $200.**

- **Charge a yearly infrastructure impact fee to the food cart vendor. Some benefits of this structure include incrementally capturing a fee for the impact of the food cart on local infrastructure and a more direct line between the impact fee and the cause of the impact. For purposes of a starting conversation, the Committee recommended that the yearly impact fee could be $100.**

Clarification of Purpose of City Permitting for Mobile Food Units – The Downtown Commission discussed the purpose of the permit process for food carts, and confirmed that the permit program was meant exclusively to ensure that year round food carts are located on approved

private properties and conform with the siting and separation standards in the policy. The policy is not meant to endorse or license the operation of food carts from the standpoint of public health or fire and life safety, and permitting for those purposes is handled through the Benton County Health Department and Corvallis Fire Department, respectively. In order to prevent confusion regarding the purpose of approved permitting under the City's policy, the Commission recommends that language be changed to indicate that the document is a "Mobile Food Unit Siting Policy", and that it does not endorse or permit operations, but that operational permitting is required per Benton County and Corvallis Fire Department Standards.

Requested Action:

The Urban Service Committee is asked to consider the Downtown Commission's recommended changes to the Mobile Food Unit Ordinance and decide whether to recommend the City Council approve some or all of the specific recommendations. In addition, the Committee may wish to discuss/decide whether to have further consideration of the merits of expanding the Ordinance to commercial zones outside the downtown area.

Review and Concur:

Jim Patterson, Corvallis City manager

Excerpted Minutes From Downtown Commission Discussions Regarding the Mobile Food Unit Policy Review

September 12, 2012

VI. FOOD CART POLICY REVIEW

Planner Johnson reviewed the staff memo re: Food Cart Ordinance Background and Briefing for One-Year Review. In 2010, in response to a citizen request, the Downtown Commission appointed a committee to review the City's regulations on food cart vending downtown. The committee considered the request based on analysis of other cities' regulations, a citizen survey, and a public meeting, and formulated a recommendation. The Urban Services Committee made a few changes to the recommendation and the City Council approved it on October 3, 2011, stipulating that the ordinance would be reviewed in one year to allow for changes based on experiences. Over the last year, staff has talked multiple times with the people who brought this issue forward and others who may want to locate food carts downtown, making them aware of the program and offering assistance; some vendors indicated that the fees are cost prohibitive. Staff also talked to the owner of property that was considered as a potential location for food carts; he is currently renting the property and may not be motivated to do the site improvements he planned to do in association with the change of use. At this time, no applications have come forward. Director Gibb said that, as noted in the meeting minutes, there was a lot of discussion and consideration of factors such as consistency and fairness in determining the fee structure.

Planner Johnson said staff is recommending that the Downtown Commission review the background and information in the staff report and hold a session for public comment related to the food cart ordinance at its October 10 meeting. The Commission would then deliberate and make a recommendation to the City Council.

The Commission agreed by consensus to hold a public comment opportunity at the October 10 meeting.

October 10, 2012

IV. MOBILE FOOD CART POLICY ONE YEAR REVIEW

Acting Chair Bailey said the Commission will hear public comment and a staff report, followed by discussion and a possible recommendation to the City Council.

Public Testimony

Michelle Walker, spokesperson for the Corvallis Food Cart Alliance, submitted and read a written statement. In summary, Ms. Walker said that the food cart policy has not been a positive change for food cart owners, made clear by the lack of carts set up downtown. She said the new ordinance creates a roadblock for cart owners with its combination of fees and restrictions, and creates a deterrent for property owners to move forward. She made the following comments and suggestions:

- The $500 per cart infrastructure impact fee should be eliminated. The fee would be passed to the cart operator who has no permanent rights to the property. No other city charges this fee for carts on private property.
- The 10 foot spacing between carts is excessive. She cited Oregon Fire Code Section 1.8.7, and proposed that the policy be changed to require spacing of 3 feet if carts are facing each other with no space limits if they are back to back.
- The requirement that carts be set back 6 feet from the sidewalk is unfair and creates a disadvantage over brick and mortar businesses. She proposed the setback requirement be eliminated.
- It is not cost effective for a property owner who can charge $80/month per parking space to create a pod under the ordinance. With spacing and setback requirements, a property owner would need to charge about $500/month for each cart space which is more than many pods in more populated areas. It puts the property owner at risk for default from a cart and makes it unlikely a cart will be profitable.
- Changes can be made to the ordinance that better support an opportunity for small businesses to grow. She suggested a permit process for cart owners who operate permanently anywhere in the City in order to even the playing field and cover administrative costs.

Acting Chair Bailey noted that the infrastructure impact fee is a $500 one-time fee for the property owner. Ms. Walker said that fee would be passed along to the cart owner who has no permanent tie to the location; this is unreasonable and it is not done by any other jurisdiction in her research. She said food carts in downtown Eugene are managed by the Eugene Saturday Market for a $150 annual fee. Acting Chair Bailey suggested that the Food Cart Alliance might consider approaching the Corvallis Farmers' Market.

Christina Rosenbaum referred to the suggestion that the Food Cart Alliance talk to the Corvallis Farmers' Market; she noted that the Farmers' Market operates only on specific days and would not provide a permanent, year-round solution. Acting Chair Bailey said the current ordinance puts responsibility on the property owner; he was suggesting that maybe Corvallis Farmers Market or some other entity could serve as intermediary between food cart owners and the City. Ms. Rosenbaum said she is interested in

starting a food cart in Corvallis but the policy seems to be prohibitive as opposed to supportive. She would like to see the process opened up to take advantage of a popular idea that is taking hold across Oregon.

Staff Report

Planner Johnson reviewed background information. The Downtown Commission created a subcommittee to look at the idea of allowing food carts to operate year-round on private properties in the downtown area. The subcommittee went through a public process, conducted a survey, looked at comparator cities, and recommended parameters for food carts to operate on private property within the Riverfront and Central Business zones on a year-round basis. Through the process, the subcommittee heard from proponents and also from opponents who testified that brick and mortar restaurants are subject to fees and that there should be a fee for food cart spaces representative of their impact on the area. In reviewing the Downtown Commission's recommendation, the Urban Services Committee decided on a one-time per cart space fee of $500, a one-time site review fee of $300, and a $150 annual renewal (Staff Correction). The policy also includes setback requirements, hours of operations, and a one-year review requirement. The City has not received a site plan for a permanent pod that would be subject to this policy.

Planner Johnson said, in response to a question from the Commission last month, she asked the Benton County Health Department how many licenses have been issued for food carts. The BCHD has issued 18 licenses throughout Benton County; they do not distinguish between year-round and seasonal licenses.

Commissioner Mooney said that she heard Burton's property mentioned as a potential pod site; she asked if other properties have been considered. Planner Johnson said the city has not been contacted by other property owners.

Commissioner Pastega asked if there is a site plan for the Burton property. A representative of the Food Cart Alliance spoke from the audience; he said there is a site plan available and he will provide it to the Commission.

Discussion and Decision

Acting Chair Bailey asked if the Commission in interested in forming another subcommittee to review the food cart policy. He said that work would need to occur soon in order to be effective for next spring/summer, presumably a busy season for food carts. Planner Johnson suggested that it would be appropriate for the Commission to make a recommendation to the USC/City Council that the Downtown Commission

should further review the policy. Brief discussion followed regarding the Commission's work plan and priorities.

There being no quorum, formal action was postponed until next month. There was general support by those present to recommend that the Downtown Commission be directed to take another detailed look at the food cart policy.

November 14, 2012

IV. MOBILE FOOD CART POLICY ONE YEAR REVIEW

Michelle Walker said that she is a representative of the Corvallis Food Cart Alliance and a food cart owner. She said that most of what she has to say, she said at the last meeting. She has had discussions with property owners about the potential of food cart pods, but once they understand the restrictions and fees with the ordinance as it is currently written, they have decided not to go forward. She was vending in front of the Whiteside Theater before it was brought to their attention that is not allowed on public property. The Whiteside is required by the Oregon Liquor Control Commission (OLCC) to have food available in order to sell alcohol and a food cart would allow them to meet that need. She wonders if there could be an exception to allow nonprofits some flexibility in that area. She said that if a subcommittee is formed to review the mobile food cart policy, she has information that would help to make an informed decision and she would be happy to be part of the subcommittee.

Commissioner Bailey said it has been about a year since the ordinance was passed and there are no food cart pods. If we want to have food carts, and he is personally in favor of that option, he thinks the policy should be revisited. He suggested that a subcommittee be appointed; he thinks that Ms. Walker's input would be valuable given her background.

Vice Chair White suggested that the scope of the review should be limited to specific items as opposed to starting the entire process over. She noted that the previous recommendation was the culmination of a significant effort that took several months and included public meetings, a survey, and consideration of everyone's concerns.

Planner Johnson provided background information. About two years ago, the Downtown Commission responded to public requests to allow mobile food carts on a semi-permanent basis in the downtown area and convened a subcommittee to look at the issue. The review was limited to the downtown area because the request came to the Downtown Commission regarding policies relevant to the downtown. There are other City-wide provisions that allow food carts to operate for 45 days per location per

year. The subcommittee put together a survey which received about 450 responses. Although the survey results were overwhelmingly favorable of food carts, there was a contingent of downtown business owners who testified that year-round food cart pods would not be equitable unless it was built into the policy that they be required to contribute to infrastructure. The subcommittee felt it was important to consider those concerns and staff did some calculations to determine an amount that would reflect the appropriate infrastructural impact. The Urban Services Committee then set the permitting and renewal fees which were adopted as part of the ordinance. She said that staff understands the desire to review portions of the policy, but would advocate against going through the entire process again.

Planner Johnson said that she followed up with the Fire Marshal regarding testimony at the last meeting related to spacing and setback requirements in the ordinance. She distributed a written response from Fire Marshal Jeff Prechel explaining the reasoning behind the required separations and stating that he sees no compelling reason to change the existing standards.

Commissioner Bailey asked if it would be possible to propose to the Economic Development Commission (EDC) that one or two food cart applications be funded as a trial run for economic development. Director Gibb said the EDC is working from a fairly narrow strategy in terms of priorities and he is not sure whether this would fit, but it could be communicated as an idea. Brief discussion followed.

Vice Chair White said that she would like to hear directly from property owners about their concerns. Ms. Walker said that Mr. Burton made clear that any infrastructure costs would be rolled over to cart owners; her concern is that cart owners would have no voice in the property.

Commissioner Wiener asked if the City would be willing to consider waiving fees for the first year to test whether it is the expense or other factors that are keeping mobile food cart pods from being formed. Director Gibb said that is a recommendation that could be made but the City Council, which is generally looking for cost recovery, would have to make that decision. Brief discussion followed.

MOTION: Commissioner Bailey moved to recommend that the USC postpone making a recommendation to the City Council on the Mobile Food Cart Policy and allow a subcommittee of the Downtown Commission to review the policy with the goal of having as minimal of a change as possible in order to address the issues raised. Commissioner Mooney seconded the motion and it **passed** unanimously.

Commissioners Bailey, Foster, Mooney and Wiener agreed to serve on the subcommittee. It was agreed that it would be appropriate for Ms. Walker and other interested citizens to serve as resources rather than as members of the subcommittee.

February 13, 2013

V. DISCUSSION- FOOD CART POLICY- REVIEW AND RECOMMENDATIONS TO URBAN SERVICES COMMITTEE

Planner Johnson related that the Food Cart Committee met two weeks ago. Michelle Walker was asked to collect vendors' issues as well as potential solutions. Ms. Walker organized a meeting of vendors and identified issues with the current policy and identified solutions. The vendors would like the committee to evaluate a different fee structure, since vendors feel the fees are property-owner oriented and the existing fee doesn't work for either owners or vendors. The separation issue, as related to fire code, was also a stated issue. Staff discussed the issue with the Fire Department.

Commissioner Pastega stated that he didn't like food cart areas in Portland; Commissioner Olson offered a different view. Planner Johnson said if the committee feels substantial issues warrant further consideration, the committee will bring them to the commission. In that case, staff feel a public meeting would be warranted, since changes would affect the policy that has now been in place for a year. Commissioner Henry said there will be discussion at the next meeting.

Commissioner Bailey added that a component of interest to vendors was the upfront infrastructure fee; while vendors would prefer to pay over time. Also, vendors would like to be able to move without having to start over afresh.

March 13, 2013

VI. DISCUSSION – FOOD CART POLICY COMMITTEE RECOMMENDATION TO COMMISSION; CHANGES TO POLICY RECOMMENDED AFTER 1-YEAR REVIEW.

Associate Planner Johnson said that over the past few months, the Committee, which had been established to conduct the one-year review of the Downtown food cart policy, has met and evaluated several issues that were raised by stakeholders as needing additional review. The Committee also met with Michele Walker of the Corvallis Food Cart Alliance who had solicited recommendations from some of the food cart owners. The Committee has now made their recommendations and the Downtown Commission now needs to make a recommendation to the Urban Services Committee relating to potential changes in the policy.

Ms. Johnson then reviewed the recommendations as outlined in her memo.

Applicability – The 45 day-limitation for siting food carts in other parts of the City is considered by food cart vendors to be arbitrary and unnecessary, and it was suggested that the Urban Services Committee look at other zones in the City where food carts could be positioned and not subject to the 45-day limitation. The commissioners agreed that could be looked into.

Permit for one or more carts – after considering a change, the Committee favors leaving the language for "one or more" carts unchanged.

Definition – The Committee recommends retaining the size and square footage limitations proscribed in the definition, but exempting the tow hitch and tongue from the calculation.

Setbacks and Separation – Since buildings in the downtown area are not required to have a setback from the property line, it was proposed that the setback be reduced to zero for those carts that are not facing the street, and to 2' for those that are. In terms of separation, the Fire Department staff explained and defended the need for the ten feet of separation between carts, but allowed that the standards could be relaxed with regard to location of seating areas provided a 4' pathway is provided and the seating components are of non-flammable materials.

Fees and Responsible Party – The recommendation is that the permitting structure be changed so that the vendor is responsible for the site plan, organization with the property owner and other vendors, and paying all of the fees. This is as opposed to the property owner having that responsibility. A second recommendation is that only one site plan review fee be paid for as long as a cart remains in the same location. If the cart moves to a new location, a new site plan review would be required and the fee would again be assessed. The suggested fee would be reduced to $200 instead of the $500 that is now imposed.

Commissioner Bailey suggested that wording be included in the recommendation to clarify that a food cart that might change its location on a seasonal basis does not have to once again pay a plan review fee for a site and configuration that has already been approved for that vendor in the past. This allows a vendor to have two different sites that it might move between during the year. If the vendor chooses to set up in a different way, a plan review fee would again be imposed.

A third recommendation was to impose an annual infrastructure impact fee to be paid by the food cart vendor, and suggested an amount of $100. This was set up to provide some equity between "bricks and mortar" facilities and food carts.

Commissioner White asked if the property owner would still have some responsibility for the process. Staff said that they would still be required to sign off on site plans, but they no longer would have responsibility for the fees and permits. If a property owner chose to add

improvements to the site, SDC fees would be assessed for which they would have responsibility.

Commissioner Uerlings asked whether the permit process required that the Health and Fire Departments sign off, and if not, does the issuance of a permit imply that the food cart has met all safety requirements. He felt that there could be some City liability if a permit was issued and the food cart had not met other safety standards. Staff said that health and fire safety inspections/permits were a separate process, though there is a stipulation in the permit conditions of approval that they need to be in compliance with the safety codes. In response to another question from Commissioner Pastega, staff did not know whether the food carts had to post a health inspection report in a similar fashion to restaurants. Staff will report back on what they find out.

Commission Uerlings suggested the name of the policy be changed to something like "food cart siting" policy so that it clearly does not infer that it covers all the operations such as health and fire safety.

Commissioner Mooney asked if there were projections about what impact the fee structure changes would have on amount of fees collected. Director Gibb said that from the City administration viewpoint, there will be a loss of revenue upfront but money would continue to come in on an annual basis with imposition of the impact fee. In response to a query from Commissioner White, Director Gibb said that the impact fee revenue will likely go into the downtown parking fund. The site review permit fee would be used to help pay for staff time required to review the site plans.

It was the consensus of the Commission that staff incorporate into the recommendations changes suggested by Commissioners Bailey and Uerlings. A public meeting should be scheduled for the April Downtown Commission meeting so that the recommendations can be discussed and the stakeholders and public can have an opportunity to comment on them. The Commission will then make a recommendation to the Urban Services Committee.

April 10, 2013

V. PUBLIC COMMENT OPPORTUNITY AND DISCUSSION- MOBILE FOOD UNIT POLICY REVIEW AND CONSIDERATION OF RECOMMENDATION.

Chair Henry highlighted the April 2, 2013 food cart (Mobile Food Unit - (MFU)) memorandum in the commission packet. She said the commission was taking comments on the memorandum, and should decide whether to recommend that the Urban Services Committee consider all or some of the recommendations from the foot cart policy.

Planner Sarah Johnson summarized that last month, the commission heard preliminary recommendations from the committee. The commission had some questions and made some suggestions to clarify a few items, and wanted public feedback before it deliberated tonight.

She said the committee was assessing the applicability of the policy and where Mobile Food Units should be able to operate on a year-round basis on private property. The committee was asked to look at other appropriate zones for that operation, and it could be appropriate for the Council to consider that, but the committee did not opt to recommend the Council extend the policy to other zones.

She related that the committee reviewed language regarding the need for a site plan for just one cart; the committee stated the City wanted to know where food carts were located on a year-round basis on private property, to ensure that site plans conform to setback and separation standards. She related that after consideration, the committee recommended retaining language on "..one or more food carts that are proposing to operate on a year-round basis..".

Planner Johnson said the committee considered definitions, including length and square footage. She said staff had done research previously on what was considered average and customary in other communities' policy. The committee recommended retaining length and square footage limitations, but removing the hitch component of a trailer from those calculations.

The committee discussed setbacks and separations at length. Staff looked at a number of ways site plans could be developed in order to accommodate units on sites that were configured differently, such as being perpendicular rather than parallel to the property line. The committee decided six-foot separation from the property line was probably not necessary, since buildings don't have those kinds of setback requirements within the zones under consideration. The committee recommended to remove setbacks from property lines in cases where the service window is not facing towards the street and recommended a setback of two feet from the property line where those service windows were facing the street. In cases where a food cart's service window faces the interior to the property, there wouldn't be a setback standard. Similarly, if it were perpendicular, so that the rear of the cart was against the property line, there also would not be a setback requirement.

Planner Johnson said there was considerable discussion on the requirement for ten feet of separation between units, and ten feet of separation between common outdoor eating areas, and the applicability of fire code to those standards. She related that the Fire Department could not recommend removing or reducing the ten-foot separation requirement between carts, largely because the city lacked the standards and programs to regulate and inspect fire suppression equipment on each food cart. The Fire Department allowed reducing separation between carts, tables and outdoor seating areas, changing it to a minimum of four feet of unobstructed area between a trailer and a common eating area, and requiring that relief valves on propane tanks be positioned away from the eating area, and that tables, chairs and benches must be made of non-flammable materials.

She stated that there was a lot of discussion on the fee and permit structure. The commission consistently heard from the stakeholders and property owners that it was unwieldy to have the property owner be the sole responsible party for the site plan and paying the infrastructure impact fee, for a number of reasons cited in the memo. The committee recommended restructuring the permitting process so each cart owner was responsible for working with the property owner, setting up a site plan for their cart and all other units on the property that conforms with policy requirements.

The structure was proposed to change to a one-time fee for site plan review for each location of a cart. For example, if a cart was located in two different areas in summer and winter, they could just pay for the site plan review for each of the locations, and as long as they used the same two locations each year in the same configuration, they would not be required to pay another site plan review fee. Regarding the infrastructure impact fee, the committee recommended charging a yearly infrastructure impact fee smaller than the fee originally proposed, which was felt would more closely approximate the actual impact on utility infrastructure for one cart on a yearly basis. Planner Johnson highlighted wording changes intended to clarify that a cart could be in multiple locations.

She related that some commission members asked to clarify that the permitting only applied to the siting of a food cart, and not operations, or fire safety, and so suggested calling it a Mobile Food Unit Siting Policy. Chair Henry invited the public to comment on the committee's recommended changes to the policy.

Michele Walker said she was the spokesperson for Cartvallis (the Corvallis Food Cart Alliance) and was a food cart owner. She thanked the commission for its hard work. She commented on the applicability issue, asking that the commission make a recommendation to the Urban Services Committee to look at other zones. With the Farmers Market currently closed, the only operating food carts are near campus. Also, she would like to see the policy moved forward as quickly as possible, noting that a third downtown property owner had just withdrawn an offer for siting her cart; she related the owner got tired of waiting and objected to the upfront fees. She felt the recommendations were a fair and reasonable compromise, and that cart owners should be mainly responsible for overall permitting fees, while anything related to the property should be worked out with the property owner. She related that in her research, there have been only two fires in food carts in Portland over many years, and they were minor. Most communities require five feet of separation between carts, not ten feet. She commented that having the additional separation reduced the number of carts possible on a property, thus making it less cost-effective.

Commissioner Henry asked if recommending additional zones was within the commission's purview; Director Gibb replied that the commission could ask the Council to consider it.

Commissioner Bailey said that regarding the ten-foot separation requirement, the reason for it was that Fire Department staff doesn't have the framework in place to do the evaluation of

the fire-worthiness of a cart, while some other jurisdictions are able to do that. He asked if it was worthwhile to insert a note to let Urban Services Committee know that that was the reason for the ten feet separation, with the idea that it may be possible to get private review in order to enable closer siting of carts in a location. Ms. Walker said separation was more of a concern from a property owner's perspective. Commissioner Bailey proposed citing the reasoning for the ten foot separation standard mentioned in the memo: ".. essentially .. the lack of standards and programs to ensure proper fire suppression appliances on each food cart". He proposed adding "Should an independent way of evaluating that come forward, or resources become available, then reduced setbacks could be considered." He said the desire is to have reduced separation. Director Gibb suggested including it with the commission recommendation in the cover memo to the Council.

Commissioner Bailey moved and Commissioner White seconded to approve all recommendations in the MFU memo plus two additions: that the Council consider more locations, and to recommend a review of less ten feet of separation. Motion passed unanimously.

ORDINANCE 2013-___

AN ORDINANCE AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 8.13, "MOBILE FOOD UNITS", AND CHAPTER 8.03, "FEES CHAPTER", AS AMENDED

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Chapter 8.13 is hereby amended as follows:

Chapter 8.13 Mobile Food Unit Siting Policy.

Sections:

8.13.010 Purpose.
8.13.020 Permit required.
8.13030 Definitions.
8.13.040 Permit fee.
8.13.050 Permit application.
8.13.060 Location rules and review criteria.
8.13.070 Forms and conditions of permit.
8.13.080 Denial, revocation or suspension of permit.
8.13.090 Penalties.

Section 8.13.010 Purpose.

The purpose hereof is to permit mobile food units to ~~operate~~ **be sited** on private property in the Central Business Zone and Riverfront Zone on a year-round basis, notwithstanding any local regulation to the contrary. The City finds that mobile food units encourage a pedestrian-oriented environment, help to create a visually attractive atmosphere and streetscape, and promote overall commerce.

Section 8.13.020 Permit required.

Use of a private property to accommodate one or more mobile food units on a year-round basis in the City is prohibited unless a permit is obtained from the Building Official as provided herein. Permits may only be issued to mobile food unit operators or agents for private properties in the Central Business Zone or Riverfront Zone that are not required parking.

Section 8.13.030 Definitions.

1) Abutting property owners and occupants – Any owner or occupant of property which abuts the subject site, excluding public right-of-way.

2) Accessible Route – A continuous unobstructed path of travel connecting all publicly accessible elements and spaces of a building or facility.

3) Adjacent sidewalk area – That portion of the public sidewalk between the curb line and the property line demarcated by extending the side building lines of the premises until they intersect the curb.

4) Clearances – Clearances as referenced in this section are measured horizontally from the outside edge of the subject property line to any obstruction on the ground greater than one-half inch in height, or to an adjacent projection. Accessible route clearances shall be no less than four (4) feet in

width and no less than seven (7) feet in height for the entire length of the accessible route. Radiuses along an accessible route shall be no less than four (4) feet in width.

5) Mobile food unit – A vehicle that is propelled, or can be pulled or pushed down a sidewalk, street, or highway, on which food is prepared, processed, or converted, or is used in selling and dispensing food to the customer. Mobile food units are limited in size to sixteen (16) feet in length and/or 128 square feet. **Towing arms, tow hitch and tongue are exempted from this calculation.**

6) Operator of mobile food unit– Any person, partnership, corporation, association, or other business entity operating a mobile food unit.

7) Property owner - Owner or agent of a private property in the Central Business Zone or Riverfront Zone where mobile food units are proposed to be located.

8) Substantiated – Witnessed and recorded by City staff.

Section 8.13.040 Permit fee.

1) Applicants for a permit to allow operation of one or more mobile food units on private property shall pay an administrative **site plan review** fee and an infrastructure impact fee.

2) The fee for the permit as described in Section 8.13.020 shall be as specified in Chapter 8.03. ~~Administrative~~ **Infrastructure Impact** fees are annual and shall be payable at time of permit issuance.

Section 8.13.050 Permit application.

1) Application for a permit to allow ~~operation~~ **siting** of one or more mobile food units on a private property shall be made at the Development Services Division on a form provided by the Building Official. Application for a permit will minimally contain:

a) A completed application;

b) A scaled plan of the proposed area for mobile food units ~~operations~~ **to be located**, with dimensions shown to include at a minimum:

- total square foot area of area proposed for mobile food unit use and circulation,
- total number and locations of mobile food units on the site,
- consistency with all setback and separation requirements as specified in Section 8.13.060, below,
- ADA clearances into and throughout affected areas of the property,
- size, location, and clearances of customer seating areas, if proposed,
- number and location of waste receptacles,

2) Information shall be provided as required by the Building Official to carry out the purpose hereof.

Section 8.13.060 Location rules and review criteria.

1) The Building Official shall review the application for its compliance with the following criteria:

a) The ~~operation~~ **siting** of one or more mobile food units year round is limited to private properties which are located in the Central Business (CB) Zone or Riverfront (RF) Zone.

b) ~~Each mobile food unit shall be located such that there is at least six (6) feet from the outermost edge of the unit to an adjacent public sidewalk or public right-of-way, and shall also maintain a minimum of ten (10) feet of space between units. The operation of one or more mobile food units shall also be located a minimum of ten (10) feet from any proposed common seating area.~~ **Mobile food units that orient the service window toward the public right-of-way shall maintain a minimum 2 foot setback from the public right-of-way. For mobile food units that orient the service window away from the public right-of-way there is no minimum setback requirement. Mobile food units must maintain a minimum separation of 10 feet between units on a property. A minimum 10 foot**

separation is required between mobile food units and permanent common outdoor eating areas. Individual temporary seating areas, such as a table and chairs, may be placed near a mobile food unit, but must maintain a minimum four foot accessible clearance area between the seating area and the mobile food unit, and must be oriented so that the relief valves on any propane tanks associated with mobile food units are facing away from the seating area. Tables and chairs or benches used for individual seating areas must be constructed of non-flammable materials. The location of each mobile food unit on the site shall be approved by the Building Official, and a site plan showing the approved location of each unit and/or common seating area, if proposed, shall be posted at a prominent location on the property.

c) The mobile food unit operator shall secure written permission from an adjacent business or property owner within 1/4 mile of the subject site allowing mobile food unit operators and patrons to access restroom facilities. Alternatively, where a mobile food unit operator can show that there is a public restroom facility located within 1/4 mile of the subject site, the requirement for written permission shall be waived. The mobile food unit operator shall provide information as to the location of approved restroom access in the same location as the posted approved site plan.

d) Trash receptacles shall be provided on site, and must be emptied and maintained. Trash receptacles shall be provided at a rate of one (1) receptacle for every two (2) mobile food units, or a minimum on of one (1) per lot. Where the mobile food unit operator proposes to provide a common seating area a minimum of one (1) trash receptacle shall be provided in the common seating area. All trash receptacles shall be located a minimum of ten (10) feet from combustible fuel tanks on mobile food units.

e) Accessible routes into, throughout, and adjacent to a property with one or more mobile food units shall be maintained in accordance with Chapter 11 of the Oregon Structural Specialty Code.

f) Each mobile food unit may provide awnings for shelter to customers. The awnings must be fully attached to the unit, have a minimum of seven (7) feet of vertical clearance, and be able to be closed or removed. Awnings shall not be subject to setback requirements, but in no case shall awnings extend over the adjacent sidewalk or public right-of-way. All awnings must be flame resistant per Oregon Fire Code.

g) Decks, patios, and similar structures are not permitted to be located within ten (10) feet of a mobile food unit. Where mobile food unit operators propose a common seating area, any structures that require building permits shall be subject to such permitting and applicable sections of Chapter 11 of the Oregon Structural Specialty Code. Park or picnic benches are permitted but must be maintained at least ten (10) feet from mobile food units. Common seating areas shall be maintained on the subject property and shall not obstruct the adjacent public sidewalk or public right-of-way.

h) Signage permanently affixed to a mobile food unit is permitted and is exempt from sign standards in Land Development Code (LDC) Chapter 4.7 – Sign Regulations. Notwithstanding provisions in LDC Section 4.7.80.04, one (1) temporary sign per mobile food unit is permitted to be placed on the subject site. Temporary signs may be no larger than six (6) square feet, may only be placed on private property, and must not obstruct pedestrian pathways. Notwithstanding LDC Chapter 4.7 or Municipal Code, no temporary sign advertising a vendor may be placed on public right of way Temporary signs authored under this Section may only be present on the property during the mobile food unit operating hours. Permanent signs assigned to the subject property (not temporary signage) must conform to all applicable standards in LDC Chapter 4.7.

i) Mobile food units that are fully contained; i.e., units that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Units that require a water source, power source, or waste disposal location are permitted only where the Building Official has approved site plans that show safe

access and location of the aforementioned provisions. Such provisions are subject to all applicable building permits and SDC requirements.

Section 8.13.070 Forms and conditions of permit.

The permit issued shall be in a form deemed suitable by the Building Official. In addition to naming the **mobile food unit** owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions.

1) Permit requirements:

a) Each permit issued shall terminate December 31st of the year in which issued

b) The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.

c) The permit is specifically limited to the area approved or as modified by the Building Official, and will include a site plan as required by Section 8.13.050 indicating the area approved for the operation of one or more mobile food units and the location of common seating areas, if provided.

2) Requirements for properties containing one or more mobile food units:

a) The property containing one or more mobile food units and all things placed thereon shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the site plan may be stored in the affected areas on the subject property.

b) The permittee shall notify the Building Official in writing when operation of one or more mobile food units on the subject property commences.

c) No use of City fixtures will be allowed.

d) Council has the right to repeal or amend this Chapter and thereby terminate or modify all year-round mobile food unit operations on private property.

e) Hours of operation of mobile food units will discontinue by 3:30 am, daily.

3) Additional licensing requirements: All mobile food units shall be appropriately licensed and approved for operation in Benton County as a Class 1 – 4 mobile food unit. Additionally, each mobile food unit shall be inspected by the Corvallis Fire Department once per calendar year, as enforced by Corvallis Fire Department. All mobile food units are subject to any and all applicable city, county, and state regulations. ~~The property owner shall ensure that each mobile food unit located on the subject site complies with the above~~.

Section 8.13.080 Denial, revocation or suspension of permit.

1) The Building Official may deny, revoke, or suspend the permit upon finding that any provision herein or condition of approval will be or has been violated.

2) Upon denial, revocation, or suspension the Building Official shall give notice of such action to the applicant or permittee in writing stating the action which has been taken and the reason therefore. The action shall be effective immediately.

Section 8.13.090 Penalties.

In addition to the remedies set out below, violations of the provisions of this section may be subject to other appropriate legal or equitable actions to restrain, correct, or abate the violations. These remedies are intended to be cumulative and not exclusive. The following violations are infractions punishable by a penalty in accordance with this section. Any violation of this section may be prosecuted as a Class A infraction under the procedures of ORS Chapter 153 and Corvallis Municipal Code Section 1.01.120. The City Manager or person designated by the City Manager is authorized to issue a citation or written notice of violation to any person violating the provisions herein. In addition:

1) Any ~~owner of a property containing one or more mobile food units~~ **mobile food unit found to be** operating without a valid permit for the year shall be notified by the City that it is in violation of Section 8.13.020, and will be allowed up to ten (10) business days to file an application.

a) If no application is filed within ten (10) days, the mobile food unit operator shall be notified of continued operation in violation and a civil penalty of $500 per day shall be levied on the mobile food unit operator.

b) If, after making application, the mobile food unit operator fails to complete all application requirements necessary to obtain a permit, including, without limitation, payment of all application fees within thirty (30) days of the noticed application submittal deadline, the City shall issue a removal notice notifying the mobile food unit operator that the unapproved operation must cease within five (5) business days unless the mobile food unit operator complies with the provisions of this section. If the mobile food unit operator fails to comply with the removal notice a civil penalty of $500 per day shall be levied on the mobile food unit operator, in addition to any and all other remedies available to the City.

2) Any property containing mobile food units operating year round with a valid license, but found by the City to have a substantiated instance of failing to be in compliance with any other provision of this section of the Corvallis Municipal Code shall be given up to two (2) written notices per year, warning that it is operating out of compliance and in violation of this section. On the third investigated and substantiated instance of non-compliance, notice of the non-compliance may be delivered and penalties may be levied as follows:

a) first levy (third substantiated violation) $500;

b) second levy (fourth substantiated violation) $1,000;

c) third levy (fifth substantiated violation) $1,500.

d) Penalties shall continue to accrue in $500 increments for each additional substantiated violation.

3) In accordance with Section 8.13.080, the Building Official may deny, revoke, or suspend the permit upon finding more than three (3) separate instances of substantiated violations that result in fines.

4) Levies of civil penalties and revocations of permits may be appealed to the municipal court judge within ten (10) days of date written notice of the levy of penalty or revocation is deposited in the United States Mail with first class postage addressed to the mobile food unit operator or posted on the property. If no appeal is filed within ten (10) days of the notice, the levy of penalty shall be final and failure to pay the levy shall be a separate violation of this section.

5) Any appeal must be in writing, signed by the **mobile food unit operator** ~~owner or agent of the property~~, and must state the grounds for the appeal. The appeal must be accompanied by a deposit in the amount of the levy and an appeal fee of $50. The appeal must be filed with the municipal court. The appeal must be served upon the City Attorney. Failure to comply with any of these requirements within ten (10) days of the date of notice shall result in a dismissal of the appeal, a forfeiture of the appeal fee, and entry of judgment in the amount of the levy by the municipal court in its register.

6) Rules of conduct for hearing and final order. The Municipal Judge shall develop any rules, procedures or regulations that may be necessary for the proper conduct of the appeal. The only issue to be decided by the Municipal Judge is a determination of whether or not the mobile food unit operator was in violation of CMC 8.13.090(1) or (2) as alleged in the notice of penalty. If the Municipal Judge finds that it is more likely than not that the mobile food unit operator was in violation as specified in the notice of penalty, the Municipal Judge shall issue an order affirming the levy of penalty and enter a judgment for the amount of the levy of penalty into the register of the Municipal Court. The order and judgment shall contain a provision for court costs to be paid by the violator in the amount of $250. If the Judge finds that it is more likely than not that the mobile food unit operator was in compliance and not in violation as specified in the notice of penalty, the Judge shall void the notice of penalty. The Judge's order is final and is not subject to appeal. It shall not be a defense that the mobile food unit operator did

not receive notice of the penalty if mailed to the address of the mobile food unit operator, as obtain from Benton County Assessor's records or an application for permit. It shall not be a defense that the mobile food unit operator was not aware of the permit requirements. The Judge may not reduce or suspend any portion of the amount of the levy of penalty if the Judge finds that it is more likely than not that the mobile food unit operator was in violation as specified in the notice of penalty.

7) Failure to pay levy of penalty. Unless the full amount of the levy of penalty is paid within ten (10) days after notice of penalty or the order becomes final by operation of law, or after appeal, each day that the penalty is not paid shall constitute a further violation.

Section 2. Municipal Code Section 8.03 is hereby amended as follows:

Section 8.03.300.070

12) Mobile Food Unit Permit [Section 8.13.020]

a) Site Review Fee (assessed as a one time fee for review of a Mobile Food Unit Site) - $200

b) Annual Infrastructure Impact Fee - $100.00 (per Mobile Food Unit)

PASSED by the City Council this _____ day of _____, 2013.

APPROVED by the Mayor this _____ day of _____, 2013.

EFFECTIVE this _____ day of _____, 2013.

_____
Mayor

ATTEST:

_____
City Recorder

ADMINISTRATIVE SERVICES COMMITTEE
May 22, 2013

Present
Councilor Joel Hirsch, Chair
Councilor Hal Brauner
Councilor Biff Traber

Staff
Jim Patterson, City Manager
Ken Gibb, Community Development Director
Mary Steckel, Public Works Director
Kris DeJong, Public Works Admin Division Manager
Scott Dybvad, Sustainability Program Specialist
Marci Laurent, Community Development Management Asst
Carla Holzworth, City Manager's Office

Visitors
Mary Pat Parker, Visit Corvallis
Joe Raia, Corvallis Tidbits
Joan Wessell, Downtown Corvallis Association
Debra Higbee-Sudyka, Sierra Club Marys Peak Group
Kevin Dwyer, Corvallis Chamber of Commerce

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Visit Corvallis Third Quarter Report			Accept the Visit Corvallis Third Quarter Report.
II. Downtown Corvallis Association Third Quarter Report - Economic Improvement District			Accept the Downtown Corvallis Association Third Quarter Report - Economic Improvement District.
III. Municipal Code Chapter 8.14, "Single-Use Plastic Carryout Bags" Follow-up			Do not change the ordinance and direct staff to develop an administrative process to handle exemptions. The request for exemptions will be accepted between now and July 1, 2013, those requests need to include documentation of the hardship, which includes proof the inventory was acquired prior to implementation of the ordinance, as well as how long the exemption is needed, and the request will be presented to the Administrative Services Committee for acceptance or rejection.
IV. Other Business			

Chair Hirsch called the meeting to order at 3:30 pm.

The Committee received feedback about Single Use Plastic Carryout Bags from Ms. Vicki Ciciriello (Attachments 1 and 2).

CONTENT OF DISCUSSION

I. Visit Corvallis Third Quarter Report

Ms. Parker gave updates on Visit Corvallis' (VC) recent activities, including her attendance at the Governor's Conference on Tourism in April. VC is working with the National MG Club, the Corvallis Chamber of Commerce, and the Downtown Corvallis Association on an MG car show that will occur the same weekend as DaVinci Days. She explained that a rally of 300 cars following the Oregon Trail will come from Independence, Missouri to Independence, Oregon, and then to Corvallis for a car show on the Oregon State University campus. Ms. Parker is recruiting for a group tour/trave/trade manager and she expects to have someone on board soon. VC received four sports grant applications, which were reviewed and approved by a committee. Funds were awarded to the Boys and Girls Club for a Memorial Day weekend softball event and a state junior baseball tournament that will occur July 11-14. The also funded Campeones de Salud, a soccer/community health fair event that will occur August 23-25, and summer league high school baseball championships. In response to Chair Hirsch's inquiry, Ms. Parker said hotel room stays are a component of how grants are evaluated for award. She noted VC has new software that translates the visitors guide into several languages. At the Governor's Conference, attendees learned that China is the number one emerging market for Oregon, so having the translation tool is especially helpful.

In response to Councilor Brauner's inquiry, Ms. Parker said the moving into the same building with the Chamber of Commerce is working out well.

Chair Hirsch noted the Arts and Culture Commission is focusing on promoting Corvallis as a destination for arts and culture. He complimented Ms. Parker on promoting the cultural aspect of Corvallis, but he would like to also see emphasis on the arts. He explained the ACC is putting together a strategic plan. He encouraged Ms. Parker to work with the Commission on their discussion to raise money to fund the plan. In response to Ms. Parker's inquiry, Chair Hirsch said the ACC wants to raise funds locally.

Mr. Patterson said he is pleased the quarterly report now includes the number of hotel room nights booked. He requested that the nature of the hotel room stays (e.g. sporting events, conferences, etc.) be included in the future.

The Committee unanimously recommends Council accept the Visit Corvallis Third Quarter Report for FY 2012-13.

II. Downtown Corvallis Association Third Quarter Report – Economic Improvement District

Ms. Wessell provided answers to questions asked when the second quarter report was presented. She said the $200,000 balance in Umpqua Bank represents the Downtown Corvallis Association's (DCA) entire operating budget. DCA funding is enhanced by memberships and Economic Improvement District (EID) funds. Ms. Wessell confirmed the DCA secures interior improvement loans.

In response to Councilor Traber's inquiry, Ms. Wessell said the balance in the revolving loan fund is always changing due to payments coming in and loans going out. She confirmed there many businesses who apply for the loans.

Ms. Wessell said five new businesses and 25 new employees have been added to the downtown. The Pub Cycle is in full swing and Sky High restaurant plans to open in mid-August. The last Rhapsody in the Vineyard has 2,000 participants. In response to Chair Hirsch's inquiry, Ms. Wessell said the DCA knows the number of participants through the sale of wristbands. The downtown clean up occurred last Saturday with the help of the OSU Alumni Association and the DCA is planning for the Red White and Blue Festival in July. Ms. Wessell distributed flyers for the upcoming Science Pub regarding Elder Care Giving (Attachment 3). The Economic Enhancement Committee has been renamed to the Economic Positioning Committee. The DCA is working on summer events to attract kids to downtown.

Ms. Wessell said she has heard from many business owners who are experiencing illegal and threatening behavior downtown. There is serious concern about the issue and Ms. Wessell requested the City work with her to schedule a public meeting so businesses can share their concerns. Ms. Wessell said the businesses do report incidents to the police when they happen. She noted a recent incident where a large steel ornament that was stolen from the back loading doc at the Sivetz building was placed above the door of another business, which nearly injured the person who was entering the building the next morning.

In response to Mr. Patterson's inquiry, Ms. Wessell said Officer Harvey's presentation to the DCA was good, but it related to shoplifting. She noted Sergeant Van Arsdall is on the DCA board.

Councilor Traber suggested the business concerns be brought to the Council as a whole, perhaps including a handout with a description of the incidents thus far. In response to her inquiry, Mr. Patterson suggested that she send emails to him and Police Chief Sassaman when incidents occur, and Mr. Patterson will include them in the Council packet.

The Committee unanimously recommends Council accept the Downtown Corvallis Association Third Quarter Report for FY 2012-13.

III. Municipal Code Chapter 8.14, "Single Use Plastic Carry Out Bags" Follow-up

Ms. Steckel said staff is bringing back two issues for discussion: whether to broaden the definition of a barrel size bag and how to address business owner concerns about existing non-compliant plastic bag inventories. Staff has several interests in whatever outcome is developed—be as fair as possible to everyone; minimize confusion for cashiers, customers, and the general public; and minimize the administrative burden. As a result, staff was not able to find a solution that achieves these interests and so no changes to the ordinance are recommended at this time.

In response to Councilor Hirsch's inquiry, Ms. Steckel said the ordinance does not include language that allows Council to grandfather in an individual business.

Staff have considered alternatives such as extending the compliance date and providing exemptions for certain businesses. However, there will always be those who are not ready and providing exemptions would require tracking and staff does not have the resources for such an effort. She noted the City of Eugene and the original Sierra Club proposed ordinance provide for exemptions, but only for one year. Corvallis already build a one year grace period into the ordinance approved by Council.

Councilor Traber suggested there could be an exemption for businesses with excess inventory, but some sort of proof should be required.

Chair Hirsch said he is more comfortable with such businesses requesting temporary exemption through the Administrative Services Committee (ASC) or Council rather than staff.

Ms. Steckel said compliance could be pushed out another six months. Chair Hirsch said that would be changing the process for just one person. Perhaps an exemption could be granted and a date certain could be established.

Mr. Patterson said from staff's perspective, it would be helpful to stop moving the goal post. He agreed that giving an individual exemption with date certain and moving on would be the preferred approach.

Ms. Steckel said staff could develop a step-by-step administrative process for those who wish to request a temporary exemption. She asked the Committee to indicate whether the requests should come to ASC or the full Council.

In response to Chair Hirsch's inquiry regarding including 1/8 barrel-sized bags, Ms. Steckel said staff prefers to leave the definition as is. Councilor Brauner said he does not support changing the ordinance again.

Ms. Higbee-Sudyka thanked the City for their work on the plastic bag ban. She said her research shows that all five cities in Washington state have adopted the 1/8 barrel bag. The feedback she received when calling various Washington stores was the ban there has been successful in reducing plastic bags. Anecdotally, merchants estimated that 7 out of 10 customers were bringing reusable bags.

Mr. Dwyer said there has been confusion among businesses about what constitutes compliance. He suggested an education workshop where staff could present information to businesses and answer questions, perhaps including someone from the bag industry. Mr. Dwyer said Mehlhafs has about 14,000 plastic bags in their existing inventory and the Book Bin has about 20,000 bags. He recommended identifying a path to help them use up the inventory and he said businesses just want to comply with the new law. Chair Hirsch noted it is easier for businesses that have other locations to shift their inventory to other stores.

In response to Councilor Traber's inquiry, Ms. Steckel said the Committee could direct staff to develop a process for merchants to ask for more time to use up their existing inventories. The process could include a specific period when requests can be made.

Councilor Brauner said he supports requests coming to ASC, with a list being established by July 1. He does not believe such requests warrant the time of the full Council. In response to Ms. De Jong's inquiry, Councilor Brauner said he would like education about the exemption process to be included with existing outreach for the July 1 implementation date.

Councilor Brauner said some documentation of inventory should be required to show the bags were acquired prior to ordinance's effective date. Such documentation does not necessarily need to include an invoice. In response to Councilor Traber's inquiry, the Committee agreed the merchant would need to provide a specific date when the inventory would be expected to be depleted.

In response to Chair Hirsch's inquiry, Ms. Steckel said if a Councilor took it upon himself to verify whether the merchant's claim was true, he should do the same verification for all merchants.

In response to Chair Hirsch's inquiry, the Committee agreed merchants have had plenty of time to prepare, so the July 1 implementation date should stand and businesses need to come forward before then if they wish to claim a hardship. Ms. Steckel said she will contact organizations such as the Chamber and DCA to spread the word.

The Committee unanimously recommends Council not change the ordinance and direct staff to develop an administrative process to handle exemptions, the request for exemptions will be accepted between now and July 1, 2013, those requests need to include documentation of the hardship, which includes proof the inventory was acquired prior to implementation of the ordinance, as well as how long the exemption is needed, and the request will be presented to the Administrative Services Committee for acceptance or rejection.

Councilor Brauner noted the potential for ASC dealing with the requests at their first meeting in July given the deadline is July 1.

IV. Other Business

Mr. Raia said next Wednesday, May 29 is Senior Health Day. He asked everyone to spread the word as part of helping to brand Corvallis. There will be events at the Senior Center all day long. Mr. Raia will be talking about the events, hikes, and trips coordinated through the Senior Center.

The next Administrative Services Committee meeting is scheduled for 3:30 pm, Wednesday, June 5, 2013 in the Madison Avenue Meeting Room.

The meeting adjourned at 4:45 pm.

Respectfully submitted,

Joel Hirsch, Chair

MEMORANDUM

DATE: May 9, 2013

TO: Administrative Services Committee

FROM: Ken Gibb, Community Development Director

SUBJECT: Visit Corvallis Third Quarter FY 12-13 Program Review

I. Issue

Review and acceptance of Visit Corvallis third quarter report for Fiscal Year 2012-2013.

II. Background

Visit Corvallis funding total for FY 12-13 is $371,290. This represents the dedicated 30% of the Transient Occupancy Tax (TOT) received by the City in calendar year 2011. The agency received $92,820 in the 3rd quarter and $278,460 year to date. The City's contract with Visit Corvallis requires the agency to submit quarterly reports on its activities.

Attached is the third quarter report submitted by Visit Corvallis (Attachment A). Financial statements submitted by Visit Corvallis were reviewed by Finance Office staff and found to be in compliance with their agreement. A copy of the Finance staff review is attached (Attachment B).

Visit Corvallis has been provided with a copy of this report and invited to attend and address the Committee.

IV. Action Requested

That the Administrative Services Committee consider this report and recommend City Council approve acceptance of the third quarter report.

REVIEW AND CONCUR:

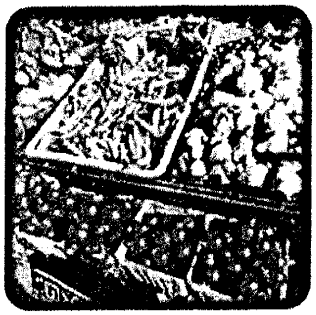
Nancy Brewer, Finance Director

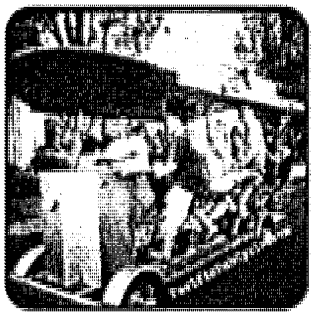
REVIEW AND CONCUR:

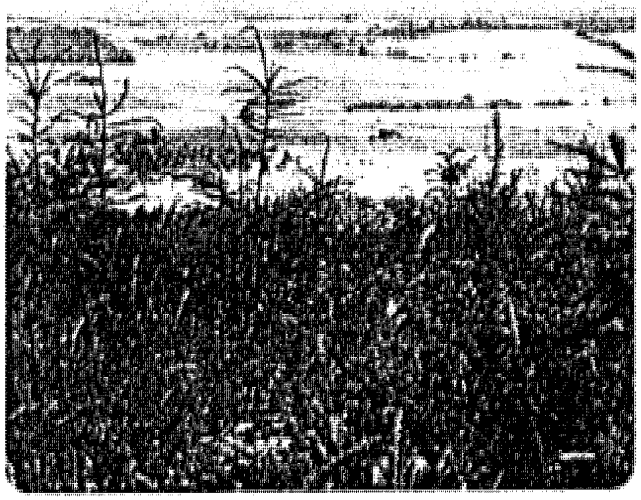
James A. Patterson, City Manager

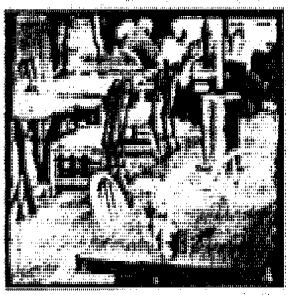
VISIT CORVALLIS

Quarterly Community Report - January, February, March 2013









Executive Director's Report

Corvallis experienced a small decrease in occupancy in both January and February of 2013 over the same time period as last year. Average occupancy was down - 1.4% from January and February 2012. The good news is that both average daily rate and revenue per available room continue to be up this year over last year.

The three major things we have been working on are creating a sports grant program and putting together a sport grant advisory committee, a major revision on the Visitor Guide, and our physical move into the Chamber building.

Creating a sports grant program involved doing research of many destination marketing organizations from all over the state. We're creating a program modeled on this information, with roughly the same percentage of the budget dedicated to bringing sports groups into Corvallis and an emphasis on increasing overnight stays in our hotels. The program was rolled out in March. The grants are awarded on a first-come, first-serve basis and scored on how many room nights the group anticipates bringing to town, among other criteria. Applications can be accessed from our website and so far we have received three requests.

The revision of the Visitor Guide involved shifting our editorial emphasis to become more user-friendly, adding new editorials and adding many more photographs that showcase Corvallis amenities and activities, as well as the surrounding beautiful countryside. The guides are now available.

The third major project involved moving into the Corvallis Chamber of Commerce building. After ten years in one location, we created a new visitor center, recycled and donated quite a few items, secured a storage space for brochures, painted, arranged for signage and made the physical move on March 23rd.

We are also currently assisting da Vinci Days with marketing arrangements and other items. I attended the Agri-Tourism Summit held at OSU and was impressed with the passion of the area's small farmers and awed at the challenges they face with land use and other restrictions as they struggle to augment their incomes with ancillary activities on their properties.

On an administrative note, Scottie Jones, from Leaping Lamb Farm Stay, has joined our Board of Directors. She will be representing lodging and agri-tourism interests on the board.

Visitors Information Report

During the 3rd quarter of fiscal year 2012-2013, we assisted 1,373 walk-in visitors compared to 2,371 in fiscal year 2011-2012.

We distributed 780 Corvallis visitor guides and 400 maps of Corvallis and the surrounding area to the Corvallis lodging properties. Lead fulfillment is up slightly this year in comparison to last year. In the 3rd quarter of 2013, we fulfilled 4,985 requests for our visitor guide compared to 3,969 last year. Lead requests were from visitors who visited our website or responded directly to our print advertising and the Willamette Valley Visitors Association marketing efforts.

We also distributed 840 table tents promoting local events to 41 Corvallis sites.

Social and Digital Media Report

VisitCorvallis.com had 37,410 visitors between January and March, 27,641 of which were unique vistors. This is up 4.5% from last quarter and down 18% from last year. We had 115,316 page views in the third quarter, up 6.24% from this time last year, and the average visitor viewed 3 pages per visit, up 30% from last year. Our bounce rate (visits in which the person left the site after viewing a single page) is down almost 30% from last year.

This indicates that our web visitors are continuing to find our content more useful and more engaging, evidenced by the longer visit time and visitors viewing more pages on the site. That implies that our new SEO and SEM tactics are succeeding in better targeting our desired audience and that we're providing more informative and more entertaining content than previously.

Our top five traffic referrals this quarter were organic Google searches, visitors who came directly to our site, Facebook, CorvallisOregon.gov and – in a surprise move – Bing.com overtook OregonState.edu for 5th place. (We may want to look into advertising on Bing if this trend continues.) Our most popular pages after our home page were Things to Do, the Events Calendar, the Events landing page, the Culinary Week landing page, and Lodging.

We sent almost 16,662 outclicks to our members and area businesses this quarter, with the top five receivers of traffic being I-Love-Luc.com, DelMarRestaurant.com, AquaCorvallis.com, 101BigRiver.com and CloudAndKellys.com. Restaurants won the day thanks to our Culinary Week efforts.

Facebook is far and away our most successful social network, with a PTAT that averages around 1,000 a month and a reach that averaged 5,000 to 6,000 and spiked to 16,000 for Culinary Week. Twitter comes in second, sending about 500 outclicks out from tweeted links over the quarter, as well as generating a high rate of retweets and mentions.

We continue to perform well on visual social media platforms, too. Our Pinterest account generates a lot of repins and likes, and our brand new Instagram account is garnering a lot of interest, as well. Pinterest very recently rolled out site analytics for individual accounts, so we hope to be able to quantify our results there soon. As of yet, there are no analytics available for Instagram.

Raw Data Reports

What follows is an appendix detailing the raw data we collect, including our Facebook, Twitter and Google Analytics statistics, as well as real-world numbers gathered from the Visitors Center and advertising. If there are any questions about the raw data, please email Visit Corvallis at info@visitcorvallis.com.

** HPR has changed its measurement of Facebook Engagement from PTATS to Daily Engaged Users as a more accurate assessment of engagement.*

*** Total Events Outbound to Members: VC uses Total Events as opposed to Unique Events in this category due to its nature. It is likely for many members to have people return many times to their site to check on changes and specials.*

Brand Awareness	Jan	Feb	Mar	Last YTD	This YTD	Last YR Total
Internet Brand Awareness						
Visit Corvallis Unique Visitors	11,326	9,125	8,932	98,306	106,481	158235
Corvallis Blog Unique Visitors	0	0	0	3,860	1904	8826
WVVA OR Attractions ebrochure	0	0	0	1666	4,658	5245
WVVA Madden ebrochure	0	0	0	3174	1663	4302
WVVA Internet	211	485	308	1615	2,140	2514
Go-Oregon.net	84	59	87	432	563	839
Web site Orders	68	60	70	301	525	484
New Facebook Likes - Unliked	418	193	6	418	5,495	3835
New E-News Subscribers	-27	-42	308	0	207	4438
New Twitter Followers	57	43	33	0	506	1039
New YouTube Subscribers	0	0	0	0	2	24
Ad Brand Awareness						
Madden Preprint Insert	0	0	0	2195	100	2403
WVVA Madden	679	605	280	5	2,250	417
WVVA Sunset	0	0	0	2489	165	3893
Sunset Magazine	0	0	0	262	45	352
Better Homes and Gardens	0	41	448	0	750	210
Audubon	0	0	0	0	39	115
Good Housekeeping	157	90	67	0	1,787	0
Visit Corvallis Toll Free	5	6	5	0	60	124
Relocation	3	5	3	27	45	49
WVVA Press Release	18	8	6	19	84	104
WVVA National Geographic	505	102	580	0	1,769	54
WVVA OR Attractions	0	0	0	0	4,262	5
WVVA TORP	650	133	586	0	4,561	4
Total Brand Awareness	14154	10913	11719	114769	140061	197511
Engagement						
Facebook Daily Page Engaged Users*						
Facebook PTAT	1996	2367	5492	1894	30,616	7833
You Tube Views	78	45		93	809	239
Twitter Sent Messages	145	158	230	0	1,917	280
Twitter Clicks	290	5	2000	0	7,102	
Twitter Re-Tweets	35	26	27	0	298	
Twitter Messages Received	46	30	50	101	444	
Twitter @Mentions	45	30	49	0	432	
E-Newsletter Opens	2211	2830	3608	13789	23,802	25354
E-Newsletter Clicks	597	830	826	0	3,738	
Total Engagement	**5443**	**5491**	**12282**	**15877**	**66,843**	**33706**
Conversion						
Visitor Center Visitation	432	416	525	8061	6313	11351
Hotel Room Nights Booked	11	9	18	0	59	
Text Permissions	0	0	0	0	0	
Total Events Outbound to Members**	8948	4135	3539	0	39294	
Total Conversions	**9391**	**4560**	**4082**	**8061**	**53727**	**11351**
Total Factor**	**28988**	**20964**	**28083**	**138707**	**391277**	**242,568**
Google Adword Spend	$447				$4,507.05	
Google Ad Clicks	679				8742	
Facebook Ad Spend	$621.71				$3,084.50	
Facebook Ad Clicks	1924				12710	

VISIT
CORVALLIS

Third Quarter Report

(January through March, 2013)

2:45 PM
04/15/13
Accrual Basis

Visit Corvallis

Balance Sheet

As of March 31, 2013

	Mar 31, 13
ASSETS	
Current Assets	
Checking/Savings	
Checking - OSUFCU	85,117.55
Money Market-OSUFCU	20,421.67
Paypal Checking	463.45
Savings - OSUFCU	5.00
Total Checking/Savings	106,007.67
Accounts Receivable	
Accounts Receivable	1,456.40
Total Accounts Receivable	1,456.40
Other Current Assets	
Petty Cash	40.00
Total Other Current Assets	40.00
Total Current Assets	107,504.07
Fixed Assets	
Accumulated Depreciation	-30,555.98
Office Equipment & Furniture	36,060.30
Total Fixed Assets	5,504.32
TOTAL ASSETS	113,008.39
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
OSU Fed Visa	1,696.40
Total Credit Cards	1,696.40
Other Current Liabilities	
Corvallis Book Sales	1,234.33
Payroll Liabilities	7,790.10
Payroll liabilities - Other	1,703.14
Payroll tax liabilities	7,664.29
Total Other Current Liabilities	18,391.86
Total Current Liabilities	20,088.26
Total Liabilities	20,088.26
Equity	
Net Assets	60,514.26
Net Income	32,405.87
Total Equity	92,920.13
TOTAL LIABILITIES & EQUITY	113,008.39

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Accrual Basis

Visit Corvallis

Profit & Loss

January through March 2013

	Jan - Mar 13
Ordinary Income/Expense	
Income	
City of Corvallis	92,820.00
Membership	175.00
Relocation Packets	14.05
Souvenir Income	7.01
Total Income	93,016.06
Expense	
Administration	21,885.62
Conferences/Education	455.00
Marketing/Advertising	7,966.73
Marketing/Contract Services	1,100.00
Marketing/Dues	350.00
Marketing/Entertainment	14.40
Marketing/Internet	1,150.50
Marketing/Postage-Shipping	3,201.41
Marketing/Printing	112.50
Marketing/Promotions	265.53
Marketing/Sales Trips	1,111.00
Marketing/Telephone	136.06
Marketing/Tours	26.00
Marketing/Visitor Services	295.00
Payroll Expenses	26.10
Personnel	47,563.60
Uncategorized Expenses	364.96
Total Expense	86,024.41
Net Ordinary Income	6,991.65
Net Income	**6,991.65**

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04/15/13
Accrual Basis

Visit Corvallis

Profit & Loss Prev Year Comparison

January through March 2013

	Jan - Mar 13	Jan - Mar 12	$ Change	% Change
Ordinary Income/Expense				
Income				
City of Corvallis	92,820.00	83,862.00	8,958.00	10.7%
Interest Income	0.00	10.18	-10.18	-100.0%
Membership	175.00	0.00	175.00	100.0%
Relocation Packets	14.05	18.00	-3.95	-21.9%
Souvenir Income	7.01	73.00	-65.99	-90.4%
Total Income	93,016.06	83,963.18	9,052.88	10.8%
Expense				
Administration	21,885.62	12,571.07	9,314.55	74.1%
Conferences/Education	455.00	164.83	290.17	176.0%
Marketing/Advertising	7,966.73	3,179.94	4,786.79	150.5%
Marketing/Community Relations	0.00	230.00	-230.00	-100.0%
Marketing/Contract Services	1,100.00	0.00	1,100.00	100.0%
Marketing/Dues	350.00	0.00	350.00	100.0%
Marketing/Entertainment	14.40	22.00	-7.60	-34.6%
Marketing/Internet	1,150.50	1,175.75	-25.25	-2.2%
Marketing/Postage-Shipping	3,201.41	1,810.30	1,391.11	76.8%
Marketing/Printing	112.50	225.00	-112.50	-50.0%
Marketing/Promotions	265.53	273.91	-8.38	-3.1%
Marketing/Public Relations	0.00	550.00	-550.00	-100.0%
Marketing/Sales Trips	1,111.00	0.00	1,111.00	100.0%
Marketing/Telephone	136.06	0.00	136.06	100.0%
Marketing/Tours	26.00	0.00	26.00	100.0%
Marketing/Visitor Services	295.00	510.90	-215.90	-42.3%
Payroll Expenses	26.10	21.00	5.10	24.3%
Personnel	47,563.60	40,154.70	7,408.90	18.5%
Uncategorized Expenses	364.96	0.00	364.96	100.0%
Total Expense	86,024.41	60,889.40	25,135.01	41.3%
Net Ordinary Income	6,991.65	23,073.78	-16,082.13	-69.7%
Net Income	6,991.65	23,073.78	-16,082.13	-69.7%

Finance Department
500 SW Madison Avenue
Corvallis, OR 97333
541-766-6990
541-754-1729

MEMORANDUM

April 16, 2013

TO: Ken Gibb, Community Development

FROM: Jeanna Yeager, Accountant

SUBJECT: Visit Corvallis Financial Report – Third Quarter, FY 12/13

This review consists of inquiries and analytical procedures and is very limited in nature. The financial statements have not been reviewed by a Certified Public Accountant and are the representation of the management of Visit Corvallis. Visit Corvallis uses the accrual method of accounting.

During the third quarter of fiscal year 2012/2013, Visit Corvallis reported revenues of $93,016 and expenditures of $86,024, resulting in net income of $6,992. Visit Corvallis maintains a strong cash position, with current assets totaling $107,504 and current liabilities of only $20,088.

The City of Corvallis has budgeted $371,290 for Visit Corvallis for fiscal year 2012/2013 in monthly payments of $30,940. The City has funded a total of $92,820 in the third quarter, which has been accurately accounted for on the Visit Corvallis report. This represents virtually all revenue for the quarter.

Acceptance of the Visit Corvallis quarterly report is recommended.

MEMORANDUM

DATE: May 9, 2013

TO: Administrative Services Committee

FROM: Ken Gibb, Community Development Director

SUBJECT: Downtown Corvallis Association Third Quarter FY 12-13 EID Program Review

I. Issue

Review and acceptance of Downtown Corvallis Association's Economic Improvement District Program third quarter report for FY 12-13.

II. Background

The City Council, on July 16, 2012, approved Ordinance 2012-14, amending Municipal Code Chapter 10.07 (Economic Improvement District), establishing a boundary, and imposing assessments on property within the Downtown Voluntary Economic Improvement District (EID). The EID provides specific benefits to the members of the District by promoting commercial activity and public events in the Downtown district through the services provided by the Downtown Corvallis Association (DCA). The anticipated revenue for FY 12-13 is $82,989.

The Community Development Department administers the invoicing of EID participants, the "pass-through" payment of these program funds to the Downtown Corvallis Association (DCA), as well as the contract with the DCA. In support of these City services, the DCA pays an annual fee of $3,585. The contract requires that the DCA provide quarterly financial reports to the City that provide at a minimum, 1) a balance sheet as of the last day of the quarter, 2) a comparison of actual revenues and expenses through the quarter and 3) a brief summary of services performed.

Attached is the third quarter report submitted by the DCA (Attachment A). The DCA has been provided with a copy of this report and invited to attend and address the Committee.

IV. Action Requested

That the Administrative Services Committee consider this report and recommend City Council approve acceptance of the Downtown Corvallis Association's FY 12-13 EID Program third quarter report.

REVIEW AND CONCUR:

Nancy Brewer, Finance Director

REVIEW AND CONCUR:

James A. Patterson, City Manager

To: City of Corvallis – Planning Department
From: Joan Wessell, Executive Director
Downtown Corvallis Association
Date: 10 April 2013
Subject: 2012-2013 Quarterlies
Report on 2012-2017 Economic Improvement District

The Downtown Corvallis Association is pleased to have successfully planned and presented seven (7) FREE heavy-hitting Brown Bag Workshops to members of the Corvallis business community including such topics as: **(1) Social Media**/Information trends/ Managing the Electronic Overload w/John Hope Johnstone; **(2) Addressing vandalism**/graffiti/shoplifting prevention/ self-awareness & reducing threats to personal safety/homeless panhandling /soliciting/propositioning/Keeping your business & employees safe w/Lt. Ben Harvey, CPD; **(3) Exit strategy**/Succession Planning/Trusts/Wills/Estate Planning w Jeanne Smith; **(4) The impact of OSU on Downtown Corvallis** w/Dan Schwab; **(5) Retail 101**/Customer service/Employee retention w/Kristine Jensen; **(6) Malware**, PC security/Network & wireless security w/PEAK Internet Trainer; and **(7) 4Ds of Organizing**: Paperwork/Time Management/Closet/Desk/Office Organizing w/Kristen Bertilsen. The 8th workshop was to be 2 panelists discussing the Future of Downtown in 2013, however, one of the panelists' spouses was unaware of the workshop and scheduled a trip to visit family. We will reschedule that panel discussion for a later date. The workshops were well attended and attendees were pleased with what they learned. At the request of attendees, we will be inviting 3 of the speakers to return to expand on their presentations.

On March 16, the DCA presented the 20th "Rhapsody in the Vineyard" Downtown Wine Walk, attracting over 2,000 guests to Downtown Corvallis for 3 ½ hours of fun, camaraderie, appetizers and wine-sampling. Guests remained in Downtown long after the Wine Walk ended, visiting and dining at Downtown Corvallis' GREAT restaurants. Rhapsody in the Vineyard is excellent Economic Development for Downtown Corvallis, the Community, & the City of Corvallis!

The DCA continues offering economic development services to enhance the community such as: Business recruitment, educational workshops, business advocacy and assistance, promotional events & activities to increase foot traffic & provide business exposure as well as Downtown business community-strengthening, DCA Membership meetings, Downtown After Hours, Downtown Red Carpet Welcomes, and the like. Businesses appreciate that the DCA is here to offer Economic Development and Business Support services.

Examples of events/activities which the Downtown Corvallis Association has hosted/sponsored/presented since the previous Quarterly report was submitted include: 3 Downtown After Hours networking socials, 3 Membership Meetings, 7 Downtown Red Carpet Welcomes, 3 Corvallis Science Pubs, the 20th Rhapsody in the Vineyard Downtown Wine Walk.

DOWNTOWN CORVALLIS ASSOCIATION
BALANCE SHEET
March 31, 2013

ASSETS	
Checking and Savings accounts	269,184.68
Other Current Assets	790.76
Fixed Assets	8,735.46
Façade Improvements loans	5,494.56
UF Residential loans	0.00
Interior Development Loans	28,662.67
TOTAL ASSETS	**312,868.13**
LIABILITIES & EQUITY	
Accounts Payable	0.00
Other Current Liabilities	6,251.86
Total Equity	306,616.27
TOTAL LIABILITIES & EQUITY	**312,868.13**

PROFIT AND LOSS
March 31, 2013

	Month	Year-to-Date	Budget 2012-2013	Remaining Budget
INCOME				
General Revenue	6,576.19	118,772.52	119,505.00	732.48
Program Revenue	168.32	3,898.12	4,075.00	176.88
Red, White & Blues	0.00	33,105.59	30,000.00	(3,105.59)
Rhapsody	15,354.00	32,866.00	46,000.00	13,134.00
Promotions	0.00	200.00	4,000.00	3,800.00
TOTAL INCOME	**22,098.51**	**188,842.23**	**203,580.00**	**14,737.77**
EXPENSE				
Personnel	8,437.67	72,687.99	103,210.00	30,522.01
Services and supplies	1,848.15	16,920.00	29,110.00	12,190.00
Programs	119.33	7,120.22	13,100.00	5,979.78
Red, White & Blues	0.00	16,519.93	17,000.00	480.07
Rhapsody	7,896.84	23,447.71	26,000.00	2,552.29
Promotions/OSU	0.00	1,603.33	1,700.00	96.67
City Economic Development	46.11	3,274.09	0.00	(3,274.09)
TOTAL EXPENSE	**18,348.10**	**141,573.27**	**190,120.00**	**48,546.73**
NET INCOME	**3,750.41**	**47,268.96**	**13,460.00**	**(33,808.96)**

Plus: Beginning unrestricted cash balance	**(364.14)**
Checking/Money Market	**166,728.45**
Held in reserve - Contingency Fund	**3,000.00**
Total beginning cash	**169,364.31**
Net Excess (deficit) budgeted for 2012-2013	**182,824.31**

Downtown Corvallis Association, Inc.

Budget Comparison
As of March 31, 2013

	Month Of Mar	7/1/12 Through Mar 2013	7/1/11 Through Mar 2012	Annual Budget	Percent Annual Budget
Income					
General Revenue					
EID Receipts	5,036.43	81,217.53	87,765.46	77,000.00	105.5%
EID Contributions	0.00	1,500.00	0.00	0.00	0.0%
Membership Dues	1,112.50	32,122.61	32,728.90	36,000.00	89.2%
City Economic Development Allocations	0.00	0.00	0.00	0.00	0.0%
Downtown Employee Shuttle Program	0.00	0.00	0.00	0.00	0.0%
Interest Income	17.26	162.38	272.30	5.00	3247.6%
Rental Income - Sublet	410.00	3,670.00	3,600.00	5,000.00	73.4%
Miscellaneous	0.00	100.00	23.75	1,500.00	6.7%
Reimbursed Expenses	0.00	0.00	0.00	0.00	0.0%
Program Fees	0.00	0.00	0.00	0.00	0.0%
Total General Revenue	**6,576.19**	**118,772.52**	**124,390.41**	**119,505.00**	**99.4%**
Program Revenue					
Membership Workshops	0.00	0.00	0.00	0.00	0.0%
Christmas Lights	0.00	12.50	51.00	25.00	50.0%
Newsletter advertising	0.00	0.00	0.00	0.00	0.0%
Group advertising	0.00	0.00	75.00	0.00	0.0%
Website/Directory advertising	0.00	0.00	0.00	0.00	0.0%
Fund Raiser	158.32	2,385.12	3,502.89	4,000.00	59.6%
Fund Raiser - DT After Hours	10.00	1,500.50	0.00	0.00	0.0%
Downtown Strategic Plan	0.00	0.00	0.00	0.00	0.0%
Design Aesthetics	0.00	0.00	0.00	50.00	0.0%
Red, White & Blue	0.00	33,105.59	38,964.45	30,000.00	110.4%
Total Program Revenue	**168.32**	**37,003.71**	**42,593.34**	**34,075.00**	**108.6%**
Promotions Revenue					
Promotions	0.00	200.00	555.50	4,000.00	5.0%
Rhapsody in the Vineyard	15,354.00	32,866.00	37,729.59	46,000.00	71.4%
Total Promotions Revenue	**15,354.00**	**33,066.00**	**38,285.09**	**50,000.00**	**66.1%**
TOTAL INCOME	**22,098.51**	**188,842.23**	**205,268.84**	**203,580.00**	**92.8%**

Expense					
Administration - Personnel					
Personnel	6,896.00	60,430.51	66,778.28	75,500.00	80.0%
Director - Medical Benefit	429.00	3,014.80	3,221.60	4,000.00	75.4%
Director - Expense	0.00	274.24	13.29	2,000.00	13.7%
Contract Labor	0.00	0.00	0.00	2,000.00	0.0%
Staff Expenses	0.00	0.00	46.97	2,000.00	0.0%
Volunteer - Expense	103.22	1,434.49	3,226.23	5,000.00	28.7%
Staff Development	0.00	498.20	86.67	2,500.00	19.9%
Payroll taxes	817.61	5,275.32	5,787.71	7,600.00	69.4%
Workers Compensation	3.04	61.19	(178.07)	310.00	19.7%
IRA Expense	188.80	1,699.24	1,757.52	2,300.00	73.9%
Total Personnel	**8,437.67**	**72,687.99**	**80,740.20**	**103,210.00**	**70.4%**
Administration - Services & Supplies					
Accounting	216.00	2,133.00	2,377.11	3,300.00	64.6%
Accounting Review	0.00	0.00	2,275.00	2,300.00	0.0%
Bad Debt	0.00	0.00	0.00	0.00	0.0%
Bank Charges	6.00	6.00	131.28	10.00	60.0%
Subscriptions	110.00	170.00	137.00	350.00	48.6%
Insurance	0.00	0.00	0.00	1,200.00	0.0%
Equipment Replacement	0.00	0.00	0.00	1,800.00	0.0%
Equipment Lease	228.88	2,143.57	1,995.82	2,000.00	107.2%
Office Supplies	37.40	625.16	1,701.07	2,000.00	31.3%
Permits & Fees	40.00	496.00	453.00	600.00	82.7%
Postage	0.00	293.35	447.01	650.00	45.1%
Rent	810.00	7,290.00	7,173.00	9,600.00	75.9%
Utilities	65.31	645.11	638.40	800.00	80.6%
Miscellaneous	0.00	113.00	123.16	200.00	56.5%
Repair & Service Equipment	0.00	158.31	142.51	1,000.00	15.8%
Telephone/Pager	334.56	2,846.50	2,434.15	3,300.00	86.3%
Depreciation	0.00	0.00	0.00	0.00	0.0%
Total Services & Supplies	**1,848.15**	**16,920.00**	**20,028.51**	**29,110.00**	**58.1%**
Programs					
Membership Drive	0.00	304.35	391.87	800.00	38.0%
Red Carpet Welcome	0.00	0.00	70.58	500.00	0.0%
Downtown Updates	0.00	0.00	70.58	0.00	0.0%
Website Updates	0.00	0.00	0.00	0.00	0.0%
Meetings & Public Relations	119.33	986.18	2,407.53	4,000.00	24.7%
Design Committee	0.00	0.00	0.00	0.00	0.0%
Design Committee-Awards	0.00	29.98	460.00	900.00	3.3%
ODDA/Mainstreet Expenses	0.00	196.57	1,325.86	1,000.00	19.7%
ODDA/Mainstreet Dues	0.00	250.00	250.00	300.00	83.3%
EID Expense	0.00	147.44	7,374.00	0.00	0.0%
EID Task Force Expense	0.00	36.95	524.95	0.00	0.0%
EID Expense-City Collection Fee	0.00	3,585.00	0.00	4,500.00	79.7%
Annual Reports, proposal	0.00	0.00	0.00	0.00	0.0%
Misc. Printing	0.00	0.00	0.00	0.00	0.0%
Directory Printing	0.00	0.00	0.00	0.00	0.0%
Parking Comm.	0.00	0.00	0.00	0.00	0.0%
Transportation Coordinator	0.00	0.00	0.00	0.00	0.0%
OSU Relations	0.00	0.00	70.58	200.00	0.0%
Christmas Lights	0.00	0.00	0.00	200.00	0.0%
Flower Baskets	0.00	0.00	0.00	200.00	0.0%
Econ Devel Alloc Prop	0.00	0.00	0.00	0.00	0.0%
Downtown Strategic Plan	0.00	0.00	0.00	0.00	0.0%
Design Aesthetics	0.00	0.00	70.59	0.00	0.0%
Design Aesthetics-Reimbursement	0.00	0.00	0.00	0.00	0.0%
Holiday Trolley	0.00	0.00	0.00	0.00	0.0%
Fund Raiser	0.00	1,583.75	1,366.88	500.00	316.8%
Total Programs	**119.33**	**7,120.22**	**14,383.42**	**13,100.00**	**54.4%**

Promotions					
Red, White & Blue	0.00	16,519.93	21,808.74	17,000.00	97.2%
Promotions	0.00	1,603.33	3,709.13	1,500.00	106.9%
Rhapsody in the Vineyard	7,896.84	23,447.71	23,750.15	26,000.00	90.2%
OSU Promotions	0.00	0.00	126.00	200.00	0.0%
Total Promotions	**7,896.84**	**41,570.97**	**49,394.02**	**44,700.00**	**93.0%**
City Economic Development					
Economic Enhancement	46.11	1,140.31	2,974.07	0.00	0.0%
Image Enhancement	0.00	2,133.78	2,850.61	0.00	0.0%
Downtown Wayfinding Signs	0.00	0.00	0.00	0.00	0.0%
Downtown Tree Lighting Program	0.00	0.00	0.00	0.00	0.0%
Holiday Pole Decorations	0.00	0.00	0.00	0.00	0.0%
Red, White & Blue	0.00	0.00	0.00	0.00	0.0%
Website	0.00	0.00	0.00	0.00	0.0%
Total City Economic Development	**46.11**	**3,274.09**	**5,824.68**	**0.00**	**0.0%**
Total expense	**18,348.10**	**141,573.27**	**170,370.83**	**190,120.00**	**74.5%**
Excess (deficit) income over expense	**3,750.41**	**47,268.96**	**34,898.01**	**13,460.00**	

Plus: Beginning restricted/unrestricted cash balance	**(364.14)**
Checking/Money Market	**166,728.45**
Held in reserve-Contingency Fund	**3,000.00**
Total beginning cash	**169,364.31**
Net Excess (deficit) budgeted for 2012-2013	**182,824.31**

Downtown Corvallis Association, Inc.
Balance Sheet
As of March 31, 2013

		Mar 31, 13
ASSETS		
Current Assets		
Checking/Savings		
1010 · Cash - Umpqua Bank		21,402.24
1015 · MMF - Umpqua Bank		196,366.29
1050 · Cash - US Bank-EID		7,182.63
1104 · MMF-Citizens-Design Committee		2,648.27
1106 · Cash-Citizens-RW&B		4,235.19
1109 · MMF-Citizens-Facade/Upper Floor		
1109-1 · Designated City Funds	37,142.77	
1109-2 · Undesignated Funds	207.29	
Total 1109 · MMF-Citizens-Facade/Upper Floor		37,350.06
Total Checking/Savings		269,184.68
Other Current Assets		
1116 · Prepaid Expenses		
1120 · Rent	790.76	
Total 1116 · Prepaid Expenses		790.76
Total Other Current Assets		790.76
Total Current Assets		269,975.44
Fixed Assets		
1258 · Fixed Asset		23,979.78
1259 - Accumulated depreciation		-15,244.32
Total Fixed Assets		8,735.46
Other Assets		
1500 · Facade improvement loans		
1545 · Mod Pod	0.03	
1550 · Coleman - 2012	2,519.53	
1551 · Les & Barbara Boudreaux - 2012	2,975.00	
Total 1500 · Facade improvement loans		5,494.56
1800 · Interior Development Loans		
1801 · Terzo	0.80	
1802 · Chris Martel Downtown Dental	5,349.56	
1803 · Mod Pod	645.32	
1804 · Many Hands	0.05	
1805 · Oregon Coffee	-0.02	
1806 · Flat Tail	10,000.20	
1807 · Brew BQ	6,333.39	
1808 · Ron & Garnetta Day	6,333.37	
Total 1800 · Interior Development Loans		28,662.67
Total Other Assets		34,157.23
TOTAL ASSETS		**312,868.13**
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Other Current Liabilities		
2111 · Pass-thru money		743.00
2113 · Deferred RW&Blue		
2113-1 · Revenue		
2113-13 · Sponsors	200.00	
2113-14 · Vendor	1,050.00	
Total 2113-1 · Revenue	1,250.00	
Total 2113 · Deferred RW&Blue		1,250.00
2115 - Gift certificates o/s		1,268.44
2142 · Federal/FICA/Medicare		1,958.10

04/04/13

Downtown Corvallis Association, Inc.
Income Statement
March 2013

	Mar 13		Jul '12 - Mar 13	
Ordinary Income/Expense				
Income				
General Revenue				
4110 - EID Receipts		5,036.43		81,217.53
4111 · EID Contributions		0.00		1,500.00
4120 - Membership dues		1,112.50		32,122.61
4141 - Interest income		17.26		162.38
4160 - Miscellaneous		0.00		100.00
4195 · Rental Income - Sublet		410.00		3,670.00
Total General Revenue		6,576.19		118,772.52
Program Revenue				
4220 - Christmas lights		0.00		12.50
4260 - Fund Raiser		158.32		2,385.12
4265 · Fund Raiser - DT After Hours				
4265-1 · Entry Fees	10.00		1,166.00	
4265-2 · Bucket of Bucks	0.00		334.50	
Total 4265 · Fund Raiser - DT After Hours		10.00		1,500.50
4310 - Red, White & Blue				
4310-2 · Gate	0.00		19,661.53	
4310-3 · Sponsors	0.00		3,925.00	
4310-4 · Vendor	0.00		9,429.06	
4310-5 · Miscellaneous	0.00		50.00	
4310-6 · DCA Booth	0.00		20.00	
4310-7 · T-Shirts	0.00		20.00	
Total 4310 - Red, White & Blue		0.00		33,105.59
Total Program Revenue		168.32		37,003.71
Promotions Revenue				
4450 - Promotions		0.00		200.00
4460 · Rhapsody in the Vineyard		15,354.00		32,866.00
Total Promotions Revenue		15,354.00		33,066.00
Total Income		22,098.51		188,842.23
Expense				
Administration				
Personnel				
5105 · Personnel	6,896.00		60,430.51	
5120 - Director-Medical Benefit	429.00		3,014.80	
5130 - Director-Expense	0.00		274.24	
5150 - Volunteer expense	103.22		1,434.49	
5160 - Staff Development	0.00		498.20	
5180 - Payroll Taxes	817.61		5,275.32	
5190 - Workers Compensation	3.04		61.19	
5195 · IRA Expense	188.80		1,699.24	
Total Personnel		8,437.67		72,687.99
Services and supplies				
5410 - Accounting	216.00		2,133.00	
5430 - Bank charges	6.00		6.00	
5440 - Subscriptions	110.00		170.00	
5460 - Office supplies	37.40		625.16	
5470 - Permits & fees	40.00		496.00	
5480 - Postage	0.00		293.35	
5490 - Rent	810.00		7,290.00	
5600 - Utilities	65.31		645.11	
5610 - Miscellaneous	0.00		113.00	
5620 - Repair & service equip.	0.00		158.31	
5630 - Telephone/Pager	334.56		2,846.50	
5456 · Equipment Lease	228.88		2,143.57	
Total Services and supplies		1,848.15		16,920.00

Downtown Corvallis Association, Inc.
Balance Sheet
As of March 31, 2013

	Mar 31, 13
2143 · State Withholding	402.00
2144 · Federal Unemployment	44.45
2145 · State Unemployment	569.35
2146 · Workers Compensation	16.52
Total Other Current Liabilities	6,251.86
Total Current Liabilities	6,251.86
Total Liabilities	6,251.86
Equity	
3312 - Reserved - City loan $	71,300.00
3318 - Undesignated funds	-3,835.80
3311 · Designated - Christmas	3,471.66
3900 · Retained Earnings	188,411.45
Net Income	47,268.96
Total Equity	306,616.27
TOTAL LIABILITIES & EQUITY	312,868.13

MEMORANDUM

TO: Administrative Services Committee

FROM: Mary Steckel, Public Works Director

DATE: May 9, 2013

SUBJECT: Single-Use Plastic Carryout Bags Ordinance follow-up

ISSUE

Testimony during Visitors' Propositions at the May 6, 2013 Council meeting resulted in the Single-Use Plastic Carryout Bags Ordinance being referred back to the Administrative Services Committee (ASC) for evaluation.

BACKGROUND

Citizens raised two issues that they considered potential negative impacts created by the Ordinance as amended:

1.) The definition of Barrel Size should be broadened to include 1/8 barrel-sized bags, which are used in the community; and

2.) Businesses with large, existing inventories of non-compliant bags should be allowed an exemption from the Ordinance for a period of time in order to avoid extra costs and disposing of the bags in the landfill.

DISCUSSION

Staff is collecting information on how similar issues have been addressed by other communities with similar bag bans and will be prepared to discuss options with ASC.

RECOMMENDATION

Pending a review of information and discussion, staff requests that ASC provide direction on how to address the two identified issues.

Reviewed and concur:

James A. Patterson, City Manager

RECEIVED
MAY 21 2013
CITY MANAGERS OFFICE

Attachment 1

TO: All Corvallis City Council Members, Corvallis Mayor, Corvallis City Manager

FROM: Vicki Ciciriello, a Corvallis resident

RE: **PLASTIC BAG BAN**

I am attaching copies ~~of the first page~~ of a very interesting article I found in the University of Oregon publication, CASCADE, UO COLLEGE OF ARTS AND SCIENCES, Fall 2012, page 2.

Many of us believe the ordinance was passed as a reaction to the annoying presence of the bag costume person and without adequate scientific investigation.

In the time since it passed, as I've worked around my home, I've come up with the following observations, out of which questions have arisen.....

- I, and everyone I know, reuse the plastic bags which come into the house for a variety of purposes –
    - transporting wet swimsuits in the summer, wet shoes in the winter, wet baby clothes at all times of the year
    - protection from the rain for books, groceries, clothing, mail
    - packing away Christmas items
    - separating gift items for family members prior to birthdays and Christmas
    - to corral multiple small items in the refrigerator and freezer
    - transporting plant starts to/from friends' gardens
    - as a secondary wrapping to keep bread products from drying out or produce from wilting
    - storage of summer toys and plastic dishes in the off season
    - separation and storage of craft items
    - as an under-wrapping for protection of items shipped/mailed
    - as dust covers for numerous items in storage
    - as liners in every wastebasket
    - for household garbage collection
    - for dog poop collection

- Not one of us uses these bags only once.

I will now be forced to purchase commercially produced bags for all these uses.

- Is there a provision in the ordinance for reimbursing me for that expense?
- Has anyone considered the added expense to Corvallis citizens? Especially to those who are barely surviving solely on disability incomes?
- Has anyone considered that the number of plastic bags isn't being reduced, since we'll all be out purchasing plastic bags to replace the free ones we were getting at grocery stores?

And the paper bags we'll now have to pay for, if the stores choose to carry them.....

- I'll have to purchase wrapping paper for packages I ship/mail
- I'll have to purchase twine to tie up newspapers which I currently collect in paper bags
- I'll have to purchase bags (probably plastic) for all the storage uses out in the garage (kids' toys, craft project collections, gardening items)

Here's a question I asked a clerk at Winco, shortly after this ordinance was passed, to which he had no answer:

If I am willing to pay for paper sacks for my groceries, are we going to estimate how many bags it'll take so that he can ring it up on my tab? What if I over/under estimate the number of bags I'll use? Will the clerk interrupt ringing up his next customer to reimburse me or to charge me for another bag? Store management will love this predicament. Was this considered when passing this ordinance?

Currently, I corral my 'office paper' recycling in large, paper grocery sacks. When I've filled one, it goes into the Allied Waste recycle bin. In the future, I'll empty my waste basket directly into the recycle bin. When that bin gets dumped into the truck, there's a high probability some of that paper will end up blowing around the street. Has the Council allowed for the added expense of cleaning this up? I'm certainly not going to do it. If my efforts are to be undone by the short-sightedness of those who fell for a quickie, politically correct proposal, then those same people can clean up after their decision. And please, don't be adding another fee onto my water bill or garbage bill to cover this. You created the problem, find a way to cure it without making **me** pay for **your** mistake.

Has it occurred to anyone that perhaps this ordinance was pushed by the companies which manufacture the plastic bags we'll all now be forced to purchase? We certainly aren't reducing the amount of plastic any. We're just moving to heavier, longer lasting, more expensive plastic. And, as I have commented before, no one I know drives to the coast to throw their plastic bags into the ocean. If it was such a problem, the coastal cities would be banning the bags.

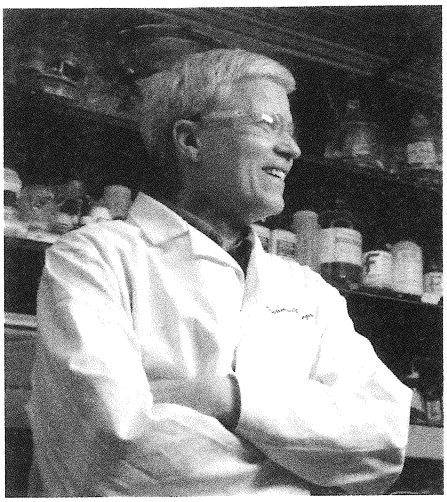
To prevent our having to spend any of our limited income (I was laid off by HP) on plastic bags, our daughter who lives in another Oregon city will be saving plastic and paper bags for us.

Please don't be in such a rush to do what seems politically correct. Read the attached and do some research. The CASCADE article ends with, "Tyler's Top Ten Environmental Surprises -- Life-cycle assessments of our popular "green" consumer choices suggest we may be wise to consider alternatives as well. In some of these assessments, researchers have concluded: Plastic bags produce FEWER greenhouse gases than paper or cotton bags."

Vicki Ciciriello
[redacted]
Corvallis, OR 97330

Ask the Expert

Paper or Plastic? The Answer Might Surprise You



MICHAEL MCDERMOTT

Chemistry professor David Tyler (above) has taken an interest in the environmentally sensitive decisions that confront consumers every day: Plastic grocery bags . . . or paper? Take the car to work . . . or public transit? Disposable cups . . . or a ceramic mug that can be used over and over again?

Tyler has surveyed some of the research on these alternatives and has concluded that the environmental impact of some of our "green" choices can be surprising when you consider their effects from cradle to grave—that is, the total impact from the point a product is created from raw materials, through its manufacturing, distribution and consumer use, ending with its disposal or recycling.

These "life-cycle assessments" broaden the conventional definition of environmental impact by taking into account all energy and material inputs and then the related consequences, which could include downsides such as climate change, smog, water pollution, land use, depletion of fossil fuels and more.

There are life-cycle assessments for everything from owning a dog to buying locally grown tomatoes. Tyler's conclusion? Consider all the options and make an informed decision—some of the things thought to be hard on the environment might not be so bad after all, depending on what's most important to you.

Interview by Matt Cooper

Q: In looking at the research that's out there, what have you found regarding plastic shopping bags versus paper or cotton bags?

A: There are really good things about plastic bags—they produce less greenhouse gas, they use less water and they use far fewer chemicals compared to paper or cotton. The carbon footprint—that is, the amount of greenhouse gas that is produced during the life cycle of a plastic bag—is less than that of a paper bag or a cotton tote bag. If the most important environmental impact you wanted to alleviate was global warming, then you would go with plastic.

Q: Why is the carbon footprint for a plastic bag less than that of a paper bag or cotton?

A: Cotton is typically grown on semiarid land so it consumes a huge amount of water and you also need a lot of pesticides. About 25 percent of the pesticides used in this country are used on cotton. Paper is just typically considered a fairly polluting industry. Whereas the petroleum industry, where we get our plastics, doesn't waste anything. Chemists have had sixty to seventy years to make the production of plastics fairly efficient and so typically there is not a lot of waste in the petroleum industry.

Q: When you point this out at your public talks, what kind of reaction do you get?

A: A lot of people say they don't believe it. It just feels good to think that cotton is better for the environment than plastic.

Q: How about disposable cups versus ceramic mugs? The thinking is a ceramic mug is better for the environment because it's reusable.

A: But when you manufacture the mug it has to be fired in a kiln at a very high temperature. That takes a lot of energy. If the manufacturing takes a lot of energy to make something, you have to recover that energy through repeated reuse, but typically with a mug, studies show that you don't use them enough to break even on the original energy input. You might as well take that petroleum or natural gas that you are using to warm the kiln and make one-use disposable cups.

Q: There is a fun one that you came across regarding owning a dog versus owning an SUV.

A: One life-cycle assessment showed that the average environmental impact of a dog was greater than the environmental impact of a typical SUV—although it should be noted that this was a pretty controversial study. It suggested that the resources needed to produce food over a dog's life span—especially meat—outweigh those used to make and drive an SUV. What we have discovered is things that involve agriculture often have a high negative

environmental impact—and you have to grow food for a dog. The finding wasn't exclusive to dogs; it applies to other pets, too.

But here's another way to look at it—pets, to a lot of people, are essential. They provide companionship. Life-cycle assessments cannot take that into account—the goodwill that comes from owning a pet.

Q: Clearly, though, an SUV could also be your companion.

A: Absolutely (laughing).

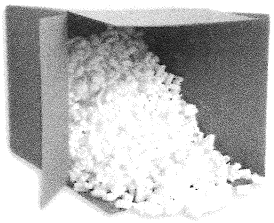
Q: You've raised a point that is important for all of these decisions—it depends on what's most important to you. What are some different values that people might be weighing?

A: There are thirteen or fourteen standard environmental impacts that life-cycle assessments consider. Those impacts include global warming, carbon footprint, human toxicity, algae growth in lakes and other bodies of water, resource consumption, ozone depletion and smog production.

But how those impacts are weighed depends on context. So, for example, if we lived in Los Angeles, anything that created smog would be really high on our list. But in Eugene that's not so much of an issue. In Eugene, it's a little easier to say, let's worry about global warming rather than smog. If you live in a community that doesn't have much landfill space or you were worried about plastic bags washing into the ocean, then you would want to find alternatives to plastic because it has a longer life span than other materials.

Q: You have an interesting observation about Styrofoam.

A: Styrofoam is a plastic. And the life-cycle assessments show that plastic cups are no worse on the environment than a paper cup.



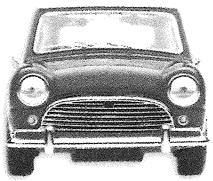
Q: But people say, "Oh, Styrofoam, it's going to be in the earth for the rest of our days."

A: Once again, the carbon footprint is smaller for Styrofoam than for paper cups. There is less energy needed to produce it. People have been told their whole lives about the evils of Styrofoam—and then somebody comes along and says, well, the environmental impacts in a lot of categories for Styrofoam are much better than the alternatives. On the other hand, it takes Styrofoam longer to degrade so this reinforces the point that our consumer choices hinge largely on what's most important to us. If your main concern is pollution or garbage reduction, you might not choose the Styrofoam cup even though its carbon footprint is lower.

Q: Let's talk about plastic forks and bioplastic forks. I would guess that a bioplastic fork, which breaks down, is the way to go for environmental stewardship.

A: Bioplastic is considered really good because it degrades—it's compostable. What they don't tell you is, it's compostable in an industrial composter, which means it's got to be 130 degrees, and it's got to be turned daily. But very few communities have industrial composting capabilities. You can't take that bioplastic fork and put it in your backyard grass pile and have it compost. It won't do that.

Also, because you have to grow the starch that bioplastics are made out of, the carbon footprint is worse than for a polystyrene fork. The other problem is that currently bioplastics are made from starch that comes from corn or potatoes and sometimes even rice, and a lot of people have a real problem with using food for plastics. A huge amount of the U.S. corn crop is diverted to fuel and is now starting to be diverted to bioplastics.



Q: What have you learned about the Bay Area Rapid Transit System versus cars?

A: I always point out that there are many reasons for urging people to take public transportation—relieving congestion is a big one. But if you try to justify that choice based on sustainability, that's not necessarily a valid conclusion. Researchers did a life-cycle assessment of the BART system in San Francisco versus packing people into cars and having them commute. It takes a lot of energy to make a light rail system and a lot of energy goes into the use of the BART system, and these researchers found that it was basically pretty even in terms of energy use. So there are all kinds of compelling reasons to use public transportation, but from a sustainability point it's probably a wash.

Q: Help me understand the difference between buying a tomato at the Saturday Market and buying one that came on a truck from California.

A: Here again, there are all kinds of compelling reasons to eat local food. But the conclusion from life-cycle assessment studies is that sustainability is not necessarily one of those reasons.

CONTINUED ON NEXT PAGE

They'll ship five tons of tomatoes in a truck from California and the cost per mile per tomato is small in terms of fuel used compared to some guy who gets into his old beater truck and drives into the farmers' market with five pounds of tomatoes he wants to sell that day.

Q: When I go out to Office Max should I buy a pack of brand-new paper or recycled paper?

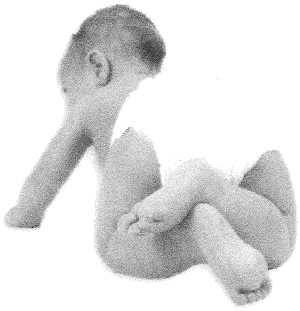
A: You would assume that recycled paper is the way to go for the environment. And in the United States that seems to be true. But a life-cycle assessment study in England suggested historically it was probably better to incinerate paper and use that energy than it was to recycle the paper. It's the inefficiency of the recycling plant and the associated recycling process that wasted more energy—in England, apparently it was very energy inefficient. In this country it's probably okay.

That was a classic study that shows we are making some assumptions about recycling that maybe we shouldn't be making.

Q: LED lights are touted as the future of lighting. Is that unquestionably a slam dunk that it is good for the environment and good for us?

A: Well, no. The issue with LEDs is that when they do burn out we have to recycle them appropriately. Several studies suggest they contain toxic metals, so we will have to gear up to recycle those systems properly. You save energy as you transition from incandescent bulbs to compact fluorescent light bulbs to LEDs. But at the same time you may be increasing the human toxicity impact—mercury in the case of CFLs and heavy metals in the case of the LEDs.

Q: One more. Let's say a mother-to-be is choosing between cloth and plastic diapers.



A: They used to refer to this as "the diaper wars." It depends on the efficiency of the manufacturing plant. If you have a nice modern diaper manufacturing plant that's making plastic diapers, then go for it. If it is an old inefficient plant, then probably cloth diapers are better. But the cloth is made out of cotton, and then it comes back to all the problems with cotton—where is it grown, how much pesticide is used; the water use is tremendous. And remember, with the cloth diaper you have to wash it—so you're using water, you're using energy to heat the water to wash the cloth diaper and so on. It just occurred to me—it's a "wash."

And actually the environmental impact of your new baby is so huge compared to the environmental impact of using a cloth or a cotton diaper you're worrying about the wrong thing. You probably should have considered having one less kid (laughing). That's a joke, of course.

Q: What recommendations would you make to someone if they really want to make consumer decisions that work for them?

A: Be informed. Life-cycle assessment data can be retrieved on the web. It's just like when you buy a car; you go online or to the library and you read about it. You also have to decide who you think is a credible source. Depending on the source, you'll say, "I don't really believe this person" or "I do believe him or her, the research seems solid." Doing the research is really the best way to make an informed choice. ■

Tyler's Top Ten Environmental Surprises

Life-cycle assessments of our popular "green" consumer choices suggest we may be wise to consider alternatives as well. In some of these assessments, researchers have concluded:

- Plastic bags produce FEWER greenhouse gases than paper or cotton bags.
- Ceramic mugs consume MORE ENERGY than disposable cups.
- The environmental impact of owning a dog CAN BE GREATER than owning an SUV.
- Styrofoam cups produce FEWER greenhouse gases than paper cups.
- Bioplastic forks CAN BE HARDER on the environment than plastic ones.
- The BART system in the San Francisco area USES ABOUT AS MUCH ENERGY as commuters in cars.
- Delivering a large truckload of tomatoes from California to Eugene can be EASIER ON THE ENVIRONMENT than delivering an equivalent amount in small truckloads from local farms.
- Recycled paper CAN CONSUME MORE ENERGY than new paper (at least in England).
- LED lights save energy but increase TOXICITY concerns.
- Plastic diapers can be A GREENER CHOICE than cloth diapers.

Attachment 2

RECEIVED
MAY 21 2013
CITY MANAGERS OFFICE

RE: CORVALLIS BAG BAN ORDINANCE

TO WHOM IT MAY CONCERN:

There are several issues around this ordinance which need to be considered.

1. The term 'Single Use' for the plastic bags dispensed by local stores is misleading. In my house, and in the homes of everyone I know, these bags are reused until they're too full of holes to hold anything. Then they are recycled. The only 'Single use' bags are those which are purchased for the sole purpose of being thrown into the garbage, full of garbage. Those bags are heavy duty and will take a very long time to disintegrate while the light-weight bags now banned disintegrate very quickly – as anyone who uses them can testify. So, if we're going to ban 'Single Use' bags, we need to ban all bags being sold for the purpose of being thrown away full of garbage.
2. Banning plastic bags is one issue; charging for paper bags is another. If stores are being granted a reduction in costs, then this savings should be passed on to the shoppers as a reduction in costs at the register.
3. Taxpayers are paying the salaries of employees of a city department dedicated to bringing businesses to Corvallis and helping them be successful. The City Council is introducing barriers to the success of businesses by instituting nitpicking rules on the makeup of the bags they hand out to draw attention to these businesses.
4. Councilor Mike Beilstein doesn't lend credence to a few outspoken people (he claims) who dispute the need for the traffic circle at 10th and Grant. Yet he, and the rest of the City Council, caved to an outspoken few with an obnoxiously costumed member which they got tired of seeing at their meetings. To quote Councilor Richard Hervey (GT, January 29, 2013, Packed Houses, front page and continued on A6), "It is possible, even likely that I have cast votes without fully understanding all the potential consequences." While not referring to this particular situation, that's an honest and brave admission and describes this situation perfectly.
5. Numerous articles in national magazines and newspapers have described the health hazards of the bags which shoppers bring into stores. I've seen these bags pulled out of the backs of vehicles from under dirty sports equipment, filthy bicycle tires, and dogs. If I'm told it's required that I bring my own bag into the store, why can't I reuse my plate at Izzy's? Dirty bags are a health hazard and should be investigated by the Benton County Health Department.
6. Anyone using food stamps should be exempt from the charge for the paper bags, starting immediately. A friend of mine, after spending all her monthly allotment of stamps, except for $1.00, which she was saving to purchase toilet paper at another store, was ambushed at the register by the City Council, when she had to pay $ .55 for bags to haul her groceries home. She can't afford the newspaper and lives in Alsea, so had no idea she would have to spend money on bags instead of toilet paper. That left her with $ .45 – not enough to purchase the toilet paper. When I related this incident to my city councilor, he didn't have the courtesy to speak to the

issue, much less apologize. That's the difference in attitude between the 'haves' and the 'have nots' of which this is clearly an example.

This issue needs to be decided by a vote of Corvallis residents and the ban needs to be rewritten with the input of local businesses which provide attractive, reusable shopping bags at sometimes considerable expense.

Vicki Ciciriello
[redacted]
Corvallis, OR 97330

Sympathy for a psychopath

Dennis Prager
NationalReview.com

A Facebook page was created to defend him. Thousands of commenters on websites and on black radio stations praised his loony "manifesto," and blamed the Los Angeles Police Department's racism for setting him off. It's hard to believe, said Dennis Prager, but that's how some people reacted to the killing spree by former Los Angeles cop Christopher Dorner. The rogue ex-cop, who apparently killed himself this week during a firefight with police, claimed he was taking revenge for his firing by the L.A. Police Department, which he largely blamed on racism. That led a disturbing number of people to view the killer sympathetically, as a black man "with legitimate grievances that caused him to snap." Dorner merits no sympathy: He's a psychopath who murdered a cop's daughter, her fiancé, and two cops. Imagine the reaction if conservatives defended a white man who killed blacks out of racial resentment. "A tsunami of vilification of conservatives and of conservative media would have ensued." Whatever led to his firing, Dorner's feelings of victimization were wildly exaggerated, and can't be excused. "The real victims are decomposing in their graves."

When going 'green' makes people sick

Ramesh Ponnuru
Bloomberg.com

When communities like San Francisco and Seattle began banning plastic bags, said Ramesh Ponnuru, it seemed like a public-spirited thing to do. But benign-seeming laws often have unintended consequences—and the plastic-bag ban is now producing a sickening result. The reusable shopping bags that people now use to bring groceries home turn out to be breeding grounds for bacteria carried by raw meat and unwashed vegetables. Studies have found that half of reusable bags contain coliform bacteria from feces; if these bags are left in a warm car trunk for two hours, the number of bacteria grows tenfold. "Kind of gross," no? After San Francisco banned plastic bags, another study by two law professors found, emergency-room admissions caused by *E. coli* infections began climbing; researchers estimate that the plastic ban leads to five additional deaths a year from food-borne illness. Regular washing and drying can clean out a reusable bag's bacterial colonies, but it's a habit many consumers simply don't have. It's a stomach-turning reminder that governments should "just let people make their own decisions."

The peril of stigmatizing mental illness

Abby Rapoport
The American Prospect

In the national debate on gun violence, the mentally ill make for "easy scapegoats," said Abby Rapoport. The NRA's Wayne LaPierre has called for a national database of the mentally ill, saying it's the best way to stop "genuine monsters" from killing. But stigmatizing those who seek treatment is likely to backfire—and make all of us less safe. Take the new law in New York that requires therapists and nurses to alert officials if they deem a patient a danger to themselves or others, so that whatever weapons they own can be confiscated. This is based on the fallacy that murderous behavior can be predicted ahead of time. It usually can't. And will people suffering from PTSD, bipolar disorder, or other forms of mental illness be more or less likely to seek treatment, if doing so lands them on a government list and guarantees that cops will confiscate their guns? In most cases, "it's the *lack* of treatment" that's the best predictor of future violence. To make the country safer, we should make mental health treatment more accessible, rather than punish those who seek it.

Viewpoint

"Older is not necessarily wiser. You're never more open to new experience than when you're 20. After that, the need to make money, the fear of having no work, the demands of children, the sense that the world is moving in strange new directions, the appearance of unfamiliar forms of expression that inevitably seem less wonderful than the ones that changed your life when you were 20 cause the aperture to slowly narrow. By 50, the obvious fact of your own decline is easily mistaken for an intimation of the world's. And since there's never a shortage of evidence that things are, indeed, worse than they used to be, it's incredibly satisfying to indulge the idea and easy to confuse it with a veteran's seasoned judgment."

George Packer in The New Yorker

Attachment 3

SCIENCE PUB™

DRINK UP • GET SMART

Elder Caregiving: Challenges and Opportunities

with Karen Hooker and Carolyn Mendez-Luck,
College of Public Health and Human Sciences, OSU

MONDAY JUNE 10, 2013

6:00 PM

Old World Deli & Café

341 SW 2nd Street, Corvallis

Come early for food and drinks!
For more info, contact **RSVP@oregonstate.edu**
or visit **oregonstate.edu/terra/science-pub**

Science Pub is a monthly event that is open to anyone and everyone. No RSVP or scientific background required - just bring your curiosity, sense of humor and appetite for food, drinks and knowledge!

Brought to you by Terra magazine, Oregon State University's research magazine

DOWNTOWN CORVALLIS ASSOCIATION OMSI terra OSU Oregon State UNIVERSITY

MEMORANDUM

TO: Mayor and City Council

FROM: Mary Steckel, Public Works Director

DATE: May 22, 2013

SUBJECT: Fire Station #1 Solar Photovoltaic Array

The City turned on its second city-owned renewable solar electric generation project on May 16, 2013. The 37kW system was constructed on the roof of Fire Station #1 (Harrison) with 100% of the project funding coming from Pacific Power's Blue Sky program and the Energy Trust of Oregon. The new solar panels are expected to provide more than 20% of the station's power demand.

The system includes web-based monitoring that can be accessed from the City's website on the Sustainability page. It shows real-time (within a couple hours) and historical energy production from the panels.

This memo is provided for information only. For additional details, please contact Adam Steele, Public Works Franchise Utility Specialist at 541-754-1731.

ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS

May 30, 2013

MEETING DATE	AGENDA ITEM
June 5	• Third Quarter Operating Report • Single-Use Plastic Carryout Bags Ordinance Exemption Requests
June 19	• Single-Use Plastic Carryout Bags Ordinance Exemption Requests
July 3	• Single-Use Plastic Carryout Bags Ordinance Exemption Requests
July 17	
August 7	• Council Policy Review and Recommendation: • CP 91-3.02, "City Compensation Policy"
August 21	
September 4	• Visit Corvallis Fourth Quarter Report • Downtown Corvallis Association Fourth Quarter Report -- Economic Improvement District
September 18	

October 9	• Fourth Quarter Operating Report
	• Council Policy Reviews and Recommendations:
	  • CP 92-1.05, "Miscellaneous Property Ownership"
	  • CP 94-2.09, "Council Orientation"

October 23	• Utility Rate Annual Review
	• Council Policy Reviews and Recommendations:
	  • CP 04-1.09, "Public Access Television"
	  • CP 91-3.04, "Separation Policy"

November 6	
November 20	
December 4	• Visit Corvallis First Quarter Report • Downtown Corvallis Association First Quarter Report -- Economic Improvement District • Comprehensive Annual Financial Report • First Quarter Operating Report
December 18	

ASC PENDING ITEMS

- Comcast Franchise Renewal Update — Public Works
- Council Policy Review and Recommendation:
  - CP 96-6.03, "Economic Development Policies" — CMO
- Tax Incentive Program for Downtown Area — Community Development
- Economic Development Policy on Tourism — Community Development
- Municipal Code Review: Chapter 4.01, "Solid Waste Regulations" — Community Development

Regular Meeting Date and Location:

Wednesday of Council week, 3:30 pm – Madison Avenue Meeting Room

HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS

May 30, 2013

MEETING DATE	AGENDA ITEM

June 4	• Boards and Commissions Sunset Reviews:
	  • Corvallis-Benton County Public Library Board
	  • Commission for Martin Luther King, Jr.

June 18	• Majestic Theatre Management Annual Report
July 2	• Corvallis Farmers' Market Annual Report • Social Services Allocations – Fiscal Year 2013-2014

July 16	• Council Policy Reviews and Recommendations:
	  • CP 98-4.12, "Guidelines for Public Art Selection"
	  • CP 07-4.15, "Use of Computer Lab Equipment and Public Internet Access at Senior Center"

August 6	
August 20	• Social Services Semi-Annual Report
September 3	
September 17	• Rental Housing Program Annual Report
October 8	• Council Policy Review and Recommendation: • CP 92-4.05, "Library Meeting Rooms Policy"
October 22	
November 5	
November 19	

December 3	• 2013-2014 Social Services Allocation Process and Calendar
	• Council Policy Reviews and Recommendations:
	  • CP 07-4.16, "Code of Conduct for Patrons at Parks and Recreation Facilities, Events, and Programs"
	  • CP 92-5.04, "Hate/Bias Violence"

December 17	

HSC PENDING ITEMS

- Municipal Code Review: Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks) — Parks & Recreation
- Municipal Code Review: Chapter 5.03, "Offenses" (Smoking Enforcement Hiatus); Chapter 8.10, "Tobacco Retail Licenses" — Police/City Attorney's Office
- Municipal Code Review: Chapter 9.02, "Rental Housing Code" — Community Development

Regular Meeting Date and Location:
Tuesday of Council week, 2:00 pm – Madison Avenue Meeting Room

URBAN SERVICES COMMITTEE
SCHEDULED ITEMS

May 30, 2013

MEETING DATE	AGENDA ITEM
June 4	• Board and Commission Sunset Review: • Capital Improvement Program Commission
June 18	• Corvallis Forest Stewardship Plan Update
July 2	• 49th Street Annexation Explanatory Statement and Display Advertisement
July 16	
August 6	
August 20	
September 3	No meeting
September 17	

October 8	• Council Policy Reviews and Recommendations:
	  • CP 04-1.08, "Organizational Sustainability"
	  • CP 91-7.07, "Sanitary Sewers; Responsibility for"
	  • CP 05-7.17, "Utility/Transportation Facility Extensions Through Public Areas"
	  • CP 91-9.03, "Parking Permit Fees"

October 22	
November 5	
November 19	
December 3	
December 17	

USC PENDING ITEMS

- Airport Master Plan — Public Works
- NW Cleveland Avenue Traffic Update (February 2014) — Public Works
- Residential Parking Districts Expansion — Public Works

Regular Meeting Date and Location:

Tuesday of Council week, 5:00 pm – Madison Avenue Meeting Room

UPCOMING MEETINGS OF INTEREST

City of Corvallis

MAY - AUGUST 2013
(Updated May 30, 2013)

MAY 2013

Date	Time	Group	Location	Subject/Note
30	5:30 pm	OSU/City Collaboration Project Neighborhood Planning Work Grp	Madison Avenue Mtg Rm	

JUNE 2013

Date	Time	Group	Location	Subject/Note
1	10:00 am	Government Comment Corner	Library Lobby - Bruce Sorte	
3	**5:30 pm**	**City Council**	**Downtown Fire Station**	**executive session**
3	**6:00 pm**	**City Council**	**Downtown Fire Station**	
4	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
4	2:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
4	~~2:30 pm~~	3:00 pm OSU/City Collaboration Project Steering Committee	Senior Center	
~~4~~	~~4:00 pm~~	~~Downtown Parking Committee~~	~~Downtown Fire Station~~	
4	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
5	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
5	7:00 pm	Planning Commission	Downtown Fire Station	
5	7:30 pm	Library Board	Library Board Room	
~~6~~	~~5:30 pm~~	~~OSU/City Collaboration Project Parking and Traffic Work Group~~	~~Madison Avenue Mtg Rm~~	
7	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
8	10:00 am	Government Comment Corner	Library Lobby - Biff Traber	
10	3:00 pm	Economic Development Cmsn	Madison Avenue Mtg Rm	
10	*5:30 pm*	*OSU/City Collaboration Project Parking and Traffic Work Group*	*Osborn Aquatic Center Activity Room*	
10	7:00 pm	City Council Work Session	Madison Avenue Mtg Rm	
11	7:30 am	City Legislative Committee	City Hall Meeting Room A	
~~11~~	~~5:00 pm~~	~~City Council Work Session~~	~~Madison Avenue Mtg Rm~~	~~HRC/PC interviews~~
11	5:30 pm	OSU/City Collaboration Project Neighborhood Planning Work Grp	Osborn Aquatic Center Conference Room	
11	6:00 pm	Historic Resources Commission	Downtown Fire Station	
12	8:20 am	Citizens Advisory Cmsn on Transit	City Hall Meeting Room D	
12	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
13	8:30 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Room	
13	*12:00 pm*	*Board of Appeals*	*Madison Avenue Mtg Rm*	*Orientation*
13	5:00 pm	City Council Work Session	Madison Avenue Mtg Rm	HRC/PC interviews
15		No Government Comment Corner		
17	**6:00 pm**	**City Council**	**Downtown Fire Station**	
18	2:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
18	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
19	12:00 pm	Housing and Comm Dev Cmsn	Madison Avenue Mtg Rm	
19	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
19	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Room	
19	7:00 pm	Planning Commission	Downtown Fire Station	

20	5:30 pm	OSU/City Collaboration Project Parking and Traffic Work Group	Madison Avenue Mtg Rm	
20	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
22	10:00 am	Government Comment Corner	Library Lobby – Mike Beilstein	
25	5:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
26	5:00 pm	Watershed Management Adv Cmsn	Madison Avenue Mtg Rm	
27	5:30 pm	OSU/City Collaboration Project Neighborhood Planning Work Grp	Osborn Aquatic Center	
29	10:00 am	Government Comment Corner	Library Lobby - Penny York	

JULY 2013

Date	Time	Group	Location	Subject/Note
1	**6:00 pm**	**City Council**	**Downtown Fire Station**	
2	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
2	2:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
2	4:00 pm	Downtown Parking Committee	Downtown Fire Station	
2	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
3	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
3	7:00 pm	Planning Commission	Downtown Fire Station	
3	7:30 pm	Library Board	Library Board Room	
4		City Holiday – all offices closed		
5	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
6	10:00 am	Government Comment Corner	Library Lobby - TBD	
8	*3:00 pm*	*Economic Development Cmsn*	*Madison Avenue Mtg Rm*	
9	6:00 pm	Historic Resources Commission	Downtown Fire Station	
10	8:20 am	Citizens Advisory Cmsn on Transit	City Hall Meeting Room D	
10	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
11	8:30 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Room	
13	10:00 am	Government Comment Corner	Library Lobby - TBD	
15	**6:00 pm**	**City Council**	**Downtown Fire Station**	
16	2:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
16	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
17	12:00 pm	Housing and Comm Dev Cmsn	Madison Avenue Mtg Rm	
17	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
17	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Room	
17	7:00 pm	Planning Commission	Downtown Fire Station	
18	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
20	10:00 am	Government Comment Corner	Library Lobby - Biff Traber	
23	5:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
24	5:00 pm	Watershed Management Adv Cmsn	Madison Avenue Mtg Rm	
27	10:00 am	Government Comment Corner	Library Lobby - Richard Hervey	

AUGUST 2013

Date	Time	Group	Location	Subject/Note
2	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
3	10:00 am	Government Comment Corner	Library Lobby - *Penny York*	
5	**6:00 pm**	**City Council**	**Downtown Fire Station**	
6	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
6	2:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
6	4:00 pm	Downtown Parking Committee	Downtown Fire Station	
6	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	

7	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm
7	7:00 pm	Planning Commission	Downtown Fire Station
7	7:30 pm	Library Board	Library Board Room
8	7:30 am	Investment Council	Madison Avenue Mtg Rm
8	8:30 am	Citizens Advisory Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Room
10	10:00 am	Government Comment Corner	Library Lobby - Julie Manning
12	*3:00 pm*	*Economic Development Cmsn*	*Madison Avenue Mtg Rm*
13	6:00 pm	Historic Resources Commission	Downtown Fire Station
14	8:20 am	Citizens Advisory Cmsn on Transit	Madison Avenue Mtg Rm
14	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm
15	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station
17	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein
19	**6:00 pm**	**City Council**	**Downtown Fire Station**
20	2:00 pm	Human Services Committee	Madison Avenue Mtg Rm
20	5:00 pm	Urban Services Committee	Madison Avenue Mtg Rm
21	12:00 pm	Housing and Comm Dev Cmsn	Madison Avenue Mtg Rm
21	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm
21	5:30 pm	Arts and Culture Commission	Parks and Rec Conf Room
21	7:00 pm	Planning Commission	Downtown Fire Station
24	10:00 am	Government Comment Corner	Library Lobby - TBD
27	5:00 pm	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm
28	5:00 pm	Watershed Management Adv Cmsn	Madison Avenue Mtg Rm
31		No Government Comment Corner	

Bold type – involves the Council

~~Strikeout~~ type – meeting canceled

Italics type – new meeting

TBD – To be Determined

PC – Planning Commission

HRC –Historic Resources Commission

MEMORANDUM

May 24, 2013

TO: Mayor and City Council

FROM: Nancy Brewer, Finance Director

SUBJECT: **Public Hearing on State Revenue Sharing**

I. Issue

ORS 221.770.1.c requires the City Council to hold a public hearing regarding the possible uses of State Revenue Sharing monies.

II. Discussion

The State of Oregon allocates a portion of alcohol taxes collected by the Oregon Liquor Control Commission to local governments as state revenue sharing monies. Monies are allocated based on a formula which takes into account each city's proportion of the state's population, property taxes per capita, and state income per capita divided by the city income per capita. The specific requirements to obtain state revenue sharing monies are:

- the Budget Commission must hold a public hearing and allow comment on the use of state revenue sharing monies,
- the City Council must hold a public hearing and allow comment on the use of state revenue sharing monies,
- the City must have levied a property tax for the year preceding the year in which revenue sharing is due, and
- the City Council must elect, by adoption of a resolution, to accept revenue sharing monies.

The City may choose one of three alternatives for the use of state revenue sharing:

1. Use the state revenue sharing monies as an undesignated revenue source, or
2. Return the state revenue sharing monies to the State, or
3. Use the state revenue sharing monies as an offset to property tax levies.

The City has historically used state revenue sharing monies as an undesignated General Fund revenue. Revenue estimates are developed by the State, then shared with the League of Oregon Cities which shares estimates with local governments. Information from the League is that total revenue sharing monies from the state are higher than expected this fiscal year, and are projected to be higher next year. For FY 12-13, the City anticipated receiving $455,580 in state revenue sharing monies, but based on the information from the League the revised budget places the estimate at $505,580. Actual revenue in FY 11-12 was $471,508. For FY 13-14 the projection is for $515,690.

The Budget Commission held a public hearing on April 30, 2013 and passed a motion recommending the City Council use State Revenue Sharing monies as an undesignated General Fund revenue in FY 13-14. The Proposed Budget anticipates using State Revenue Sharing monies as an undesignated General Fund revenue.

III. Action Requested

Open a public hearing on the use of State Revenue Sharing, receive any comments, close the public hearing, deliberate, and pass a resolution about the use of State Revenue Sharing monies.

Review and Concur:

City Manager

RESOLUTION 2013 - _____

A RESOLUTION ACCEPTING STATE REVENUE SHARING MONIES AS AN UNDESIGNATED GENERAL FUND REVENUE FOR FISCAL YEAR 2013-2014.

A Resolution submitted by Council Person _____.

Minutes of the meeting of June 3, 2013, continued.

WHEREAS, the Budget Commission held a public hearing on April 30, 2013 to receive comments on the City's use of State Shared Revenues for the fiscal year beginning July 1, 2013 and recommended that the City receive State Shared Revenues as an undesignated general revenue in the General Fund; and

WHEREAS, the June 3, 2013 City Council meeting has been publicly noticed as the time and place for a public hearing on the use of Stated Shared Revenues for the fiscal year beginning July 1, 2013; and

WHEREAS, the City Council held a public hearing on June 3, 2013 to receive public comments on the City's use of State Shared Revenues for the fiscal year beginning July 1, 2013; and

WHEREAS, pursuant to ORS 221.770, the City of Corvallis hereby elects to receive State Shared Revenues for Fiscal Year 2013-2014;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the Adopted Budget include State Shared Revenues as general revenue in the General Fund.

BE IT FURTHER RESOLVED this resolution shall become effective July 1, 2013.

_____

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

MEMORANDUM

May 30, 2013

TO: Mayor and City Council

FROM: Nancy Brewer, Finance Director NB

SUBJECT: **FY 13-14 Budget Public Hearing & Amendments**

I. Issue

The City Council is required to hold a public hearing on the Budget Commission's recommended budget, deliberate, and adopt a budget for FY 13-14.

II. Background

To adopt the budget each year the Budget Commission is required to convene, hear the Budget Message, hold a public hearing to take public comment, and vote to recommend the City Council adopt a budget and levy taxes. The Budget Commission's recommended budget is published in the newspaper prior to the City Council holding a public hearing to receive comments on the recommended budget and tax levy. The City Council may make changes in the recommended budget, but any increase that is more than 10% of the Budget Commission's recommended budget in a fund requires the budget to be re-published and a second public hearing held. Prior to June 30, the City Council must adopt a resolution levying taxes and setting appropriations for the coming fiscal year.

The Budget Commission convened on April 23, 2013 to receive the Proposed Budget for FY 13-14. The Proposed Budget totaled $120,206,432 based on revenue of $114,233,367 and a projected beginning fund balance of $39,139,161.

The Budget Commission held a public hearing on April 30, 2013 to receive public comments and then deliberated and approved that the Proposed Budget as amended be recommended to Council.

Public testimony and deliberations primarily focused on reductions of $410,000 for FY 13-14 in the General Fund recommended by staff as necessary to meet the City Council goal of a sustainable budget and to balance the budget overall. Additional discussion focused on the Council's Financial Policy which calls for increasing contributions to the Fund Balance Reserves to achieve a minimum of $6.3 million (approximately three months of payroll for the General Fund).

The General Fund Financial Plan, as it was proposed in the City Manager's Budget follows:

GENERAL FUND

BUDGETARY BASIS	AUDITED FY 10-11	AUDITED FY 11-12	ADOPTED FY 12-13	REVISED FY 12-13	PROPOSED FY 13-14	FY 14-15	FY 15-16
RECURRING							
REVENUE							
Property Taxes	$19,730,852	$20,508,584	$21,002,640	$20,305,690	$21,215,100	$22,044,820	$22,907,700
Other Taxes	1,190,725	1,239,155	1,270,650	1,351,600	1,372,600	1,400,050	1,428,050
Licenses, Fees & Permits	5,475,025	5,703,675	5,698,610	5,724,530	5,915,060	5,910,240	5,989,840
Charges for Services	5,349,585	5,629,920	5,832,870	5,791,620	5,879,940	5,989,530	6,101,730
Intergovernmental	3,511,790	3,699,065	3,708,770	3,761,400	3,853,760	3,938,450	4,040,720
Fines & Forfeitures	809,652	805,079	830,110	793,550	749,530	756,800	764,140
Miscellaneous	271,601	272,814	337,350	362,960	360,690	389,500	471,730
Non-Operating Revenue	0	1,743,522	1,865,350	1,843,150	1,908,620	0	0
TOTAL RECURRING REVENUE	*$36,339,231*	*$39,601,812*	*$40,546,350*	*$39,934,500*	*$41,255,300*	*$40,429,390*	*$41,703,910*
EXPENDITURES							
City Manager's Office	$0	$0	$300,000	$214,470	$299,360	$308,320	$323,650
Community Development	1,449,820	1,256,557	1,311,410	1,300,170	1,305,150	1,360,740	1,446,760
Finance	576,402	659,181	629,740	621,470	634,220	646,500	668,470
Fire	10,108,279	10,433,717	10,412,910	10,290,660	10,686,860	10,784,580	11,206,520
Library	5,715,349	5,763,931	5,918,010	5,872,710	5,889,600	5,984,660	6,231,710
Parks & Recreation	5,349,049	5,518,962	5,622,180	5,515,560	5,815,000	5,890,800	6,077,850
Police	9,843,598	10,032,147	10,109,070	10,084,620	10,544,980	10,528,750	10,917,560
Public Works	828,901	867,719	843,450	824,990	856,170	813,500	834,900
Non-Departmental	1,349,829	1,211,667	1,262,100	1,241,960	1,198,070	1,123,700	1,156,020
Non-Operating Expenditures - Transfers & Debt	1,558,689	2,215,792	2,289,280	2,289,280	2,122,330	2,288,910	2,960,750
Contingencies - Current Year Contribution	0	0	512,850	0	0	0	0
Contribution to Reserves	114,341	316,917	1,330,640	1,296,440	1,776,950	2,234,900	2,192,650
TOTAL RECURRING EXPENDITURES	*$36,894,257*	*$38,276,588*	*$40,541,640*	*$39,552,330*	*$41,128,690*	*$41,965,360*	*$44,016,840*
RECURRING REVENUE EXCESS (SHORTFALL) OVER EXPENDITURES	**($555,026)**	**$1,325,224**	**$4,710**	**$382,170**	**$126,610**	**($1,535,970)**	**($2,312,930)**
NON-RECURRING (ONE-TIME)							
REVENUE							
Special Projects (Grants, Misc., etc.)	$427,240	$759,930	$566,460	$471,140	$484,090	$75,540	$66,500
Use of Reserves	220,910	693,373	495,050	496,652	534,430	1,811,209	1,230,910
Non-Operating Revenue	383,405	151,556	980,000	846,750	4,461,545	930,130	805,940
TOTAL NON-RECURRING REVENUE	*$1,031,555*	*$1,604,859*	*$2,041,510*	*$1,814,542*	*$5,480,065*	*$2,816,879*	*$2,103,350*
EXPENDITURES							
City Manager's Office	$0	$0	$80,000	$36,000	$34,000	$0	$0
Community Development	402	0	0	27,300	12,700	0	0
Finance	0	0	0	0	20,000	0	0
Fire	304,874	581,540	36,810	20,920	23,240	1,280,630	900,650
Library	192,088	137,541	105,500	101,660	80,500	190,620	76,500
Parks & Recreation	92,217	164,854	305,950	343,030	436,840	317,860	259,740
Police	71,198	156,826	243,150	238,340	312,600	156,260	202,450
Public Works	116,166	304,666	375,450	136,100	178,000	0	0
Non-Departmental	74,212	47,027	100,000	100,000	250,000	0	0
Non-Operating Expenditures - Transfers	118,300	97,080	960,500	836,560	5,011,565	1,620,780	1,725,940
Fund Balance Reserve Contingency	0	0	0	0	630,000		
Non-Recurring Contribution to Fund Balance Reserve	0	0	1,308,289	2,276,200	(630,000)	0	0
TOTAL NON-RECURRING EXPENDITURES	*$969,457*	*$1,489,534*	*$3,515,649*	*$4,116,110*	*$6,359,445*	*$3,566,150*	*$3,165,280*
NON-RECURRING REVENUE EXCESS (SHORTFALL) OVER EXPENDITURES	**$62,098**	**$115,325**	**($1,474,139)**	**($2,301,568)**	**($879,380)**	**($749,271)**	**($1,061,930)**

POTENTIAL BEGINNING BUDGETARY FUND BALANCE	$1,812,388	$1,319,459	$1,469,479	$2,760,009	$840,610	$87,840	($2,197,401)
Net Recurring Revenue/Expenditure	(555,026)	1,325,224	4,710	382,170	126,610	(1,535,970)	(2,312,930)
Net Non-Recurring Revenue/Expenditure	62,098	115,325	(1,474,139)	(2,301,568)	(879,380)	(749,271)	(1,061,930)
ENDING BUDGETARY FUND BALANCE	**$1,319,459**	**$2,760,009**	**$50**	**$840,610**	**$87,840**	**($2,197,401)**	**($5,572,261)**

After deliberating, the Budget Commission voted to recommend that the City Council:

- levy the maximum allowed tax rate for operations of $5.1067 per $1,000 of assessed value;
- levy $0.45 per $1,000 of assessed value for the local operating levy 02-74 passed by voters on May 17, 2011;
- levy $1,097,440 for voter approved general obligation debt outside the Measure 5 and 50 tax limits;
- amend the Proposed Budget by $2,453,940 in additional expenditure and transfer appropriations as detailed in the April 30, 2013 staff memo. These increases are fully offset by carryovers of (reductions in) FY 12-13 appropriations, or increased revenues (such as grants), or deferrals of originally planned departmental projects in FY 13-14; and
- adopt the Recommended Budget totaling $122,660,372.

The total budget, as recommended by the Budget Commission, follows:

FY 13-14 BUDGET COMMISSION RECOMMENDED BUDGET

	ACTUAL 2010-11	ACTUAL 2011-12	ADOPTED BUDGET 2012-13	REVISED 2012-13	PROPOSED BUDGET 2013-14	COMMISSION RECOMMENDED 2013-14	COUNCIL PRE-APPROVED 2013-14
Resources:							
Beginning Fund Balance	**$35,265,169**	**$36,122,345**	**$30,942,517**	**$37,856,441**	**$39,139,161**	**$39,803,821**	**$39,803,821**
Property Taxes Revenues	21,707,796	24,447,883	23,904,680	23,162,860	24,155,960	24,155,960	0
Other Taxes/Fees Revenue	1,190,725	1,239,155	1,270,650	1,351,600	1,372,600	1,372,600	0
Licenses, Fees, & Permits	7,594,923	8,599,092	8,740,150	8,844,060	9,079,840	9,079,840	0
Charges for Service	39,595,595	40,705,126	39,728,150	40,025,550	42,002,980	42,002,980	0
Intergovernmental	11,841,933	12,351,866	16,894,030	12,003,430	15,219,260	16,891,240	0
Fines & Forfeitures	1,230,295	1,234,517	1,283,410	1,244,980	1,202,630	1,202,630	0
Miscellaneous	1,533,233	2,736,271	2,617,670	3,254,200	2,123,450	2,133,750	0
Transfers In	5,872,871	9,616,496	10,849,273	7,774,810	18,272,007	18,379,007	0
Other Financing Sources	2,150,262	48,525	885,000	13,054,020	804,640	804,640	0
Current Revenues	**$92,717,633**	**$100,978,931**	**$106,173,013**	**$110,715,510**	**$114,233,367**	**$116,022,647**	**$0**
Total Resources	**$127,982,802**	**$137,101,276**	**$137,115,530**	**$148,571,951**	**$153,372,528**	**$155,826,468**	**$39,803,821**
Requirements:							
Operating Budget:							
City Manager's Office	$3,077,696	$2,854,817	$3,302,670	$3,086,180	$3,250,120	$3,304,120	$0
Community Development	5,776,916	5,516,417	7,626,640	5,593,000	6,240,080	7,927,060	0
Finance	4,647,986	4,872,485	4,790,210	4,781,470	4,986,810	4,986,810	0
Fire	10,413,153	11,015,256	10,449,720	10,311,580	10,710,100	10,710,100	0
Library	5,907,584	5,901,472	6,054,010	6,004,870	5,970,100	5,970,100	0
Parks & Recreation	5,441,267	5,683,816	5,928,130	5,858,590	6,225,540	6,251,840	0
Police	12,210,477	12,574,931	12,885,000	12,798,690	13,551,470	13,551,470	0
Public Works	24,170,737	26,048,093	29,651,700	26,689,530	29,765,600	30,245,260	0
Non-Departmental	1,425,391	1,260,044	1,363,450	1,485,420	1,449,420	1,449,420	0
Total Operating Budget	**$73,071,207**	**$75,727,331**	**$82,051,530**	**$76,609,330**	**$82,149,240**	**$84,396,180**	**$0**
Nonoperating:							
Non-Operating:							
Capital Projects	$4,715,906	$5,718,392	$9,493,868	$4,448,900	$10,036,785	$10,136,785	$0
Transfers Out	5,872,871	9,616,495	10,849,273	7,774,810	18,272,007	18,379,007	0
Other Financing Uses	0	0	855,000	15,274,630	774,640	774,640	0
Debt Service - Principal	4,885,068	4,964,560	4,025,850	2,027,240	4,503,250	4,503,250	0
Debt Service - Interest	3,315,405	3,218,057	3,093,290	2,633,220	2,742,720	2,742,720	0
Contingency	0	0	1,611,260	0	1,727,790	1,727,790	0
Total Non-Operating	**$18,789,250**	**$23,517,504**	**$29,928,541**	**$32,158,800**	**$38,057,192**	**$38,264,192**	**$0**
TOTAL REQUIREMENTS	**$91,860,457**	**$99,244,835**	**$111,980,071**	**$108,768,130**	**$120,206,432**	**$122,660,372**	**$0**
Less:							
Transfers	(5,872,871)	(9,616,495)	(10,849,273)	(7,774,810)	(18,272,007)	(18,379,007)	0
Internal Charges	(9,188,680)	(9,046,220)	(9,115,440)	(9,019,290)	(9,386,570)	(9,386,570)	0
Net Requirements	**76,798,906**	**80,582,120**	**92,015,358**	**91,974,030**	**92,547,855**	**94,894,795**	**0**
Ending Budgetary Fund Balance	**36,122,345**	**37,856,441**	**25,135,459**	**39,803,821**	**33,166,096**	**33,166,096**	**39,803,821**

III. HP Appeal Discussion

Subsequent to the Budget Commission's actions, the City was notified that the long-standing Hewlett-Packard appeal of assessed value had been decided by the Tax Court in favor of Hewlett-Packard. As of this writing, the City's share of the estimated $9.5 million refund totals:

	Revenue
Permanent Tax Rate	$1,605,660
Local Option Levy	141,480
General Obligation Bonds	81,058
Direct Tax Levy City Total	1,828,198
Benton County Library Service District	188,777
Corvallis Rural Fire Protection District (80%)	89,840
Shared Services Total	278,617
Grand Total City of Corvallis Refund	$2,106,815

It is important to note that staff at Benton County and the City has had this information for less than 10 days, and new data continues to come in. At this point, staff hopes that the information above represents a worst-case scenario with the potential for slightly better figures once Benton County actually receives all of the data it needs from the State of Oregon (i.e., HP's value for the 2011 and 2012 tax years). A local taxing jurisdictions meeting will be held next Wednesday (following the budget public hearing) where we hope to have more information available.

The refund will be treated as a one-time decrease in property tax revenue to the City in the fall of FY 13-14. To manage this one-time impact, staff proposes the following strategy:

Action	Impact
All Departments immediately terminated all discretionary spending for projects not already initiated.	$562,450
Use the one-time Fund Balance Reserve set-aside from FY 11-12 savings	967,911
Increase the debt service levy (see below)	81,058
Complete an interfund loan from Water SDCs	495,400
Total Funding for the H-P Refund	$2,106,819

In addition to the one-time refund, the City will have on-going revenue impacts from the decreased value of the Hewlett-Packard property. Again, as of this writing, the resolution to the nearly $600,000 decrease in permanent tax rate revenue may be in an action the PERS Board is anticipated to take up on Friday, May 31 (tomorrow). SB 822, which passed earlier this year and changes PERS COLAs, will result in rate decreases estimated at 2.5% of payroll. Along with that action, there is a budget note directing the PERS Board to defer 1.9 percentage points of the average rate increase to 2015, when it is expected to return as a 2.3 percentage point rate increase. Though Corvallis staff does not support this deferral since it represents a short-term decision with long-term cost implications, it appears the Board is set to approve a total employer rate reduction of 4.4% of payroll but not less than 2011-2013 rates. For the City of Corvallis, this action would result in $682,000 in savings in the General Fund completely offsetting the revenue loss from the HP valuation without making any other service reductions. This will not alleviate the long-term challenges the City will face with the permanent loss of value

from H-P, but it will allow the City Council to adopt a balanced budget for FY 13-14 and then turn attention to future fiscal years and more long-term financial planning.

Budget actions that are required associated with the HP case include:

1. FY 12-13 Budget Adjustments No action is required since the decreases cited above will be implemented by staff on an already approved budget. It is identified here so that Council can formally concur with this part of the strategy.

2. PERS General Fund Reductions PERS rates are expected to be lower for FY 13-14 based on adopted and signed legislation that is projected to drop rates between 2.5-4.2% of payroll (or up to $682,360 in the General Fund). Other legislation may occur that would drop rates even further, but since nothing has been passed staff will not be relying on or including any additional savings at this time. Staff requests that $682,360 be reduced out of FY 13-14 appropriations in an effort to keep FY 13-14 in balance and achieve a sustainable financial operation.
   - Decrease the FY 13-14 General Fund, City Manager's Department budget.....$7,110
   - Decrease the FY 13-14 General Fund, Community Development Department budget..... $28,130
   - Decrease the FY 13-14 General Fund, Finance Department budget.....$7,450
   - Decrease the FY 13-14 General Fund, Fire Department budget..... $224,140
   - Decrease the FY 13-14 General Fund, Library Department budget..... $111,950
   - Decrease the FY 13-14 General Fund, Parks & Recreation Department budget..... $87,610
   - Decrease the FY 13-14 General Fund, Police Department budget..... $208,060
   - Decrease the FY 13-14 General Fund, Public Works Department budget.....$7,910

3. Interfund Loan HP's valuation appeal for 2008, 2009 and 2010 has resulted in an estimated $2.4 million refund being due from the City via the County to HP. While a portion of this refund will be met by unwinding a planned reserve contribution of $967K and by a halt on discretionary spending by departments resulting in estimated additional revised savings of $350K, the remainder of the refund will need to be backstopped by an interfund loan in order for the General Fund to maintain a positive fund balance as required by Oregon Budget Law. Staff estimates the interfund loan will be processed in the fall, and will address re-payment plans as soon as the final loan amount is known.
   - Increase the FY 13-14 Water Fund, Non-Operating Expenditures..... $495,400

4. Debt Levy Increase HP's valuation appeal noted above also resulted in a refund portion in respect of debt service on the City's 2009 GO Bonds, as well as impacting how much would need to be levied on a reduced AV for FY 13-14. Thus, an additional amount will need to be levied in FY 13-14 to attain sufficient revenue to meet scheduled debt service payments. This action, which increases the levy from the amount recommended by the Budget Commission, will require re-publication of the City Council's recommended budget, and a second public hearing on June 17.
   - Increase the FY 13-14 Debt Service Levy Amount $80,000

IV. "Normal Budget Actions"

The budget is difficult to change once it has been adopted; state law requires that any increase in expenditure appropriations occur only if a new revenue source, unknown or unexpected when the budget was adopted, is identified. As a result, staff often proposes amendments for the City Council to consider that are the result of new information that becomes available between the time the Proposed Budget is prepared and the City Council holds its public hearing on the budget. Even in the midst of the challenges associated with the HP appeal, staff requests the City Council consider the following amendments:

1. Fund Balance Transfer to close the Parks & Recreation Fund and Parks SDC Component Fund The Parks and Recreation (P&R) carry-overs presented as walk-ins to Budget Commission, and which Budget Commission approved as amendments to the originally Proposed Budget, changed the FY 12-13 ending fund balance for the P&R and Parks SDC Component Funds. The original ending fund balance amounts from FY 12-13 in the P&R Fund and Parks SDC Component funds were budgeted to be transferred out for closure of each fund. The incremental increase in the total P&R Fund balance transfer out appropriations will be offset by equivalent transfer in amounts of $9,000 to the General Fund and $7,000 to the new Parks Systems Development Charge Fund respectively, for a net zero impact to overall fund balances.
   - Increase the FY 13-14 Parks & Recreation Fund, Transfers budget..... $16,000

2. Total Maximum Daily Load The FY 13-14 budget was developed assuming that the City Council would have given direction to staff on the solution to pursue for the wastewater effluent Total Maximum Daily Load (TMDL) regulations. As a result, there was no project budget in the Public Works Department Wastewater Fund Special Projects for analysis work needed to select a preferred alternative. Based on the recent level of progress through the Urban Services Committee, staff anticipated the need for expenditures in FY 13-14 and secured Budget Commission approval to carry forward approximately $580,000 at the April 30, 2013 meeting. However, Public Works staff estimates that an additional $200,000 will be needed if Council directs staff to complete the due diligence evaluation on the East Alternative and to perform a similar analysis for the North Alternative. Increasing expenditure appropriations for this project in FY 13-14 will provide Council with the maximum flexibility to determine a path forward to a decision. The $200,000 in appropriations would be funded from available fund balance, which has recently increased by a $1.5 million infusion from the Wastewater Fund debt reserve that was freed up as a result of the 2012 Department of Environmental Quality (DEQ) loan refunding.
   - Increase the FY 13-14 Wastewater Fund, Public Works Special Projects budget..... $200,000

3. Margaret E. Hull Bequest The Library department has recently been notified as being a beneficiary of a bequest from Margaret Hull for the Monroe Community Library. The bequest totals approximately $60,000 and is administered as grants by the Oregon Community Foundation. Of this $60,000, approximately $20,000 is anticipated to be received and used in FY 13-14. Staff requests an increase in FY 13-14 appropriations to make the monies received available for spending, for a net zero impact to fund balance.
   - Increase the FY 13-14 General Fund, Library Department budget..... $20,000

4. ProjectDox The City Manager's Proposed Budget included $40,000 in General Fund One-Time IT Project funding for the implementation of ProjectDox, managed by Community Development. This project will implement on-line plan submission and review for development projects. Staff had originally anticipated that $27,300 would be spent in FY 12-13, with the remaining $12,700 budgeted in FY 13-14. However, staff now projects that only $7,180 will be spent this fiscal year. Still to be purchased in FY 13-14 are additional monitors, monitor arms, and new servers for ProjectDox. Staff requests the $20,120 remaining budget in FY 12-13 for ProjectDox be carried over to FY 13-14. Revised FY 12-13 budget will be reduced accordingly for a net zero impact to the ending fund balance in FY 13-14.
   - Increase the FY 13-14 General Fund, Community Development Department budget..... $20,120

5. Parking e-Ticket System Project The Corvallis Police Department received a grant from ODOT to implement an electronic ticket and crash reporting system. The City is also looking to acquire an electronic parking ticket system enabling the issuance of parking tickets and violations using mobile hand-held devices. In order to allow staff time to select an appropriate vendor for this parking ticket solution, staff would like to carry-over the Finance department's anticipated total FY 12-13 Parking Fund savings to FY 13-14 to fund the purchase of the electronic ticketing software. Staff requests that $25,700 be revised out of FY 12-13 and carried over to FY 13-14 in order to fund this project. Revised FY 12-13 budget will be reduced accordingly for a net zero impact to ending fund balance in FY 13-14.
   - Increase the FY 13-14 Parking Fund, Finance Department budget..... $25,700

Public comments about the budget received prior to 5pm May 29, 2013 are included as Attachment A. Any additional comments received prior to 5pm on June 3, 2013 will be handed out at the meeting.

V. Special Recognition

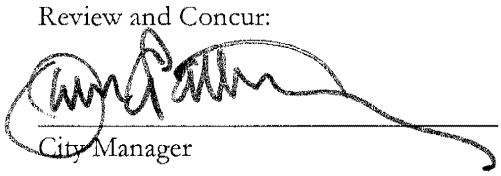
This has been an extremely challenging 10 days. There are a number of people in each department who have worked hard to pull together the strategy identified here for managing the HP refund. Work has included identification of projects, stopping things that were in progress that could/should be done, and scrambling to find money from any source possible. Each Department Director, along with his/her team of professional staff, deserve kudos for dropping all other priorities to work on this issue. I would like to be sure to give special recognition to Budget and Financial Planning Manager Janet Chenard, and Budget Analysts Tracey Finnegan-Wiese and Staci Voight who have worked tirelessly to make sure information was obtained, accurate, and that the numbers balanced. Their dedication to getting this right is a great asset to the organization.

VI. Requested Action

The City Council is requested to open a public hearing on the FY 13-14 Budget Commission recommended tax levy and budget, close the public hearing, and deliberate. The City Council is further requested to consider the amendments above, and recommend inclusion of all those that they deem appropriate. Assuming the city Council accepts all of the staff offered amendments, a motion would be acceptable:

I move to include the amendments offered by staff in the May 31 budget memo, including increasing the debt service levy above the amount recommended by the Budget Commission. I further direct staff to re-publish the City Council recommended budget and schedule a second public hearing on the budget at the June 17, 2013 regular City Council meeting.

Review and Concur:



City Manager

Attachments

Brewer, Nancy

From: Jana Kay Slater [janakayslater@
Sent: Saturday, May 11, 2013 2:28 PM
To: Brewer, Nancy
Subject: Comment about Public Library budget

Regarding cuts to the library budget

My story is like the story of many other newcomers in Corvallis. Before my husband and I decided to move here, we visited the public library. It has been my experience that the public library is a true barometer of the health and vibrancy of a community. It is an equalizer - available to everyone. I love that my unemployed neighbor and I have the same access to the latest publications and current information. If funds for acquisitions are cut, we will no longer share that same access. I can afford to buy a book. She can't. The Corvallis-Benton County Public Library system is a treasure, a beacon of our community values and an essential source of information for all of us. Please keep this community resource vital.

Jana Kay Slater
Corvallis, OR
Library Board Member

ATTACHMENT A

OREGON MAYORS ASSOCIATION
OMA

NEWSLETTER

STRENGTH IN UNITY

Second Quarter 2013

PRESIDENT'S MESSAGE

A huge "Thank You" to the 50-plus mayors who joined me in Salem at the 2013 City Day at the Capitol! This annual event combined Mayors Day at the Capitol with City Day at the Capitol and, as a result, the attendance was so impressive we moved it to the Salem Conference Center. Over 200 mayors, councilors, city managers and a few others filled the Willamette Room to greet legislative officials and the governor, and to hear their brief remarks.

The day began with an optional legislative orientation, coffee and networking. It was my great pleasure to share the

(continued on page 7)

Inside This Issue

- OMA Summer Conference Preliminary Program
- City Spotlight: Cave Junction
- Newberg's Sister Cities
- In Memoriam – Alice Schlenker
- Calendar of Events
- "If I Were Mayor... "Student Contest

MAYORS TO GATHER IN CORVALLIS

FOR THE 2013 OMA SUMMER CONFERENCE

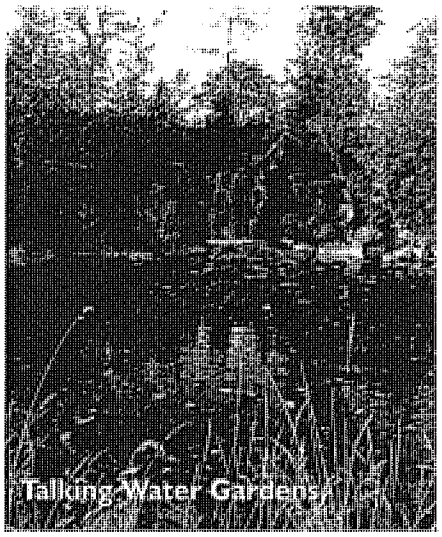
By Julie Manning, Mayor, Corvallis

You and your guest are invited to spend a few days in and around the campus of Oregon State University—no final exams required!

Corvallis, the home of OSU, will host the 2013 Oregon Mayors Association Summer Conference, July 25-27. Most conference activities will take place at the CH2M Hill Alumni Center *(pictured on the cover)* across from Reser Stadium on the OSU campus. The conference hotel, Hilton Garden Inn, is conveniently located across the street from the Alumni Center.

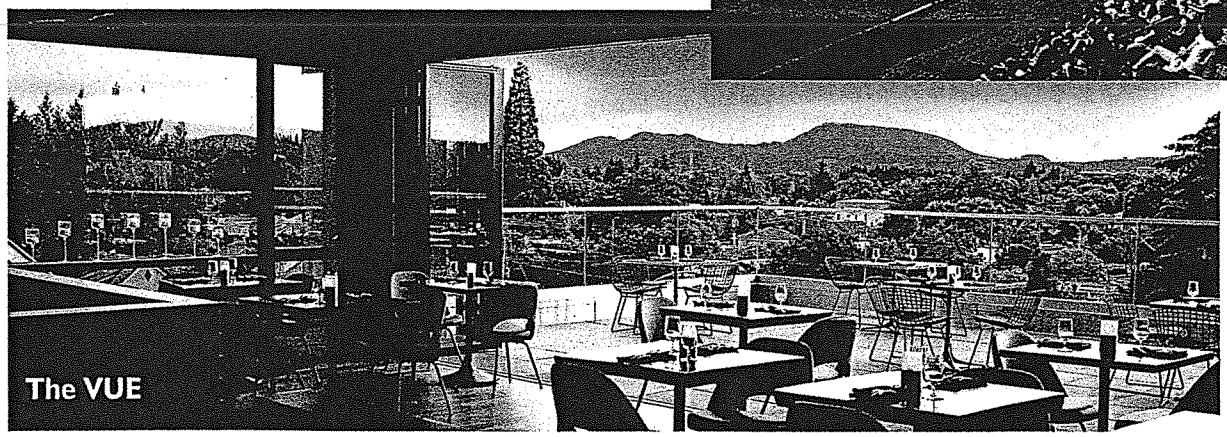
The conference planning committee is confident that you will find much to enjoy about this year's conference, as well as much to learn. Among the conference highlights:

- Visit with state agency directors.
- Educational sessions concerning how cities can gain health and economic benefits by supporting local food growers and related businesses. Other educational sessions will discuss the economic benefits of sports tournaments and sports tourism as well as activities related to historic properties and arts and culture.
- "Water Works" tour featuring OSU's unique Wave Research Facility and Albany's engineered wetlands, called the Talking Water Gardens.
- Friday night baseball in the Omaha Room at OSU's Goss Stadium, featuring a delicious catered meal, beverages and prime seats along the first base line for the game between the college-league Corvallis Knights and Wenatchee.
- A delectable al fresco luncheon at the city's Starker Arts Park, featuring locally-grown foods and a tour of the on-site community garden.
- Lunch with a view—of Mary's Peak and the Willamette River—at the VUE, a panoramic special events venue in downtown Corvallis.
- Our own "Dancing with the Stars" action-filled ballroom dance show, called "Cine-magic," and featuring favorite movie theme music with full costumes (and an opportunity for audience participation) after the annual awards dinner.


Talking Water Gardens

In short, you won't want to miss this trip to Beaver Nation July 25-27. Call the Hilton Garden Inn, (541-752-5000) and reference the Mayors Conference today to secure your reservations!

Goss Stadium


The VUE

2013 OMA SUMMER CONFERENCE
PRELIMINARY PROGRAM

Thursday, July 25

9:00 a.m. – 4:00 p.m.	Registration
9:00 a.m. – 11:30 a.m.	OMA Board of Directors Meeting
11:45 a.m. – 1:00 p.m.	OMA Board of Directors Luncheon
1:30 p.m. – 4:30 p.m.	Water Works Tour *(pre-registration required)* • OSU Wave Research Facility • Albany Talking Water Gardens (engineered wetlands)
1:30 p.m. – 4:00 p.m.	9-hole Scramble Golf Tournament (Trysting Tree Golf Course)
5:00 p.m. – 6:00 p.m.	New Mayor Orientation
6:00 p.m. – 7:30 p.m.	Get-Acquainted Reception and Silent Auction
7:30 p.m.	Dinner on Your Own
8:30 p.m. – 10:00 p.m.	OMA President's Welcome Reception

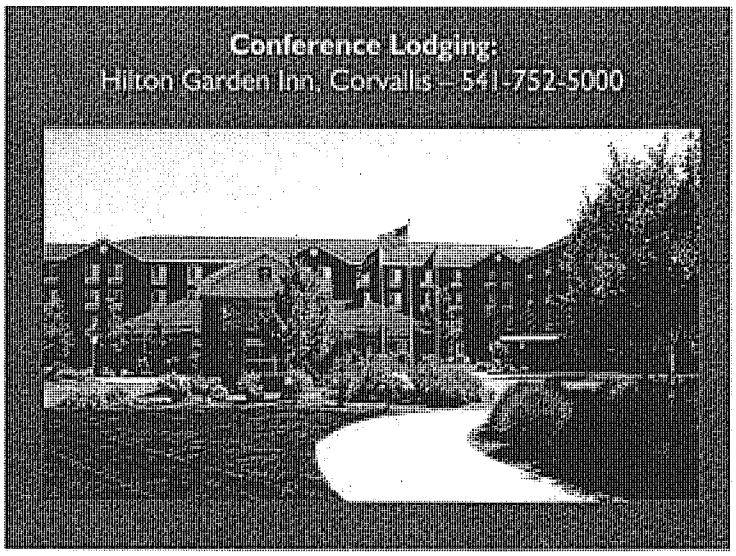
Friday, July 26

7:00 a.m. – 11:30 a.m.	Registration
7:30 a.m. – 8:45 a.m.	Networking Breakfast
9:00 a.m. – 10:00 a.m.	Opening Ceremonies, Introductions and Networking Opening Remarks: Ed Ray, OSU President
9:00 a.m. – 11:30 a.m.	Spouse/Guest Tours *(Bus transportation provided)* • Trolley tour of historic homes • Inside tour of historic home and Whiteside Theatre
10:15 a.m. – 11:45 a.m.	State Agency Directors Round Table Forum
12:00 p.m. – 12:05 p.m.	Mayors Board Buses for the VUE Event Center
12:15 p.m. – 2:00 p.m.	Lunch with Spouses/Guests at the VUE Event Center
2:15 p.m.	Mayors and Spouses Board Buses to Alumni Center/Hotel
2:30 p.m. – 3:30 p.m.	Concurrent Sessions: • Sports Tourism as an Economic Driver • Cultural Heritage/Historical Areas
3:35 p.m. – 4:35 p.m.	Concurrent Sessions Repeated
4:45 p.m.	Free Time
5:30 p.m. – 9:30 p.m.	Group BBQ Dinner and Corvallis Knights Baseball Game *(bus transportation provided)*

Saturday, July 27

8:00 a.m. – 11:30 a.m.	Registration
8:30 a.m. – 10:00 a.m.	OMA Breakfast & Business Meeting with LOC Legislative Report
9:30 a.m. – 11:30 a.m.	Spouse/Guest Tours *(bus transportation provided)* • Corvallis Farmers Market • Riverfront Art Walk /Madison Avenue Corridor • Corvallis Arts Center
10:15 a.m. – 11:45 a.m.	General Session: "Local Food for Thought" • Growing Food-Related Businesses • Developing Community Gardens on City-Owned Land • Food as a "Buy Local" Driver
11:50 a.m. – 12:15 p.m.	"If I Were Mayor, I Would…" Student Contest Awards
12:20 p.m.	Mayors, Spouses & Guests Board Buses to Starker Arts Park
12:30 p.m. – 1:45 p.m.	Lunch at SAGE Community Garden/Starker Arts Park *(bus transportation provided)*
1:50 p.m.	Board Buses to Alumni Center/Hotel
2:00 p.m. – 4:00 p.m.	Mayors Open Forum
5:30 p.m. – 9:30 p.m.	Annual Awards Banquet with special entertainment

Visit *www.oregonmayors.org* for complete conference information.



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Corvallis City Council Meeting
June 3, 2013

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Top Stories

Voters shun bag ban, children's trust measures

Modified: Tuesday, May 21st, 2013
BY: Larry Coonrod

LINCOLN COUNTY — Voters on Tuesday rejected for the second time in seven months a county-wide property tax levy to fund children's programs. With 90 percent of the vote counted, the Children's Trust of Lincoln County was losing with 5,241 no votes to 3,829 voting yes.

In another closely watched ballot measure that could have state wide ramifications, Newport voters overwhelmingly rejected a ban on single use plastic checkout bags, with 1,348 no votes to 984 yes votes. In addition to prohibiting the use of plastic bags, the measure called for a 5-cent fee on paper bags provided to customers by stores.

Although city councils in Eugene, Portland and Corvallis have implemented plastic bag bans, Newport was the first city to put the issue to voters. Environmentalists backing the ban strenuously objected to the city council's 4-3 vote to let citizens decide the issue.

The council earlier in 2011 had voted 5-2 to move ahead with implementing a bag ban but reversed itself a few weeks later and formed a task force to study the matter before putting it on the ballot.

Port of Newport

With the question of log exporting looming over three Port of Newport Board of Commissioners races, voters gave Walter Chuck a full term in the Position 1 seat. Chuck was appointed to the commission in 2011 to fill a vacant seat.

With 90 percent of the vote counted, he held an insurmountable lead of 1,541 votes to challenger Dennis Bishop's 999.

In the Position 2 spot, incumbent David Jincks was unopposed on the ballot but faced a

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late write-in challenge from Newport business owner Molly Murphy. Election results at press time show Jincks with 1,897 votes. Write-in ballots won't be counted until later, but there's no chance Murphy will out poll Jincks.

Three candidates fought a hotly contested race for the Position 3 port commission seat. Lloyd "Oly" Olson narrowly defeated Ken Brown with 1,108 votes to 1,033. Steven Beck came in distant third with 511 votes.

Devils Lake Water Improvement District

Brian Green beat Mark Ronald Christie 811 votes to 359 to take the Position 4 seat. As of press time with 90 percent of the votes counted, the Position 5 seat remained too close to call with Jack Strayer narrowly leading David Skirvin 564 to 544.

Contact Assistant Editor Larry Coonrod at 541-265-8571 ext. 211 or email larry@newportnewstimes.com.

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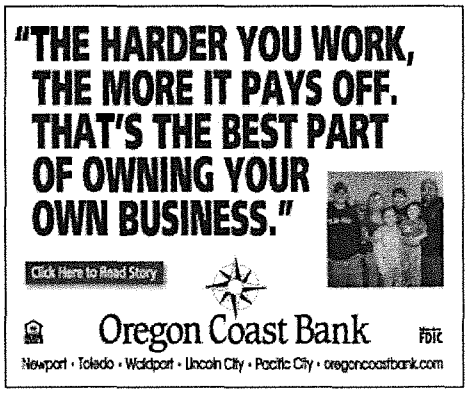

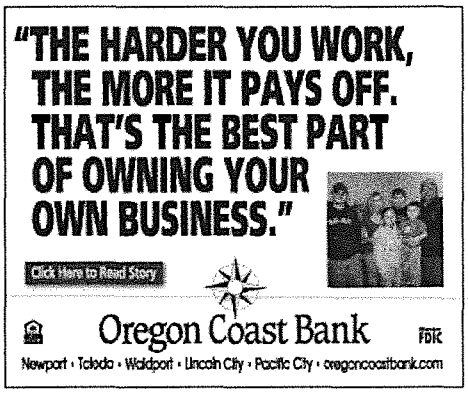

Louie, Kathy

From: Dan Brown
Sent: Monday, June 03, 2013 3:10 PM
To: Louie, Kathy; Patterson, Jim

I think the proposed language in the revisions to CMC alcohol regulations is too narrow (see red)

CMC 5.03.040.010.03.I.(2)

" . . . consumption of a **bottle** of such beverages . . . "

The alcohol in violation could be in a can, glass, cup, etc. I prefer "**container"** which appears elsewhere in the regulation.

See also 5.03.040.010.06

" . . . possession of open **container** of alcoholic liquor . . . "

See also 5.03.040.010.06.1)

". . . possess any open **container** . . . of alcoholic liquor . . . "

Please refer to city attorney for me (-:

MEMORANDUM

Date: **June 3, 2013**

To: **Mayor and City Council**

From: **Ken Gibb, Community Development Director**

Re: **Comments Regarding Food Cart Policy Review and Recommendations**

Background:

Following the Urban Services Committee review and approval of the proposed changes to the Mobile Food Unit policy, staff received an email from a member of the public seeking additional clarification regarding the review and permitting process proposed in the ordinance. Attached to this memo is an excerpt from that email, and staff's response is provided below in bold italics.

to sarah johnson and the city council,

I have concerns and mainly wanting clarification on the proposed food cart siting policy.

Is the site review fee per property? So to say if I had my cart and 2 other carts interested in the same lot we would submit one site plan and pay the one fee of proposed $200. Plus each cart would pay a $100 proposed annual infrastructure fee?

If so, what happens if the property owner wants to change the site and allow 2 more carts that weren't there before? This could get confusing as to which cart owner is responsible. thanks Michele Walker (Cartvallis)

Michele,

Thank you for your comments regarding the proposed revisions to the Mobile Food Unit ordinance. In response to your first question regarding the site review fee, the intent was to provide a mechanism whereby City staff can review a single property with one or more food carts located there, to ensure that all code requirements for siting have been met. If conditions on the property remain unchanged from that approval, no further review fee would be paid. If conditions change a new site plan review would be required, and the fee would be paid again. So, under this process if several vendors collaborated to submit a site plan that includes each proposed food cart location, there would be one fee charged. The infrastructure impact fee is an annual fee that is to be paid on a per-unit basis, so each individual food cart owner would be responsible for paying this fee each year to offset the impacts of their operations on the surrounding built environment.

Per the second question, each time conditions change that would require a new review of the site plan and property the site plan review fee would need to be paid again. It was staff's desire in drafting the policy language not to over legislate each component of this process, so staff posited that the property owner and vendors could work together to ensure that the property is in compliance with ordinance standards, and that review of site plans is coordinated and equitable.

I hope this answers your questions. Your concerns/questions will be brought to the attention of the City Council, and staff will include this response for reference as well.

MEMORANDUM

Date: **May 15, 2013**

To: **Mayor and City Council**

From: **Ken Gibb, Community Development Director**

Re: **March 18, 2013 Collaboration Steering Committee Recommendations**

Background:

As noted in the March 27, 2013 memorandum to the City Council (Attachment 1), the Collaboration Corvallis work groups made 14 recommendations to the Steering Committee at the March 18th meeting, all of which were accepted and forwarded to Oregon State University and the City of Corvallis for action. The memorandum also suggested that for some of these recommendations, it would be advisable to have preliminary Council direction prior to engaging staff and community resources in moving these projects forward.

Discussion:

The project management team memorandum to the Steering Committee is provided in Attachment 2 and provides a description of the 14 work group recommendations. Additional background can be accessed via the documents and maps section of the Collaboration Corvallis website.

For review purposes, these recommendations are summarized below with primary implementation assignments identified in ***bold italics***:

1. Support a community policing model by establishing a goal of increasing the ratio of sworn officers from the current rate of 0.96 to 1.2 per 1000 population – ***City***
   - Part of City Council's levy discussion
2. Implement a property maintenance code with a complaint based enforcement model, develop an equitable funding structure to support the program, provide sufficient staffing and utilize education and outreach strategies to engage stakeholders – ***City***
   - Direction on PMC provided on 5/20/13 by CC
3. Utilize a progressive enforcement strategy to resolve code enforcement complaints – ***City***
   - Part of PMC package

4. Seek further information and input from stakeholders to help develop additional programs and policies to address habitability and livability concerns and review options for additional measures to address housing conditions within 2 years of implementing a property maintenance code – ***City***
   - Part of PMC recommendation. To be scheduled after PMC is in place
5. Develop and provide orientation programs to prepare students for living off-campus with topic areas including landlord/tenant laws, pertinent city ordinances, neighborhood livability issues – ***OSU and City***
   - Related to PMC package - additional neighborhood services
6. Assign a city department to provide support to neighborhood associations and students in coordination with ***OSU and City***
   - Part of PMC package – Housing and Neighborhood Services Division
7. Develop a Community/Neighborhood Welcome program – ***OSU and City***
   - Part of PMC package – Neighborhood/community liaison to work on programs such as this.
8. Develop a mediation/conflict resolution service for community members – ***OSU and City***
   - Staff plans to investigate once expanded OSU staff comes on board.
9. Develop and approve Land Development Code (LDC) amendments that related to lot line adjustments and unusable yard areas – ***City***

LDC collaboration package part of CC approved work program

10. Develop and approve LDC amendments related to setback requirements for single family attached units – ***City***
11. Develop and approve LDC amendments related to density calculations – ***City***
12. Develop and approve LDC amendments increasing public notice requirements for certain land use applications - ***City***
13. Develop and approve LDC amendments related to minimum density requirements for infill residential projects - ***City***

14. Develop and implement a series of parking management actions including the expansion of parking districts in conjunction with OSU campus parking management actions such as a variable cost pricing structure and enhanced shuttle system – ***OSU and City***
   - Referred to USC

City Council Meeting

June 3, 2013

RE: Budget Preparation and Staff Performance

As you all know it is a challenge to derive a balanced budget proposal in only 4 to 6 months, in the current economic environment where deficits from one year to the next can be as high as seven figures.

The City of Corvallis Budget Commission approved a City budget on April 30th. Less than two weeks ago the City was notified of the Hewlett Packard Property Tax Appeal decision. With that decision in favor of the HP appeal, the City of Corvallis owes $2.4 million dollars dating back to 2008 and the impact of the appeal to the permanent rate property tax collection in the future is expected to be at least $600,000.

City staff, primarily our Finance Department lead by Finance Director Nancy Brewer immediately jumped into action to address the pending adoption of a balanced budget with the financial picture literally changing overnight and the June 30th deadline looming. After consultation with Department Directors and me, Finance Director Brewer along with her staff did what all professionally trained and dedicated public employees do....they did their job.

In particular Finance Director Brewer led the effort to pull together all the hard work that went into formulating a fiscally prudent plan to deal with this unexpected, unanticipated financial emergency in a calm and seamless manner. Finance Director Brewer provided an immediate heads up to the City Council at the May 20th Council meeting, again at the City Council work session on May 22nd with Budget Commissioners present and again this evening.

While Finance Director Brewer would like you to think that she just does all the talking (and boy can she talk,) while others do all the heavy lifting, make no mistake she leads by example always having the organizational good at the forefront of her mind and in what one of her colleagues said, "an incredible and unparalleled capability for what needs to be done in the public's best interest."

Nancy, from all of us who work with you and on behalf of those you lead, thank you for your great work under unusually challenging circumstances