CITY OF CORVALLIS
COUNCIL ACTION MINUTES
July 20, 2015

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
New Business 1. OSU Valley Football Center Parking 2. Settlement agreement Pages 283, 294		Moved to 8/3/15 meeting	• Authorized City Manager to execute agreement
Visitors' Propositions 1. Beit Am request for City services (Petala, Bronstein) 2. CCAT (Hunter, Friedlander) 3. Expansion of RPD C (Cull, Eaton, Cauthorn, S. Meyer, B. Meyer, Pope, Miller, B. Corden, Stephenson, S. Corden, Pitzer, Grisham, Goatcher, Huber, Jensen, Cloyd, Price) 4. Campus Crest remand process (Rosenlicht, Johnson, Marquering, Fraundorf, Aldwin, Lunch, Robinson) Pages 283-286	Yes Yes Yes Yes		
Consent Agenda Pages 286-287			• Adopted revised Consent Agenda passed U
Items Removed from Consent Agenda 1. OSU-Related Plan Review Task Force minutes – June 22, 2015 Page 287			• Accepted minutes passed U
Unfinished Business 1. Campus Crest Remand Pages 287-288			• Instructed staff to develop supplemental findings for consideration at 8/17/15 Council meeting passed 7-1
Urban Services Committee 1. Corrections to minutes 2. RPD C Expansion 3. RPD Program changes 4. Recommendation on TSP work products Pages 288-290	Yes		• Tabled consideration of ordinance; scheduled public hearing 8/3/15 passed U • ORDINANCE 2015-12 passed U • Approved public and stakeholder involvement strategy passed U

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Administrative Services Committee 1. Corrections to minutes 2. DCA request to eliminate City services charge for EID administration 3. Republic Services Annual Report 4. Republic Services Glass Collection Schedule Pages 290-291	 Yes Yes		 • Denied request passed U • ORDINANCE 2015-13 passed U
Mayor's Reports 1. Beit Am request 2. CCAT update Pages 291-292	 Yes		• Directed staff to provide report to Council
Council Reports 1. Climate Action Task Force (Baker) 2. Housing Development Task Force (Glassmire) 3. Sustainable Budget Task Force (Brauner) 4. Vision and Action Plan Task Force (York) 5. OSU-Related Plan Review Task Force (Hann) 6. SBTF, BLI, Johnson Hall parking (Bull) 7. Tree concern from constituent (Baker) 8. GCC (Brauner) 9. CSC quarterly meeting (Glassmire) Pages 292-293	 Yes Yes Yes Yes Yes Yes Yes Yes		
Staff Reports 1. City Manager's Report 2. Council Goals update Pages 293-294	 Yes Yes		
Executive Session 1. Status of pending litigation or litigation likely to be filed Page 294	 Yes		

Glossary of Terms

BLI	Buildable Lands Inventory
CCAT	Corvallis Community Access Television
CSC	Corvallis Sustainability Coalition
DCA	Downtown Corvallis Association
EID	Economic Improvement District
GCC	Government Comment Corner
OSU	Oregon State University
RPD	Residential Parking District
SBTF	Sustainable Budget Task Force
TSP	Transportation System Plan
U	Unanimous

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I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon was called to order at 6:30 pm on July 20, 2015 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Traber presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Traber; Councilors Baker, Brauner, Bull (6:37), Glassmire, Hann, Hirsch, Hogg, York

ABSENT: Councilor Beilstein (excused)

Mayor Traber noted items at Councilors' places, including a request from Robyn Petala with Beit Am regarding connecting to City services for fire suppression purposes (Attachment A) and testimony from Rick Hangartner regarding expansion of Residential Parking District (RPD) C (Attachment B).

Mayor Traber noted the Campus Crest record was closed and discussion was limited to the remand process.

IV. PROCLAMATION/PRESENTATION/RECOGNITION - None

XI. NEW BUSINESS

A. OSU Valley Football Center Parking

Mayor Traber said Oregon State University (OSU) asked for additional time to consider its Valley Football Center parking proposal, as it was the first review under the new Interim Development Agreement. Councilors concurred with moving the agenda item to the August 17 Council meeting. City Manager Shepard said at OSU's request, staff planned to meet with them to discuss the proposal.

V. VISITORS' PROPOSITIONS

Robyn Petala spoke from prepared testimony (Attachment A) regarding connecting to City services for fire suppression purposes. In response to Councilor Hirsch's inquiry, Ms. Petala said Beit Am could not proceed with its plans until the issue was resolved.

Amy Hunter, Station Manager for Corvallis Community Access Television (CCAT), spoke from prepared testimony (Attachment C), noting CCAT will remain at its Corvallis High School location for another year.

Ken Bronstein said Beit Am's building plans were submitted to Benton County in January and they were meeting with their architect on July 23 to finalize the plans. He asked Council to refer their request to connect to City services to a Council Standing Committee. In response to

Councilor Hann's inquiry, Mr. Bronstein said the well on the property was tested at eight gallons per minute at a static level. They did not expect they would have to come to the City for service because their building permit and other processes were through Benton County.

John Friedlander spoke from prepared testimony concerning CCAT's future plans (Attachment D).

Elaine Cull spoke from prepared testimony supporting expansion of RPD C (Attachment E).

Doug Eaton read from written testimony supporting expansion of RPD C (Attachment F).

Paul Cauthorn opposed expansion of RPD C and expressed concern that Ward 2 Councilor Hogg had not recused himself from the process. He said of the 136 registered voters in the five block area proposed for expansion, the Council was only hearing from 23 supporters.

Suki Meyer read from prepared testimony supporting expansion of RPD C (Attachment G).

Bill Meyer read from prepared testimony supporting expansion of RPD C (Attachment H).

Michael Pope supported expansion of RPD C. His home and many of those around it were built before it was common to own an automobile, so there is little off-street parking. He said parking in his neighborhood was impacted by Downtown employees and OSU students who seek free, all-day parking, and residents who live in recently built multi-family houses that did not require adequate off-street parking.

Josh Miller supported expansion of RPD C. He has three small children and was concerned about the danger posed by students speeding in the area to find parking spaces. He said OSU had grown and the neighborhood was no longer compatible for families. He urged Council not to drive families out of the area and to consider them when making their decision.

Barb Corden supported expansion of RPD C. She said parking districts exist in the majority of sizeable university towns for a reason. Without such districts, a neighborhood becomes merely a parking lot. She and her neighbors were asking for a chance to park in their own neighborhood and she asked Council to support their efforts for a solution.

Gary Stephenson supported expansion of RPD C. He said expansion would make parking available to more people, as the three churches and businesses in the neighborhood rely on the availability of on-street parking. RPDs allow people to patronize businesses or attend services, and then leave so another person can park in the same space. He said people who did not participate in the process should not be counted as a "no" vote.

David Corden supported expansion of RPD C. He and wife own nine houses in the proposed expansion area. They polled their tenants about the matter and all of those with whom he spoke supported it. He noted student renters also need parking.

Tabitha Pitzer, Associated Students of Oregon State University (ASOSU) Executive Director for Government Relations spoke from prepared testimony opposing expansion of RPD C (Attachment I). Councilor Bull said she wanted to improve the process and encouraged Ms. Ptizer's involvement. In response to Councilor Bull's inquiry, Ms. Pitzer said she did not live in the proposed expansion area and did not know anyone who did. Ms. Pitzer advocated for student involvement in the conversation about the proposed expansion to help move the

University toward a solution. Councilor Bull wanted to separate the individual process for neighborhoods and the Measure 88 referendum concerning residential parking districts, which went to voters in November 2014. She believed the neighborhood process was beneficial. In response to Councilor Bull's inquiry, Ms. Pitzer said the views of residents who were not property owners were not known, since they were not asked to participate in the voting process.

Rachel Grisham, ASOSU's Executive Director of Operations, spoke from prepared testimony opposing expansion of RPD C (Attachment J). She wanted to encourage a process where renters' voices were heard. Councilor Bull observed that people who were not property owners have also provided feedback on the proposed expansion and everyone has an opportunity to provide public testimony to the Council. In response to Councilor Hann's inquiry, Ms. Grisham said she had lived in RPD A for two years and her testimony was about her personal experiences living in the District, as well as others who resided in the District with whom she had spoken.

Jonathan Goatcher, ASOSU's Director of Community Programs, spoke from prepared testimony opposing expansion of RPD C (Attachment K). In response to Councilor Hann's inquiry, Mr. Goatcher said he wanted to delay the proposed expansion so students could be involved. Councilor Hann noted if Council approved the expansion, it would not stop people from improving the process for future expansion requests. In response to Councilor Hirsch's inquiry, Mr. Goatcher said he was in attendance at the July 7 Urban Services Committee meeting where the proposed RPD C expansion was discussed.

Cassie Huber, ASOSU President, wanted to be a helpful resource for reaching out to students, and not an impediment to progress. She asked for Council's support to have students involved in the RPD C expansion process. Councilor Baker thanked Ms. Huber and other students for attending and encouraged their involvement in the community. Councilor York said City staff and Councilors could help her track issues of interest and Councilor Bull encouraged Ms. Huber to contact her as the Ward 4 Councilor. In response to Councilor Baker's inquiry, Mayor Traber said he would solicit Councilor interest in serving as a liaison to ASOSU.

Tom Jensen said the RPD expansion issue was fall-out from the OSU/City Collaboration Project and believed the process was not followed. RPDs displace drivers and push the problem out to other neighborhoods. He believed a large, comprehensive residential parking district could be created independent of OSU's input and at no cost to residents.

Courtney Cloyd read from prepared testimony supporting expansion of RPD C (Attachment L).

Carl Price said the process to expand RPD C was flawed and not followed. He urged the Council to delay a decision on expansion and take the time needed to fix the process.

Giovanna Rosenlicht asked Council to open a limited public hearing regarding the Campus Crest remand. In response to Councilor Baker's inquiry, Ms. Rosenlicht believed a new traffic study would be introduced and it might not adequately address resident concerns. She said citizens, who have a lot of knowledge and much to contribute, should be given an opportunity to review the new study and provide input.

Sherri Johnson spoke from prepared testimony requesting that Council open a limited public hearing regarding the Campus Crest remand (Attachment M).

Louise Marquering requested that Council open a limited public hearing regarding the Campus Crest remand. She noted a citizens' appeal brought the issue forward and resident input on the transportation issue was important.

Martha Fraundorf asked Council to open a limited public hearing regarding the Campus Crest remand. She said citizens could identify transportation issues that others may have missed.

Carolyn Aldwin asked Council to open a limited public hearing regarding the Campus Crest remand to hear concerns from Historic Resources Commission members that were not previously raised.

Bill Lunch requested that Council open a limited public hearing regarding the Campus Crest remand, noting the current Council was not bound by the prior Council's decision.

Michael Robinson, land use attorney for Campus Crest, requested that Council follow the recommendation provided in the July 14, 2015 memorandum from Interim Community Development Director Weiss and consider adoption of findings at the August 17 Council meeting without new testimony. He said the remand was a findings issue, not an evidentiary issue. Those who did not agree with the Court of Appeals' decision could have filed an appeal with the Oregon Supreme Court, but they did not. In response to Councilor Bull's inquiry, Mr. Robinson said the matter was amply argued by both sides during four evidentiary hearings and Council voted to approve the application. The remand is coming to the current Council as a findings issue. Councilor Baker referred to the statement in the Land Use Board of Appeals' (LUBA) remand regarding inadequate findings related to Mr. Birkby's testimony, as described in Exhibit A-29 of Mr. Weiss' memorandum. He also referred to line 18 on the same page, which stated "*Nothing in the above-quoted findings regarding the TPR responds to Birkby's testimony…*" In response to his inquiry about the statements, Mr. Robinson said there was no evidence of evidentiary support. LUBA rejected an evidentiary challenge related to the Transportation Planning Rule. The only basis for the remand related to findings not being properly incorporated into the necessary documents; the remand did not relate to a lack of findings.

VI. CONSENT AGENDA

Councilor Baker requested removal of the June 22, 2015 OSU-Related Plan Review Task Force minutes (portion of item g).

Councilors York and Hirsch, respectively, moved and seconded to adopt the Consent Agenda as follows:

A. Reading of Minutes
   1. City Council Meeting – July 6, 2015
   2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Arts and Culture Advisory Board – June 17, 2015
      b. Community Relations Advisory Group – June 11, 2015
      c. Downtown Advisory Board – June 10, 2015
      d. Historic Resources Commission – June 9, 2015
      e. Housing and Community Development Advisory Board – June 17, 2015
      f. Library Advisory Board – May 6, 2015
      g. OSU-Related Plan Review Task Force – May 14 and 28, June 8, July 9, 2015

h. Watershed Management Advisory Board – June 24, 2015

B. Announcement of appointment to Economic Development Advisory Board (Buchele)

C. Announcement of vacancy on Parks, Natural Areas, and Recreation Advisory Board (Rose)

D. Schedule an Executive Session immediately following the July 20, 2015 meeting under ORS 192.660(2) (h) (status of pending litigation or litigation likely to be filed)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA

g. OSU-Related Plan Review Task Force minutes – June 22, 2015

Councilor Baker referred to statements made in the minutes (pages 153 and 155-166) that speak to the difference between reviewing the Comprehensive Plan (CP) and the Land Development Code (LDC). In response to his inquiry, City Attorney Brewer said a review of the LDC that began with CP policies would likely be legislative because it was policy driven. However, starting with a particular item to be remedied and changing the LDC to address it would likely be quasi-judicial. Councilor Baker appreciated the clarification and said he wanted to be sure it was clear the LDC review itself was not a quasi-judicial process.

Councilors Hirsch and Bull, respectively, moved and seconded to accept the OSU-Related Plan Review Task Force minutes for June 22, 2015.

The motion passed unanimously.

VIII. UNFINISHED BUSINESS

A. Campus Crest remand process

In response to Councilor York's inquiry, Mr. Brewer said if Council decided against holding a public hearing, it could deliberate on the matter that was remanded; however, the remand was on the findings and Council would want to know what was in the record to support those findings.

Councilor Baker inquired about the scope of what an "on-the-record" hearing would entail. He noted the comment during public testimony where a resident said a limited public hearing should be opened because the developer might present a new traffic study. In response to his inquiries, Mr. Brewer confirmed such an action would constitute re-opening the record and no new information could be presented to correct the current traffic study. Council could decide to hold an on-the-record hearing and if it was determined there was not enough information in the record, Council could open a limited public hearing.

In response to Councilor Hann's inquiry, Mr. Brewer said the rules that were in place at the time of application are the rules Council would have to use when reviewing the matter; however, if Council decided to re-open the record, new factual evidence and new

arguments could be considered. He added that the points that were resolved on appeal, or those points that could have been appealed, but were not, are considered to be resolved. Council was left with what was in the remand issue.

Councilors Hann and Brauner, respectively, moved and seconded to instruct staff to develop supplemental findings demonstrating compliance with the Transportation Planning Rule as called for in the Land Use Board of Appeals remand of the City Council's approval of the Campus Crest/The Grove Comprehensive Plan Amendment and Zone Change. The supplemental findings will be considered for adoption by the City Council at the August 17, 2015 City Council meeting.

Councilor York said while she supported the motion, the wording did not reflect how she might choose to vote on the issue. She did not feel a public hearing was necessary. She already heard many hours of testimony and there was a great deal of public comment on the record available for re-elected Councilors to review and new Councilors to hear for the first time. She believed there was likely adequate evidence in the record to make a decision.

Councilor Glassmire wanted to hear what citizens had to say on the matter; therefore, he opposed the motion.

Councilor Hann believed there was enough evidence in the record for Council to review and make a decision.

Councilor Bull said Council would receive information about the findings and make a decision about whether the record contained adequate information. She was concerned that opening the record would complicate the issue.

Councilor Baker said he had not yet reviewed the full record, so he still needed to determine if sufficient evidence existed. If not, he hoped Council would consider a limited public hearing.

The motion passed 7 to 1, with Councilor Glassmire opposing.

Mayor Traber recessed the meeting from 8:27 to 8:35 pm.

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

A. Human Services Committee – None

B. Urban Services Committee (USC) – July 7, 2015

1. Corrections to USC minutes

   There were no corrections to the minutes.

2. Parking District C Expansion

   Mr. Brewer read an ordinance relating to creation and designation of Residential Parking Permit Districts, amending Corvallis Municipal Code Section 6.15.030, "Creation and Designation," as amended.

Councilor Hogg read from prepared testimony outlining his views on the proposed expansion and explaining why he was choosing to recuse himself from voting on the matter (Attachment N).

Councilor Hirsch returned to the meeting at 8:37 pm.

Councilor York noted USC did not forward a recommendation concerning the proposed boundaries. Given the community interest in the matter and concerns about the process, she suggested scheduling a public hearing to consider the expansion request more formally.

Councilor Brauner wanted to separate the merits of RPDs from the process itself. He suggested tabling the matter and scheduling the public hearing for the August 3 Council meeting to further consider the expansion request.

In response to Councilor Hirsch's inquiry, City Manager Shepard confirmed the process steps were not outlined in the Municipal Code nor in a policy; instead, it was a working procedure for staff. The process was developed as a way to filter requests, ensuring one person was not trying to speak for several blocks when there was not any support from neighbors.

Councilor Hann respected the amount of work that neighbors completed and he understood their concerns. He said the process was something for them to use to address parking problems in their neighborhood. He supported scheduling a public hearing to give everyone an opportunity to speak about the expansion request.

Councilor Bull rejected the assertion that to support expansion of the district was to ignore the outcome of a vote. While voters did not support a larger expansion of RPDs, the process was another tool available for neighbors, and a public hearing would provide renters the opportunity to further comment.

Councilor Baker voted against the expansion at the USC meeting due to concerns residents raised about the process. He understood the process was not codified through an ordinance or in a Council Policy, and that it was a process used in the past. He noted that, according to staff testimony at USC, past RPD expansions had followed the process. Since the process was established in 2006, there had been more interest in RPDs, including a referendum. He believed the context was an important element of the current discussion and he supported scheduling a public hearing.

Councilor Glassmire agreed with Councilor Brauner's desire to distinguish between the process and the expansion request.

Councilor Brauner said the process in question did not preclude a Council vote at tonight's meeting; however, he wanted to hear from those who did not have an opportunity to vote in the process.

Councilors Brauner and Hirsch, respectively, moved and seconded to table consideration of the ordinance and schedule a public hearing for the August 3, 2015 Council meeting, after which Council would consider expansion of Residential Parking District C.

The motion passed unanimously.

3. Residential Parking District Program Changes

Councilor York said the proposed RPD changes would clarify definitions, provide consistent treatment for employer permits, and work to prevent abuse of visitor permits.

Mr. Brewer read an ordinance relating to Residential Parking Districts amending Corvallis Municipal Code Chapter 6.15, "Residential Parking Permit Districts," as amended.

ORDINANCE 2015-12 passed unanimously.

4. Recommendation on Transportation System Plan (TSP) Work Products

Councilors York and Hirsch, respectively, moved and seconded to approve the Public and Stakeholder Involvement Strategy for the Transportation System Plan and Transit Development Plan projects.

In response to Councilor Bull's inquiry, Mr. Shepard said the TSP would not include a holistic review of the land use process. Rather, the TSP would start with existing land uses and use scenario planning to evaluate how changes, such as trips, would impact the transportation system. He encouraged Councilor Bull to talk with him and staff to ensure there is a clear understanding of what is possible through the TSP process.

Councilor Hann said the outreach at the Farmers' Markets was effective. He suggested reaching out to Stoneybrook and other retirement communities whose residents have limited access to transportation.

Councilor Glassmire agreed to work with staff on his suggested changes to the TSP.

The motion passed unanimously.

C. Administrative Services Committee – July 8, 2015

1. Corrections to ASC minutes

There were no corrections to the minutes.

2. Downtown Corvallis Association (DCA) Request to Eliminate City Services Charge for Economic Improvement District (EID) Administration

Councilor Brauner said administration of the EID could be managed by an organization other than the City and DCA representatives acknowledged they could not administer it for any less than the City's nominal fee. If the charge to the DCA was waived, the expense would be borne by City departments, as there would not be any revenue to offset the costs.

Councilors Brauner and Hirsch, respectively, moved and seconded to deny the Downtown Corvallis Association request to eliminate the City Services charge for Economic Improvement District billing.

The motion passed unanimously.

3. Republic Services Annual Report

The item was for information only.

4. Republic Services Glass Collection Schedule

Councilor Brauner said glass was currently collected citywide during the same week, once per month. To increase efficiencies, Republic Services requested changing the schedule to collect glass in a different area of the city each week.

Mr. Brewer 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 establishing public responsibility; repealing Ordinance 2013-06; prescribing penalties; and stating an effective date.

In response to Councilor Baker's request for clarification regarding residential and commercial glass collection, Councilor Brauner said Republic Services' concern related to residential collection because it was the largest volume.

In response to Councilor Baker's inquiry, Councilor Brauner said the intent was to retain all of the terms described in the original ordinance, except for the glass collection dates. Mr. Brewer said there was an agreement with Republic Services, as well as the ordinance, and the agreement would still apply based on its origination date.

ORDINANCE 2015-13 passed unanimously.

Councilor Brauner said the proposed Livability Code would be would be discussed at the July 22 ASC meeting. If approved, it would replace Municipal Code Chapter 9.02, "Rental Housing Code." He anticipated the meeting would be more like a work session, as the Committee did not plan to take public testimony. Instead, the time would be used to review information contained in the packet and discuss staff's recommendations. There would be opportunity for public input on the topic at subsequent ASC meetings.

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Traber invited Councilors' input about Beit Am's request as outlined by Ms. Pekala earlier in the meeting. He suggested obtaining a report from staff that better defined the problem before sending the matter to a Standing Committee; Councilors agreed. Mr. Shepard said staff would try to provide the information for the August 3 Council meeting; if more time was needed, it would be provided at the August 17 meeting.

Mayor Traber noted earlier testimony from Ms. Hunter and Mr. Friedlander updating Council on CCAT. He asked Councilors to let him know if they were interested in serving as a liaison to the Channel 29 Oversight Committee.

B. Council Reports

1. Climate Action Task Force (CATF)

   Councilor Baker anticipated at their next meeting, CATF would agree on a scope of work so it could be considered at the August 3 Council meeting. The CATF also planned to work on the Georgetown University Energy Prize at their next meeting.

   The item was for information only.

2. Housing Development Task Force (HDTF)

   Councilor Glassmire said the HDTF discussed its scope of work and draft timeline at its July 15 meeting. Members were waiting for HDTF Chair Beilstein's return from Cuba, so it would likely be presented at the August 17 Council meeting.

   The item was for information only.

3. Sustainable Budget Task Force (SBTF)

   Councilor Brauner said the SBTF discussed infrastructure and programs for the Finance Department and programs in the City Manager's Office would be discussed at their next meeting.

   The item was for information only.

4. Vision and Action Plan Task Force (VAPTF)

   Councilor York said there was nothing new to report.

   The item was for information only.

5. OSU-Related Plan Review Task Force

   Councilor Hann said Task Force Chair Gervais prepared a summary of work completed to date and Task Force members were reviewing Planning Commission and Council meeting discussions to ensure Commissioner and Councilor concerns were adequately captured; public comment related to Chapter 3.36, "OSU Zone;" and results from the OSU/City Collaboration Project to identify any other areas that may need to be addressed. The Task Force expected to present its report to Council in September due to vacation schedules.

   Councilor Bull noted the Task Force was one piece of the Council Goal concerning OSU/City Relations. She wanted to find an appropriate way to ensure all pieces of the goal, including the Memorandum of Understanding with OSU, come together. Mayor Traber said such a discussion would be a good work session topic.

The item was for information only.

6. Other Council Reports

Councilor Bull encouraged Councilors to read about the City's unfunded liabilities as discussed in SBTF minutes. In response to her inquiry about the Buildable Lands Inventory (BLI), Mr. Weiss said a Request for Proposals (RFP) process was completed, a vendor was selected, and a contract was being drafted. He agreed to share the RFP with Council and a copy of the contract would be made available when it was executed. Councilor Bull requested data on what parking would have been required if the Interim Development Agreement with OSU had applied to the Johnson Hall project. Mr. Shepard estimated 90 minutes of staff time would be required to research the information she requested; Councilors supported staff proceeding with the effort. Mayor Traber heard that OSU was constructing additional parking elsewhere which would include some number of parking spaces that were displaced by the Johnson Hall project. He asked staff to inquire about the matter; Mr. Shepard agreed to include the information with the Johnson Hall parking analysis.

Councilor Baker said a constituent had written to him regarding replacement of a tree on her property and staff was following up.

Councilor Brauner staffed a very busy Government Comment Corner on July 18. Residents spoke to him about expansion of RPD C, the Livability Code process, a proposal for a citywide parking issue which was included in the Council meeting packet, and consideration of banning fireworks in the city limits.

Councilor Glassmire noted the Corvallis Sustainability Coalition's quarterly meeting was scheduled for July 21.

C. Staff Reports

1. City Manager's Report

The item was for information only.

2. Council Goals Update

Councilor York asked about inconsistency with cost information concerning the Council Goal related to Economic Vitality when compared to other Council Goals. Mr. Shepard said he would provide clarification in the next Goals Update. Councilor York said that was acceptable and it would be helpful to use consistent methodology.

Councilor Bull referenced the statement that the Economic Development Office (EDO) had accomplished their goal within the adopted budget. She interpreted that to mean the EDO believed they had accomplished the goal and she asked for clarification.

The item was for information only.

XII. PUBLIC HEARINGS – None

XIII. EXECUTIVE SESSION

Mayor Traber read a statement, based upon Oregon law 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. He reminded Council members and staff that the confidential executive session discussions belong to the Council as a body and should only be disclosed if the Council, as a body, approved disclosure. He suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

Council met in executive session from 9:35 pm to 9:44 pm under ORS 192.660(2) (h) (status of pending litigation or litigation likely to be filed).

XI. NEW BUSINESS, Continued

B. Direct the City Manager to sign a settlement agreement

Councilors York and Brauner, respectively, moved and seconded to authorize the City Manager to execute the certain settlement agreement with Oakmont Development Corporation which resolves pending violations of City regulations.

The motion passed unanimously.

XIII. ADJOURNMENT

The meeting adjourned at 9:45 pm.

APPROVED:

Biff Traber

MAYOR

ATTEST:

Carla Hosworth

CITY RECORDER

I am here on behalf of Beit Am Jewish Community, to ask for your assistance with a jurisdictional catch-22 we find ourselves in, and to ask that you refer this to committee for resolution.

We are a 501(c)(3) religious organization, and the center of religious and cultural Jewish life in the mid-Willamette valley. In 2001, we purchased a 5 acre parcel behind the LDS Church on Harrison Blvd with the intent of constructing a new building. The property is in the county, and we filed an application for a building permit this past January. The permit has not yet been issued, but we are quite far into the process and on track to have it issued by year end and break ground next spring.

Unfortunately, we have run into a major obstacle, which has disrupted our timing and planning, and we need a resolution.

As I mentioned, the property is in the county and we have been planning to develop in the county. We have installed and tested our well, and it is good, but the Fire Marshall informed us that he will require us to connect to city water for purposes of fire suppression. City staff has informed us, however, that we cannot connect to city water because we are in the county. So while the Fire Marshall tells us that we need City water, the City says that we cannot have it.

We received a letter from your City Attorney explaining three possible options to resolve this situation. Of these three, the only practical one is to seek a modification or revision of an ordinance that would address the problem.

We believe that a slight modification to Corvallis Land Development Code section 2.7.30 is one possibility. Another possibility would be a narrowly-written ordinance dealing with situations such as ours, where access to city water is required for fire suppression only. I want to make it clear that we are not trying to get city services for free. We are only trying to get access to city water for emergency fire situations because the Fire Marshall has indicated that this is required for public safety. We would use our well for potable water and all other water needs.

Since one of the other alternatives suggested is to annex, I would like to explain quickly why that is not the best solution for the City or for us. First, we are tax exempt, so we do not pay property taxes. Second, our property has been part of at least five failed annexation attempts. There is a fairly hostile public environment concerning development in Witham Oaks, and it's questionable whether another annexation attempt could succeed. If an annexation were attempted and failed, we would be back where we are, with no fire protection water, leaving us with a property that cannot be developed and therefore has no value.

In addition, requiring us to go through annexation would likely kill our project. The additional delay and expenses of going through the annexation process, coupled with the higher costs of construction at least a year later, and the costs of restarting the permit and development process in the city, would overwhelm our resources and community. We need every penny pledged for our building project and we need to build next year to maintain our donors' pledges.

We have invested heavily in the county permit and development process, and we have the momentum and finances to build now in the county. We request your consideration of this issue and would appreciate your support by referring this to committee.

Thank you.

Submitted by Robyn Pekala

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

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July 8, 2015

Mr. Ken Bronstein

Corvallis Oregon 97330 VIA US MAIL

RE: Options to extend City services outside Corvallis City limits

Dear Mr. Bronstein:

Our office represents the City of Corvallis. Corvallis Fire Marshal Jeff Prechel asked our office to send you an outline of the options for extending City services outside of the City limits of the City of Corvallis. While I can provide the options, my client is the City of Corvallis, and I must recommend that you seek your own legal counsel to provide legal advice to rely upon.

My understanding from Fire Marshal Prechel is that this inquiry is in specific relationship to development of property owned by the Beit Am Mid-Willamette Jewish Community Center abutting the City limits. I am familiar with the location of the property, and I am aware of a number of instances where property that included Beit Am's parcel met the land use criteria, and was put before the voters for consideration, but a majority of the voters did not approve the measure.

Fire Marshal Prechel also tells me that, currently, Beit Am's desire is to have City water service extended to the site for fire protection systems only. In reviewing the City Charter and Land Development Code, I see three options for Beit Am in this situation:

The first option is for Beit Am to seek to have the property annexed. Since 1976, when the voters added what is now Section 53 of the City Charter, annexations must be approved by a majority of the electorate. Land Development Code Chapter 2.6 sets out the process for annexation in detail, and City planning staff can provide guidance about application requirements and timelines.

The second option would be for Beit Am to apply for an extension of City services under Land Development Code 2.7. Since 1974, when the voters added what is now Section 52 of the City Charter, the City cannot extend services or enter into agreements to furnish services without the City Council first adopting an ordinance approving the

extension or agreement. The general ordinance is Land Development Code 2.7. City planning staff can provide guidance about application requirements and timelines. The decision under this provision would be made by the City Council. The wording of the Charter provision does bring up a third option:

The third option would be for Beit Am to ask the City Council to extend services to the site, notwithstanding the criteria in Land Development Code 2.7. In this instance, some thought would need to be given about how to propose an ordinance of general application that would meet the requirements of the Charter and also comply with statewide land use planning goals and the City Comprehensive Plan. This decision would also be made by the City Council, with a thirty-day period after the ordinance is enacted before it becomes effective.

If you have questions or concerns, please feel free to contact me at 541-766-6906.

Very truly yours,

CITY ATTORNEY'S OFFICE

James K. Brewer

pc: Jeff Prechel

PORTLAND OR 970

09 JUL 2015 PM 3 L

USA

FOREVER

CORVALLIS CITY ATTORNEY
456 SW Monroe, #101
Corvallis, OR 97333

Annexation attempts involving Beit Am property :

January, 1978 - An annexation (A-77-1) for Witham Hill properties, also known as Harrison Heights Annexation **was denied by the voters**. The annexation involved approximately 140 acres, and was designed for 132 acres of Low Density Residential development and an 8-acre park.

November, 1978 - The **Harrison Heights Annexation** was forwarded to the voters again in November of the same year, and was **again denied by the voters**.

May, 1983 - An **annexation (A-82-7) for OSU/Heritage Development was denied by the voters**. The annexation involved approximately 347 acres, included the subject property, and was designed for a combination of Oregon State University and Low Density Residential uses.

May, 1984 - An annexation (A-83-4) for OSU and Citizens/Heritage was denied by the voters. The annexation involved approximately 344 acres, included the subject property, and was designed for a combination of Open Space/Agriculture, Low Density Residential with a Research Technology overlay, Low Density Residential, Medium High Density Residential, and Open Space/Conservation.

November 1996 - An Annexation (A-96-3), District Designation (DC96-3), and Conceptual Development Plan (PD-96-9) involving 139.29 acres was requested (known as Frager Annexation). The proposal was for annexation of 139.29 acres to allow for low density residential development. The District Change proposed to designate the site PD(RS-3.5) and PD(RS-6) – Low Density Residential With a Planned Development overlay. The Conceptual Development Plan proposed a 131.6-acre low density residential development with trails, open space for preservation of natural features, and various Low Density Residential housing types (439-593 dwelling units). The City Council approved the District Designation for the entire site to be PD(RS-3.5) and the Conceptual Planning Commission Staff Report - contingent upon annexation. **The annexation was denied by the voters.**

May 2001 - Approval was requested for the Parkland Village Annexation (ANN00-00005), District Designation (ZDC00-00014), and a Conceptual Development Plan (PLD00-00031). The total project site was 101.6 acres in size, with 40-50 acres of low density residential, 4-5 acres of low/medium density residential, 25-30 acres of open space, a village hall, a 5.29 acre church or **synagogue site,** and several trails. **The annexation was denied by the voters.**

May 2002 - Approval was requested for the Parkland Addition Annexation (ANN02-00002), Comprehensive Plan Amendment (CPA02-00002), Zoning District Change (ZDC02-00004), Conceptual and Detailed Development Plan (PLD02-00011), and Tentative Subdivision (SUB02-00002). The proposal was to annex 102.67 acres into the City and amend the Comprehensive Plan Map to designate 10.82 acres of the property for Medium-High Density Residential, 36.72 acres of the property for Open Space - Conservation, and to retain 53.22 acres under the original designation of Low Density Residential. Zoning was to follow these designations. The applicant also requested Conceptual and Detailed development approval for 161 single family units on individual lots and a 150-room assisted living facility, as well as subdivision approval to divide the land. **The annexation was denied by the voters.**

Further Observations on the Corvallis RPD Formation Process (April 2006) and the City Attorney's Memorandum to the Corvallis Urban Services Committee.
Corvallis City Council
July 20, 2015

These comments expand on the written comments on this issue submitted to the Urban Services Committee, July 7, 2015. Those previous comments are incorporated by reference herein.

These comments provide additional information for the record about questions whether City staff and Council have adequately ensured that all members of the City have been afforded equal protection by the City's processes for responding to the request by property owners for expansion of parking district C. Indeed, it may be that this information raises questions about Corvallis's entire residential parking district program.

Lack of City financial accounting and potential private benefit to a few.
As of this writing, the City Finance office has not responded to the attached July 11, 2015 request seeking annual budget/forecast revenues and final financials on the current parking districts A, B, and C (Attachment #1). Indeed, at least up until the effort in 2013 to extend the territory covered by parking districts, it appears the City has chosen to not separately account for the costs and revenues of the current parking districts over most of their history. This practice obscures whether a relative few are gaining private benefit not available to all from public resources: The available evidence suggests that the amount the City currently charges for 24/7 parking permits only available to property owners does not cover the full administrative and enforcement costs of the districts.

In addition, City Council passed Ordinance 2015-07 in April 2015, that sought to limit judicial discretion, the net effect apparently being an attempt to increase parking district enforcement revenues (Attachment #2). The attached property owner petition produced in response to a public records request in this matter is dated February 8, 2015, before most of the deliberation by Council on Ordinance 2015-07 (Attachment #3). The public is due a full accounting to the public of the origins of this ordinance in view of concerns raised last fall about the costs and revenues of parking districts that bear on whether parking districts provide unequal access to public resources to a few.

Lack of equitable access to City resources.
In the attached July 1, 2015 memorandum, the City Attorney states (Attachment #4):

> "Nothing prevents tenants, occupants, or residents who are not owners of real property from petitioning or testifying before the committee and City regarding their support or opposition of the same issue."

The City Attorney does not in that memorandum opine that this comment expresses all the obligations that may be incumbent on City Council. As the attached *Residential*

Parking District Formation Process, April 2006, documents, City Council funds the process that makes City staff resources available to property owners seeking to create a parking district and assures City Council consideration of their request (Attachment #5)

In contrast, the attached July 6, 2015 email request and response from the City documents that City Council does not afford anybody seeking to either dissolve or block formation of an RPD, most notably groups that are far more diverse than property owners in Corvallis, equal access to City resources or an equitable assurance that the City Council will even consider their request (Attachment #6).

Appeal of City's refusal to provide public records

As noted in previous testimony, it is unclear whether the July 1, 2015 memorandum from the City Attorney included in the July 7, 2015 USC packet is covered by attorney-client privilege (Attachment #7). The memorandum has been placed on the public record as part of the deliberations in this matter and, as noted in previous written testimony, it is not clear the subject matter is confidential communications within the scope of the lawyer-client privilege. The questions that have arisen about the City Council's formal process that preferentially responds to requests from property owners to create or expand RPDs, and the questions that have arisen whether the Council is following that process or is even obligated to follow it, have made certain facts about this memorandum germane to the public debate.

On July 14, 2015, as stated in the attached email, the City refused to produce public records documenting:

1) The requestor(s) of the memo, since ordinarily the City Attorney in his/her official role would not produce such a memo without a request.
2) The actual request to the City Attorney resulting in this memo, since the "Subject" line and the "Issue" section frame two related but distinct questions that may have been posed to the City Attorney.
3) Any response to the memo amongst City staff and City Council, since the memo was made public rather than kept confidential.

In citing "lawyer-client" privilege as the basis for refusing to produce these records, the City also did not mention ORS 40.280 "Waiver of Privilege by Voluntary Disclosure."

On July 14, 2015, according to the Oregon DOJ's directions, an appeal of the City's denial of these records was filed by email with the Benton County District Attorney's office. As of this writing, the Benton County DA has not acknowledged receipt of the appeal. In a telecon July 16, 2015, the DA's office stated they had received the appeal and that a copy of the email should be considered to be a receipt.

November 2014 election results
Attached is a one page summary of the November 2014 election results. These are included as data that speaks to whether the Council process that only affords resources and consideration to property owners reflects the will of the voters in each ward (Attachment #8).

Several key points:

1) In every ward, more voters cast a vote on 02-88 than they did in the Mayor or City Councilor race.
2) In 8 of 9 wards, "No" on 02-88 received more votes than the winning Mayoral candidate.
3) In 6 of 9 wards, "No" on 02-88 received more votes than the winning City Council candidate (and in many of those wards the City Council candidate was unopposed).

Conclusion
In written testimony to the USC, one property owner offered the odd opinion that the election "would appear to be an example of the tragedy of the commons." The term "tragedy of the commons" quite arguably refers to the catastrophic failure of a significant resource, frequently because that resource is outside the jurisdiction of a recognized government. The present explicit or implicit use by some residents and elected officials of this concept to ignore the direction a wide majority of voters sent to elected officials they should pursue another approach to solve a relatively minor problem may be unique.

As documented here, the public does not even have all of the relevant information about this issue. Some of that information could speak to whether Council has afforded all citizens equal protection under the Council's informal and formal processes for creating and expanding parking districts, or equal access to public resources, since at least 2006 The Council should shelve this request for now and instead pursue a better understanding of both the problem and of solutions that would also eliminate the existing parking districts.

Attachment #1

Fwd: Public Records Request

Mon, Jul 13, 2015 at 6:48 PM

To: nancy.brewer@corvallisoregon.gov
Cc: "Holzworth, Carla" <carla.holzworth@corvallisoregon.gov>, "Steckel, Mary" <mary.steckel@corvallisoregon.gov>, city.manager@corvallisoregon.gov

Dear Ms. Brewer,

Mary Steckel and I have been trying to get a handle on the data the City may or may not have about the parking district program including the permit revenue, number of permits issued, administrative and enforcement costs, and the total enforcement revenue by year since 2000. It appears this budget/forecast and financial information should be readily available but responsibility for the permit program has moved between departments more than once in this period. I've specified the information I'm seeking with more focus in the leading email of the chain appended below based on some comments in the August 2013 report to Council.

At this point, it seems the only next step is to request a definitive statement from your office, the City Manager, or whoever has sufficient authority detailing what information about annual projected and actual parking district revenues and costs, as detailed in the lead appended email, is or isn't available for each fiscal year from 2000 to the present.

Also, I've become aware that some Councilors seemed to have beliefs and objectives for enforcement and enforcement revenues as they passed Ordinance 2015-07 to amend just the penalties section of Muncipal Code Section 6.15, April 20, 2015. http://archive.corvallisoregon.gov/0/doc/591149/Electronic.aspx

With regard to this latter matter, I would like to request what information was provided by staff or the City Manager to City Council about parking districts revenues, costs, or enforcement as formal background to their action, whether in the USC and Council packets or otherwise.

Once we have a clear understanding what records are available detailing the requested information, I'll submit a request to inspect those records and then decide for which of those I'd like copies. Just to be clear, I'm first requesting just information about which of the very specific basic data about parking districts enacted by City ordinance that the City has available as part of its current and historical fiscal data, and only then following up with a request to inspect those records containing that data. I don't believe there should be any research or reproduction costs for a concise statement about what is and isn't available of the basic data I'm requesting that should be part of City budget/forecasts and year-end financials.

I've copied this email to new City Manager Shephard, but it is my understanding he is not available at this time. If this should be directed to somebody else acting in his capacity at this time, please let me know and I'll do that.

Thanks for your attention to this inquiry.

Best Regards,
Rick Hangartner

---------- Forwarded message ----------
From: **Rick Hangartner**
Date: Sun, Jul 12, 2015 at 5:08 PM
Subject: Re: Public Records Request
To: "Steckel, Mary" <Mary.Steckel@corvallisoregon.gov>
Cc: "Holzworth, Carla" <Carla.Holzworth@corvallisoregon.gov>

Hi Mary,

It took a quick look at that report and it suggest some data I'm seeking may be readily available. Let me summarize. As of 2013 when it was written, it says:

1) "*There are 79 block faces that allow parking in the three current districts.*" I'm seeking the historical records on how many block faces were in districts each year from 2000 to the present. This apparently would have to be known data since it defines where enforcement activities take place.

2) "*Historically, resident permit sales have been about 35% of the available permits to be sold.*" Again, I'm seeking the historical records on how many permits were sold in each district each year since 2000 that would probably have been the basis for the 35% number in this quote.

3) "*The number of tickets issued over the last three years in the current districts has been fairly stable. Staff used this to estimate future revenues...*" I'm seeking the historical records on how many tickets were issued in each district each year from 2000 to the present, the latter years of which would probably have been the basis for the 35% number in this quote. With that, I could use the staff method for derating the revenues based on what judges have done and the proposed/implemented changes to parking districts by Council this year.

4) "*Based on all the assumptions made above, it does not appear that permit revenue alone is sufficient to cover expected program costs. In the table below, a comparison of permit revenues to on-going expenses for each scenario shows that the All-permit program appears closer to being self-sufficient on permit sales, as would be expected.*" The report doesn't actually mention how that conclusion was reached, but one would reasonably suspect from that text that some historical data about program costs must have been available. I'm seeking whatever program cost etsimates were used for that exercise, ideally on an annual basis for each year from 2000 to the present.

Perhaps you can let me know about the availability of this information and/or whether I should file a new public records request for just this specific information? If this information is not available, it seems one of the only alternatives would be to request (after inspection) any public records the staff generated in producing this report.

Thanks for any further thoughts you have on this.

Best Regards,
Rick

On Sat, Jul 11, 2015 at 8:52 PM, Rick Hangartner wrote:

Hi Mary,

I don't think there was an August 20, 2014 USC meeting, but there was an August 20, 2013 USC meeting. And there appeared to be a report in that which may be what you are describing. I've attached a copy and perhaps you can tell me if this is what you had in mind.

I'll probably have a follow up request for the number of permits actually sold in each of the districts since 2000 (and the number of block faces in each of the current districts). Since the City took in money per permit, one would guess that it is likely that would be a readily available number.

Thanks.

Best,
Rick

ORDINANCE 2015- 07

AN ORDINANCE RELATING TO RESIDENTIAL PARKING DISTRICTS AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 6.15, "RESIDENTIAL PARKING PERMIT DISTRICTS," AND STATING AN EFFECTIVE DATE.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 6.15 is hereby amended as follows:

Section 6.15.080 Penalty.

Any person who **parks a vehicle in violation of this chapter** ~~violates any provision herein~~ shall be punished, upon conviction, by a fine **with a mandatory minimum sentence of $35** ~~of not less than $40 nor~~ **but not** more than $100. **The Court shall have no ability to reduce or suspend any portion of the mandatory minimum sentence.**

It shall not be a defense to any violation herein that the permit had been issued but was not properly displayed. **It shall not be a defense to any violation herein that the person was unaware of the regulations so long as a parking regulation sign has been installed within the block of the violation location.**

(Ord. 2015-[illegible]; Ord. 2011-17 § 1, 11/21/2011; Ord. 89-15 § 1, 1989; Ord. 82-86 § 1, 1982)

Section 2. This ordinance shall become effective June 1, 2015.

PASSED by the City Council this 20th day of April, 2015.

APPROVED by the Mayor this 20th day of April, 2015.

EFFECTIVE this 1st day of June, 2015.

Mayor

ATTEST:

City Recorder

Attachment #3

Date 2/16/2015

PETITION

We, the undersigned residents of The Central Park Neighborhood, do hereby petition the City of Corvallis to undertake a parking study of our neighborhood as the first step in the Residential Parking District formation process.

We understand that at least 50% of the **property owners** abutting each block face in any area that is interested in forming a new district or expanding an existing district must sign this petition to move forward in the process.

Name	Address	Phone	Signature
Kenton Daniels			
Kenton Daniels			
Gabriel Properties LLC			

Date 2/16/2015

PETITION

We, the undersigned residents of The Central Park Neighborhood, do hereby petition the City of Corvallis to undertake a parking study of our neighborhood as the first step in the Residential Parking District formation process.

We understand that at least 50% of the **property owners** abutting each block face in any area that is interested in forming a new district or expanding an existing district must sign this petition to move forward in the process.

Name	Address	Phone	Signature
Kenton Daniels			
Pam Fulkerson			

Date 2/16/2015

PETITION

We, the undersigned residents of The Central Park Neighborhood, do hereby petition the City of Corvallis to undertake a parking study of our neighborhood as the first step in the Residential Parking District formation process.

We understand that at least 50% of the **property owners** abutting each block face in any area that is interested in forming a new district or expanding an existing district must sign this petition to move forward in the process.

Name	Address	Phone	Signature
Kenton Daniels			
Patrick McDaid			
	(owner of 318 SW 7 St.)		

Date 2/16/2015

PETITION

We, the undersigned residents of The Central Park Neighborhood, do hereby petition the City of Corvallis to undertake a parking study of our neighborhood as the first step in the Residential Parking District formation process.

We understand that at least 50% of the **property owners** abutting each block face in any area that is interested in forming a new district or expanding an existing district must sign this petition to move forward in the process.

Name	Address	Phone	Signature
Kenton Daniels			
Catherine Boots			
Patricia A. Daniels			
William C Meyer			
Sue-Ann Meyer			

Attachment #4

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

CORVALLIS CITY ATTORNEY
456 SW Monroe, #101
Corvallis, OR 97333
Telephone: (541) 766-6906
Fax: (541) 752-7532

MEMORANDUM

To: Urban Services Committee

From: Jim Brewer, Deputy City Attorney

Date: July 1, 2015

Subject: Is the process to initiate expansion of a parking district unconstitutional?

Issue:

In an email to the Mayor and City Council dated June 27, 2015, Paul Cauthorn asserted that the petition and ballot by property owners to initiate expanding an existing parking district is an unconstitutional process that is the equivalent to a poll tax.

Background:

Since 2006 the City has followed a multi-step administrative process to initiate creation and expansion of parking districts. Before the matter is put before the Urban Services Committee or City Council for consideration and decision, at least 50% of the real property owners in the area under consideration must petition for inclusion in a district, and after staff completes a parking study and an enforcement impact report, a majority of the property owners must agree to support the formation or inclusion. Tenants and other occupants or residents who are not property owners are not expressly included in these two steps.

Discussion:

While policy arguments can be made both for and against including residents who are not property owners in the initiation process, neither the petition nor the ballot of property owners are binding on this committee or the City Council. In general, there is no legal concern with the City Council receiving and considering information about the opinion or desires of real property owners, or any other discrete group in an area, whether related to parking districts or other topics. Nothing prevents tenants, occupants, or residents who are not owners of real property from petitioning or testifying before the committee and City Council regarding their support or opposition of the same issue.

In cases involving actual elections (when the voters make final decisions about measures or candidates), if voters or candidates are qualified or disqualified according to their status as owners of real property, the Courts at both the state and federal levels typically scrutinize the qualification requirement, looking for some overriding interest of the real property owners compared to people who are not real property owners.

If you have specific questions or concerns about this information, please feel free to call our office.

Attachment #5

ATTACHMENT A

Residential Parking District Formation Process

April 2006

Step 1 Petition to form a new district or expand an existing district

A petition signed by at least 50% of the **property owners** abutting each block face in any area that is interested in forming a new district or expanding an existing district. The petition should clearly indicate the area (include a street map with the proposed district outlined). To assure effective districts, the minimum new district size is **10 block faces**.

Step 2 City staff will complete a parking study that identifies the peak parking demand in relationship to supply. Generally, demand must be **85% of supply** to continue the process. This step may result in adjustments to the proposed district boundaries.

Step 3 City staff will complete an enforcement impact report that discusses the ability to enforce parking controls within the proposed district and/or the need for additional enforcement staff.

Step 4 Property owners within the proposed district will be asked, via ballot, to support the formation of the district. Information regarding the cost and process to acquire parking permits for those living in residential parking districts will be provided with the ballot.

Step 5 Proposed districts within the area included in the 2002 Downtown Parking Plan will be reviewed by the Downtown Parking Commission with a recommendation to the City Council.

Step 6 All the information developed through steps 1-5 above will be provided to the City Council through the Urban Services Committee for a decision regarding district formation or expansion

Note: The current annual cost for a residential parking permit is $15. There is no fee to petition to create a new residential parking district or to expand an existing district.

RE: Seeking copies of written policies

Attachment #6

Steckel, Mary <Mary.Steckel@corvallisoregon.gov> Wed, Jul 8, 2015 at 11:13 AM
To: Rick Hangartner

Hi Rick,

We do not have operating procedures for the engagement of City resources and Council "decision" makng processes to either dissolve or block formation of an RPD.

Mary

From: Rick Hangartner
Sent: Tuesday, July 07, 2015 8:05 PM
To: Steckel, Mary
Subject: Re: Seeking copies of written policies

Hi Mary,

By the way, just to clarify, this is not a public records request. I'm simply asking about what formal operating procedures as described that the City is currently informing members of the public are available to engage City resources to block or dissolve a residential parking district comparable to how City resources were engaged by petition of the property owners.

As far as I know, the City does not have a general petition process that any group of citizens can use to compel the engagement of City resources and to compel City Council to take up the petition about any issue. We see a copy in the USC of a formal written procedure available to property owners that includes a ballot limited to property owners.

A question about comparable policies available to other members of public or electorate generally would not be a public records request in itself. It is a question about the procedure the City follows, it is not a question per se about any records documenting the procedure.

Thanks.

Best,

Rick

On Mon, Jul 6, 2015 at 4:54 PM, Rick Hangartner wrote:

Dear Mary,

I have attached a copy of something called the "Residential Parking District Formation Process, April 2006" that I found as page 4 of the electronic packet for the July 7, 2015 Urban Services Committee meeting.

The document appears to list the steps of a formal process by which property owners can compel the engagement of City resources and commencement of a "decision" making process by the Urban Services Committee and City Council.

Could you point me to online copies, or send me electroinic copies of formal written City processes by which other groups of residents can analogously compel the engagement of City resources and Council "decision" makng processes to either dissolve or block formation of an RPD?

Thanks.

Best Regards,

Rick Hangartner

--

Follow up to your 7/14/15 public records request

Attachment #7

Holzworth, Carla <Carla.Holzworth@corvallisoregon.gov> Tue, Jul 14, 2015 at 3:25 PM
To: Rick Hangartner
Cc: "Steckel, Mary" <Mary.Steckel@corvallisoregon.gov>

Good afternoon, Rick,

As you know, Mary is on vacation until July 24. I checked with the City Attorney regarding your public records request (attached) regarding any staff requests related to the July 1, 2015 memorandum that Deputy City Attorney Jim Brewer provided for the July 7, 2015 Urban Services Committee packet.

The records you are requesting are protected by attorney-client privilege under ORS 40.225 and are exempt from public record disclosure under ORS 192.502(9).

I wanted to close the loop on this so you did not have to wait for Mary's return.

Sincerely,

Carla Holzworth
City Recorder

PRR Hangartner 7-14-15 re CAO memo to USC.pdf
280K

	Traber	Other	Total	Council	For	Other	Total	02-88 "No"	02-88 "Yes"	Total	% Traber	% Total	% Council	% Total
Ward 1	1382	760	2142	York	1649	69	1718	1517	1023	2540	109.8%	118.6%	92.0%	147.8%
Ward 2	617	496	1113	Hogg	917	43	960	999	527	1526	161.9%	137.1%	108.9%	159.0%
Ward 3	1068	745	1813	Baker	1447	42	1489	1536	759	2295	143.8%	126.6%	106.2%	154.1%
Ward 4	604	404	1008	Bull	880	41	921	781	534	1315	129.3%	130.5%	88.8%	142.8%
Ward 5	632	524	1156	Beilstein	805	360	1165	1059	490	1549	167.6%	134.0%	131.6%	133.0%
Ward 6	1139	707	1846	Hisrch	1000	816	1816	1416	837	2253	124.3%	122.0%	141.6%	124.1%
Ward 7	1552	1047	2599	Glassmire	1643	1061	2704	1703	1399	3102	109.7%	119.4%	103.7%	114.7%
Ward 8	1792	857	2649	Hann	1142	1304	2446	1661	1366	3027	92.7%	114.3%	145.4%	123.8%
Ward 9	1121	750	1871	Brauner	1509	53	1562	1458	837	2295	130.1%	122.7%	96.6%	146.9%
	9907	6290	16197		10992	3789	14781	12130	7772	19902	122.4%	122.9%	110.4%	134.6%

Attachment #8

July 20, 2015
City Council Meeting

Good Evening,

My name is Amy Hunter and I am the station manager for CCAT-TV. I am here tonight to update the council on CCAT- TV. My previous testimony provided background on how the TV station functions as a joint effort between The City of Corvallis and the School District. At that time, 509J had decided to move the operations to Crescent Valley High School at the request of Corvallis High School. Because of this request, a new Intergovernmental Agreement was being drafted to reflect the new location and a new funding model. When I first came to the council, I requested that this decision be delayed by 90 days so that a review of the plan could be made to ensure that the public would have ample access to the facility or whether another location might be a better choice.

Since that time, the School District met with Public Works officials and a decision was made that the move would be too costly. I have repeatedly requested that the school District reduce operating hours in order to extend the settlement funds and at last, they agreed to reduce staffing to 15 hours per week. This will extend the operational funding until June 2016. Operations will continue at Corvallis High School until then. The Intergovernmental Agreement will cease after June 2016 as will the $30,000 grant for the high school digital arts programs.

CCAT will need to find a new home and a new revenue stream to fund operations going forward.

Thank you.

Amy Hunter
Station Manager, C-CAT Ch.29
Corvallis Community Access Television
1400 NW Buchanan St.
Corvallis, OR 97330
541 757-5756
http://www.ccat29.org

Corvallis City Council testimony July 20, 2015
John Friedlander
Volunteer, Corvallis Community Access Television

Now that CCAT's immediately immediate challenge of where it will live for the next year or so seems to have been addressed, the next question is "what's next for CCAT?"

Perhaps the best way to answer that question is by invoking the metaphor of a mini-series, as opposed to a prime-time movie.

In our first episode, we'll be applying for a Benton County grant to supplement our capital funding in a way we hope will give us a leg up on outfitting a new studio location when we are able to find it. We welcome any comments or advice council members or others may have on this topic as our deadline is short on this.

During the summer, while most of the community is on vacation, we'll be cleaning house, taking inventory, addressing a few maintenance tasks, and planning new training programs for autumn launches.

We'll also be making new friends by shooting video at area events with our new easy to use and highly visible iPad-based production platforms.

We'll be networking for co-producers by discussing partnerships with a number of area organizations.

We'll be talking with everyone we can about the value of community-based local media, and why it is still important as online social media grows at the expense of an increasingly outdated cable television business model.

The constant through-line of our activities will be a search for a new studio which will provide an adequate production facility for our needs in a central location, and an appropriate business and management model to support that operation into the future.

The theme of this journey remains the simple and important idea that *people's voices matter. Corvallis – and every other community – faces complex challenges which we must address with as many detailed discussions in local public forums as possible. Our culture is created by our discussion of the ideas which challenge our society. Local, community supported media helps to ensure that regular people's voices are not drowned out by corporate speech.*

Testimony from Elaine Cull (7/20/15),

Good evening, councilors, and thanks for seeing me again.

My name is Elaine Cull and I am here to ask you to support the expansion of Parking District C. When people ask me where I live, I say, "You know that lovely oriental house with the stone pillars across from the old GT?" and then they say, "Oh, wow, is that YOUR house?" and I say, "No, I live across the street." Anyway, our address is 400 SW 7th Street, in the middle of the proposed expansion, and we've lived there for 30 years.

I would like to make 3 points:

[1] *We really need a parking district.* Our neighborhood is caught between OSU and downtown, where commuters from both areas fight for spaces—sometimes literally. Parking utilization counts taken during the school year show an average utilization rate of 91% overall, more than 100% on some blocks where 3 cars squeeze into spaces for 2. The parking issue impacts our quality of life, our safety, and our economic investment in our homes.

[2] *We have worked hard and followed all the rules to get a parking district.* We consulted city staff on rules, we specified boundaries, we contacted owners of all 51 households to sign our petition. We encouraged petition signers to vote, and followed up with them afterwards. In this election of 51 households within 5 blocks, 58% said *YES*, 17% said *NO*, and 25% did not respond. If you look at respondents only, the way most elections are calculated, 77% said *YES*, and 23% said *NO*.

[3] *The last thing I'd like to mention is that the issue before you today is a* ***citizens' petition*** *to expand an existing parking district; it has nothing to do with the parking* ***referendum*** *that was voted down last year.*

The supporters here today are a grass roots movement trying to solve parking problems in their own neighborhood. We wanted to act in 2010, when the creation of Parking District C pushed even more parking into our neighborhood, but we were advised to work with the Corvallis-OSU collaboration to benefit the greater good. We worked hard to pass that referendum—booths, signs, door-to-door, ads, letters. When it failed, however, we ended up back here.

Our opponents would like you to believe that "the streets belong to the people," and so they do. But don't people have the right to park by their own homes? And doesn't the City Council represent people when they have to share limited resources? We ask you to do that today and support the expansion of Parking District C.

Elaine M. Cull

Good evening. My name is Doug Eaton. I am a retired biology and geology teacher who taught at WAHS for 30 years but have lived in Ward 2 since I came to OSU in 1968. I feel at home being close to the OSU campus and downtown. I bought the Charles and Ibby Whiteside House in 1989 at 7th and Adams.

I support the expansion of Residential Parking District "C". The parking situation in our neighborhood sorely needs fixing. The concerns are safety with cars jockeying around our neighborhood doing U turns in intersections and almost running into people on bicycles while looking for parking spaces. It is also a problem for plumbers and electricians to work on the houses in the neighborhood since there is no place for them to park on the street. And there is no place for visitors to park during the day.

Other parking districts in town have been expanded with council approval due to similar concerns and the results have been successful. The expansions fixed the problem in those neighborhoods. And the town survived. My neighbors and I have followed the city process for public participation in expanding parking districts. This is the same public process that other neighborhoods used to expand their parking districts.

All but one of the owner occupied homes in the five block area supports the parking district expansion. And the students I've talked to in our neighborhood also support the expansion. They too will get a chance to buy a parking permit and be able to park near their home, They too will be able to have visitors come by since there will be space for them to park.

The parking district expansion would also allow everyone the ability to park in the neighborhood for two hours to run errands, visit friends or attend events and shop either downtown or at OSU. Right now the streets are parked full all day by cars that arrive at 8am and leave after 5pm.

Please support the expansion of Park District "C". We love our historic neighborhood and want it to be more livable for us, future residents and everyone else in the city.

Doug Eaton

Doug Eaton

Good evening Council members and mayor: I am Suki Meyer. My husband and I live at half way between downtown and OSU.

We are here to support expanding Parking District C. Why? The problem is very simple, when OSU is in session there is no parking available in our neighborhood. Our home is situated on the corner of 8th and Adams and according to the city survey, the blocks around our home are 96-100% fully parked during the academic year. We joined with our neighbors who have been dealing with this problem for a number of years, to have our neighborhood included in a parking district. As a group, we worked hard to make sure that we followed all the requirements for joining Parking District C. We met weekly since the beginning of the year, going through city records for names and addresses of all property owners. We then contacted each owner, explaining the process for obtaining a parking district, and what a parking district meant for them and/or their tenants. We sent out petitions and followed up with personal contacts. We did the same, when the city sent out their ballets. In summary, we worked hard following all the rules established by the city for joining a parking district. We now would appreciate your support in this effort. Thank you.

and meyer

Good evening council members; I am Bill Meyer and live at .

We chose our location because of the students living in the neighborhood and because we are in walking distance of OSU and downtown and we have enjoyed the vitality of the neighborhood. I would just like to add to what my wife has presented. Since we purchased our home two years ago, we have done extensive remolding inside and out, also installing new landscaping and gardens, and having the house repainted. So we have had a lot of contractors working at our house. During the school year when we needed a contractor, we had to park our vehicle on the street the night before so they can park in our parking space behind our home. If we don't do this, they have to park 3-4 blocks away!! When we put our garbage cans out the night before pickup, we find them moved the next morning such that the truckdriver needs to get out of the truck to empty the cans. Since our home is on the corner of 8th and Adams, we can observe vehicles speeding and making dangerous maneuvers just to secure a parking spot. We are just waiting for someone to get injured. I could go on and on about the problems caused by all the vehicles parked on our streets, but I hope you get the picture. As my wife said, we have worked hard to get into Parking District C, followed all the regulations required by the city so now I hope you will support us. Thank, you

Hello Mayor Traber and City Councilors,

My name is Tabitha Pitzer and I am the Executive Director of Government Relations for ASOSU. I believe that the process taken to expand Residential Parking District "C" has intentionally circumvented the voices of student tenants in order to create gains for residents who were not satisfied with the 2014 ballot outcome that prevented the expansion of Residential Parking Districts. I understand that parking has been problematic, and I can empathize with residents that may feel unsafe or feel frustrated that there is such limited parking, but that does not mean that a whole community should be excluded and ignored in the decision making process.

To begin, student voices were disregarded during the petitioning and voting that took place in District "C", which only allowed property owners to vote on expansion. I would highly recommend questioning the legitimacy and outcome of this voting process as it is based on discriminatory requirements and has completely omitted the voices of renters. During the discussion of expansion, there have been questions regarding as to whether or not the petition reached the minimum required support, there have been questions of unspoken conflicts of interest, and questions as to whether or not there was adequate support from property owners during their voting process. The most tragic question of all is whether or not the city should uphold and respect voters who overwhelmingly voted against parking district expansion in November. Those are just a few issues raised about the expansion process.

I question the parking commission as to whether or not residential parking district expansion has been thoroughly thought out. Do we know how many cars parked in district "C" belong to non-property owners? Do we know how many renters are in the area? If those renters

were able to vote, what would they have said? Will the city establish parking spots similar to those proposed by the parking commission in M88? If so, is it fair to owners of large vehicles to limit them to a compact parking space? If district "C" is expanded, what will happen to neighboring streets? Will expanding the parking district actually fix the problem? I propose that we postpone making a decision on the matter until further evidence of a need and plan can be provided.

-Respectfully, Tabitha Pitzer

Hello Mayor Traber and City Council,

My name is Rachel Grisham, and I am the Executive Director of Operations for ASOSU. Aside from being a student, I am a resident of the Corvallis community and I live within parking district A. It is my understanding that you all are inquiring as to whether parking district C should be expanded.

As a resident of a similar parking district, I have a lot of experience with this system. I know many hope that extending this district will alleviate a lot of headaches and issues. Please be forewarned, this system will not eradicate any problems. In fact, it might increase them. Currently, in parking district A, there are a lot of people during week days because of its proximity to campus. This is true of many areas in Corvallis.

Folks are allowed to park on the street in this parking district for a maximum of two hours between 8:00am and 5:00pm between Monday and Friday. On the hour, there are spikes in foot and vehicle traffic in this parking district, because many are trying to avoid tickets. The tension around this movement causes many additional issues that did not exist prior to the enforcement of the parking time. Some of these issues include partially or fully blocked driveways, relocated garbage and recycling cans, and increased residential vehicle damage. Creating this policy has only decreased the safety and increased the stress around this issue.

If the goal of increasing the parking district is to increase safety of residents and the general population, this is a poor way to go about solving this issue. I strongly urge you all to consider other, more constructive ways to solve the problem at hand.

Sincerely,

Rachel Grisham

Executive Director of Operations for ASOSU

Mayor Traber and fellow council members,

My name is Jonathan Goatcher, the Director of Community Programs for ASOSU, Oregon State University's student government. I am also a student going into my senior year, and a voting citizen of Corvallis.

The issue of expanding parking district C has raised a lot of concern in our community. One aspect of this is the issue of equal rights. The property owners in the proposed expansion area have worked hard, and this testimony is not directed toward their actions in implementing a policy, but rather questioning the policy itself. Only allowing property owners to vote on this expansion circumvents the rights of all resident tenants in this area. Whether this is working citizens or students, it is not fair to impact their lives without giving them an equal voice.

All residents of Corvallis should be held as equals. The large student population contributes immensely to this city by bringing in educated minds, diverse cultures, and economic growth. I want to remind the council that this exact issue was taken to a popular vote that did not discriminate a population by their owned assets, and was clearly voted down.

Corvallis is more than a city, it is a community. As transitioning adults leave from their homes and move to Corvallis for the pursuit of higher education, we should set an example of fairness and equality that students can take with them for the rest of their lives.

I call on you, city council, to postpone your decision on this subject until there is fair representation for all parties affected. There needs to be more collaboration between the university, city, and students to find a solution to parking that encompasses all needs and voices.

July 20, 2015

Mayor and City Council:

Parking is decidedly NOT a new issue in Corvallis. For more than thirty years, residents have relied on the City Council to the fix the problem of overcrowded parking in neighborhoods near the OSU campus. Neighbors have banded together to follow public processes established by the Council and City staff, and the resulting parking districts have been successful in making parking reasonably available for residents and visitors.

Over the years, the process for establishing a parking district has been adjusted to ensure that the formation process, and parking district administration, is fair to everyone. Residents needing to park on the street can buy a permit, while those with off-street parking do not. Visitors can park for two hours once a day in a parking district; long-term visitors can get a permit from their host. Contractors have access to convenient parking when they provide services to residents in parking districts. Fees charged for parking permits have largely paid the costs of signage and permit issuance.

Corvallis has a system for easing parking problems in its neighborhoods. Is it perfect? No, but adjustments have been proposed, both by the Collaboration Parking & Traffic Work Group, and by City staff on your agenda tonight. Before you tonight are the results of efforts made in good faith by Corvallis residents, working with City staff at every step to ensure that the established process had been followed. Now, we ask for your support of those efforts, by approving the action before you, expanding Parking District "C."

My thanks for your efforts on behalf of the residents of Corvallis,

Courtney Cloyd

Corvallis

As the President of HARDING NEIGHBORHOOD ASSOC, I would like to encourage you to have a limited public hearing about transportation planning for the Campus Crest development. Folks are very concerned about the increase in cut through traffic and feel that the transportation plan was not sufficient and a limited public hearing about the transportation plan could address this issue. Residents in our Harding Neighborhood would like the current City leadership to be sure that the plan for this new development doesn't turn our side streets into throughways with more traffic and higher speeds.

My personal thoughts:

This has been a contentious process.

1000s of pages of testimony submitted, Dozens of hours of public hearings

2 appeals to LUBA, 5-4 vote in Planning Committee, 4-5 vote in City Council

Many of the concerns raised involved transportation and how the City would absorb this dense development on the edge of town.

At this time, the City Council could do the minimum and have the just the Staff 'fix' the transportation plan.

But the City Staff does not have a traffic expert, so consultants are used. And many in the community feel that we need to do thorough comprehensive planning for transportation before new developments are built.

My preferred option would be that you have a limited public hearing in order to reconsider the best options possible for traffic planning for the future of this community and the university.

Limited public hearing would allow the transportation plan for this development to be discussed and updated in light of recent densification of many neighborhoods around the University and new developments on the edges of the city. Campus Crest's original plans were that that they would be ready for students in Fall of 2012.

A lot has changed since then.

Because there are four new City Councilors and a new City Manager, not everyone has background with this development and with the transportation concerns. A limited public hearing would be informative for the new City Council members to hear about the major transportation issues related to this development and that LUBA felt needed attention.

Sherri Johnson

Parking district C is in ward 2. So I wanted to make a few comments.

The process to expand parking districts is based on the residents coming to the city to request that their neighborhood be added to an adjacent existing parking district.

They need to show two things:

1. That there is strong interest in their neighborhood to join an existing parking district.
2. That there is a problem with parking on the streets in their neighborhood.

The residents in these five blocks have shown both of these. This is clearly documented in the staff report to Urban Services. There is strong support in the neighborhood to join parking district C. And the streets are full of cars parked all day.

These facts are based on parking surveys sent to those in the neighborhood. It is also based on feedback received from all members of the neighborhood regardless of whether they are property owners, renters, registered voters in Corvallis, registered voters outside Corvallis, non-registered voters, or those unable to vote such as foreign students.

Anyone can submit feedback, either written or verbally, at public meetings.

Of this five block area, only one property owner that lives within those five blocks said "No" to joining the parking district. During public testimony at Urban Services there were only four "No" positions and they were all from people that live outside the proposed five block area.

Likewise, tonight at the City Council meeting all the "No" positions were from people that live outside the proposed five block area.

The established process to expand a parking district is inclusive. The process allows everyone the opportunity to voice his or her support or opposition. It is not limited to only those who are registered to vote in Corvallis.

Under the existing process, everyone has the right to speak and be heard at a public meeting.

The City Council then considers all the public input and then makes a decision.

It is the process on which our country was founded. This goes back to the Federalist Papers where it was discussed over 200 years ago that the best way to make sure everyone was represented was to have a representative form of government. In other words, a Republic.

And that is what we have. We elect people to represent us. And by balancing the number of representatives we ensure that everyone is represented. That everyone has a voice.

In terms of the parking district expansion, the established process is based on this representative form of government. And following this established process, this request to expand the parking district has made its way from Urban Services to the City Council.

I would like to highlight a few points from the Urban Services meeting:

1. This neighborhood has a parking problem. This is documented by parking studies. The streets are full of cars parked all day during the school year.

2. Neighbors that live within the proposed five block expansion of parking district C overwhelmingly support the expansion. This is documented in surveys and feedback received at Urban Services. Only one property owner that lives within the five blocks objected.

3. Those five blocks are a cohesive neighborhood community. On the East it is bounded by the railroad tracks on 6th street. On the South it is bounded by the business and commercial area on Washington and Western. On the West it is bounded by 9th street which is a busy street. On the North it is bounded by parking district C which is north of Jefferson.

4. There is no cost to the city to include these five blocks. The police report stated that they can use existing staff to enforce the expanded parking district.

5. The Downtown Parking Committee supports the expansion.

6. The Central Park Neighborhood Association supports the expansion.

Since there is strong support in the neighborhood to joint the existing parking district and there is strong evidence of a parking problem in the neighborhood, Urban Services recommended that the City Council expand parking district C.

As I stated in the Urban Services packet, I live within the proposed parking district expansion. Based on advice from the city attorney, I am going to recuse myself from voting on this expansion since there is both a personal benefit and a financial detriment.

I would benefit in the same way all residents, whether they are property owners or renters, would benefit in that I would be able to more easily park in my neighborhood and put out the trash cans on the street each week. I would also benefit in having a safer neighborhood in that there would be fewer cars racing around the streets making dangerous U-turns in attempts to find a parking spot. And I would benefit in that visitors and contractors would be able to find a place to park.

I would experience a financial detriment in that I would have to pay $15 per year for a parking permit. Even though this amount is minimal, it is still considered a financial detriment.

So based on these reasons, I will recuse myself.