

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
August 3, 2015**

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Visitors' Propositions 1. Beit Am request (Bronstein) 2. Solar access (Stebbins) Page 300	Yes Yes		
Consent Agenda Pages 300-301			<ul style="list-style-type: none"> • Adopted revised Consent Agenda <u>passed U</u>
Items Removed from Consent Agenda 1. CC minutes – July 20, 2015 2. AAB minutes – July 7, 2015 3. Confirmation of appointment to EDAB (Buchele) Pages 301-302			<ul style="list-style-type: none"> • Approved minutes <u>passed U</u> • Accepted minutes <u>passed U</u> • Confirmed appointment <u>passed U</u>
Administrative Services Committee 1. Corrections to minutes 2. Livability Code Page 302	Yes Yes		
Other Related Matters 1. Resolution accepting \$11,525 grant for CFIRWCP Page 302			<ul style="list-style-type: none"> • RESOLUTION 2015-27 <u>passed U</u>
Mayor's Reports 1. OSU Valley Football Center proposal 2. CGTF Chairs meetings Page 303	Yes Yes		
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. Climate change concerns (Baker) Pages 303-304; 308	Yes Yes Yes Yes Yes		<ul style="list-style-type: none"> • Accepted revised scope of work and timeline <u>passed U</u>
Public Hearing 1. RPD C Expansion Pages 304-308			<ul style="list-style-type: none"> • ORDINANCE 2015-14 <u>passed 6 to 1</u>
Staff Reports 1. CRFR: Beit Am Pages 308-309			<ul style="list-style-type: none"> • Schedule public hearing <u>passed U</u>

Glossary of Terms

AAB	Airport Advisory Board
CC	City Council
CFIRWCP	Corvallis Forest Invasive Riparian Weed Control Project
CGTF	Council Goals Task Forces
CRFR	Council Request Follow-up Report
EDAB	Economic Development Advisory Board
OSU	Oregon State University
RPD	Residential Parking District
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 August 3, 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, Beilstein, Brauner, Glassmire, Hann, Hirsch, Hogg, York

ABSENT: Councilor Bull (excused)

Mayor Traber noted items at Councilors' places, including testimony from Rick Hangartner regarding the proposed expansion of Residential Parking District (RPD) C (Attachment A), proposed revisions to the Climate Action Task Force's (CATF) draft scope of work (Attachment B), testimony from Ken Bronstein regarding a request to access City water service (Attachment C), and legislative findings submitted by the City Attorney's Office regarding residential parking districts (Attachment D).

IV. PROCLAMATION/PRESENTATION/RECOGNITION - None

V. VISITORS' PROPOSITIONS

Ken Bronstein read from prepared testimony regarding Beit Am's request to connect to City water services for fire suppression purposes (Attachment C). In response to Councilor inquiries, he said he had not discussed with the City Manager annexation constraints that might be placed in an ordinance; however, he was supportive of such a conversation. If Beit Am requested that the property be annexed into the City, it would amount to a re-set of their building application. Currently, the building use is permitted outright, but it might not be if the property was annexed into the City.

Bob Stebbins said obtaining solar access from rooftops in Corvallis was challenging due to the City's many tall trees. He suggested creating publicly owned photovoltaic arrays to reduce reliance on coal as an energy source. Councilor Baker noted the work of the CATF and encouraged Mr. Stebbins to share his ideas with that group.

VI. CONSENT AGENDA

Councilor Glassmire requested removal of the July 20, 2015 City Council Meeting minutes (Item A.1.)

Councilor Hann requested removal of the July 7, 2015 Airport Advisory Board minutes (Item A.2.a.)

Councilor Beilstein requested removal of the Confirmation of appointment to Economic Development Advisory Board (Buchele) (Item E).

Councilors Hann and Brauner, respectively, moved and seconded to adopt the Consent Agenda as follows:

- A. Reading of Minutes
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - b. Economic Development Advisory Board – May 11, 2015
 - c. King Legacy Advisory Board – June 23, 2015
 - d. Library Advisory Board – June 3, 2015
- B. Announcement of a vacancy on the Community Relations Advisory Group (Tracy Bentley-Townlin)
- C. Announcement of appointments to Arts and Culture Advisory Board (Ryan) and Bicycle and Pedestrian Advisory Board (Georg)
- D. Announcement of reclassification of position on Bicycle and Pedestrian Advisory Board (Karas)
- F. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with Oregon Emergency Management

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA –

- A. Reading of Minutes
 - 1. City Council meeting minutes – July 20, 2015

Councilor Glassmire noted the Housing Development Task Force would consider all of the options listed in the ECONorthwest housing survey completed in November 2014 without considering the relative impacts of those options.

Councilors Glassmire and Hann, respectively, moved and seconded to approve the City Council meeting minutes for July 20, 2015.

The motion passed unanimously.

- A. Reading of Minutes
 - 2. a. Airport Advisory Board – July 7, 2015

Councilor Hann noted that by accepting the Airport Advisory Board's minutes, Council was not approving what the Airport Advisory Board recommended regarding the Venell Farms lease request, which was scheduled for discussion at the August 4, 2015 Urban Services Committee meeting.

Councilors Hann and Glassmire, respectively, moved and seconded to accept the July 7, 2015 Airport Advisory Board minutes.

The motion passed unanimously.

E. Confirmation of appointment to Economic Development Advisory Board (Buchele)

Councilor Beilstein supported Ms. Buchele's appointment, noting she worked for Linn-Benton Community College; however, he was concerned about appointing too many entrepreneurs to the Economic Development Advisory Board.

Councilors Beilstein and Hann, respectively, moved and seconded to confirm Ann Buchele's appointment to the Economic Development Advisory Board.

Councilor York clarified that Ms. Buchele is the Executive Director of Instruction at Linn-Benton Community College.

The motion passed unanimously.

VIII. UNFINISHED BUSINESS - None

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

A. Human Services Committee – None

B. Urban Services Committee – None

C. Administrative Services Committee – July 8, 2015

1. Corrections to ASC minutes

There were no corrections to the minutes. The item was for information only.

2. Livability Code

Councilor Brauner said the July 8 meeting focused on a review of past discussions regarding the Livability Code. At their August 5 meeting, the Committee would hear public testimony on the matter. Councilor Hann noted the definition of what constituted a bedroom could be important when addressing alternative housing for the homeless.

The item was for information only.

D. Other Related Matters

1. A resolution accepting an \$11,525 grant for the Corvallis Forest Invasive and Riparian Weed Control Project and authorizing the City Manager to execute the grant agreement and all associated amendments

Deputy City Attorney Brewer read the resolution.

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

RESOLUTION 2015-27 passed unanimously.

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Traber said at Oregon State University's request, the Valley Football Center proposal was moved to a future Council meeting. The item was for information only.

Mayor Traber said the first meeting of the Council Goals Task Forces (CGTF) Chairs was held July 28. The group discussed logistics and coordination, and agreed to only meet when Chairs and/or staff believed there was an issue to discuss. He noted a meeting was tentatively scheduled for August 11. Agendas and materials related to the CGTF Chairs meetings are available on the City's website under the Boards, Commissions, and Task Forces link.

B. Council Reports

1. Climate Action Task Force (CATF)

Councilor Baker read from prepared notes on the CATF's work to date and the proposed scope of work presented for Council's acceptance (Attachment E). He noted as part of the Georgetown University Energy Prize competition, Take Charge Corvallis was designated as the official name for future correspondence and publications.

In response to Councilor Glassmire's concerns about setting greenhouse gas targets, Councilor Baker said the related guiding concept in the scope of work indicated the Climate Action Plan (CAP) would be based on current climate science. The CATF would bring its recommended targets to Council for review, so there would be an opportunity for Councilors to express any concerns.

In response to Councilor Hann's inquiry, Councilor Baker said when the CATF was formed, members were appointed based on their ability to represent the community as a whole, rather than niche interests. The scope of work recommended targeted outreach to identify topic experts to review action items from their respective fields and provide feedback to the CATF.

Councilor Baker distributed suggested edits to the scope of work which he received from Councilors Glassmire and Hann prior to the Council meeting (Attachment B).

Councilors Baker and York, respectively, moved and seconded to accept the Climate Action Task Force scope of work and timeline as amended.

In response to Councilor Hann's inquiry, Mayor Traber confirmed Council was voting on the CAP scope of work and timeline, and by doing so was not approving the concepts outlined in the staff memorandum.

Councilors Glassmire and Hann, respectively, moved and seconded, to further amend the amended scope of work and timeline to include in the Guiding Concepts section the statement *Corvallis Climate Action Plan development will explore cooperation between the City and Oregon State University and its student body*. The statement was to be placed between the items *Corvallis CAP development will include*

substantial opportunities for public input and Corvallis CAP will include staff input from all City departments.

Councilor Glassmire proposed the amendment because he wanted to acknowledge the interdependence between OSU and the City; and that the student body at OSU was likely to be those who in the future would deal with the outcome of work items being proposed in the present. Councilor York appreciated that OSU and students were recognized as two different groups, as each often had different interests.

The amendment passed unanimously.

Councilors recognized Councilor Baker for his good work on the CATF.

The motion as amended passed unanimously.

2. Housing Development Task Force (HDTF)

Councilor Beilstein said the HDTF was meeting August 12 and they hoped to finalize a proposed scope of work and timeline so it could be reviewed at Council's August 17 meeting. The item was for information only.

3. Sustainable Budget Task Force (SBTF)

Councilor Brauner said the SBTF discussed programs in the City Manager's Office. The August 12 meeting would focus on the Community Development Department. 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 the OSU-Related Plan Review Task Force planned to meet twice in August. The item was for information only.

Mayor Traber recessed the meeting from 7:25 pm to 7:30 pm.

XII. PUBLIC HEARING

A. Residential Parking Permit District C Expansion

Mayor Traber outlined the order of the public hearing. Councilor Hogg, a resident in the proposed expansion area, recused himself from the discussion and was not seated at the dais.

Mr. Shepard said concerns were raised in prior Urban Services Committee and Council meetings about whether staff had correctly followed the administrative process regarding RPDs. He noted the process was created to ensure there was support from the neighborhood, rather than just one or a few individuals, and Council could conduct its

own process independent of the administrative process. Flexibility in the administrative process was important, such as the ability for staff to include recommendations about adding additional block faces to ensure an RPD was contiguous.

Mr. Brewer said when the Council conducts land use hearings, Councilors review specific criteria and consider facts. However, the RPD C expansion public hearing was legislative and not a land use hearing. No criteria or process was set forth in the RPD ordinance, which was originally adopted in 1982. He noted the seven legislative findings from the ordinance (Attachment D) did not represent decision criteria. Rather, it was a way to consider what past concerns were raised and what past Councils found persuasive as a reason to have an RPD. He suggested Council might weigh whether it believed the findings were still applicable or whether circumstances had changed. While it was not a decision criterion, it might help the Council determine whether it supported the proposed expansion.

In response to Councilor Hann's inquiry, Mr. Brewer said Council could change the Municipal Code by adopting an ordinance that included mechanisms for removal of RPDs.

In response to Councilor Beilstein's inquiry, Mr. Brewer said granting use of City streets to a particular group that was not granted to citizens in general was largely a political issue; however, a rational relationship to a government purpose needed to be identified. The rational relationship may be in the legislative findings or the Council may determine there are others; either would suffice.

Jonathan Goatcher, Director of Community Programs for the Associated Students of Oregon State University (ASOSU), thanked the residents of RPD C and Councilor Hogg for reaching out to ASOSU and area tenants to provide a tour of the proposed RPD expansion area. He said ASOSU was not against RPDs; they were pro student voice. In response to Councilor Hirsch's inquiry, Mr. Goatcher agreed he had an opportunity to participate and express his views on the proposed expansion.

Mary Kay Dahlgreen supported the proposed expansion. Her home was built in 1908 and did not have onsite parking.

Elaine Cull and Bill Meyer read from prepared testimony in support of the proposed expansion (Attachment F).

Lauren Wallace read from prepared testimony in support of the proposed expansion (Attachment G). In response to Councilor Beilstein's inquiry, Ms. Wallace said she was a renter and believed it would have made a difference if renters would have been included in the ballot process associated with the proposed expansion.

Doug Eaton supported the proposed expansion. He cited a lack of parking for visitors and service contractors and noted many of the homes in the area are historic and do not have off-street parking.

Suki Meyer read from prepared testimony in support of the proposed expansion (Attachment H).

Courtney Cloyd supported the proposed expansion, noting the extensive outreach and work completed by neighbors in the area.

Barbara Corden read from prepared testimony in support of the proposed expansion and included letters of support from renters who live in the proposed expansion area (Attachment I). In response to Councilor Glassmire's inquiry, Ms. Corden said she had not heard any comments opposing the proposed expansion.

John Caruso opposed the proposed expansion, noting in November 2014, citizens voted against Measure 02-88 (M88), which would have altered the City's existing residential parking permit program in areas around OSU. He said the source of the problem was OSU and the solution should come from OSU. In response to Councilor Hirsch's inquiry, Mr. Caruso said he did not live within the proposed expansion area. In response to Councilor Beilstein's inquiry, Mr. Caruso said, philosophically, he favored elimination of all RPDs. He believed it was privatizing use of a public resource and it was not a solution to the problem.

Trish Daniels spoke from prepared testimony in support of the proposed expansion (Attachment J).

Audrey Bach supported the proposed expansion. She lives in Corvallis part of the year and while she is away, she rents her home to students and faculty, all of whom have complained about the lack of parking.

Robert Sahr supported the proposed expansion. He lives in the area and people park in a manner that partially blocks his driveway, making it difficult to exit safely.

Charlyn Ellis supported the proposed expansion. She believed residents made a good faith effort to follow the guidelines.

Rick Hangartner referenced the materials he provided to Council (Attachment A) and stated his opposition to the proposed expansion. Councilor York noted that since Councilors received the material just before the meeting had started, she did not have an opportunity to read his handout. In response to Councilor Beilstein's inquiry requesting examples of RPD abuses, Mr. Hangartner said after RPD C was created, a promise was made to the City several years ago, which he has in writing, that the Presbyterian Church would not expand the use of their property. The Church did expand, and as a result, an off-street parking lot was replaced with a structure. He opined that RPD permits were subsidizing commercial activity, including rental properties, because the value of those properties had increased.

Paul Cauthorn spoke in opposition of the proposed expansion. He said since the November 2014 defeat of M-88, Council had adopted ordinances that added back some of the elements that were included in M-88, such as definitions and minimum fines. He believed the Council would be going against the will of the voters by approving the proposed expansion. He expressed concern that Councilor Hogg, who was a resident of the area proposed for expansion, did not recuse himself from the RPD C expansion discussion at Urban Services Committee, even though he had recused himself at tonight's meeting. Councilor Hann said he was trying to understand Mr. Cauthorn's point of view; however, he did not see the request to expand RPD C as being different from another group of residents appealing to the Council for assistance on a different issue, such as

installing a stop sign to improve safety on their street or asking Councilors to vote against a land use application due to traffic concerns. He said prior to M-88, the RPD administrative process was already in place. Mr. Cauthorn believed the difference was the City had established a process that set a course of action; however, that process was not followed and the matter still came to the Council for a decision. In response to Councilor Hirsch's inquiry, Mr. Cauthorn said he understood that Council could initiate expansion of an RPD on its own without using the administrative process.

Karen Krakauer empathized with RPD C residents; however, she did not support the proposed expansion. She believed approval would push parking out to other areas, the process was flawed, and the City needed to consider how to address the parking issue citywide.

Carl Price believed citizens rejected expansion of all residential parking districts through defeat of M-88. He believed expansion of RPD C should be referred to the voters to determine whether it was supported. He suggested creating a parking lottery for all residents so that everyone would have a fair chance to obtain a permit.

Kent Daniels supported the proposed expansion, thanked Councilors, and commended Public Works staff for their professional and courteous attitude when working with residents in the expansion area.

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

Councilor York supported the proposed expansion, noting that neighborhoods were important and residents should be able to talk to their elected representatives about protecting their neighborhood.

Councilor Beilstein said although he generally opposed RPDs, he had not voted against them in the past because it protected neighborhoods. He said that 75 percent of property owners supported the proposed expansion, even if that support did not meet or exceed 50 percent on every block face.

Councilor Hirsch wished OSU would do more to address the parking issue; however, waiting for them to act did not mean a neighborhood should be punished when the Council could offer them some relief.

Councilor Brauner said parking districts did not solve the problem; however, they were an attempt to address some of the consequences of the problem. He noted restrictive parking occurred in many other areas of the City, such as the Downtown area. While Council should continue seeking an overall solution, neighbors made a good faith effort to bring the issue to the Council. He rejected earlier arguments that the request would not come to the Council if Councilor Hogg had recused himself at USC. The matter would have come to Council through the USC report, regardless of whether Councilor Hogg participated or how he voted.

Councilor Baker appreciated the energy from the neighbors; however, he was not comfortable with the level of consistency with both the guidelines and RPD evaluation criteria. He considered the context of M-88, noting the reasons for its defeat could be

debated; however, voters did reject a larger RPD expansion. He supported a larger community conversation about parking. He believed Council should have received an immediate notice from staff about the outcome of the property owner ballots for RPD C expansion given the M-88 issue. He requested a review of the RPD formation and expansion processes so Council could decide if it should be through an administrative process, Council policy, or ordinance.

Councilor Hann said the process was imperfect and RPDs do shift parking problems to other neighborhoods. However, he believed it was important to respect the current process for this request and not penalize the neighborhood. He supported addressing overall parking issues in the future.

Councilor Glassmire expressed reservations about the proposal; however, he believed the need existed and outweighed his concerns.

ORDINANCE 2015-14 passed 6 to 1, with Councilor Baker opposing and Councilor Hogg recused.

A second reading of the ordinance would occur at the August 17, 2015 meeting.

Councilors concurred with adding the RPD criteria and process to the list of pending items for USC; discussion would include codification and inclusion of renters in the petition process.

Councilor Hogg returned to his seat at the dais.

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

B. Council Reports – Continued

6. Other Council Reports

Councilor Baker cited concerns about climate changes, including impacts on the economy and quality of life. He said Council action at tonight's meeting to approve the Climate Action Plan scope and timeline was an important step and represented Corvallis doing its part to address climate change. The item was for information only.

C. Staff Reports

1. Beit Am request to connect to City services

Mr. Shepard summarized the request and possible actions as described in the staff report. Staff recommended denying the request in support of the City Charter's general intent. However, staff also recommended scheduling a public hearing to consider an ordinance allowing for water service outside of the city limits. Doing so would provide Council an opportunity to hear public testimony about how Beit Am's request might be in the public's interest. An ordinance would need to be carefully written to ensure general applicability.

In response to Councilor Beilstein's inquiry, Mr. Shepard said current standards for declaration of a health hazard emergency related to consumption of contaminated water and did not include fire safety.

Councilor Hirsch supported the approach recommended by staff. Councilor Traber reminded Councilors to limit discussions to developments in general, and not to discuss specific developments. He also said making a motion or voting to schedule a public hearing did not mean a Councilor necessarily supported Beit Am's request.

Councilors Brauner and Hirsch, respectively, moved and seconded to schedule a public hearing to consider Beit Am's request as recommended by staff.

Councilor York noted several years ago, voters changed the City Charter to require an election to annex property into Corvallis, taking that authority away from the City Council. She wondered how close the current request was to circumventing a vote of the people and asked staff to provide, before the public hearing, related legislative history and issues regarding the Charter.

The motion passed unanimously.

City Manager Shepard suggested scheduling the public hearing for the September 8, 2015 City Council meeting; Councilors concurred.

XI. NEW BUSINESS – None

XIII. ADJOURNMENT

The meeting adjourned at 9:14 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

Rick Hargamer

Testimony provided in Public Hearing, pursuant to Corvallis RPD Expansion

Corvallis City Council

August 3, 2015

These written comments further expand on written comments on this issue submitted to the Urban Services Committee, July 7, 2015, and the Corvallis City Council, July 20, 2015. Those previous comments are incorporated by reference herein.

The Corvallis City Council has chosen to convene a Public Hearing on expansion of Parking District C. These comments are offered solely to place on the record factual questions about the processes for creating and maintaining parking districts since their inception, the Mayor's and Council's handling of this particular expansion request, and about the specific rationale for this Public Hearing.

Unless context clearly determines otherwise, the terms "Mayor", "City Council", and "City Councilor" refer to previous and current holders of those elected offices.

Sustained failure to fully and accurately account for public resources granted to private individuals for personal economic benefit and commercial economic gain relevant to this hearing.

As noted in the previous testimony, a public records request was made for the annual permit and enforcement revenues, and the administration and operating costs, of Parking Districts A, B, and C since 2000. For the record, this question whether the Mayor and Council have instituted policies that improperly grant public resources for private individuals for personal economic benefit and commercial economic gain, was raised during creation of Parking District C. The Mayor and Council refused to squarely address the issue at that time.

The tactic of creating a legal prohibition and then levying fines for violations is not on its face sufficient to support the grant of valuable public resources to private individuals for personal economic benefit and commercial economic gain. While the Mayor and Council may in general establish parking regulations that include fines for violations, those fines are public dollars that the public could choose to direct to other purposes. The important question is whether the permit fees paid by those private individuals deriving personal economic benefit or commercial economic gain properly compensates the public treasury for the enormous private value the public provides those private individuals (private property owners and "employers") who are only citizens allowed by ordinance to buy low-cost parking permits.

For the record, the information request is for objective accounting data. Parking permits are physical objects that to date are individually issued each year in response to a written application by the private recipient of each permit. The total public revenues generated from those sales directly correlate with the number of permits issued. Similarly, the citation of an alleged violation left on each vehicle is a physical object and each correlates with an instance of an adjudication process in our courts. That process ultimately results in collection of a fine of a specific amount or dismissal of the ticket. It is not additional work to account for this data annually since it is the starting data for the aggregated fiscal reporting to the public that obscures it. The actual annual fiscal accounting for the parking districts that is or is not done, which ultimately is the responsibility of the Mayor and Council who direct the City Manager and staff through the City Manager, is an extremely relevant issue of significant public interest.

The attached email sequence (Exhibit #1) documents that the City has consistently chosen to not fully account to the public for the specific costs the public incurs operating the parking districts and the revenues generated from permit sales. The email from the City financial officer does not respond directly to each of the specific objective data items requested. As the quotes document those objective data items were based specifically on testimony previously provided by staff to Council during the process that resulting in the district expansion ordinance rejected by voters. The email concludes:

“We do not make estimates for each residential district, or even for residential parking districts separate from downtown or Monroe street enforcement efforts.”

Similarly, the email from the Public Works department states:

“The information you request is not readily available. While you are correct that the City accounts for revenues and expenditures to administer and enforce the RPDs, the expenditures are not segregated in any way from other expenditures in those work areas.”

This longstanding policy, by its very nature with the annual approval of the Mayor and Council even after the public has raised questions previously and now after the November 2014 referendum, obstructs the public’s right to information to which the public is fully entitled. This policy directly limits the public’s ability to express whether it approves past, current, or future expenditures of significant public resources to private individuals for their personal economic benefit or commercial economic gain in this way.

A “petition” signed by a few individuals who are tenants of one or few property owners operating those properties for private gain included in the August 3, 2015, Council Packet includes a particularly relevant sentence: *“The current permit fee of \$15 per year is a small price to pay for improved access to on-street parking near my home.”* Leaving aside equal protection questions whether such privileged access for private benefit is a proper exercise of City authority, it is an important question whether the permit price adequately reimburses the public for the private benefit gained by the tenants and by property owners operating the property for the private gain realized from privileged access to public resources.

Taking the City’s response to the requests for this annual data back to 2000 at face value, by longstanding policy for which the Mayor and City Council are solely responsible, the public is being denied important fiscal information directly relevant to this Public Hearing. Furthermore, the City has made the claim that current expansion request if granted would not impose any additional expenses on taxpayers. That claim does not address whether the additional enforcement resources required will be diverted from other City enforcement activities, or whether the City currently is assessing the public for currently unused enforcement resources. Any additional enforcement revenues are public resources that the public could direct Council to use for other needed purposes. Any claims enforcement revenues would be the reason that the expansion would not impose any additional expenses on the public at this point are on their face unsupported and problematic.

Standing appeal of the City's refusal to provide other public records in response to a proper public records request for records relevant to this hearing.

As noted previously, an appeal was filed with the Benton County DA of the City's failure to respond to a public records request for certain unprivileged records related to a statement the City Attorney put on the public record of the July 7, 2015, USC meeting. A copy of the email submitted to the DA on July 14, 2015, noting the objection and requesting further guidance is attached (Exhibit #2). At the time of this writing (Aug 1, 2015) no response of any type to that appeal has been received.

The DA's prerogatives in this matter are not a subject for the Public Hearing. The relevant issue is the City's refusal to provide the public with information to which the public is entitled and that is quite germane to the Public Hearing. Council's positions and handling of this matter have correlated with statements in the memorandum. Without agreeing that the public information requested is even covered by "lawyer-client" privilege (rather than just disclosable public records and public testimony), pursuant to ORS 40.280 "Waiver of Privilege by Voluntary Disclosure" the City waived any right to confidentiality of the memo itself by placing it on the public record. That opens up significant questions what information related to that public testimony by a public official are also public records that cannot be withheld.

As with the fiscal data requested that the City has failed to provide in response to a public records request, for now the City has acted directly to deny the public from public information that is highly relevant to this Public Hearing.

Council intents in recent amendments to Corvallis MCS Sect 6.15

As noted previously, in April 2015 Council passed Ordinance 2015-07. Council did this while property owners in the neighborhood that includes the residence of a City Council member on the USC who voted to send this matter to Council were actively working with the City in the process that has led to this Public Hearing.

That ordinance followed testimony and other public statements over the past several years that the parking districts were being operated at a cost to taxpayer. Ordinance 2015-07 apparently is an attempt to raise additional enforcement revenues from the parking districts rather than raise permit fees on private individuals who benefit from the districts, and to avoid levying other user fees for use of public property such as parking meters. Specifically, Ordinance 2015-07 states: **"The Court shall have no ability to reduce or suspend any portion of the mandatory minimum sentence."** Those enforcement revenues belong to the public whose right it is to determine whether they are better spent elsewhere and shortfalls in the parking districts should be covered by significantly raising parking permit fees. The referendum strongly suggests the public might have views about this if they had access to the fiscal information that was not provided in response to a public records request.

During the July 20, 2015, Council meeting in which Council directed this Public Hearing be held, Council deliberated and unanimously passed Ordinance 2015-12. The Minutes do not document the full history of this Ordinance. In the Ordinance, Council redefined the private interests who gain the benefit of public resources for reasons that are unclear. The Ordinance again does that without raising permit fees or levying other user fees. The ordinance merely substituted the word "employers" for the word "businesses" and specifically defined "employer"

in a way that it now includes more than a “business”: **“Any business, civic or religious institution which is located within a Residential Parking Permit District.”**

For the record, it is important to place these actions in their proper context that for nearly two decades the public has not had access to the relevant fiscal data described above. At the same time, the Mayor and City Council have consistently given privileged attention to the requests of private property owners for public resources for their own private individual economic benefit and commercial economic gain.

Rationalizations offered by Councilors for the lack of a meaningful relationship between the election and the current request

The July 7, 2015, USC meeting minutes and the July 20, 2015, City Council meeting minutes record that several Councilors expressed a firmly held view that the November 2014 referendum vote is not relevant to this district expansion request. Generally their argument appears to be that although a supermajority of voters rejected a Council ordinance expanding parking districts, that election technically has no direct bearing on the Council’s authority to use a far less inclusive administrative process to pass an ordinance expanding parking districts. Some of those seeking private benefit at public expense in this case express similar views.

At the bottom line, this technical argument by some Councilors can be summarized another way: The voters opposed Council expansion of parking districts through a process (the Collaboration), led by neighborhood representatives and other stakeholders seeking their own private benefit, that resulted in the rejected Council ordinance. The view of those Councilors is that somehow the public would instead approve of the Council expanding parking districts through an administrative process, initiated by a small group of private individuals explicitly seeking grants of significant public resources for their own personal economic benefit or commercial economic gain, that results in the expansion of parking districts by Council ordinance.

Ambiguous nature of the Public Hearing itself

The draft ordinance reached Council pursuant to a formal City policy **“Residential Parking District Formation Process (April 2006)”** for which the Mayor and City Council bear final responsibility. As discussed in previous written comments submitted to Council, that policy only devotes public resources to those private individuals seeking expansion of parking districts that grant them public resources for their own personal economic benefit or commercial economic gain, and assures that the Council will formally hear the request. There is no comparable policy devoting significant public resources, or insuring the Council will formally hear an analogous request, to those who might seek to oppose such grants of valuable public resources, eliminate any or all parking districts, or oppose the creation or expansion of a particular parking district.

The Minutes from the July 20, 2015, Council meeting suggest that other Councilors may also want to focus on the 2006 expansion policy itself. The stated “Action” that this Public Hearing is convened to hear, is an ordinance enacting the proposed expansion. For the record, a Public Hearing in which the action at issue is passage of an ordinance proposed pursuant to the referenced RPD formation process does not inherently appear to be the proper venue for a policy review.

It is noted here for the record that substantive objections have been raised by others that even this formal City process was not followed by the City or by Council thus far. It is also noted for the record that the recommendation by the USC that the full Council take up the expansion request reached the Council on a 2-1 divided vote of the USC. One of those two votes was cast by a Councilor who recused himself from hearing the matter before the full Council (but perhaps not from participating in the July 20, 2015, Council deliberations). The question arises: If this Councilor had recused himself in the USC meeting, rather than participating and voting to support the request, would the issue have been forwarded by the USC to Council on a 1-1 vote and would this Public Hearing have occurred?

A Public Hearing is not a substitute for fair and unbiased City policies. Conducting a Public Hearing under the circumstances that the Mayor and Council have consistently followed policies, since at least 2000, that deny the public a full accounting of the fiscal details of the parking districts which are extremely relevant to the Public Hearing is even more problematic.

In addition, the Mayor and Council have not made clear in the public record whether they are considering the matter on their own authority, or if they will consider the issue *de novo* in the Public Hearing. If the Mayor and City Council are not considering the proposed ordinance *de novo* and on their own authority for which they are accountable to all voters and public, they have failed to state how they are taking up a request that is the fruit of a policy that does not provide equal protection to all citizens, and which seeks to counter the results of an election that does provide equal protection.

On the other hand, if the Mayor and City Council are taking this matter up *de novo* and on their own authority, they have failed to state how they will equally afford all citizens equal protection regardless of viewpoint. So far, they have not demonstrated any serious concern whether parking districts turn over valuable public resources being sought to private individuals for personal economic benefit or commercial economic gain. The City's failure to provide the public with fiscal and documentary information about on-the-record public testimony highly relevant to the Public Hearing in response to public records requests as described above is again noted here. It is reasonable to argue that some voters who voted in November 2014 to repeal the Council expansion of parking districts did so because they don't support Council using scarce, valuable public resources to underwrite personal economic benefits or commercial economic gains of private property owners. Council has not stated that raising the cost of permits, or imposing other user fees such as parking meters with no reduced cost option for property owners, in all districts A, B, and C to cover all administrative and enforcement costs of the districts is under consideration in this Public Hearing.

Conclusion and final remarks

Any assertion that a Public Hearing is a suitable way to assess the views of all Corvallis citizens as the basis for ignoring the clear policy direction of a public vote has become a matter for serious scrutiny in itself. Given the history of all three parking districts in Corvallis and the November 2014 referendum, a short Public Hearing in which only a small number of members of the public are perfunctorily afforded a few minutes to express their opinions quite arguably is not sufficient to address the important linked public subsidy and equal protection issues raised. In reality, Council's consideration of the expansion request opens up legitimate scrutiny of the Mayor's and Council's actions over the last two decades right up to this request, and the question whether the current parking districts should be ended.

This argument is supported by the sustained, systemic effort to limit public access to information that is even relevant to this Public Hearing. The Mayor and Council have by policy consistently obscured public visibility of extremely relevant fiscal information about parking districts over the last two decades. Surprisingly, City officials have asserted “lawyer-client privilege” and confidentially intended to protect the public’s rights in interactions with private special interests to instead block public access to public records that would further elucidate on-the-record public testimony by a public official. This information is central to the specific issues under consideration in this Public Hearing.

At the bottom line, one can easily conclude that perhaps the most interesting civic question presented by this Public Hearing is how it will actually influence the public’s view of the arguments by the elected politicians in the Mayor’s and City Councilors’ seats. The public may indeed agree that Council should use administrative processes to expand parking districts counter to the result of the November 2014 referendum. The public may also share the belief that we should grant valuable public resources to private individuals for their own personal economic benefit or commercial economic gain. On the other hand, the public may feel that the actions that led to this Public Hearing and the decisions that may follow are another example of how politicians ignore the public’s views, in this instance expressed overwhelmingly in an election, and the public’s desire that public resources should be used to best benefit the public.

RE: Public Records Request

Exhibit #1

1 message

Brewer, Nancy <Nancy.Brewer@corvallisoregon.gov>

Wed, Jul 29, 2015 at 10:29 AM

To: Rick Hangartner

Cc: "Holzworth, Carla" <Carla.Holzworth@corvallisoregon.gov>, "Steckel, Mary" <Mary.Steckel@corvallisoregon.gov>, City Manager <CityManager@corvallisoregon.gov>

Mr. Hangartner,

Parking revenue is projected in a far less detailed fashion than it seems you may believe. As with many other sources of revenue, staff makes projections in an incremental fashion - that is, we start with what has happened the last several years, look at any program changes that may have been made (i.e., changing citation amounts, changing meter rates), add information about estimated staffing levels for parking enforcement officers, and make an estimate for all parking revenue, in a single lump total. We do not make estimates for each residential district, or even for residential parking districts separate from downtown or Monroe street enforcement efforts. This is similar to the efforts on the expenditure side - we don't track enforcement or adjudication costs based on the location of citations. Rather, the costs are for the parking enforcement program in whole.

We have data from the number of citations issued for each parking district (below) that shows that there is some variation in the number of citations issued, but generally the number of citations has been growing over time. Vacancies in parking enforcement officer positions have a significant impact on the number of citations written.

	Res. A	Res. B	Res. C	Total
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Calendar Year

	Res. A	Res. B	Res. C	Total
2000	746	1,887		2,633
2001	777	1,798		2,575
2002	776	2,010		2,786
2003	1,059	1,898		2,957
2004	1,309	2,307		3,616
2005	896	2,236		3,132
2006	1,428	3,179		4,607
2007	1,165	3,070		4,235
2008	1,214	2,902		4,116
2009	1,082	2,933		4,015

2010	1,555	3,132	65	4,752
2011	1,546	3,001	100	4,647
2012	1,635	2,960	86	4,681
2013	1,291	2,486	107	3,884
2014	1,335	2,267	125	3,727
2015	765	981	44	1,790

2015 is through June 30 only.

This data represents the total number of citations issued for the three residential parking districts, and does not reflect the outcome of any of the citations or the amount paid for each citation.

The information we gave to the Urban Services Committee on projected potential revenue from the expanded RPD was in the staff reports, and was a similar, high-level estimate based on assumptions such as variations in district usage (less usage farther from central campus). My recollection is that we stated numerous times that these were high level estimates - parking enforcement is designed to change behavior, and if successful, the number of citations should decrease over time. Since the expansion was significant, we had no mechanisms to accurately estimate the potential impact other than through this broad set of assumptions.

I hope this answers your questions.

From: Rick Hangartner
Sent: Monday, July 13, 2015 6:49 PM
To: Brewer, Nancy
Cc: Holzworth, Carla; Steckel, Mary; City Manager
Subject: Fwd: Public Records Request

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.

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 Municipal 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 estimates 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

On Fri, Jul 10, 2015 at 4:18 PM, Steckel, Mary <Mary.Steckel@corvallisoregon.gov> wrote:

Ok, Rick. I won't move forward until I hear from again.

Have a good weekend.

Mary

From: Rick Hangartner
Sent: Friday, July 10, 2015 4:14 PM
To: Steckel, Mary
Cc: Holzworth, Carla
Subject: Re: Public Records Request

Hi Mary,

Thanks for getting back to me so quickly. I'm a little surprised that my request ended up with you rather than Finance, but I guess that is how things are organized for the RPDs.

Rather than ask you to do anything further right now, let me first take a look at the report you pointed to in your note and see what I can gather from that. There may be other easily available historical data I can request and go through a similar estimation exercise to what you suggest and/or what you did in that report.

Thanks again. Have a good weekend.

Best,

Rick

On Fri, Jul 10, 2015 at 4:00 PM, Steckel, Mary <Mary.Steckel@corvallis.oregon.gov> wrote:

Hi Rick,

Your public records request was forwarded to me for processing.

The information you request is not readily available. While you are correct that the City accounts for revenues and expenditures to administer and enforce the RPDs, the expenditures are not segregated in any way from other expenditures in those work areas. So for instance, we don't account for RPD administration separate from other Public Works administration activities nor for RPD enforcement separate from other parking enforcement activities. As a result, I know quickly and easily pull up the total costs for Public Works administration for any given year, but not how much of that expenditure amount is for time spent selling RPD permits vs. doing payroll functions. In a similar vein, Police knows the total costs for parking enforcement, but not how much of that is for patrolling RPDs vs. patrolling the downtown.

We can produce estimated expenditures (i.e., research the number of permits sold in a year, determine the amount of time it takes to sell a permit, and multiply those two to get labor costs for permit sales). To generate estimates for all the component activities in administration and enforcement for the last five years will take some time. Based on current workloads and available staff, I would estimate we could try to respond by August 7, 2015.

I'm not sure of the level of specificity you are looking for, so I'll offer as an alternative, that an estimate of annual revenues and expenditures was generated for a staff report we did for the August 20, 2014 USC when the Committee was discussing the RPD expansion. You can find this staff report on the City's Website by following this string: Government>>Archives>>City Council>>Standing Committees>>Urban Services Committee>>Packets.

Let me know how you would like to proceed with your request.

Thanks,
Mary

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

1 message

Rick Hangartner

Tue, Jul 14, 2015 at 4:45 PM

To: john.m.haroldson@co.benton.or.us

Dear District Attorney Haroldson,

After speaking with Ms. Laura Keenan of the Oregon DOJ's office, I was directed to your office as the next step in determining whether the City has acted properly in refusing to produce public records responsive to my request under a claim of "attorney-client" privilege.

I have forwarded the response I received from the City along with my very brief response, and a PDF of the request I filed. This is perhaps an odd situation: In this case, the City Attorney and the City placed on the public record a copy of a memorandum from the City Attorney to the Corvallis Urban Services Committee in which the City Attorney offers "Discussion" about policy and general legal facts about a claim purported to have been made by a citizen in connection with a matter currently before the City Council. As I suspect you'll find, this is not even what laypeople such as myself are told is a "legal memo" from counsel. It doesn't cite any relevant law in the "Discussion", nor does it state any opinion about the apparent facts it recites or provide legal advice to City Staff or Council.

Because the memo itself was placed in the public record as part of the packet of materials for July 7, 2015 Urban Services Committee published by the City, it's unclear what the City and/or City Attorney is asserting remains covered by "attorney-client privilege", or is confidential (I understand that these are two separate issues). In my request, you'll see I ask for public records providing three things:

- a) 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.
- b) 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.
- c) Any response to the memo amongst City staff and City Council, since the memo was made public rather than kept confidential.

It is my understanding from talking with Ms. Keenan that the next step in the process is for your office to review the City's refusal to produce the requested public records. Again, it is my lay understanding that questions about "attorney-client" privilege, or confidentiality ordinarily would arise if the City refused to produce the memo. In this case, however, the starting point for my request is that the memorandum was placed in the public record. My request is for public records that provide basic background information about the subject matter of the memorandum and any response that ultimately led to it being placed in the public record.

Thank you for your review of this matter.

Best Regards,

Rick Hangartner

----- Forwarded message -----

On Tue, Jul 14, 2015 at 3:31 PM, Rick Hangartner wrote:
Hi Carla,

Thanks for your quick response and the information.

Best Regards,
Rick

----- Forwarded message -----

From: **Holzworth, Carla** <Carla.Holzworth@corvallisoregon.gov>

Date: Tue, Jul 14, 2015 at 3:25 PM

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

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

Climate Action Plan DRAFT Scope of Work

I. Guiding Concepts

- The Community Proposed Climate Action Plan will not be adopted as presented, but will serve as a resource to inform development of the Corvallis Climate Action Plan (Corvallis CAP)
- The Corvallis CAP will be a community climate action plan that will include action items to address City government actions as well as community actions with responsibilities, for implementation shared by the community at large
- Corvallis CAP development will include substantial opportunities for public input
- Corvallis CAP development will include staff input from all City departments
- Corvallis CAP development will strive to leverage existing expertise in the community and create opportunities for collaboration
- The Corvallis CAP will be informed by current peer-reviewed climate science
- The Corvallis CAP will address both mitigation (which includes reducing greenhouse gases and increasing carbon sinks) and adaptation
- The costs and benefits of Corvallis CAP action items will be included in evaluation criteria that will be used to inform action item recommendations
- Corvallis CAP action items will strive to achieve multiple benefits, not just greenhouse gas emission reductions
- The Corvallis CAP is not intended to be a document that sits on a shelf once it's written – ongoing implementation, monitoring, reporting, evaluation, and revision will be necessary for success

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II. Workplan

A. Develop Evaluation Criteria

1. Discuss desired outcomes of CAP actions (e.g. reduced greenhouse gas (GHG) emissions, economic savings for the City and community members, public health improvements)
2. Brainstorm evaluation criteria (e.g. reduction of GHG emissions, amount of economic cost/savings, impact on livability, City/community capacity to implement)
3. Ensure criteria are specific, measurable, and generalizable
4. Consider weight/prioritization of criteria
5. Seek City Council approval of evaluation criteria

B. Develop a Greenhouse Gas Emissions Reduction Target

1. Consult local, state, federal, and international regulations/recommendations
2. Review targets of peer communities
3. Recommend preliminary target
4. Seek City Council approval of preliminary target

5. Revisit the preliminary target after analyzing the Community Proposed Climate Action Plan and other CAPs (C2-4 below), and again after the coordinated public outreach effort (C5 below). Recommend any changes to City Council for approval.

C. Draft the Corvallis Climate Action Plan

1. Identify and review current City/community climate actions/policies(e.g. Sustainability Coalition's 2013 Action Framework, The Community Energy Strategy: A 2020 Framework)
 - a. Identify strengths, weaknesses, gaps, and opportunities
 - b. Initial brainstorm of new suggestions/ideas for climate actions
2. Analyze Community Proposed Climate Action Plan
 - a. Identify structural pieces for inclusion in the Corvallis CAP
 - b. Action item by action item review
 - c. Prioritize/recommend action items for further consideration
3. Review CAPs of other communities (primarily Eugene, Portland, and Fort Collins, CO)
 - a. Identify structural pieces for inclusion in the Corvallis CAP
 - b. Identify action items to consider for inclusion in the Corvallis CAP
 - c. Prioritize/recommend action items for further consideration
4. Develop/compile recommended action items/scenarios
5. Coordinated public outreach/review of recommended action items/scenarios
6. Write/compile the Draft Corvallis CAP
 - a. Add/subtract/adjust action items/scenarios based on public comment
 - b. Develop an implementation strategy (e.g. who will carry out action items; plans for monitoring, evaluation, and reporting; funding mechanisms)

D. Present Corvallis CAP for City Council Review and Adoption

E. Begin Implementation of Corvallis CAP

III. Public Process

- Public comment periods at all Task Force Meetings
- Ongoing electronic means of providing input/feedback – email, survey tool, etc.
- Topic area experts from the public will participate in review of action items/scenarios
- Coordinated public outreach/review of recommended action items/scenarios (e.g. topic area by topic area public forums, and including conversations with community organizations, OSU, major employers, businesses)

IV. Resource Needs

- Climate Action Task Force to continue to participate in and guide overall work
- Internal staff workgroup representing all City departments for action item/scenario identification, review, analysis, and ongoing implementation
- Topic area experts from the public for review of action items/scenarios
- Staffing capacity to:
 - Provide support for Task Force meetings
 - Manage/Liaison with the internal staff workgroup
 - Conduct analysis of costs and benefits of action items
 - Design and facilitate coordinated public outreach effort
 - Draft/Compile the Corvallis CAP
 - Identify and capitalize on collaborative opportunities and partnerships (such as volunteers to assist with the Climate Action Plan work)

V. Opportunities for Coordination with other Council Goals

- Public process coordination between the Climate Action, Vision and Action Plan, and Sustainable Budget goals; and other major planning efforts
- Development of the Corvallis CAP action item evaluation criteria and the livability index/indicators contemplated by the Vision and Action Plan goal
- Identification of cost savings/financing mechanisms related to climate action items to inform the work of the Sustainable Budget and Climate Action goals
- Policy specific opportunities with the Housing Development, OSU/City Relations, and Economic Vitality goals

My name is Ken Bronstein, and I am here representing Beit Am, the mid-Willamette Valley Jewish community.

Thanks to the Mayor and all the councilors for their efforts in governing our city, and for the opportunity to present this visitor proposition.

You are going to hear from the city manager tonight reporting on the issue related to Beit Am's building application submitted to Benton County in January 2015. I want to thank the city manager and contributing staff members for expeditiously assessing the issue that has stymied our building proposal. It is our hope to be able to move our building permit forward as quickly as possible.

I fully support the requested action of the city manager's report to schedule a public hearing to consider an Ordinance addressing this situation. Actually I think it is imperative for the council to support this action, and to help craft a solution to the type of catch-22 that has confronted us.

In short, during the review of our county building application we were informed by the Fire Marshall that he would require us to access city water for fire suppression. Yet city staff cited code that clearly prevented us from accessing city water. We came to council looking for a way to resolve this gridlock, and to find a path forward that allows us to complete our building application and construction.

City staff raised a concern that crafting an ordinance to address this situation incurs the risk of allowing unwanted cases of city services extensions. The Fire Marshall stated to me that he "had never seen a case like this". I would agree that the circumstances are unusual. We believe an ordinance of general applicability can be easily crafted that cites specific narrow constraints, yet broad enough to address this situation, that would not generate a flood, or a wave, or even a small stream of service access requests.

Let me also be clear about annexation of our property. We are over six months into having begun our County building application. We attached to our testimony two weeks ago a list of seven failed annexation efforts that involved our property. Any effort we make to annex will result in a public vote. The arbiters of any annexation will be the public, not Beit Am or city officials. Nobody can safely predict the outcome of an annexation vote. This uncertainty means that if we pursue annexation, and fail that we will spend up to two years on that process and could end up in the same blocked situation that we currently face. The uncertainty, time delay, resetting our permit process and extra associated costs all make this an undesirable and burdensome path for Beit Am and the community.

I ask that the council positively support the action that will be requested by the city manager to schedule a public hearing to consider an ordinance change.

Thank you for your time and consideration. I will gladly address any questions you have.

Section 6.15.010 - Legislative findings.

- 1) There exists within the areas described in Section 6.15.030, heavy concentration of vehicles which are parked all day by nonresidents.
- 2) The presence of these vehicles causes vehicular congestion, impedes the movement of traffic, and unduly restricts entry of residents to their homes.
- 3) Such vehicular congestion creates polluted air, excessive noise, and litter.
- 4) The conditions and evils mentioned above in subsections 1), 2), and 3) create blighted or deteriorated residential areas.
- 5) The establishment of residential permit parking districts will help preserve the character of these areas as residential areas and will preserve property values.
- 6) The establishment of residential permit parking districts will reduce motor vehicle miles traveled in the City by requiring commuters to carpool or to utilize forms of transportation which are less polluting per person than private passenger motor vehicles and thereby assist in conformance with national and State air quality standards.
- 7) Residential permit parking districts are necessary to promote the health, safety, and welfare of the inhabitants of the City.

(Ord. No. 2015-03, §§ 1, 2, 02/17/2015; Ord. No. 2014-05, § 1, 06/02/2014; Ord. 88-08 § 2, 1988; Ord. 82-66 § 1, 1982)

Section 1.19.040 - Article 1.19.040 Public Hearings.

Section 1.19.040.010 - Purpose of public hearing.

Public hearings may be held on any subjects of municipal concern. The purposes of public hearings are to:

- 1) Allow Council to obtain information and opinions from affected parties and citizens of Corvallis; and
- 2) Provide an opportunity for Corvallis citizens to be involved in municipal affairs.

(Ord. 83-82 § 31, 1983)

Section 1.19.040.020 - Rules of procedure.

The rules of procedure set forth herein shall apply to all public hearings conducted by Council, its committees, and its boards and commissions, except for hearings authorized pursuant to the Land Development Code.

(Ord. 83-82 § 32, 1983)

Section 1.19.040.030 - Order of proceedings.

The order of proceedings shall be established by the presiding officer. The presiding officer shall determine whether testimony shall be presented:

- 1) First by those persons who support the proposed action followed by those who oppose the proposed action, followed by those who do not necessarily support or oppose the proposed action.
- 2) Alternating testimony by those who support the proposed action and those who oppose the proposed action.
- 3) Testimony presented at random.

Staff reports shall be presented whenever desired by Council.

(Ord. 83-82 § 33, 1983)

Section 1.19.040.040 - Authority of presiding officer.

The presiding officer shall rule on all procedural matters raised at the hearing. The presiding officer may limit the amount of testimony and may direct witnesses to confine their remarks to the subject matter of the hearing.

(Ord. 83-82 § 34, 1983)

Section 1.19.040.050 - Closure, continuance, and reopening.

At the close of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. Council may continue a hearing or reopen a hearing that has been closed.

(Ord. 83-82 § 35, 1983)

Section 1.19.040.060 - Rules of evidence.

Formal rules of evidence shall not be required.

(Ord. 83-82 § 36, 1983)

Climate Action Goal Scope of Work Presentation Notes

It's my privilege to present the Climate Action goal scope of work and timeline for your review.

Just to refresh your memory – the Climate Action goal we as a Council set had two components:

- 1) Supporting our city's competition in a national energy conservation challenge run through Georgetown University, and
- 2) Development of a climate action plan

The idea being that we would make an effort in the immediate term to move forward on addressing climate change – Georgetown University Energy Prize Competition component - and also develop a long term strategy for addressing climate change – the Climate Action Plan component.

The Council created and charged the Climate Action Task Force with developing the scope of work and timeline to move these components, and the overall goal forward.

In my report tonight, (1) I'll summarize the work of the Task Force to this point, (2) provide an overview of the scopes of work and timelines, and then (3) highlight some specific items from the scopes and timelines.

SUMMARY OF TASK FORCE's WORK

The Climate Action Task Force met four times over the last two months to discuss the goal. To inform our discussions:

- The Task Force was provided with the Community Proposed Climate Action Plan and the Georgetown University Energy Prize goal proposal
- Task Force members were also asked to review Climate Action Plans from three cities that have already done Climate Action Plans – Eugene, Portland, and Fort Collins, Colorado
- We also had presentations from the cities of Eugene and Portland to provide an overview of the process they used to develop their Climate Action Plans and lessons they learned through their work
- And, finally, we had two public comment periods at each of our meetings – one at the beginning of our discussion and one at the end of our discussion

Based on all of this information and the feedback we received from the public, the Task Force and staff, developed the scopes of work and timelines you see in tonight's packet.

You'll notice that you have two scopes of work and two timelines – one for each of the two components of the goal. The Task Force found it easier to present the goal components separately, but the Task Force intends for these to be viewed together as an integrated whole.

For example: As part of the Climate Action Plan scope and timeline, we are proposing to review current city climate actions and plans to inform development of action items for inclusion in the Climate Action Plan. As part of this work, current city energy saving actions would be reviewed – which also supports the Georgetown University Energy Prize efforts, and is therefore noted in the scope and timeline for the Georgetown University Energy Prize efforts.

OVERVIEW OF SCOPES AND TIMELINES

The **Scopes of Work** are generally broken into four sections:

I. Guiding Concepts

This was an effort to capture some overall concepts for guiding the work.

For example, for the CAP, one of the guiding concepts from the Task Force was that “Corvallis CAP action items will strive to achieve multiple benefits, not just greenhouse gas emission reductions”

II. Workplan

Attempt to identify/capture the actual tasks/steps involved in carrying out the work

III. Public Process

Describe public outreach/input efforts/opportunities

IV. Resource Needs

Identify the resource needs for getting the work done

The Climate Action Plan Scope has a fifth section which is...and not to say that there aren't opportunities with GUEP, but wanted to highlight some distinct opportunities for the bulk of the work

V. Opportunities for coordination with other council goals

Stems from comments of Task Force Members who had a particular interest in goal coordination – and something that the chairs of all the goal task forces will be looking at.

The accompanying **Timelines** are intended to correspond to the workplan sections in the respective Scopes of Work. Footnotes are used in the timelines to identify certain decision points for the Council and other items.

HIGHLIGHTS

So with that overall context, I wanted to highlight a couple of things:

1) Proposing that the current Climate Action Task Force would continue to guide the goal work.

- It was clear as Chair of the Task Force seeing the Task Force operate over the last two months, that we have a very committed and knowledgeable group of people on the Task Force and I'm confident that they would do a good job steering the goal efforts moving forward.

2) Regarding the Climate Action Plan piece

a) Staffing capacity is needed moving forward – whether it is a consultant or staff

- Current Public Works staff did a good job moving the work forward on top of everything else they are doing, but as you see noted in the staff memo, Public Works staff explained they do not have the capacity to carry out the proposed Climate Action Plan Scope of Work based on their current workload. So, either new staff or a consultant would be needed, or a reprioritization of Public Works work/staff would be needed.
 - As City Council, we provided funding and discretion to the City Manager to figure out how to get the work of all of the goals done – not just the climate goal - whether it be hiring a consultant, hiring up to 1 FTE, or reprioritizing existing work. So, that conversation will need to continue as the goal scopes move forward.
 - Related to this, the Task Force discussed whether staff for the climate goal should be in Public Works or in the City Manager's office, but understanding the discretion that the City Manager will need to use to get the work of all the goals done – did not provide a specific recommendation.

b) CAP timeline

1) GHG emissions reduction target

- Whether to set at the outset or have preliminary and multiple reviews
 - Decided on flexibility of it – recommend preliminary in November and then review in February (after looking at Community Proposed CAP and other CAPs) and June (after public outreach), and finalize when CAP is finalized in October or so of next year.

2) Evaluation Criteria

- Whether to do evaluation criteria early on or later in the process
 - Idea of evaluation criteria is to have criteria to use in prioritizing/assessing whether action items would be included in the Climate Action Plan. Current scope and timeline proposes that development of the criteria be the first thing we would do as would provide an opportunity to assess actions items as we moved forward. An alternative discussed was to do the work later in the timeline once action items were identified.

c) Name change for the Georgetown University Energy Prize component

- This is in the staff memo, but also want to highlight it: the Climate Action Goal refers to efforts of the Corvallis Georgetown University Energy Prize team. The team has reached consensus to be known as Take Charge Corvallis for all future correspondence and publications.

Elaine:	Good evening, councilors. I'm Elaine Cull and this is my neighbor Bill Meyer (<i>Bill waves</i>). Bill here, like me, is <i>for</i> the expansion of Parking District C, but in the dialog you're about to hear, Bill will give the argument <i>against</i> , and then I'll tell him why he's wrong. (<i>Bill looks annoyed at Elaine</i>) Here goes! Expansion <i>opponents</i> say: (<i>Elaine points at Bill</i>)
Bill:	You can't support <i>this</i> expansion because people voted it down last time.
Elaine:	<i>That</i> was a referendum on a <i>big</i> area; <i>this</i> is a petition for <i>five measly blocks</i> . Two completely different things. <i>Referendum</i> is an election; <i>petition</i> is an administrative procedure used by Public Works to collect information for Council.
Bill:	But supporters didn't follow the rules!
Elaine:	The rules are <i>guidelines</i> , not laws. According to Public Works, the numeric criteria in the block face rule—requiring 50% support by property owners by block face, and 85% peak parking utilization—are intended to be <i>guidelines</i> only. [1]
Bill:	Aha! So they didn't meet the <i>block face rule</i> .
Elaine:	Depends how you read it. Average usage for the whole area was 91%; only two block faces were below 85%, at 72% and 81% respectively. <i>Quote</i> : "Since these sections are within the general boundary of the requested area and the overall utilization is so high, staff believes it makes sense to evaluate these block faces with the others." [2]
Bill:	They should change the boundaries to throw out block faces under 85%.
Elaine:	Public Works thinks that's <i>not</i> good for people. <i>Quote</i> : "Eliminating specific blocks from the proposal could result in an irregular boundary that may be confusing to the public, and make enforcement more difficult." [1]
Bill:	Well, it's not fair because the <i>residents</i> can't vote!
Elaine:	The <i>guidelines</i> specify that only <i>property owners</i> can petition and vote. Owners of all 51 properties were contacted: 77% of respondents said yes; only 23% said no. Nearby property owners were also notified. The city attorney confirmed that <i>nobody's</i> rights were violated because <i>everybody</i> was allowed to testify, not just owners.
Bill:	They should throw out this petition and rewrite the process!
Elaine:	We've worked hard to follow these rules. To have to start over with a new policy would be grossly unfair. This expansion is approved by Council's Urban Services Committee, the Downtown Parking Committee, and the Central Park Neighborhood Association. The Police Department verified that enforcement adds no costs.
Bill:	And now we ask <i>your</i> support. Please support the expansion of Parking District C.

[1]: B2.RPC C Expansion Staff Follow up.pdf, Archives\City Council\Council Packets\2015\CC 07-20-2015 Packet by Agenda Section\4 STANDING COMMITTEE REPORTS/OTHER MATTERS

[2]: Report to USC by Mary Steckel, USC 07-07-2015 Packet

Hello. My name is Lauren Wallace and I am a junior in chemical engineering at OSU. Being in the town of Corvallis for three years and renting near the neighborhood for two years, I have had first-hand experiences with parking around town—specifically during the school year. In short, the parking in the neighborhood is disastrous. The streets are completely filled by the time 7:30 rolls around, and there will not be any sign of a free spot until around 6 PM. This is not so much of an issue for students or employees in downtown Corvallis, but it is an issue for the residents. It not only impacts their ability to leave their homes to run errands, but it also impacts garbage routines and also the overall atmosphere of the neighborhood. There is a sense of dread and chaos that should not accompany a peaceful neighborhood such as this. I understand that free parking so close to the university—closer than parking at Reser Stadium—and downtown is coveted, but it jeopardizes the lives of the residents. I personally do not want to have to worry about negligent students running over trash cans or rushed students almost having fender-benders with other drivers in search for a spot. I fully support the fifteen dollar fee for a parking permit and the permit system itself because 1) it brings order to chaos and 2) for commuters to the university and to work, it reinforces the fact that current residents really do pay for their location. It is a fair way to end the parking disputes during the work week and also spare the residents from worrying if they can leave their homes and have a place to park their cars upon their returns.

Good evening Mr. Mayor and City Council Members:

I am Suki Meyer and live at

I am here to ask for your support in expanding parking district C.

We need a parking district because from 8am to 5pm during the peak usage season we have no place to park within blocks of our home. The planning for a parking district encompassing our neighborhood goes back many years, but was put on hold when the Collaboration Committee was formed. Due to the location of our neighborhood we get downtown workers, city employees, commuting students, and university staff all vying to park in our neighborhood. The opposition would like to phrase the argument as being anti-student, but that is not the case at all. My husband and I picked Corvallis to be near downtown, the university and the students. All the students that we contacted living in the neighborhood were supportive of a parking district after it was explained to them. The students realized that they would also be able to find a place to park within a reasonable walking distance of their residence. They felt that the \$15 per year fee for a parking sticker was well worth the money. We find the students provide vitality to our neighborhood which we thoroughly enjoy. But, we need relief from all the cars parking on our streets. We ask your support in expanding Parking District C. Thank you.

August 1, 2015
Barbara & David Corden

Dear Council Members:

I am Barb Corden living at ³⁷² I bring with me this evening an additional 2 letters of support from renter residents residing in the proposed Parking District "C" expansion. Although it has been challenging to catch these student neighbors during summer school and their various activities, it has also been very rewarding to receive so much broad support.

The positive feedback we have received from our renter neighbors should dispel any concerns that the proposed parking district is some vanity project spearheaded by a couple resident property owners, but rather, a unified desire to improve the livability of the neighborhood that we all call home.

Thank you for your time and the careful way in which you have conducted these proceedings.

Barb Corden

July 28, 2015

To: Corvallis Mayor and City Council

I am a renter and a resident of the five-block area proposed for addition to Corvallis Parking District "C." I support this expansion because it will provide better access to on-street parking for all residents of the area. During the school year, convenient parking near my home is often impossible to find. Equally important, visitors to the neighborhood will have reasonable access to two-hour parking once a day on weekdays, or longer with a visitor permit.

I understand that the City will issue up to three parking permits annually for each residential kitchen, to residents with a valid vehicle registration and a driver's license. The current permit fee of \$15 per year is a small price to pay for improved access to on-street parking near my home. I ask that you vote to expand Parking District "C" as proposed by City Staff.

Thank you for your support,

XIAOMEI

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ORIGINAL

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Thank you for your support,

TESTIMONY
EXPANSION OF PARKING DISTRICT C
CORVALLIS CITY COUNCIL 3 AUGUST 2015

My name is Patricia Daniels. First, I'd like to thank you for providing this opportunity for the residents and the public to have their voices heard before you make this decision—the third public opportunity, following that of the Urban Services meeting and your previous Council meeting.

I live in the South Central Park Neighborhood, and I strongly support expanding Parking District C. I previously lived in District B, and I've seen first-hand that parking districts can work.

You've received a request that urges you to "evaluate the issues and represent your constituents," and asks you to rely on "quantitative data." I totally agree with that and would like to give some relevant examples.

It is a fact that three sets of data in recent years—actual parking usage counts—show that parking demand in the affected area exceeds the space available. **It is not a fact** to contend that councilors are acting out of pride. Since that is a description of motive, the speaker cannot know whether or not it's true since he does not live inside your head.

It is a fact, and the record shows it, that neighborhood residents followed every step of the process that they were told to follow. **It is not a fact** to contend that renters have had no say, since they have testified both at the committee and council level. **It is a fact that** the record contains written support for the district expansion from both student and non-student renters in our neighborhood, who struggle with the parking crunch just like everyone else.

Finally, it is most emphatically **not a fact** that last fall's election defeat of a completely different, large-scale and very complex parking district plan means that Corvallis residents don't want parking districts. All it means is that they voted No on that plan. There is no data to support any other assertion, such as why they voted No. Were they angry at OSU? Angry at the City Council? Upset that the district would include them, or that it would not? Unhappy with the way the program was to be structured? Were they against all parking districts? Or just that particular configuration? We don't know any of those things, because we can't know. No surveys were done that asked people why they voted. No quantitative data was gathered, that is, to support the statement that the proposed small, 5-block expansion of a district violates "the people's will" against any parking districts. That is conjecture, not fact.

Thank you for evaluating the issues, including the relevant data, and considering both the need and the work done by community residents to comply with city processes as they were instructed.