

REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD JUNE 28, 2022, IN COUNCIL CHAMBERS.

COUNCIL MEMBERS PRESENT: Krisanna Clark-Endicott – George Endicott – Clifford Evelyn – Ed Fitch – Jay Patrick – Cat Zwicker

COUNCIL MEMBERS EXCUSED: Shannon Wedding

STAFF PRESENT: City Attorney Keith Leitz – Deputy City Manager John Roberts – IT Specialist Christian Armatas – Chief Financial Officer Jason Neff – Assistant to the City Recorder's Office Trish Pinkerton – Police Chief Devin Lewis – Public Works Director Bill Duerden – Accounting and Financial Reporting Director Brooks Slyter – Housing Program Analyst Linda Cline

MEDIA PRESENT: None

Mayor Endicott called the meeting to order at 6:00 p.m. A quorum was established.

BLESSING

Pastor Thomas Bengé of Redmond Community Church led the blessing.

PLEDGE OF ALLEGIANCE

Councilor Fitch led the Pledge of Allegiance.

COMMENTS FROM CITIZENS AT THE MEETING

Trevor Johnson stated the judgment coming out of the U.S. Supreme Court this week is an attack on women's freedoms and an attack on everyone's freedoms and rights. As Election Day approaches in November, Mr. Johnson opined people must unite and vote for candidates that are going to fight to defend women's rights, LGBTQ rights, and the rights of indigenous and people of color who are often marginalized.

CONSENT AGENDA

- A. Minutes of February 22, 2022, Council Meeting**
- B. Minutes of April 26, 2022, Council Meeting**
- C. Redmond Economic Development Inc. Annual Contract, Fiscal Year (FY) 2022/23: \$149,435**
- D. Sigma Tactical Wellness Contract for Cardiac Screening: \$51,136**
- E. Convention Visitors Bureau Tourism Fiscal Year (FY) 2022/23 Annual Contract: \$330,105**
- F. Resolution #2022-20 - A resolution of the City of Redmond to make Budget Adjustments totaling \$20,000 (in Fiscal Year (FY) 2021/22 for Capital Projects Fund advance repayment).**

In response to questions from Mayor Endicott, Police Chief Devin Lewis confirmed the details of the cardiac screening contract and the reasons for the program.

Regarding the Convention Visitors Bureau annual contract, Councilor Patrick noted his disagreement with the way the contract is set up.

Councilor Clark-Endicott moved, seconded by Councilor Zwicker, to approve the Consent Agenda as presented, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-absent, Zwicker-yes)

PRESENTATIONS

- A. Overview of land use exactions (Nollan/Dolan)**

Attorney Wendie Kellington of the Kellington Law Group gave a presentation on the impact of the Nollan and Dolan court decisions on the imposition of development conditions in land use decisions. She focused on the unconstitutional conditions doctrine.

Ms. Kellington addressed questions from Council throughout her presentation and walked through example scenarios.

PUBLIC HEARINGS

A. Resolution #2022-18 – Approval of Amendment to the 2021 Community Development Block Grant 2021 Annual Action Plan which increases total expenditures for ADA investments at Hope Playground and/or other publicly used facilities (sidewalks, parks, etc.) and program administration: \$152,129.

Deputy City Manager John Roberts introduced Housing Program Analyst Linda Cline.

Mayor Endicott opened the public hearing.

Ms. Cline provided background on the federal Community Development Block Grant (CDBG) program and explained the provisions of the amendment to last year's action plan that was approved in July.

The City is starting to receive income from the Neighborhood Stabilization Program that provided first-time homebuyers with down payment assistance. The homebuyers are starting to sell their houses and repay the loans. The money goes into the CDBG program as program income. In addition, money was returned to the program when one of Redmond's housing partners decided not to proceed with a project. The extra income will be allocated as follows:

- Additional money for Americans with Disabilities Act (ADA) upgrades in public facilities. Hope Playground at Sam Johnson Park is fully-accessible; however the parking lot and the bathrooms next to it are not. Money would be allocated to that project, with any remaining funds used to address ADA issues in other areas of the city.
- Initially, \$47,000 was set aside for program administration. With the additional program income, 20 percent can be used for this year's administration as well. The program would like to add \$24,005 to the total.

Mr. Johnson spoke in favor of the proposal.

There being no further testimony, Mayor Endicott closed the public hearing.

Councilor Fitch moved, seconded by Councilor Evelyn to adopt Resolution #2022-18 amending the Community Development Block Grant 2021 Annual Action Plan, authorizing the submission of the Annual Action Plan to the United States Department of Housing and Urban Development and authorizing the City Manager to execute an intra-agency subrecipient agreement between the City and the Public Works Department for ADA upgrades and other eligible publicly used facilities, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-absent, Zwicker-yes)

B. Resolution #2022-19 – A resolution adopting the Community Development Block Grant 2022 Annual Action Plan and authorizing the submission of the Annual Action Plan to the United States Department of Housing and Urban Development: \$362,814.

Mayor Endicott opened the public hearing.

Ms. Cline explained the process of doing open applications for community partners who wanted to seek funding through the 2022 Action Plan. Similar to the amendment approved in Resolution #2022-18, there is some program income and carryover to put into this year's plan, which will bring the entitlement funds from \$235,318 to \$364,026.

The program received three applications this year: Shepherd's House, THRIVE of Central Oregon, and Deschutes County Children's Foundation. The Housing and Community Development Committee (HCDC) recommended funding all three applications:

- Shepherd's House will receive \$39,500 to operate the winter shelter this year. The funds help pay for program personnel.
- THRIVE Central Oregon, which offers housing referral and case management services, will only receive \$13,500, because they received much of the extra CBDG Covid funding.
- Deschutes County Children's Foundation will receive \$63,750 for playground upgrades and to increase accessibility at the playground for the Head Start program at the Becky Johnson Center.

Funds have also been allocated for the following:

- Public facilities ADA upgrades and improvements (\$44,000). The focus is on the public restrooms in City Hall, which are ADA-compliant but do not have automatic doors. Any money remaining from the project will be used at other public facilities with the same issues.
- The Department of Housing and Urban Development (HUD) allows for the acquisition of land for new low and moderate housing projects. With HUD's permission, \$155,000 will be set aside for acquisition so that if a piece of property is found, all that would be needed is Council approval.
- Program administration would be 20 percent of this year's entitlement, or \$44,064.

There being no further testimony, Mayor Endicott closed the public hearing.

Councilor Evelyn moved, seconded by Councilor Zwicker to adopt the Community Development Block Grant's 2022 Annual Action Plan and authorizing the submission of the Annual Action Plan to the United States Department of Housing and Urban Development. Motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-absent, Zwicker-yes)

C. Ordinance #2022-04: An Ordinance amending various sections of the Redmond City Code to incorporate HB 2001 requirements and other administrative changes.

Mayor Endicott opened the public hearing.

Mr. Roberts introduced 3J Consulting's Anais Mathez and JET Planning's Elizabeth Decker, then presented the proposed changes beginning with the background and timeline for the code amendments before Council.

Mr. Roberts stated House Bill (HB) 2001 is significant because it addresses density for middle housing. Cities will be required to use the State's Model Code if they do not come into compliance by July 1, 2022. He added it is in the City's interest to use its own model code because it gives the City more discretion and leverage than it would have with using the state model code.

When Staff started work concerning HB 2001, there was only one exhibit. However, because the amendments are intertwined throughout the entire code, the result is an interconnected network of five exhibits.

Ms. Decker presented Exhibit A: Density Table and Specification Standards, which contains the three primary standards that will affect the intensity of the development - minimum lot size, minimum density, and maximum density.

The Council's concerns and questions focused on lot sizes for townhomes, the minimum distance between alley and garage door, and front yard setbacks. Councilor Fitch stated he reviewed all of the proposals in detail and opined there were a number of areas that need revisiting after July 1, 2022. He

explained that when the Council last met, they recognized some issues would need to be dealt with after July 1 because the State's model code will come into effect if Council does not pass the ordinance.

Ms. Decker presented Exhibit B regarding Senate Bill (SB) 458, which was passed as a companion piece to HB 2001. The goal of SB 458 is a very specific type of lot division that will create fee-simple lots for individual units created as part of a middle housing development. When implemented locally, it builds upon a piece of expedited land division that has been in state law for more than 30 years. Middle housing types where more than one dwelling per lot is created could have a fee-simple ownership by creating essentially a "parent" lot and middle housing "child" lots. When the child lots are created, they remain part of the parent lot. New units do not get the ability to add an Accessory Dwelling Unit.

Mr. Roberts presented Exhibit C which modernizes Master Development Plans and Planned Unit Developments, which are used by the City to create variety in a development, flexibility, make a development more attractive, or allow them to do something unique. As HB 2001 evolves, it makes these tools more important due to the limiting factors of the density table.

Ms. Decker presented Exhibit D on the townhouse requirements of HB 2001, noting it permits duplexes, triplexes, quadplexes, townhouses, and cottage clusters in all residential zones where single-family detached is permitted. In addition, it updates the definitions for each of these uses creating consistency with state law.

Ms. Decker confirmed the key difference between detached plexes and cottages is the number of units. A detached plex could be two, three, or four units. A cottage can be four units and up. The second main difference is the common courtyard standard. For a detached plex, there is no requirement for a shared yard space or that the units face each other. They can be oriented any way on the lot, but at least one will need to face the street. For the cottage cluster, the majority of units need to face into the common courtyard.

Mr. Roberts noted that Exhibit E contained the most changes not related to HB 2001.

Michael Robinson of Pahlisch Homes urged the Council to adopt all five amendments and opined it is better than a state-imposed model code.

Deborah Flagan of Hayden Homes requested the Council approve all of the amendments and the administrative changes and then have the opportunity for Council to come back with recommendations in the future.

Urban Area Planning Commission (UAPC) Chair Teri Jansen stated she had been on the commission since January 1, 2019, which means she has been through every part of the process of the amendments under discussion. As she stated in her letter, the UAPC recommendation was to stay with HB 2001 changes only and then address other items at a later date. She added that because Exhibit C and parts of Exhibit D have not come before the UAPC, the UAPC recommended no setback changes, no density changes, and waiting on Exhibits C and E until after July 1, 2022.

Mr. Johnson expressed his support of the housing proposals and their importance for the community. He opined that in the next 20 to 40 years, the community needs to think about the exponential amount of growth and the process to adopt future resolutions for housing, including building upward, and higher density buildings.

There being no further testimony, Mayor Endicott closed the public hearing.

Councilor Fitch moved, seconded by Councilor Evelyn, to have a first and second reading of Ordinance #2022-04 by title only.

In response to a request from Councilor Patrick to re-make the motion to just include HB 2001, Councilor Fitch explained that doing so would require a major modification of the ordinance which would delay

approval before the July 1, 2022, deadline. He recommended passing the ordinance and moving forward with having the UAPC take up all the issues raised in a very timely manner.

Councilor Patrick read the following statement:

"I have done the reading needed and staff has graciously been available for me to ask questions about the code and the application of HB 2001. However, there are two issues that I have with this Code Adjustment.

1. We have the State government that is now requiring a one size fits all approach to planning and growth in Oregon. Wiping clear the local rule approach that use to be a way of life in Oregon. They now are taking the approach of "we know best" and you can all look like Portland our model City, and like it. As you can tell this is wrong in my opinion. Cities like people are all different, and they deserve to be able to have a local government determine their Code to grow the way they see best for their surrounding landscape and personality. I understand the law enough to see the State Legislature and Governor's office have our City in a no win situation. Tonight's decision is something that needs a yes vote to move forward, we can't afford to die on this hill. I would prefer to be that vote that doesn't make this a unanimous vote to make a statement no matter how small to our State leaders, however given this is the last meeting before July 1 and this has been made into an emergency clause where we need 100% vote to move forward. This is unfortunate.

2. We are ignoring our Planning Commission, and their recommendation. We finally heard directly from the Planning Commission as to why they voted 4 to 2 to pass to recommend to Council to only pass the HB2001. I watched the meeting where the motion was made, which gives you a flavor but not necessarily, all the reasons. The meeting indicated they would take on the Code not specific to HB2001 thoroughly, in future meetings. Unfortunately, I don't feel that direction has the support of Council although I wish it did as that makes the most sense to me. Because this is the last meeting of the year and an emergency clause needing 100% approval to pass, I will vote yes. I will say given the way we have handled this Code change decision we need to work with our PC closely over the next few months to affirm to them how important they are to the City Council. And that we need them to work through this Planning code, so we have that Citizen's set of eyes on it, that is important."

Mayor Endicott noted he served on the League of Oregon Cities and Oregon Mayors Association for at least 15 years trying to influence the legislature to allow decision-making to happen across the state. This is one more example of the chipping away of the City's responsibilities in being able to do self-determination.

Councilor Clark-Endicott pointed out that this has been a difficult decision, considering the matter came to Council with a non-unanimous vote from the Planning Commission. The community can continue to be Redmond by fine-tuning and making sure that the code is the best Council can make it with what it is given.

Councilor Zwicker thanked the UAPC, staff, Ms. Flagan, and Mr. Robinson. She disliked the feeling of being rushed and expressed disappointment when people come before Council or the UAPC, and are told, "But that is what it says in the code, and that is what the City has to do." She would rather fine-tune it in the future, as suggested, than be at the mercy of the model code.

Motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-absent, Zwicker-yes)

City Attorney Keith Leitz gave a first and second reading of Ordinance #2022-04 by title only.

Councilor Fitch moved, seconded by Councilor Zwicker, to adopt Ordinance #2022-04, motion passed. (ROLL CALL: Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-absent, Zwicker-yes)

Mr. Leitz confirmed the ordinance goes into effect immediately.

ACTION ITEMS

A. Intergovernmental Agreement with Deschutes County and the Cities of Bend, La Pine, Redmond, and Sisters for a County-Cities Coordinated Houseless Response Office Pilot (implementation of HB 4123)

Mayor Endicott explained that Deschutes County received a \$1 million, two-year grant for a pilot project to work with the cities of Bend, La Pine, Redmond, and Sisters to coordinate a houseless response office. The idea is to recognize that houselessness is not limited to one community and that all communities are affected in one way or another. The County has asked the cities to participate and created an oversight committee, of which Mayor Endicott is Redmond's representative. The purpose of the agreement is to develop a coordinated response to houselessness across all of the communities listed.

Mr. Leitz commented that Redmond and the other municipalities would be making a five-year commitment. The first two years are funded by the grant. Part of Redmond's commitment would be to participate in the process of getting future funding. It does not commit the City to fund any part of the program.

Councilor Fitch moved, seconded by Councilor Evelyn, to approve the City of Redmond entering into the Intergovernmental Agreement for the Coordinated Houseless Response Office Pilot initiative, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-absent, Zwicker-yes)

B. Public Safety Facility (PSF) - General Obligation (GO) Bonds
i. Proclamation Certifying the May 17, 2022, Elections Results
ii. Resolution #2022-21 - Authorizing Issuance of GO Bonds

Chief Financial Officer Jason Neff requested the approval of a proclamation certifying the election results of the May 17, 2022, election, and Resolution #2021-21 which authorizes staff to move forward with the issuance of the General Obligation bonds. Mr. Neff reviewed project details such as anticipated cost, funding sources, interest rates, and next steps.

Councilor Clark-Endicott moved, seconded by Councilor Zwicker, to accept the proclamation declaring the results of the May 17, 2022, Primary Election, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-absent, Zwicker-yes)

Councilor Clark-Endicott moved, seconded by Councilor Fitch to approve Resolution #2022-21, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-absent, Zwicker-yes)

MAYOR'S COMMENTS

Mayor Endicott announced there will be a parade on July 4. He encouraged everyone to have a happy, safe, and fire-safe Fourth of July.

COUNCIL COMMENTS

Councilor Fitch commented on a recent letter to the editor of *The Spokesman* and cited the reasons behind moving Juniper Golf Course (JGC) to its current location. Because the land was obtained at no cost from the Bureau of Land Management, it is the most used park facility in Redmond, it is the only park that pays for its maintenance and operation, and the construction debt will be paid in full in approximately 12 years, Councilor Fitch opined it was a wise investment and will be around for decades to come.

Councilor Patrick commented on the current societal divisions and offered his hope that as a Council, they can come together and find solutions. He added that the Council is non-partisan and is not supposed to be Republican or Democrat politicians. The Council is here to help the City grow and he would like to see the Council remember that as it comes to making difficult decisions. Councilor Patrick urged the community to be responsible on the Fourth of July, stay away from dry grass and flammable materials, and have fun on the holiday.

Councilor Zwicker commented Council tonight did not disagree or have any issues coming to terms, but there is more work to do on HB 2001. She also appreciated the faces she saw in the audience who come back every meeting adding their voices are being heard.

CITY MANAGER COMMENTS

Deputy City Manager John Roberts announced that the Flag Committee will hold a ceremony at the flagpoles in front of City Hall on July 4, to honor Dr. John Pavlicek and his wife, Jill Pavlicek, with a Legacy Flag for all their contributions to the community. He announced that Ms. Cline will be assisting with the Joint Office on Houselessness. Mr. Roberts also advised that at the July 12 Council meeting there will be two presentations on future annexations – one by Redmond Area Park and Recreation District for their proposed recreation center and one for a parcel within the Northwest Area Plan. Both groups will be seeking feedback from the Council.

ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING

There were no additional comments from citizens at the meeting.

EXECUTIVE SESSION

Mayor Endicott convened the Council into Executive Session at 9:04 p.m. in accordance with ORS 192.660(2)(h) authorizing executive sessions "to consult with counsel regarding the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed" and ORS 192.660(2)(d) authorizing executive sessions "to conduct deliberations with persons designated by the governing body to carry on labor negotiations."

The Executive Session was adjourned at 9:27 p.m.

MOTIONS AS A RESULT OF EXECUTIVE SESSION

There were no motions as a result of the executive session.

There being no further business, the meeting was adjourned at 9:27 p.m.

Prepared by ABC Transcription Services
Reviewed by Trish Pinkerton, Asst. to the City Recorder's Office

APPROVED by the City Council and SIGNED by the Mayor this 23rd day of August 2022.

/s/ George Endicott
George Endicott, Mayor

ATTEST:

/s/ Kelly Morse
Kelly Morse, City Recorder