



CITY COUNCIL
September 6, 2022
Council Chambers • 411 SW 9th Street

**COUNCIL
MEMBERS**

George Endicott
Mayor

Jay Patrick
Council President

Krisanna
Clark-Endicott
Councilor

Clifford Evelyn
Councilor

Ed Fitch
Councilor

Shannon Wedding
Councilor

Cat Zwicker
Councilor

SEPTEMBER 6, 2022

SPECIAL MEETING AGENDA

6:00 PM

I. CALL TO ORDER / ESTABLISH A QUORUM

II. MINUTES

- A. Minutes of January 25, 2022, Council Meeting
- B. Minutes of April 5, 2022, Joint Workshop with the Urban Area Planning Commission

III. PROCLAMATIONS

- A. 21st Anniversary of September 11, 2001
- B. POW-MIA Awareness Day
- C. Suicide Prevention Month

IV. ORDINANCES

- A. Ordinance #2022-05: An Ordinance declaring a ban on the manufacture of psilocybin products and declaring an emergency.
- B. Ordinance #2022-07: An Ordinance declaring a two-year ban on psilocybin service centers and declaring an emergency.

V. ACTION ITEMS

- A. Resolution #2022-27: A resolution by the City of Redmond committing to public awareness and participation as part of siting any safe parking programs on City-owned land.

VI. ADJOURN

Regular Council meetings are broadcast live on COTV11 – BendBroadband Channel 11 beginning at 6:00 p.m. on the 2nd and 4th Tuesdays of each month. Rebroadcasts are scheduled for the non-meeting Tuesdays at 6:00 p.m.

The City of Redmond encourages all citizens to participate in its programs and activities. This meeting location is accessible to people with disabilities. Requests for accommodation may include sign language interpreter service, assistive listening devices, materials in an alternate format or any other accommodation. If any accommodations are needed, please contact the ADA Coordinator at 541-504-3036 or access@ci.redmond.or.us. Requests should be made as soon as possible, but at least 3 business days prior to the scheduled meeting.

The City of Redmond does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in, its programs or activities

REGULAR CITY COUNCIL MEETING OF THE CITY OF REDMOND WAS HELD JANUARY 25, 2022, VIA GOTOMEETING.

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

STAFF PRESENT: City Manager Keith Witcosky – City Attorney Keith Leitz – Airport Director Zachary Bass – Police Chief Devin Lewis – Public Works Director Bill Duerden – Communications Director Heather Cassaro – Deputy City Manager John Roberts – IT Specialist Sheri Cleveland – Chief Financial Officer Jason Neff – Accounting and Financial Reporting Director Brooks Slyter – Water Utilities Manager Joshua Wedding

MEDIA PRESENT: None

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

BLESSING

Father Todd Unger from St. Thomas Catholic Church led the blessing.

PLEDGE OF ALLEGIANCE

Councilor Wedding led the Pledge of Allegiance.

COMMENTS FROM CITIZENS AT THE MEETING

High School Student Olivia O'Rourke expressed her support for the Redmond School District's Weapons in Schools policy and added the policy helps keep violent objects and weapons off school property where students are trying to get an education.

PRESENTATIONS

A. 2022 Oregon Legislative Session Preview with Doug Riggs

Central Oregon Cities Organization Lobbyist Doug Riggs outlined the various items being considered in the upcoming 35-day legislative session noting the shortened session means very quick turnarounds for bills going through committees. In addition, the committee meetings will be largely remote due to seismic retrofitting work being done to the Capitol building. While approximately 380 bills can be introduced, Mr. Riggs predicts no more than 110 will pass due to the difficult circumstances with this legislative session. One issue specifically highlighted by Mr. Riggs centers on workforce training and development with two bills expected to be brought forward. Mr. Riggs shared that 11 of the 90 legislators will be new when the session starts on February 1 adding that when the 2023 legislative session starts 14 of the 30 Senators will have been in the Senate less than four years. He explained this will be challenging and will require educating new Senators on the issues facing Central Oregon's and why their help is necessary. Mr. Riggs addressed questions throughout his presentation.

BID AWARDS/BID REJECTIONS

A. Approval of a contract of up to five-years with S&B Inc. for Engineering Services for Water System Telemetry, Control and Management Reporting: \$750,000

Water Utilities Manager Joshua Wedding requested approval of a contract with S&B Inc. in a not to exceed amount of \$750,000 for the total contract and a not to exceed amount of \$150,000 per year. The contract has an initial term of three years with two optional one-year extensions. The purpose of the contract is for on-call professional engineering services and includes design, fabrication and installation of various supervisory control and data acquisition (SCADA) components, troubleshooting and repair services, process engineering, and system integration. The City issued a formal Request for Proposal and received one proposal. S&B Inc is the current provider of these services.

Councilor Patrick moved, seconded by Councilor Clark-Endicott, to authorize the City Manager to sign a three-year contract with an option to renew for two one-year terms with S&B Inc. for Professional Engineering Services for Water System Telemetry, Control and Management Reporting, in an amount not to exceed \$750,000, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-yes, Zwicker-yes)

ACTION ITEMS

A. Adoption of Updated Title VI Civil Rights Plan

City Attorney Keith Leitz requested adoption of the City's updated Title VI Civil Rights Plan (Plan). This Plan must be approved every three years per the Civil Rights Act of 1964 and coincides with the Oregon Department of Transportation's requirement that all subrecipients file a Title VI Plan with them every three years as well. The last update occurred in 2019 and no civil rights complaints have been received.

Councilor Patrick moved, seconded by Councilor Zwicker, to approve the City of Redmond's Title VI Civil Rights Plan, motion passed. (Clark-Endicott-yes, Endicott-yes, Evelyn-yes, Fitch-yes, Patrick-yes, Wedding-yes, Zwicker-yes)

MAYOR'S COMMENTS

Mayor Endicott thanked everyone for attending the Council meeting.

COUNCIL COMMENTS

Councilor Zwicker spoke to the need for childcare noting that a viable part of Redmond's workforce is choosing to stay home because the majority of their wages are going to cover the costs of childcare.

Councilor Wedding shared details of the recent Historic Landmarks Commission meeting.

Councilor Fitch commented on the weather noting that without snow, it will be a difficult summer.

CITY MANAGER COMMENTS

City Manager Keith Witcosky stated the ice rink will remain open through February 15 because the Chamber of Commerce has additional Northern Lights events planned. Mr. Witcosky shared the various upcoming meeting topics with the Council. He also announced that new City Engineer Jessica MacClanahan will begin shadowing the current City Engineer Mike Caccavano and will take over duties full-time in late April.

ADDITIONAL COMMENTS FROM CITIZENS AT THE MEETING

There were no additional comments from citizens at the meeting.

There being no further business, the meeting was adjourned at 6:37 p.m.

Reviewed by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 6th day of September 2022.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

SPECIAL JOINT WORKSHOP OF THE REDMOND CITY COUNCIL AND URBAN AREA PLANNING COMMISSION WAS HELD APRIL 5, 2022, IN THE EXECUTIVE CONFERENCE ROOM.

COUNCIL MEMBERS PRESENT: Krisanna Clark-Endicott – George Endicott – Ed Fitch – Jay Patrick – Shannon Wedding (virtual) – Cat Zwicker (virtual)

COUNCIL MEMBERS EXCUSED: Clifford Evelyn

COMMISSIONERS PRESENT: Richard Bryant (virtual) – Heather DeWolf (virtual) – Laura Garcia (virtually) – Teri Jansen – Ron Osmundson – Norman Schultz – Joseph Zampko

STAFF PRESENT: City Manager Keith Witcosky – City Attorney Keith Leitz – Police Chief Devin Lewis – Public Works Director Bill Duerden – City Recorder Kelly Morse – Deputy City Manager John Roberts – Accounting and Financial Reporting Director Brooks Slyter – Communications Director Heather Cassaro – Interim Planning Director Kyle Roberts

MEDIA PRESENT: Tim Trainor, Redmond Spokesman

Mayor Endicott and Chair Jansen called the workshop to order at 6:00 p.m. Introductions took place.

PRESENTATIONS

A. Middle Housing Zoning Code Gap Analysis (HB 2001 Code Updates)

Deputy City Manager John Roberts explained the purpose of the presentation is to conduct a policy level discussion between the Council and Urban Area Planning Commission (UAPC) on needed development code changes required for alignment with Oregon House Bill 2001 (HB 2001).

JET Planning Consultant Elizabeth Decker stated the presentation will provide overview of the Redmond middle housing code audit, background on middle housing legislation and key topic areas of the gap analysis. Ms. Decker reviewed the project objectives, which consist of auditing the City's draft residential development code amendments, identifying the preferred policy direction for code amendments, and providing staff direction to draft the code amendments.

Ms. Decker described why planning for middle housing is important, recent efforts such as the 2040 Comprehensive Plan, key housing policies, an overview of middle housing legislation, and future planning which consists of the following:

- Duplexes, triplexes, quadplexes, townhouses and cottage clusters;
- New construction or additions/conversion of existing buildings; and
- Existing and new neighborhoods.

Ms. Decker presented needed code updates according to the gap analysis. Those general categories include definitions, uses, density, minimum lot sizes, dimensions, landscaping, design standards, parking minimums, access and driveways, procedures, and land divisions. Key policy options to consider are density ranges and lot sizes, attached/detached plexes, parking spaces, and access arrangements. Additional policy options for consideration include density range for townhouses and new lot coverage and/or minimum landscaping standards.

Initial questions for Ms. Decker centered on solar setbacks, the likelihood of obtaining an extension or postponement for the code updates, the "must do" items per HB 2001, transportation issues, issues with two-story townhomes for the aging and disabled population, storage for housing units using minimum front yard setbacks, minimum of one off-street parking space, and ownership possibilities with plexes.

Central Oregon Builders Association Senior Vice President of Government Affairs/Legal Counsel Karna Gustafson spoke to the Council and Commission regarding having detached multi-plex units in higher density areas such as R-4 and/or R-5. She added that the City has already planned for higher densities via the 2040 Comprehensive Plan. Discussion took place on how to keep Redmond's charm while complying with HB 2001, higher density needs, homeowner needs, infrastructure, and parking.

Staff reviewed the key questions below and described the next steps:

- Which density ranges and minimum lot sizes should be permitted outright, per the Comprehensive Plan?
- Is there interest in exploring detached duplexes, triplexes and/or quadplexes, in some/all scenarios?
- What are priorities for parking, driveway, and access standards.

After further discussion the consensus of the Council and UAPC was to leave the density for single family dwellings unchanged.

OTHER BUSINESS

There being no further business the workshop was adjourned at 7:35 p.m.

Reviewed by Kelly Morse, City Recorder

APPROVED by the City Council and SIGNED by the Mayor this 6th day of September 2022.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

City of Redmond PROCLAMATION

A proclamation designating September 11, 2022, as a citywide period of honor and support for the victims and families on the

21st ANNIVERSARY OF SEPTEMBER 11, 2001

WHEREAS, America is a country peopled by freedom-loving people of every race, creed, national origin, and religion; and

WHEREAS, Americans everywhere place a high value on life, liberty, and the pursuit of happiness; and

WHEREAS, those values are set forth and guaranteed within the Declaration of Independence and the United States Constitution; and

WHEREAS, September 11, 2022, is the 21st anniversary of the day that America was viciously and cowardly attacked by terrorists who share none of the values represented by America and cherished by Americans; and

WHEREAS, those terrorists attempted to disrupt, destroy, and forever change our democratic form of government and our way of life; and

WHEREAS, as a result of that cowardly attack thousands of innocent, unarmed Americans lost their lives; and

WHEREAS, Americans and freedom loving peoples everywhere condemned this attack on freedom, democracy, and life itself; and

WHEREAS, the American spirit of perseverance and the American values of life, liberty, and the pursuit of happiness will triumph over the hatred and evil that prompted this attack.

NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Redmond, Oregon, hereby proclaims September 11, 2022, to be a citywide period of honor and support for the victims and their families on the 21st anniversary of September 11, 2001, in the City of Redmond.

APPROVED by the City Council and **SIGNED** by the Mayor this 6th day of September 2022.

The City of Redmond, Oregon

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

City of Redmond PROCLAMATION

A proclamation designating September 16, 2022, as

POW-MIA AWARENESS DAY

WHEREAS, the City of Redmond and the Veterans of Foreign Wars Deschutes Post 4108 are dedicated to public awareness of America's POWs and MIAs; and

WHEREAS, the City of Redmond and the Veterans of Foreign Wars Deschutes Post 4108 show support of all organizations dedicated to bringing home all of America's POWs and MIA's; and

WHEREAS, the City of Redmond and the Veterans of Foreign Wars Deschutes Post 4108 show visual support within the community of their appreciation for current and past military personnel; and

WHEREAS, the City of Redmond and the Veterans of Foreign Wars Deschutes Post 4108 bring awareness of current issues involving those that are still missing and unaccounted for; and

WHEREAS, it is the intent of the City of Redmond and the Veterans of Foreign Wars Deschutes Post 4108 to never forget the men and women in the military for their sacrifices made to ensure America's freedom.

NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Redmond, Oregon, hereby proclaims September 16, 2022, as the POW-MIA Awareness Day in the City of Redmond.

APPROVED by the City Council and **SIGNED** by the Mayor this 6th day of September 2022.

The City of Redmond, Oregon

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

City of Redmond PROCLAMATION

A proclamation designating the month of September 2022 as

SUICIDE PREVENTION MONTH

WHEREAS, suicide prevention is one of the most disruptive and tragic events a family or community can experience; and

WHEREAS, heightened awareness and education will encourage the development of strategies and support programs to help prevent suicide; and

WHEREAS, the City of Redmond has many agencies, professional staff and trained volunteers such as the Veterans of Foreign Wars who provide front line support in the fight against suicide; and

WHEREAS, a great many suicides are preventable; and

WHEREAS, the City of Redmond encourages research on suicide and suicide prevention.

NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Redmond, Oregon, hereby proclaims September 2022 as Suicide Prevention Month in the City of Redmond.

APPROVED by the City Council and **SIGNED** by the Mayor this 6th day of September 2022.

The City of Redmond, Oregon

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder



CITY OF REDMOND

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STAFF REPORT

DATE: September 6, 2022
TO: City Council
THROUGH: Keith Witcosky, City Manager
FROM: Keith Leitz, HR Director
SUBJECT: Ordinance #2022-05: An Ordinance declaring a ban on the manufacture of psilocybin products and declaring an emergency.

Addresses Council Goal:

7. Enhance the quality of life through adoption of programs, policies, and standards that manage growth while maintaining Redmond's small-town feel.

Report in Brief:

This item requests City Council to conduct a public hearing and adopt Ordinance 2022-05 to declare a ban on the manufacture of psilocybin products within the city limits and declaring an emergency.

Background:

Psilocybin is a psychedelic drug found in certain mushrooms. Ballot Measure 109 created a state law allowing for the licensed manufacturing and supervised use of psilocybin in licensed service centers. State law provides that a city or county may adopt an ordinance to be referred to voters to prohibit the establishment of licensed psilocybin product manufacturers and/or psilocybin service centers. Cities have limited time to take action if they wish to enact regulations before the Oregon Health Authority (OHA) begins issuing facility licenses.

On August 16, 2022, City Council passed a resolution to file a ballot title with the Deschutes County Clerk which would refer to voters the question of whether to permanently prohibit the manufacture of psilocybin products within the city limits. The deadline to publish the notice of the ballot title for the November 2022 ballot was August 19, 2022.

Discussion:

The Measure 109 program for psilocybin was modeled after the state's marijuana program. As with the marijuana program, there are different types of licenses that OHA will issue under the state's psilocybin program—manufacturer (production), laboratory (testing), facilitator (server), and service center licenses (location where provided and taken).

Council has three options regarding the manufacture of psilocybin in response to this new state law:

Option 1: Approve an Ordinance prohibiting manufacture of psilocybin products within City limits, and refer the matter to voters to be decided during the November 8, 2022 general election.

Option 2: Impose time, place and manner restrictions on such facilities under the Development Code.

Option 3: Take no action and let the state law apply as written. Under the law, applicants for licenses must still obtain a land use compatibility statement from the city stating that the proposed facility is consistent with the local government's comprehensive plan and land use regulations.

Key Considerations / Analysis:

Option 1 - Redmond can impose prohibitions on psilocybin manufacturing facilities within the city limits. A local prohibition can be permanent or for a limited duration. However, because the City was already required to submit the ballot title for this measure, the prohibition and referral for the upcoming election can only be for a permanent ban. As with marijuana prohibitions, local psilocybin prohibitions must be approved by the voters during a statewide general election. Thus, if the Council wants to propose a prohibition to the voters, it must do so for this November's

election or it will need to wait until the November 2024 election to do so.

Option 2 - Instead of a prohibition, the Council may impose time, place, and manner restrictions on such facilities. Often, such regulations are included as part of a local jurisdiction's development code, and amendments to such codes can require a somewhat lengthy process, as they typically include providing notice to the State as well as hearings before the Planning Commission and Council. Thus, time would be of the essence if the Council wishes to pursue this option. Of note, state law already prohibits the manufacturing of psilocybin products outdoors.

Approval of the attached Ordinance would direct staff to complete the ballot measure paperwork for the purpose of submitting a ban on the establishment of psilocybin product manufacturers within the city. State law also allows the electorate of Redmond to repeal the ban at any time. The ballot measure paperwork must be submitted to Elections no later than September 8, 2022; therefore, this Ordinance also declares an emergency. Councilors have the option individually of submitting arguments for or against the measure up until September 12, 2022.

Fiscal Impact:

None.

Alternative Courses of Action:

Conduct the public hearing and consider additional public testimony. Courses of action include:

1. Approve Ordinance 2022-05.
2. Do not approve Ordinance 2022-05 and allow state law to take effect in January 2023.

Recommendation / Suggested Motion:

"I move to have a first and second reading of Ordinance 2022-05, by title only." (Voice vote)

(The City Attorney will read the ordinance by title only, twice.)

"I move to approve Ordinance #2022-05" (Roll call vote)

**CITY OF REDMOND
ORDINANCE NO. 2022-05**

AN ORDINANCE DECLARING A BAN ON THE MANUFACTURE OF PSILOCYBIN PRODUCTS AND DECLARING AN EMERGENCY.

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of September 6, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Redmond is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the Redmond City Council believes that prohibiting psilocybin product manufacturers within the City's jurisdictional boundaries is in the best interest of the health, safety and welfare of the people of Redmond; and

WHEREAS, the City Council seeks to refer to the voters of Redmond the question of whether to establish a ban on state-licensed psilocybin product manufacturers within the City's jurisdictional boundaries.

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: PROHIBITION. The establishment of psilocybin product manufacturers licensed under ORS 275A.290 is prohibited in the City of Redmond.

SECTION TWO: REFERRAL. This ordinance is referred to the electors of the city of Redmond for approval at the next statewide general election on November 8, 2022.

SECTION THREE: SEVERABILITY. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

SECTION FOUR: EFFECTIVE DATE. The City Council finds that it is in the best interest of the City of Redmond to have this Ordinance take effect immediately upon adoption and signature. Therefore, the City Council hereby declares an emergency.

PASSED by the City Council and **APPROVED** by the Mayor this 6th day of September 2022.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

Request for Ballot Title

Preparation or Publication of Notice

SEL 805

rev 08/21
OAR 165-014-0005

No later than the **81st day before an election**, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

Filing Information

Election Date

Authorized Official

Contact Phone

Email Address

Referral Information

Title, Number or other Identifier

This Filing is For

☐ Drafting of Ballot Title Attach referral text.

☐ Publication of Notice Ballot title below.

Ballot Title Additional requirements may apply

Caption 10 words which reasonably identifies the subject of the measure.

Question 20 words which plainly phrases the chief purpose of the measure.

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

By signing this document:

→ I hereby state that I am authorized by the county or city governing body, or district elections authority to submit this Request for Ballot Title – Preparation or Publication of Notice.

Signature

Date Signed



CITY OF REDMOND

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STAFF REPORT

DATE: September 6, 2022
TO: City Council
THROUGH: Keith Witcosky, City Manager
FROM: Keith Leitz, HR Director
SUBJECT: Ordinance #2022-07: An Ordinance declaring a two-year ban on psilocybin service centers and declaring an emergency.

Addresses Council Goal:

7. Enhance the quality of life through adoption of programs, policies, and standards that manage growth while maintaining Redmond's small-town feel.

Report in Brief:

This item requests City Council to conduct a public hearing and adopt Ordinance 2022-07 to declare a two-year ban on psilocybin service centers and declaring an emergency.

Background:

Psilocybin is a psychedelic drug found in certain mushrooms. Ballot Measure 109 created a state law allowing for the licensed manufacturing and supervised use of psilocybin in licensed service centers. State law provides that a city or county may adopt an ordinance to be referred to voters to prohibit the establishment of licensed psilocybin product manufacturers and/or psilocybin service centers. Cities were given a limited amount of time to take action if they wish to enact regulations before the Oregon Health Authority (OHA) begins issuing licenses for service centers.

On August 16, 2022, City Council passed a resolution to file a ballot title with the Deschutes County Clerk which would refer to voters to the question of whether to enact a two-year moratorium on psilocybin service centers within the city limits. The deadline to publish the notice of the ballot title was August 19, 2022.

Discussion:

The Measure 109 program for psilocybin was modeled after the state's marijuana program. As with the marijuana program, there are different types of licenses that OHA will issue under the state's psilocybin program—manufacturer (production), laboratory (testing), facilitator (server), and service center licenses (location where provided and taken).

Council has three options regarding psilocybin service centers in reaction to this new state law:

Option 1: Approve an Ordinance banning psilocybin service centers within City limits for two years, and referring the matter to voters to be decided during the November 8, 2022 general election.

Option 2: Impose time, place and manner restrictions on such facilities under the Development Code.

Option 3: Take no action and let the state law apply as written. Under the law, applicants for licenses must still obtain a land use compatibility statement from the city stating that the proposed facility is consistent with the local government's comprehensive plan and land use regulations.

Key Considerations / Analysis:

Option 1 - Redmond can impose a ban on psilocybin service centers within the city limits. A local ban can be permanent or for a limited duration. However, because the City was already required to submit the ballot title for this measure, the ban and referral for the upcoming election can only be for two years. Similar to marijuana, a local psilocybin ban must be approved by the voters during a statewide general election. Thus, if the Council wants to propose a temporary ban to the voters, it must do so for this November's election or it will need to wait until the

November 2024 election to do so.

Option 2 - Instead of a ban, the Council may impose time, place, and manner restrictions on such facilities. Often, such regulations are included as part of a local jurisdiction's development code, and amendments to such codes can require a somewhat lengthy process, as they typically include providing notice to the State as well as hearings before the Planning Commission and Council. Thus, time would be of the essence if the Council wishes to pursue this option. Of note, state law already prohibits locating psilocybin service centers within 1000 feet of schools.

Approval of the attached Ordinance would direct staff to complete the ballot measure paperwork for the purpose of submitting a two-year moratorium on the establishment of psilocybin service centers within the city. The moratorium would sunset after two years. The ballot measure paperwork must be submitted to Elections no later than September 8, 2022; therefore, this Ordinance also declares an emergency. Councilors have the option individually of submitting arguments for or against the measure up until September 12, 2022.

Fiscal Impact:

None.

Alternative Courses of Action:

Conduct the public hearing and consider additional public testimony. Courses of action include:

1. Approve Ordinance 2022-07.
2. Do not approve Ordinance 2022-07 and allow state law to take effect in January 2023.

Recommendation / Suggested Motion:

"I move to have a first and second reading of Ordinance 2022-07, by title only." (Voice vote)

(The City Attorney will read the ordinance by title only, twice.)

"I move to approve Ordinance #2022-07" (Roll call vote)

**CITY OF REDMOND
ORDINANCE NO. 2022-07**

AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND DECLARING AN EMERGENCY.

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of September 6, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Redmond is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the city; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the Redmond City Council believes that temporarily prohibiting psilocybin service centers within the city's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the City to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of Redmond; and

WHEREAS, the City Council seeks to refer to the voters of Redmond the question of whether to establish a two-year moratorium on state-licensed psilocybin service centers within the City's jurisdictional boundaries.

NOW, THEREFORE, THE CITY OF REDMOND ORDAINS AS FOLLOWS:

SECTION ONE: PROHIBITION. The establishment of psilocybin service centers licensed under ORS 475A.305 is prohibited in the city of Redmond

SECTION TWO: REFERRAL. This ordinance is referred to the electors of the city of Redmond for approval at the next statewide general election on November 8, 2022.

SECTION THREE: SEVERABILITY. The provisions of this Ordinance are severable. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given without such invalid part or parts.

SECTION FOUR: EFFECTIVE DATE. The City Council finds that it is in the best interest of the City of Redmond to have this Ordinance take effect immediately upon adoption and signature. Therefore, the City Council hereby declares an emergency.

SECTION FIVE: SUNSET. This ordinance is repealed on December 31, 2024.

PASSED by the City Council and **APPROVED** by the Mayor this 6th day of September 2022.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder

Request for Ballot Title

Preparation or Publication of Notice

SEL 805

rev 08/21
OAR 165-014-0005

No later than the **81st day before an election**, a governing body that has referred a measure must prepare and file with the local elections official the text of the referral for ballot title preparation or the ballot title for publication of notice of receipt of ballot title. This form may be used to file the text of the referral and request the elections official begin the ballot title drafting process or file a ballot title and request the elections official publish notice of receipt of ballot title.

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Election Date

Authorized Official

Contact Phone

Email Address

Referral Information

Title, Number or other Identifier

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☐ Drafting of Ballot Title Attach referral text.

☐ Publication of Notice Ballot title below.

Ballot Title Additional requirements may apply

Caption 10 words which reasonably identifies the subject of the measure.

Question 20 words which plainly phrases the chief purpose of the measure.

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

By signing this document:

→ I hereby state that I am authorized by the county or city governing body, or district elections authority to submit this Request for Ballot Title – Preparation or Publication of Notice.

Signature

Date Signed



CITY OF REDMOND

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STAFF REPORT

DATE: September 6, 2022
TO: Redmond City Council
THROUGH:
FROM: Keith Witcosky, City Manager
SUBJECT: Resolution #2022-27: A resolution by the City of Redmond committing to public awareness and participation as part of siting any safe parking programs on City-owned land.

Addresses Council Goal:

6. COMMUNITY ENHANCEMENT AND PARTICIPATION

Create an image and identity that generates community pride and ensures a high level of livability.

C. Invest in the use of public participation and community engagement in public policy decisions.

i. Use innovative approaches to public outreach and effective public participation to all members of the community.

ii. Recognize and celebrate the work of the volunteers who serve on City committees and commissions.

7. COMPREHENSIVE PLANNING

Enhance the quality of life through adoption of programs, policies, and standards that manage growth while maintaining Redmond's small-town feel.

D. Identify housing objectives, policies, and implementation strategies to diversify the range of housing choices.

ii. Work with Deschutes County and appropriate neighboring communities to reduce homelessness and participate in community conversations to advance this topic.

Report in Brief:

This item affirms the City of Redmond's commitment to incorporate public participation and awareness in the event that any City-owned property is considered for inclusion in the Safe Parking program.

Background:

At the August 23, 2022, City Council meeting, a substantial number of community members and neighbors provided public testimony regarding the City's plans to use City-owned land near NW 19th Street and Pershall Way as a site for Mountain View Community Development's (MVCD) Safe Parking program.

The land that was being considered is around 34 acres. It was purchased in 2017 with the long term intent of it becoming a City park (remains the goal). Four to six vehicles would be located on a small portion of the 34 acres. The land is currently being leased to a private party who is managing it for grazing. That grazing operation would/will continue as an interim use until the entire 34 acres become a City park (within around five years).

Approximately 30 people provided public testimony. Testimony included concern about using this area for the program, the lack of public participation in the decision, as well as people supporting the effort. In the end, City Council requested the City stop all prep work on the site.

Subsequently, on August 29, the City removed the site from consideration.

The evolution of the Safe Parking program and the conversations by City Council from 2021 through August 2022 included both formal City Council meetings and worksessions, informal City Council briefings, and public meetings by the City's Parks Committee. However, missteps in communication regarding site selection occurred and a stronger commitment to a public process is necessary.

Discussion:

The Safe Parking is among the most impactful services for people experiencing homelessness. It provides participants with short-term safe and legal places for people to sleep in vehicles and campers in clusters of no more than six

vehicles. In 2021, as a tool to help reduce the rapidly growing number of people experiencing homelessness, the State of Oregon enacted into law (Senate Bill 3261 and House Bill 2006), provisions to allow cities to site programs such as Safe Parking within their municipalities with a minimum of the typical land use review requirements.

The purpose of Safe Parking programs is to provide participants with case management and other services that allow them to lift themselves out of homelessness and into a more stable living situation.

Safe Parking is a program that operates in many cities across Oregon.

On September 28, 2021, City Council adopted Resolution 2021-29 which authorized up to \$50,000 toward the administration of the program. On October 5, 2021, City Council adopted an amendment to City Code Chapter 5 adding a Safe Parking program and Vehicle Camping section as a means to help address homelessness.

Initially, Reach, a Central Oregon nonprofit, administered the program. The duration of their administration was from November 2021 - March 2022. According to service providers, the program has seen success at locations including Mountain View Fellowship Church and the Redmond VFW.

In spring 2022, Mountain View Community Development (MVCD) took over management and administration of the Safe Parking program from Reach. The City awarded MVCD a grant of up to the remaining \$43,900 of the Council authorized \$50,000 to administer the reconstituted program. MVCD has leveraged the City's grant into more than \$500,000.

City Council has received many presentations about the limits cities have to directly address this issue. The laws which set the rules related to homelessness (in) cities across Oregon and neighboring states are set by both the state legislature and, in other cases, the 9th Circuit Court. Redmond does not have the ability to directly legislate homelessness. From these rulings:

- Sleeping on City/public property is legal; camping is not legal. The line between them is actually blurry.
- If someone is living in an RV on a City street – we cannot tow their vehicle, because of laws which state you cannot tow someone's 'home'.
- If someone is camping on property not owned by the City, the property owner would need to request the person be "trespassed" before enforcement can occur.
- Cities can regulate rules around 'camping' on city-owned property. However, in order to request relocation off of such property a city needs to have services available as an alternative (such as Safe Parking).

These legal parameters are one aspect of why cities and counties are investing/pursuing low-barrier shelters, high-barrier shelters, "safe parking" initiatives, and housing "villages".

The number of individuals using public streets as places to live in their RVs continues to increase. In spring 2022, around 17 RVs were parked in and around NE 17th Street adjacent to businesses such as Fuel Safe and Medline. That number has increased to 26 as of late summer. At the time of this report, three were parked on North Canal, west of Highway 97, adjacent to the Redmond Athletic Club.

Fiscal Impact:

There are no direct costs related to the resolution. Any future costs would be associated with the City's role in public outreach and community awareness.

As far as the Pershall site, around \$16,700 was spent in preparing the land. This includes materials, equipment, and personnel costs. Roughly, 40-45% of this amount was personnel costs.

The expectation set by City Council on August 23, was for this to be paid out of the \$50,000 in seed money for Safe Parking.

Alternative Courses of Action:

1. Adopt the resolution.
2. Do not adopt the resolution.
3. Take no action and request more information.

Recommendation / Suggested Motion:

"I move to approve Resolution #2022-27."



SAFE PARKING CITY COUNCIL CHRONOLOGY

AUGUST 2021 – SEPTEMBER 2022

SEPTEMBER 6, 2022



TIMELINE OF COUNCIL BRIEFINGS AUG. '21 – SEPT. '22



Council briefing/
overview of
Safe Parking Program



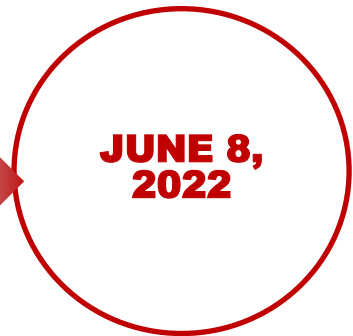
Council Budget
Adjustment: \$50,000
to Safe Parking



RV Strategy
Discussions begin
with Council



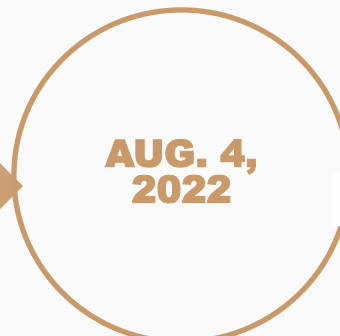
Informal Council Briefing:
RV Strategies



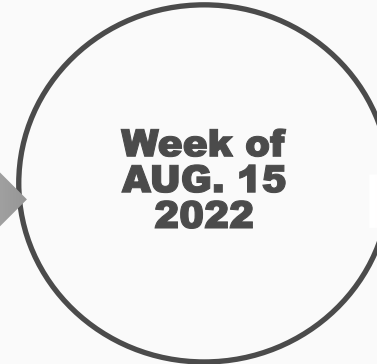
Informal Council Briefing:
Use of City properties for
Safe Parking



Informal City Council:
City property/Safe Parking
Cont.



Public Mtg.:
Parks Committee
Unanimous Support
for Pershall



Site Mobilization
Begins and Ends



Pershall pulled from
Consideration

**CITY OF REDMOND
RESOLUTION NO. 2022-27**

A RESOLUTION BY THE CITY OF REDMOND COMMITTING TO PUBLIC AWARENESS AND PARTICIPATION AS PART OF SITING ANY SAFE PARKING PROGRAMS ON CITY-OWNED LAND.

WHEREAS, Safe Parking is among the most impactful services for the homeless by providing participants with short-term safe and legal places for people to sleep in vehicles and campers in clusters of no more than six vehicles; and

WHEREAS, in 2021, the State of Oregon enacted into law, provisions to allow cities to site programs such as Safe Parking within their municipalities; and

WHEREAS, Safe Parking also provides participants with case management and other services; and

WHEREAS, Safe Parking is a program that operates in many cities across Oregon; and

WHEREAS, the Redmond Safe Parking Program, managed by Mountain View Community Development (MVCD), is a valuable program for helping people lift themselves out of homelessness; and

WHEREAS, the MVCD leveraged City Council's initial investment of \$50,000 for Safe Parking, back in September 2021, into more than \$500,000; and

WHEREAS, the program has seen success at locations including Mountain View Fellowship Church and the Redmond VFW; and

WHEREAS, expanding the program to more sites has the ability to reduce the number of RVs and cars that serve as shelters to people in the public rights-of-way; and

WHEREAS, the City encourages more private property owners, to include private non-profits and faith-based organizations, to become host locations for the program; and

WHEREAS, the City recognizes the importance of community awareness for any City-owned land that may be considered for the program.

NOW, THEREFORE, be it resolved by the Redmond City Council:

SECTION ONE: The City of Redmond affirms it will not consider the use of City-owned property for the Safe Parking program without conducting public participation and communication with neighbors in advance of selecting property for consideration.

SECTION TWO: City Commissions or Committees who play an advisory role to City Council will be utilized prior to approving any Safe Parking sites on any City-owned property.

ADOPTED by the City Council and **SIGNED** by the Mayor this 6th day of September 2022.

George Endicott, Mayor

ATTEST:

Kelly Morse, City Recorder