

The regular session of the Bend City Council was called to order at 7:06 p.m. on Wednesday, June 5, 2024, in Council Chambers, 710 NW Wall Street, and online. Present were Mayor Melanie Kebler, Councilor Barb Campbell, Councilor Ariel Méndez, Councilor Anthony Broadman, Mayor Pro Tem Megan Perkins, Councilor Mike Riley, and Councilor Megan Norris

1. **Roll Call:** Mayor Melanie Kebler, Mayor Pro Tem Megan Perkins, Councilor Barb Campbell, Councilor Ariel Méndez, Councilor Anthony Broadman, Councilor Mike Riley, and Councilor Megan Norris.

2. **Opening Statement and Land Acknowledgement**

Councilor Méndez read the Land Acknowledgement.

3. **Good of the Order**

Mayor Kebler changed the order of the proclamations. 3B.2SLGBTQIA+ Pride Month Proclamation was presented first.

A. **Gun Violence Prevention Month Proclamation**

Mayor Pro Tem Perkins presented the proclamation.

Councilor Campbell moved to accept the proclamation. Councilor Méndez seconded the motion.

Voice Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley, Norris Yes 7 No 0.

Brandy Steelhammer of Central Oregon Gun Safety Advocates and Tom O'Connor of Gun Owners for Responsible Ownership accepted the proclamation.

B. **2SLGBTQIA+ Pride Month Proclamation**

Mayor Kebler presented the proclamation.

Councilor Campbell moved to accept the proclamation. Councilor Broadman seconded the motion.

Voice Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley, Norris Yes 7 No 0.

Community members Sara Weiner and Sam Brown accepted the proclamation.

4. **Visitor's Section –**

- Emilie Hart-Hutter spoke about Franklin underpass bike safety. Hart-Hutter reported feeling unsafe using the pedestrian underpass, and asked Council for better signage to let motorists

know that cyclists are merging. Hart-Hutter also requested Council repaint the existing sharrow and add a second sharrow.

- Sweet Pea Cole spoke about safe bike and the pedestrian crossing on 3rd Street between Wilson and Franklin. Cole stated that there is no stoplight or crosswalk for the mile between Wilson and Franklin and reported frequent aggressive and erratic motorist driving. Cole requested a safer biking and walking route along this corridor.
- Justin Gottlieb spoke about the Oregon Bottle Bill and the homeless community. Gottlieb followed up on a signed letter sent to City Council, requesting assistance in bringing Bottle Drop, the trash companies, and Social Services to the table in a discussion around better aiding the homeless community by providing opportunities for wages.
- Logan Colbert spoke about the water quality of the Deschutes River. Colbert asked Council for assistance in reducing water pollution from trash and yard trimmings.

5. Consider a Motion to approve the Consent Agenda

- A. Approval of Minutes
October 27, 2022, City Council Special Meeting
Jan. 4, 2023, City Council Meeting
Jan 23 and 24, 2023, Council Goal Setting Meetings
May 10, 2024, City Council Special Meeting
May 15, 2024, City Council Meeting
- B. OLCC Report
- C. Monthly Financials report for April 2024
- D. Authorize the purchase of security cameras and related hardware from LTT Partners, LLC in an amount not to exceed \$150,000 for the 2023-2025 Biennium
- E. Authorize a three-year contract with PFM Financial Advisors LLC for municipal advisory services for a total contract amount not to exceed \$400,000
- F. Accept a Climate-Friendly and Equitable Communities Program grant from the Department of Land Conservation and Development in the amount of \$150,000 and authorize a granted funded agreement with DKS Associates for the Climate Friendly Area Mobility & Low-Car District Feasibility Study in an amount not to exceed \$150,000
- G. Authorize an agreement with Diversified Construction and Consulting, LLC for the upgrade of residential meter boxes in an amount not to exceed \$376,347
- H. Authorize an amendment to the agreement with Ed Staub and Sons for the purchase of bulk and card-lock fuel in an amount not to exceed \$980,000
- I. Adopt a Resolution authorizing an amendment to the Clean Water State Revolving Fund Loan Agreement Number R14536 with the Oregon Department of Environmental Quality for the Silver Sage Sewer Project in an amount not to exceed \$350,000

End of Consent Agenda

Councilor Campbell moved to approve the Consent Agenda. Councilor Norris seconded the motion.

Voice Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley, Norris Yes 7 No 0.

For each quasi-judicial agenda item, the following procedure shall govern the hearings, once opened by the presiding officer:

- 1) The City Council will declare ex-parte communications, including site visits as well as actual and potential conflicts of interests. Those in attendance will have an opportunity to challenge the disclosures;
- 2) The City Attorney will explain the procedural requirements, including the “raise it or waive it” rule; 3) A planning staff representative will outline the application and the approval criteria. This information is also outlined in the staff report which is available to the public;
- 4) the City Council will hear testimony, receive evidence and consider the testimony, evidence and information already submitted into the record. City code sets out the following order of testimony: applicant’s presentation; public testimony from those in favor, those neutral, and those opposed, in that order. Council may in its discretion allow rebuttal by those opposed;
- 5) staff comments, if any;
- 6) questions from the Council, if any; and
- 7) close the public testimony portion of the hearing. If the hearing is not continued or the record is not held open, the Council will then deliberate to reach a decision.

6. Quasi-judicial public hearing and first reading of an ordinance on Development Code Text Amendment to amend the Petrosa and Easton Master Plans to modify the residential standards to allow an alternative “village” housing product, and amending the Petrosa Transportation Mitigation Plan to modify transportation improvement triggers by subphase (PLTEXT20240140)

Mayor Kebler opened the public hearing at 7:36 p.m.

City Attorney Mary Winters reviewed the quasi-judicial procedural questions.

Councilor Broadman declared that he made site visits and observations.

No Councilors declared any personal or financial interests in the matter or felt they had prejudged or could not be impartial.

Senior Planner Karen Swenson gave the presentation.

Slides included:

- Petrosa & Easton Master Plan Development Code Text Amendments
- Flag Lots – Code Comparison
 - Current Code: Flag Lots – 15-foot street frontage, abutting flag lots = 30 feet
 - Proposed code: Abutting flag lots – 9 foot frontage each, abutting flag lots = 18 feet
- Purpose of Residential Code Amendments
 - Smaller detached housing, opportunity for small private yard, shared private driveway
- Open Space – Code Clarification
- Petrosa Transportation Mitigation Table
 - Only change is clarification of improvement by subphase based on impact to corridor.
- Arterial/Collector Improvements (map)
- Petrosa Transportation Mitigation Table
 - Proposed edits per Planning Commission recommendation:
Yeoman Road street, bridge, and intersection improvements required prior to final plat of Residential Phase 6. Phase 6A may be platted without these improvements if a financial guarantee is provided at the time of final plat. The improvements must be completed prior to the final plat approval of Phase 6b.

Project applicant Joey Shearer of AKS Engineering shared a presentation.

Slides included:

- Petrosa Master Plan and Easton Master Plan Text Amendment
- Project Team
- Purpose of Amendments
- Text Amendment Summary
- Yeoman Improvements area map
- Yeoman Corridor Improvements
- Flag Lots
- Questions?

Councilor Riley asked for clarification on the financial guarantee bonding.

Shearer replied that the amount of the bond is based on the engineers estimated cost of all of the improvements, about \$12 million, which will be provided to the City via bond.

Representing the Bend Planning Commission, member Nathan Nelson stated that the concerns of the Planning Commission were addressed with the bond and that the Planning Commission supported the new village-style housing.

Mayor Kebler called for public testimony. Seeing no one wishing to speak, Mayor Kebler closed the public hearing at 8:02 p.m.

Councilor Campbell moved for the first reading of the ordinance to amend Bend Development Code Chapter 2.7, Special Planned Districts, to modify the Petrosa and Easton Master Planned Developments as proposed. Mayor Pro Tem Perkins seconded the motion.

7. Quasi-judicial public hearing and first reading of an ordinance to annex five acres in the Southeast Area (PLANX20230258)

Councilor Norris declared an actual conflict of interest due to employment at Hayden Homes and recused herself at 8:03 p.m.

Mayor Kebler opened the public hearing at 8:04 p.m.

City Attorney Mary Winters reviewed the quasi-judicial procedural questions.

No Councilors declared any personal knowledge, evidence, or ex-parte communications or site visits.

No Councilors declared any personal or financial interests in the matter, other than what was already declared by Councilor Norris, and none present felt they had prejudged or could not be impartial.

Associate Planner Michelle Patrick gave the presentation.

Slides included:

- Legore Annexation
- Southeast Expansion Area (maps)
- Southeast Area Plan (SEAP)
- Bend Development Code 4.9.300.B.2 Annexation Review Procedures
 - Existing code language, states that the annexation area is 5 acres, and therefore is not subject to the master plan, as it is under the required 20 acres.
- Legore Annexation - PLANX20230258 - Project Vicinity (vicinity map)
- Comprehensive Plan Designation - Residential Standard Density (RS) (map)
- Development Proposal
- Annexation Criteria (BDC 4.9.600.A)
 - Consistency with Comprehensive Plan policies and plan designations
 - Consistency with SEAP – no master plan required
 - Capable of being served by public facilities and services (sewer, water, transportation, schools, parks)
 - Mitigation of public facility impacts (on-site improvements) via annexation agreement
 - No irrigation water rights, assets, facilities, or easements. Irrigation district has had opportunity to review layout and design
 - Consistency with Transportation Planning Rule (TPR)
 - Rights-of-way will be improved to City Standards
- Annexation Agreement
 - Utilities:
 - Must comply with requirements of Avion water

- Agreement provides two options for sewer provision:
- Construct sewer main to connect to existing main in Sedonia Lane to west, or
- Construct sewer main in Cabin Lane to east, and connect to regional pump station
- Transportation:
 - Payment to ODOT for Transportation Planning Rule (TPR) Compliance
 - Infrastructure Provisions:
 - Cabin Lane Dedication (30 feet) plus ¾ street improvements
 - Dedication (60 feet) and full improvements for extension of Sedonia Lane and the proposed north-south street.

Mayor Kebler called for public testimony. Seeing no one wishing to speak, Mayor Kebler closed the public hearing at 8:17 p.m.

Councilor Campbell moved for the first reading of the ordinance annexing land in the Southeast Area. Councilor Riley seconded the motion.

Voice Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley Yes 6 No 0. Councilor Norris was recused.

Councilor Norris returned to the room at 8:18 p.m.

8. Public Hearing and First Reading of an ordinance amending Bend Development Code Table 2.1.200, and Section 3.6.300, to allow Neighborhood Commercial Sites on residentially zoned lands adjacent to the Bend Central District.

Mayor Kebler opened the public hearing at 8:19 p.m.

Associate Planner Nicolas Lennartz gave the presentation.

Slides included:

- Neighborhood Commercial Development Code Text Amendments
- Background
- Area Maps
- Proposed Amendments –
 - Bend Development Code (BDC) 2.1.200
 - BDC Chapter 3.6.300
 - BDC 4.6.200 Legislative Amendments

Lennartz mentioned that the City received letters of support from the Bend Chamber, a local developer advocacy group, and at least one developer.

Nathan Nelson of the Planning Commission reported that the Planning Commission voted unanimously in support of the proposed changes.

Applicant Greg Blackmore, President/Manager of Blackmore Planning and Development Services, stated that because this land isn't adjacent to land designated for commercial or mixed use, the amendments are required to correct a technicality. The land is located in Bend Central District, which is an overlay zone, but is adjacent to land designated Residential Housing and commercial or mixed-use development is not currently permitted.

No public comment was given.

Mayor Kebler called for public testimony. Seeing no one wishing to speak, Mayor Kebler closed the public hearing at 8:31 p.m.

Councilor Broadman moved for the first reading of the ordinance to amend Bend Development Code Table 2.1.200, and Section 3.6.300.J. to allow Neighborhood Commercial Sites on residentially zoned lands adjacent to the Bend Central District. Councilor Norris seconded the motion.

Voice Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley, Norris Yes 7 No 0.

9. Public hearing and first reading of an ordinance to vacate the southern 15 feet of the unimproved NE Penn Avenue right-of-way between the Burlington Northern Santa Fe railroad and the intersection of NE Penn Avenue and NE 1st Street

Mayor Kebler opened the public hearing at 8:34 p.m.

Planning Manager Renee Brooke and Associate Planner Alexa Repko gave the presentation.

Slides included:

- NE Penn Avenue Right-of-Way Vacation
- Background
- NE Penn Avenue/NE 1st Street Intersection – street view image
- NE Penn Avenue – concept plan
- Review Standards (BDC 3.80.040)
- Recommendation
- Map

Councilor Méndez asked if moving the railroad would fall under reasonable foreseeable use.

Brooke responded that this site is not needed because there are other locations to gain connection to the rail.

Project applicant Greg Blackmore and Pinnacle Architecture Project Lead Emily Freed also shared a presentation.

Slides included:

- NE Penn Avenue
- Area map

- Existing Condition – street view map
- Site Plan
- Rendering
- Steps to Development
- Questions?

Mayor Kebler called for public testimony. Seeing no one wishing to speak, Mayor Kebler closed the public hearing at 8:48 p.m.

Councilor Broadman moved for the first reading of an ordinance vacating the southern 15 feet of the unimproved NE Penn Avenue right-of-way between the Burlington Northern Santa Fe railroad and the intersection of NE Penn Avenue and NE 1st Street. Councilor Campbell seconded the motion.

Voice Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley, Norris Yes 7 No 0.

10. Approve Visit Bend Fiscal Year 24-25 Business Plan and Budget

Economic Development Manager Ben Hemson, Visit Bend Vice President of Marketing & Communications Nate Wyeth and Visit Bend Board Chair Todd Montgomery gave the presentation.

Slides included:

- BEND: Visit Bend FY25 Business Plan
- Visit Bend Overview
- Five Things to Know About Visit Bend
- Industry Metrics – Transient Room Tax (TRT) Breakdown
- A Balanced Bend Approach
- The Economic Impact of Tourism
- TRT Collections: A Decade of Collections
- TRT Collections: Calendar Year 2022 v. 2023 by Month
- State of the Industry – Hotel Occupancy: April 2024
- Visit Bend Budget – FY24 Budget vs. Actual
- Visit Bend Budget – FY25 Overview
- Visit Bend Budget – FY25 Breakout
- FY25 Priorities + Goals
- Economy, People, Place

Councilor Riley asked for more information on the Carbon neutral certification and the investment in the Zumwalt Prairie.

Wyeth responded that the carbon neutral certification was based on an audit of miles travelled and impact of advertising, and how to offset that with investments to Zumwalt Prairie, a certified carbon sink area, using unrestricted revenue dollars. Wyeth confirmed that they did not use City money, but income from other revenue streams.

Mayor Pro Tem Perkins asked for an explanation of the tourism life cycle, and what stage Bend is currently in.

Montgomery stated that Bend is currently at an inflection point, a point, after tourism growth, at which it is determined if the destination will continue to thrive, hit a steady state of capacity, or begin to decline. Visit Bend's vision is to invest in the future, so that Bend remains a place to enjoy 100 + years from now. Visit Bend keeps this future-planning in mind when making investments and making sure that the community is on board. This is considered a progressive approach by the tourism industry.

Councilor Méndez expressed appreciation for the community focus of Visit Bend, including the prioritization of the Bend Cultural Tourism Fund and the Sustainability Fund.

Councilor Campbell suggested doing more regarding safety and preventing impaired driving, particularly because a portion of the TRT dollars supports breweries, distilleries and wineries. Councilor Campbell expressed appreciation for the accessibility guide.

Councilor Broadman moved to approve the Visit Bend Business Plan and Budget of \$4,981,200 for Fiscal Year 2024-25. Councilor Campbell seconded the motion.

Voice Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley, Norris Yes 7 No 0.

11. Second Reading of an ordinance amending Bend Municipal Code Chapter 1.70, Neighborhood Associations

Councilor Campbell moved for the second reading and adoption by roll call vote of the ordinance amending Bend Municipal Code Chapter 1.70, Neighborhood Associations. Councilor Norris seconded the motion.

Roll Call Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley, Norris Yes 7 No 0

12. Council Action and Reports

Executive Session Report - City Manager Review

Mayor Kebler provided the following statement regarding the City Manager's review held in Executive Session.

Just like our community, we trust Eric King and have confidence in his continued ability to lead as our City Manager. As Bend grows and changes, Eric has built a strong team to meet the community's diverse needs. Because of Eric's leadership and hard work, the City continues to deliver stable, consistent, and high-quality public services. Eric's foresight to plan for the future ensures that the City is ready to meet both the known and unknown challenges our community faces. City Council is grateful

for Eric's integrity, compassion, and commitment to public service. Bend remains an excellent place to live in large part due to Eric's effective leadership.

Chief People Officer Rob DuValle presented comparable salary and compensation packages from other Oregon cities closest in population to Bend.

Councilor Riley proposed giving King a 6% total increase in compensation, roughly 3% based on merit and 3% to adjust for market.

Mayor Kebler suggested including the option for a vacation days cashout.

City Attorney Mary Winters confirmed that Council needs to specify a number of vacation days allotted for cashout.

Councilor Broadman proposed allowing for half of the City Manager's current accrued vacation days to be cashed out.

Councilor Riley moved to give City Manager Eric King a 6% raise and the option to cashout half of his accrued vacation balance, as of this date (June 5, 2024). Councilor Broadman seconded the motion.

Voice Vote – Mayor Kebler, Councilors Campbell, Méndez, Broadman, Perkins, Riley, Norris Yes 7 No 0.

A. Committee Updates

- Stewardship Subcommittee
 - Heard an update on the American Rescue Plan Act funds.
 - Discussed tax incentives on housing, will continue the conversation at the next meeting in July, and will bring policy recommendations to Council in August.
 - Heard from the Citizen's Assembly group. A Memorandum of Understanding (MOU) will be on consent agenda at the next Council meeting.
- Community Building Subcommittee
 - Discussed the City's planning work on climate friendly and equitable communities.
 - Discussed midtown crossings and the Greenwood Avenue project. Work on Greenwood will begin this summer.
 - The Subcommittee will continue the discussion on street standards and speed limits at its next meeting on June 13.
- Councilor Campbell
 - Attended the Walk and Roll event with City of Bend Accessibility Advisory Committee (COBAAC) and community partners.
 - Attended the Oregon MPO Consortium meeting in Eugene, which focused on looking forward to the 2025 legislative long session. Some of the group's concerns were around three big Portland transportation projects, which will require a huge portion of the budget and potentially leave little for other projects.
- Councilor Méndez

- Attended the Bend Metropolitan Planning Organization (MPO) on May 17, and heard from Cascades East Transit about future efforts to improve transit.
- Attended the Transportation Bond Oversight Committee (TBOC) on May 21, which focused on timing adjustments to the Capital Improvement Plan project list.
- Attended the Prescribed Burn Tour on May 29 and announced the upcoming City Club event on June 20 regarding prescribed burns.
- Councilor Broadman – nothing to report.
- Mayor Pro Tem Perkins
 - Sat on a panel for “Orange and Black”, an Oregon State University (OSU) business class focused on houselessness.
 - The Coordinated Houseless Response Office (CHRO) is putting together a round table on China Hat on June 20 to determine next steps and announce them publicly.
 - Toured Redmond’s Safe Parking Program.
- Councilor Riley
 - League of Oregon Cities (LOC) finished wrapping up its development of a transportation policy ballot going out to the broader LOC membership. Focal points were how to maintain funding for operations and maintenance, support for transit operations, and community and neighborhood safety.
 - Attended the Southeast Bend Neighborhood Association meeting, which focused on houselessness.
 - Attended the Bend Economic Development Advisory Board (BEDAB) meeting, which focused on site-specific TIFs.
- Councilor Norris
 - Attended the Environmental Center’s event on the Home Energy Assessment Program, which provides funding to low- and moderate-income households to improve their home energy efficiency.
- Mayor Kebler
 - Representative Pam Marsh and local Representatives visited Bend on June 4 for a tour of affordable housing and shelters.
 - Thanked Councilors for volunteering at the Pride event and the upcoming Juneteenth celebration on June 15 and 16.
 - Will move forward with the Council Op Ed column on Pride emailed to Councilors.

B. Appointments

Mayor Kebler recommended the following appointments:

- Affordable Housing Advisory Committee - Ian Karasz
- Bend Economic Development Advisory Board - Jenn Lynch, Jillian Taylor (alternate to voting member)
- Human Rights & Equity Commission - Adrienne McDougal, Agatha Ventura
- Landmarks Commission - Heidi Slaybaugh (alternate to voting member)
- County Bicycle and Pedestrian Advisory Committee - Neil Baunsgard (re-appointment)

Mayor Pro Tem Perkins moved to approve the recommended appointments. Councilor Broadman seconded the motion.

B. Letters - none

13. Receive City Manager's Report

- City Manager King Reported vandalism to new Pride crosswalk, which will be repainted with more durable paint.
- Joint Tribal-Council meeting with the Confederated Tribes of the Warm Springs on June 10
- Public Safety roundtable on June 10.
- Next City Council meeting is on Thursday, June 20, due to the Juneteenth holiday on Wednesday, June 19.
- Summer is street paving season - Slurry seal is being added to neighborhood streets in the northeast, chipseal will be added throughout city in July, and grind and inlay will be added in August.

14. Adjourned at 9:46 p.m.

Respectfully submitted,

Morgen Fry/AB
Interim City Recorder



Accessible Meeting Information

This meeting/event location is accessible. Sign language interpreter service, assistive listening devices, materials in alternate format such as Braille, large print, electronic formats, or any other accommodations are available upon advance request. Please contact Robyn Christie at rchristie@bendoregon.gov or 541-388-5517; Relay Users Dial 7-1-1. Providing, at least, 3 days' notice prior to the event will help ensure availability.