

The work session of the Bend City Council was called to order at 5:02 P.M. in the City Council Chambers at Bend City Hall, 710 NW Wall. Present were Bend City Councilors Linda Johnson, Mark Capell, Chris Telfer, Peter Gramlich, Jim Clinton, and Mayor Bruce Abernethy. Councilor Bill Friedman was absent.

### **Public Art Funding (Issue Summary) (Ordinance)**

Cate O'Hagan from Arts Central Oregon and Mike Hollern with Brooks Resources discussed the art match program. Mr. Hollern discussed the history of the program including the roundabout art to which Brooks Resources contributed \$750,000. The program concluded in December, 2005. Brooks Resources committed another \$500,000 to art, subject to matching funds and art being placed by 2010. He spoke with Councilor Friedman about a joint project, such as a one percent fee on public construction for public art. Mr. Hollern does not think this program will attract a lot of private contributions and believes that the program may fall on elected officials, if it is to succeed. Arts, Beautification, and Culture (ABC) Commission, Arts in Public Places, and Celebrate Bend Foundation have done a good job to this point. In order to meet the deadline of installation of all art by 2010, Mr. Hollern believes that all projects should be in contract by 2009. He asked Council whether it would be willing to participate.

Ms. O'Hagen discussed the possibility of using Transient Room Tax (TRT) dollars to serve as the match for this program. She suggested that the money be contributed until the conclusion of the program. The ArtMatch group is comprised of the ABC (which locates potential sites for the art work), Art in Public Places (which leads the art selection process), and Celebrate Bend Foundation (which receives the funds).

Councilor Johnson referred to her experience in Washington. The one percent contribution for arts was tied to capital construction. She asked how this would relate to the location of the art, if the City pays one percent on its capital construction. Ms. O'Hagen referred to the proposed ordinance. She felt that the site providing the revenue would receive the art, if there was a location for it. If not, the art would be located nearby.

Councilor Telfer referred to the ABC's list of potential sites. Ms. O'Hagen advised that the stipulation for site location was that the art would be placed on public property. She would ask the County and Parks District if they would be willing to support a similar art match on construction. ABC's selected sites are: Parks Administration Building, Bend Senior Center, Treatment of Downtown Sidewalks, 15<sup>th</sup> Street and Bear Creek Roundabout, Laurel Park on Olney, the base of Pilot Butte, and the southeast entrance to Bend.

Councilor Clinton asked what other cities are paying toward art. The state has a one percent for art program. Lake Oswego contributes 2.5 percent toward art, Portland

contributes 2 percent, Tri-met Transportation Agency contributes 1.5 percent, and Medford contributes 1.5 percent. Most of the cities which contribute to art contribute at 1.33 percent with the .33 percent paying for administration and maintenance.

Councilor Gramlich asked about how accrual of small amounts would be pooled. Ms. O'Hagen explained it would be decided on a case by case basis based upon public visibility.

Councilor Johnson asked City Manager Andy Anderson to prepare an estimate about the amount of building and capital improvements anticipated in the next year. She also asked if legal counsel has determined if this is an acceptable use of TRT funds. City Recorder Patty Stell explained that legal counsel determined that some projects would qualify and some might not.

Councilor Johnson prefers to use revenue from charging a percent on construction rather than TRT revenue because it is a more sustainable funding source. If, for the first year, TRT revenues are needed, she would support that.

Councilor Clinton supports an art match for new construction and feels that it shows the City's commitment and sets a good example for private funding. He would support looking at TRT funds and looking for other means of funding. He feels it's too soon to consider the ordinance until the details are figured out.

Mayor Abernethy agrees with Councilor Clinton and supports the concept. He feels it supports the Vision 2030 and appreciates the private sector taking the lead on this.

Councilor Capell appreciates the art in the community and feels that it makes Bend special. He supports this proposal. In the initial stages, if we need to look at TRT revenues, he would be supportive, but first he would like to consider the revenue from capital improvements the next few years.

Councilor Telfer supports the concept. Time is of the essence, and she would like to get this moving forward quickly.

Mayor Abernethy supports looking into TRT funding, but he believes a more successful revenue source would be a contribution on capital improvements.

Mr. Anderson was asked to check with the Finance Department about TRT revenue.

This item will return to the agenda during the first meeting in May.

### **TSP Amendment – Phase II b (Issue Summary)**

Transportation Planner Rick Root explained that the TSP amendment will be presented for adoption on May 2<sup>nd</sup>. Findings must be consistent with the Development Code and General Plan. In addition, a housekeeping amendment related to performance

standards will be presented. The second subject for consideration will be funding. Four issues must be addressed. They are:

- Identify Rough cost estimates for transit facilities
- Amend financing program to clearly identify cost estimates for needed transportation facilities and services
- Conduct analysis and prepare findings regarding the adequacy of existing and possible funding mechanisms to fund the identified needs
- Adopt policies and guidelines regarding funding mechanisms

Mr. Root explained the sources of current transportation funding. Transportation SDC's bring in the greatest source of revenue. He discussed where the funds are expended. 37 percent are spent on construction and expansion. The City needs to evaluate other means of transportation funding. Other options might include gas tax increases, property tax increases, local roadway utility fee, increase transportation SDC's. Other ideas for transportation funding include: peak-period pricing (tolls), fee per vehicle miles traveled, local option vehicle registration, pursue federal funding grants, increase general fund transfers.

Councilor Johnson inquired about timing for final wrap-up of the TSP amendments. Mr. Root responded that it should be completed this summer. The City doesn't have to adopt a transportation fee, but must have a game plan for funding.

Councilor Telfer asked whether there will be choices for Council to make. Mr. Root explained that there will be choices and Council will need to make policy decisions. Councilor Telfer wants to know about the financial impacts of the options.

Transit and trails will be part of the financial package.

Mr. Anderson advised that Council will need to address what to do about transit. Some citizens want the system expanded, but don't want to fund it. He believes the transit system is bigger than the City of Bend, but he's not sure it covers three counties. There should be a community discussion. Mayor Abernethy agrees with this assessment. He asked if there is a body of representatives within the County who could address this. Is there a mechanism to get recommendations to Council or should Council be making recommendations? As we continue to grow, we need to get transit out of the General Fund. Councilor Clinton suggested that COACT has made a number of presentations on tri-county transportation, although it is not directly involved with transportation inside the City. COACT is not talking about a transit district. The MPO might be willing to discuss this. Mayor Abernethy will work on scheduling a work session about regional transit. Mr. Anderson suggested a group of citizens to consider this issue with COACT, Council, and the MPO.

### **Discussion of Visitor Comments During City Council Meetings (Issue Summary)**

Mr. Anderson reported on how visitor comments are handled in other cities. Some other cities don't have the open forum until the end of the meeting.

Mayor Abernethy felt that the visitor comment section at the last Council meeting was awkward. On two different topics, citizens stated the same thing repeatedly. Council took action and visitors continued to speak on the issue. He does not want to deny people their right to speak, but would like to define the role of the visitor comments section. Citizens should have access to the Councilors, but he feels it is a privilege rather than a right to address the Council in this City Council meeting forum.

Councilor Cappel wants to hear what people have to say but doesn't need to hear the same thing from 10 different people. He suggested that citizens be asked to show support for particular comment by a show of hands if they have the same thing to say. As a separate issue, he wondered about hearing from the same speakers each week if they don't have anything new to say. In some cities, citizens are only allotted one time per month to speak in the council meeting forum.

Councilor Johnson agreed that the last meeting was awkward. She suggested that, if there are a number of citizens signed up to speak on one topic, they might be encouraged to speak only if they have something new to add. She added that sometimes people just need to express their hearts and what they need. To say that it isn't allowed is not the image Council wants to have. There may be occasional times when people just need to speak. Councilor Gramlich agrees. He doesn't want to disallow people to speak or to cut them off.

Councilor Clinton pointed out that hearings officers often ask people to state that they are in agreement or opposition, if they don't have new information.

Referring to the last Council meeting, Mayor Abernethy had wanted to hear from several people regarding the bridge naming issue. He then asked Council to take action. It was not his intent to stifle testimony, but it was frustrating when comments continued after Council took action.

Councilor Telfer felt that one of the problems was that the regular agenda items were not addressed until two hours into the meeting. She feels the Council can listen and take input later in the meeting but would be better able to work on the agenda items when they are fresher toward the beginning of the meeting. She also has problems having people using the television coverage as a soapbox for issues. She supports hearing the non-agenda items at the end of the meeting. Councilor Gramlich agrees and added that Council is not there to answer questions from the visitors.

Councilor Johnson suggested hearing a limited number of speakers at the beginning of the meeting and, if there are a number of speakers on the same subject, hear the remainder of the speakers at the end of the meeting. Councilor Telfer agrees.

Mayor Abernethy, out of respect for citizen's time, prefers to have the visitor section at the beginning of the meeting. He asked Council to give him authority, after hearing a

number of speakers on the same topic, to make a statement asking further speakers to keep comments short and just state their agreement. He is also not interested in hearing further testimony after Council takes action. Councilor Johnson disagrees and wants to withhold action until after testimony. Councilor Capell supports Mayor Abernethy's recommendation. If there are numerous speakers, Mayor Abernethy will announce that Council will take testimony for 30 to 40 minutes. Councilor Clinton asked that the visitor sign-up sheets list the rules of the public comment period. Councilor Johnson suggested that they also be posted on the website.

The Council discussed whether to allow applause. Councilor Capell doesn't see this as a problem. Councilors Telfer and Johnson felt that applause may get out of hand. Councilor Clinton felt that making it a bigger issue might make it worse.

The meeting adjourned at 6:26 P.M.

Respectfully submitted,

Patricia Stell  
City Recorder

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