



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

October 18, 2021

**7:30 p.m. CITY COUNCIL PUBLIC HEARING and
PUBLIC HEARING OF THE EUGENE URBAN RENEWAL AGENCY**

As the state and community recover from the COVID-19 pandemic, most City Council meetings will continue to be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of October 18, 2021;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Jennifer Yeh, President

Mike Clark

Randy Groves

Emily Semple

Claire Syrett, Vice President

Greg Evans

Matt Keating

Alan Zelenka

**7:30 p.m. CITY COUNCIL PUBLIC HEARING and
PUBLIC HEARING OF THE EUGENE URBAN RENEWAL AGENCY**

- 1. PUBLIC HEARING: An Ordinance Concerning the Crime of Intimidation by Display of a Noose and Increasing the Maximum Penalty for Violating Section 4.731 of the Eugene Code, 1971 (Bias Crime in the 2nd Degree); Adding Section 4.732 to the Eugene Code, 1971; and Amending Section 4.990 of that Code**
- 2. PUBLIC HEARING: Downtown Open Space Improvements**

For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning the Crime of Intimidation by Display of a
Noose and Increasing the Maximum Penalty for Violating Section 4.731 of the
Eugene Code, 1971 (Bias Crime in the 2nd Degree); Adding Section 4.732 to the
Eugene Code, 1971; and Amending Section 4.990 of that Code

Meeting Date: October 18, 2021
Department: City Attorney's Office
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Kathryn Brotherton
Contact Telephone Number: 541-682-8447

ISSUE STATEMENT

This City Council public hearing is to consider an ordinance to add the crime of Intimidation by Display of a Noose and to increase the maximum penalty for violating Eugene Code 4.731 (Bias in the 2nd Degree).

BACKGROUND

On April 21, 2021, the City Council amended EC 4.731 to reflect the changes made by the state legislature in 2019 through SB 577; specifically, by changing the crime from "Intimidation in the Second Degree" to "Bias Crime in the Second Degree" and adding the categories of gender identity and disability to the list of characteristics that can give rise to a bias crime. Also on April 21, the City Council further expanded the list of categories beyond those set forth in state statute by adding unhoused status to the list. The City's Bias Crime in the Second Degree, EC 4.731, has a maximum penalty of \$2,500 or 1 year in jail, or both. For the parallel state crime of bias in the second degree, state statute allows for a penalty of up to \$6,250 or 1 year in jail, or both.

On June 11, 2021, Governor Brown signed SB 398, creating the Class A misdemeanor of "crime of intimidation by display of a noose." While SB 398 will go into effect on January 1, 2022, the City Council could adopt an identical law that goes into effect sooner.

On July 26, 2021, the City Council held a work session in response to a council-initiated poll to discuss the City of Eugene's response to hate crimes, potential options for increasing penalties for hate crimes, and/or other means of deterring these crimes in the community. At that work session the City Council adopted motions directing the City Manager to prepare an ordinance and schedule a public hearing to add the crime of intimidation by display of noose, mirroring Oregon SB 398, and increase the maximum monetary penalty for violating EC 4.731 to \$6,250.00.

PREVIOUS COUNCIL DIRECTION

[July 26, 2021, Work Session, Response to Hate Crimes](#)

Move to direct the City Manager to prepare an ordinance and schedule a public hearing on a code amendment adding the crime of intimidation by display of noose. Passed: 8-0

Move to direct the City Manager to prepare an ordinance and schedule a public hearing increasing the maximum monetary penalty for violating EC 4.731 to \$6,250. Passed: 8-0

ATTACHMENTS

- A. Proposed Ordinance: An Ordinance Concerning the Crime of Intimidation by Display of a Noose and Increasing the Maximum Penalty for Violating Section 4.731 of the Eugene Code, 1971 (Bias Crime in the 2nd Degree); Adding Section 4.732 to the Eugene Code, 1971; and Amending Section 4.990 of that Code

FOR MORE INFORMATION

Staff Contact: Kathryn Brotherton
Telephone: 541-682-8447
Staff E-Mail: kbrotherton@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CRIME OF INTIMIDATION BY DISPLAY OF A NOOSE AND INCREASING THE MAXIMUM PENALTY FOR VIOLATING SECTION 4.731 OF THE EUGENE CODE, 1971 (BIAS CRIME IN THE 2ND DEGREE); ADDING SECTION 4.732 TO THE EUGENE CODE, 1971; AND AMENDING SECTION 4.990 OF THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.732 of the Eugene Code, 1971, is added to provide as follows:

4.732 Intimidation by Display of a Noose.

- (1) *A person commits the crime of intimidation by display of a noose if:***
 - (a) *The person, with the intent to intimidate another person or place another person in fear of imminent bodily harm, knowingly places a noose:***
 - 1. *On public property; or***
 - 2. *On private property without the written consent of the property owner;***
 - (b) *The other person is intimidated or placed in fear of imminent bodily harm by the display; and***
 - (c) *A reasonable person would be intimidated or placed in fear of imminent bodily harm by the display.***
- (2) *As used in this section:***
 - (a) *“Intimidate” means to threaten another person in a manner that compels or deters the other person’s conduct.***
 - (b) *“Noose” means a tied loop in the end of a length of rope or cord.***

Section 2. Subsection (1) of Section 4.990 of the Eugene Code, 1971, is amended by amending the penalty for violation of Section 4.731 of the Eugene Code, 1971, and adding a penalty for violation of Section 4.732 of that Code to provide as follows:

4.990 Penalties – Specific.

(1) Violation of the following sections is punishable by fine or confinement in jail, or both, up to the amounts indicated opposite each. In addition, the court may order any treatment,

related to the violation, deemed necessary for rehabilitation of the offender and the safety of the community.

Section	Penalty
4.731	[2,500] 6,250 fine or 1 year in jail, or both
4.732	6,250 fine or 1 year in jail, or both

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

_____ day of _____, 2021

Approved by the Mayor this

_____ day of _____, 2021

City Recorder

Mayor

EUGENE URBAN RENEWAL AGENCY BOARD

AGENDA ITEM SUMMARY



Public Hearing: Downtown Open Space Improvements

Meeting Date: October 18, 2021
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Will Dowdy
Contact Telephone Number: 541-682-5340

ISSUE STATEMENT

The public is invited to comment on a) whether the Downtown Open Space Improvements should move forward, and b) if so, how they should be funded. Following the public hearing, the Agency Board has a work scheduled for October 20 to consider the specific improvements to be constructed and whether Urban Renewal funds will be utilized.

BACKGROUND

In 2016-17, Project for Public Spaces (PPS), a non-profit based in New York City, conducted a study of four public spaces in downtown Eugene: Kesey Square, the Park Blocks, the intersection at 10th and Olive, and the Hult Center Plaza. Through public engagement, conversations with stakeholders, and observation of existing uses of the space, the study recognized the important role the Hult Center Plaza could play in connecting the north end of downtown with the traditional downtown core while supporting adjacent uses.

The Willamette Connection, as the project to improve the Hult Center Plaza has come to be known, embraces the findings from the 2017 [PPS Final Report](#), grounding itself in the following design principles:

- Support adjacent destinations
- Connect with the urban fabric
- Improve real and perceived public safety

In order to ensure the design of this space supports adjacent uses, an Advisory Committee has been involved throughout the design process. The Advisory Committee includes representatives from across the city organization, including staff from the Hult Center. It also includes the General Manager of the Graduate Hotel. Management staff at both the Hult Center and the Graduate are supportive of this project, particularly if the first phase of work can be completed to coincide with the Hult Center's 40th anniversary and the World Athletics Championships (summer 2022). Additionally, a letter of support for the project was submitted on behalf of the Eugene Japanese American Memorial Committee. This is an important vote of confidence as the proposed improvements are adjacent to the garden and plaque that constitute the Memorial.

As this project has evolved, so too has the urban fabric surrounding the site. The Downtown Riverfront development, the Fifth Street Public Market expansion, the Market District Commons and the Farmers Market Pavilion all underscore the need to connect the north end of downtown with the traditional downtown core. Community members identify unappealing pedestrian environments, such as crossing 6th and 7th Avenues, as barriers that discourage people from moving from one section of downtown to another. This results in downtown feeling larger and less convenient to traverse than it actually is. The Willamette Connection project helps to address those barriers and supports economic, social, and cultural activity across the greater downtown area.

Crime prevention through environmental design (CPTED) principles have been applied throughout the design process to date. A major thrust in this design work has been improving the lines of sight from one end of the space to another, encouraging people to connect through the space and increasing public safety. By encouraging more people to use the space to travel through downtown, we will increase 'eyes on the street' and discourage criminal behavior.

On July 27, 2020, the Agency Board passed a motion to fully fund the Farmers Market pavilion/plaza and fund Park Blocks improvements (restroom and right of way). On September 30, 2020, the Agency Board passed a motion to make \$700,000 in Urban Renewal funding available in the Request for Proposals for the redevelopment of 1059 Willamette for a mixed-income housing development. Together, these two actions leave \$400K of tax increment available for Open Space projects.

Proposed Scope, Budget, and Funding Sources

The design process to date produced a conceptual design for the entire space between the Graduate Hotel and Conference Center and the Hult Center for the Performing Arts (see Attachment A). In order to bring this item forward to the Agency Board for consideration, basic cost estimates were also produced. The cost of implementing the conceptual design for the entire Willamette Connection is estimated at \$2.6M.

Given the limited funding available, a phased approach is proposed that prioritizes elements that will create a welcoming and accessible space without impeding full implementation of the conceptual design at a future date. The proposed scope of Phase 1 focuses on creating welcoming north and south entries to the space (off of 6th and 7th Avenues, respectively), including improvements to the lines of sight, improved sidewalk and crosswalk connections, and improved accessibility for people using wheels for mobility. Attachment A includes additional details about the improvements and their location within the larger space. The estimated cost of implementing Phase 1 is between \$460,000 and \$500,000. The cost estimate and budget will be further defined through future stages of the design and construction process.

Public Works has \$70,000 available to improve pedestrian connections and accessibility for Phase 1 of the Willamette Connection, bringing the funding needed for this project down to an estimated range of \$390,000 – \$430,000. The Agency Board could direct the Agency Director to use the identified Urban Renewal funds for Open Space improvements, or consider other options, such as the General Fund, a future bond initiative, grants or other fundraising activities. If the Agency

finds, after bidding, the project budget exceeds the funding identified, either the project scope would be reduced or additional funds sought.

Other Downtown Open Space Improvements

If the Agency Board decides to use Urban Renewal funds for the first phase of the Willamette Connection, there may be some amount of Urban Renewal funding remaining to invest in other downtown open space projects. Staff proposes using any remaining funds to enhance connections between the Willamette Connection and other open spaces downtown, starting with alley lighting and sidewalk repair. These projects are scalable based on available funding. The Agency Board is asked to consider including these improvements as part of the larger decision about Open Space investment, subject to funding availability.

Urban Renewal

The Downtown Urban Renewal Plan outlines four steps that must be completed before the Agency Board can authorize the use of tax increment funds on these projects, including a public hearing. The public engagement conducted by Project for Public Spaces in 2017 as well as the recommendation provided by the Advisory Committee fulfilled step #1 of the process outlined in the Plan. The work session held on September 8, 2021 completed #2 of the process (staff presentation of information collected through community engagement activities as well as cost estimates and possible funding mechanisms for the project). Potential funding sources for the Open Space improvements are listed above.

Tonight's public hearing will be step #3. After the public hearing, the Board will have the opportunity to deliberate and take action on whether or not to invest Urban Renewal funds (step #4).

Proposed Next Steps

After the Public Hearing, the Agency Board is scheduled to deliberate on October 20 about whether to move forward with the Open Space improvements and whether Urban Renewal funds will be utilized. If the Agency Board decides to advance this project with Urban Renewal funds, next steps include:

- Contract for design services to produce a schematic design and construction documents for Phase 1 of the Willamette Connection
- Issue an RFP and award construction contract for Phase 1 of the Willamette Connection
- Complete construction of Phase 1 of the Willamette Connection by the end of June 2022
- Staff will assess remaining Urban Renewal funds and proceed with the other open space improvements

PREVIOUS COUNCIL / AGENCY BOARD DIRECTION

[June 13, 2016 Council Work Session](#)

The Eugene City Council passed two motions and approved Ordinance 20564 to amend the Downtown Urban Renewal Plan to increase the spending limit and to make the Park Blocks and other Downtown Open Spaces eligible for up to \$5.2 million of urban renewal funding for improvements.

July 27, 2020 Agency Board Meeting

The Agency Board passed a motion directing the Agency Director to commence the Park Blocks & Open Space and Farmers Market projects. The Board authorized the use of Urban Renewal funds to fully fund the Farmers Market pavilion/plaza, and to fund Park Block improvements (including a free-standing restroom and right of way improvements around the northwest Park Block). The Board also specified that a “minimal” amount of the estimated remaining \$1.1M of tax increment funds should be spent on Open Space projects.

September 30, 2020 Agency Board Work Session

The Agency Board passed a motion to direct the Agency Director to identify \$700K of Downtown Urban Renewal funds as available in the City RFP to support the 1059 Willamette redevelopment.

September 8, 2021 Agency Board Work Session

The Agency Board directed the Agency Director to schedule a public hearing to solicit public comment on whether the proposed open space projects should move forward and on the appropriate funding mechanisms for the projects; and further directed the Agency Director to schedule a work session for the Agency Board to deliberate on the projects.

ATTACHMENTS

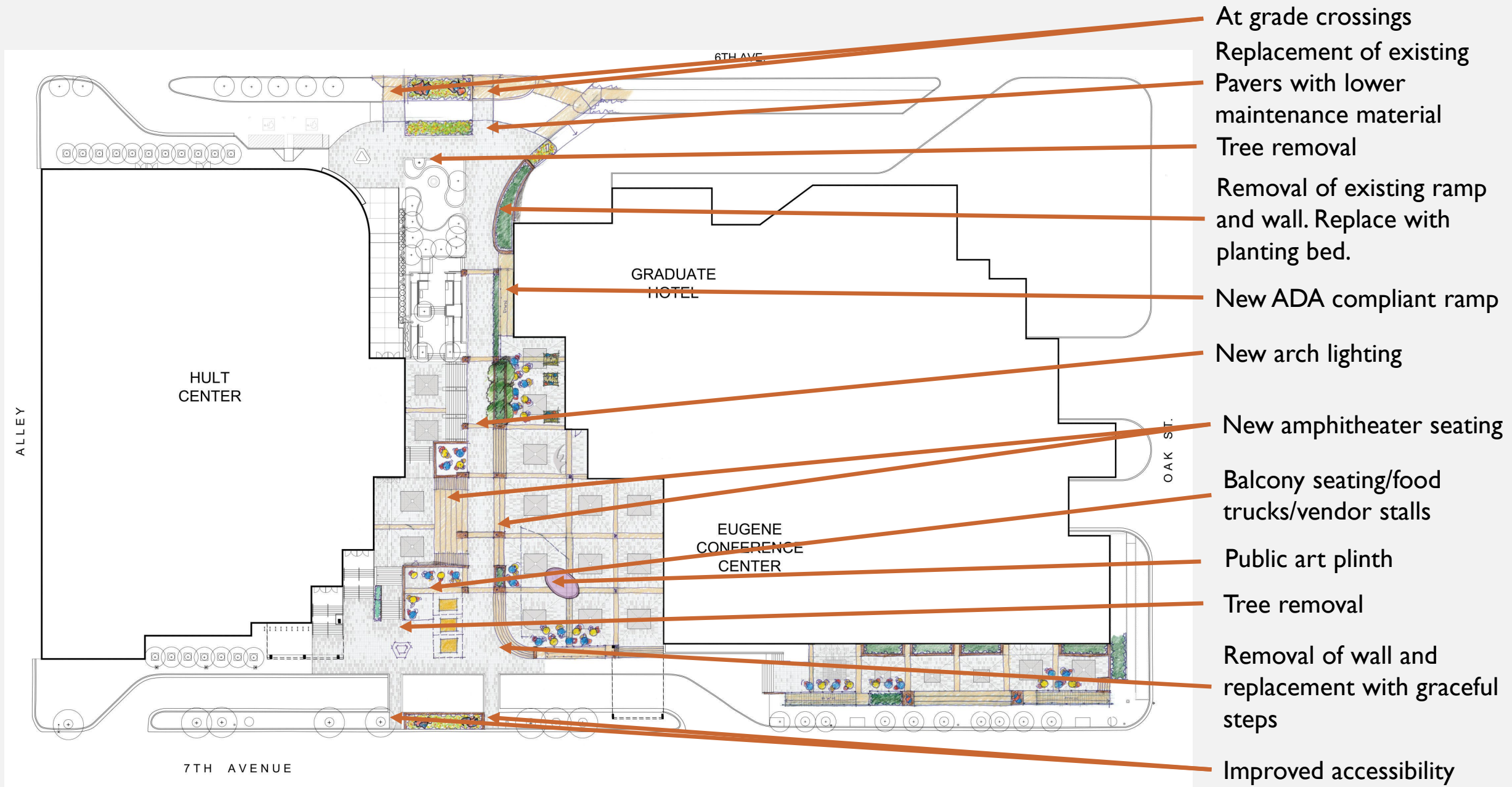
A. Willamette Connection: Conceptual Design and Phase 1 Scope

FOR MORE INFORMATION

Staff Contact: Will Dowdy
Telephone: 541-682-5340
Staff E-Mail: wdowdy@eugene-or.gov

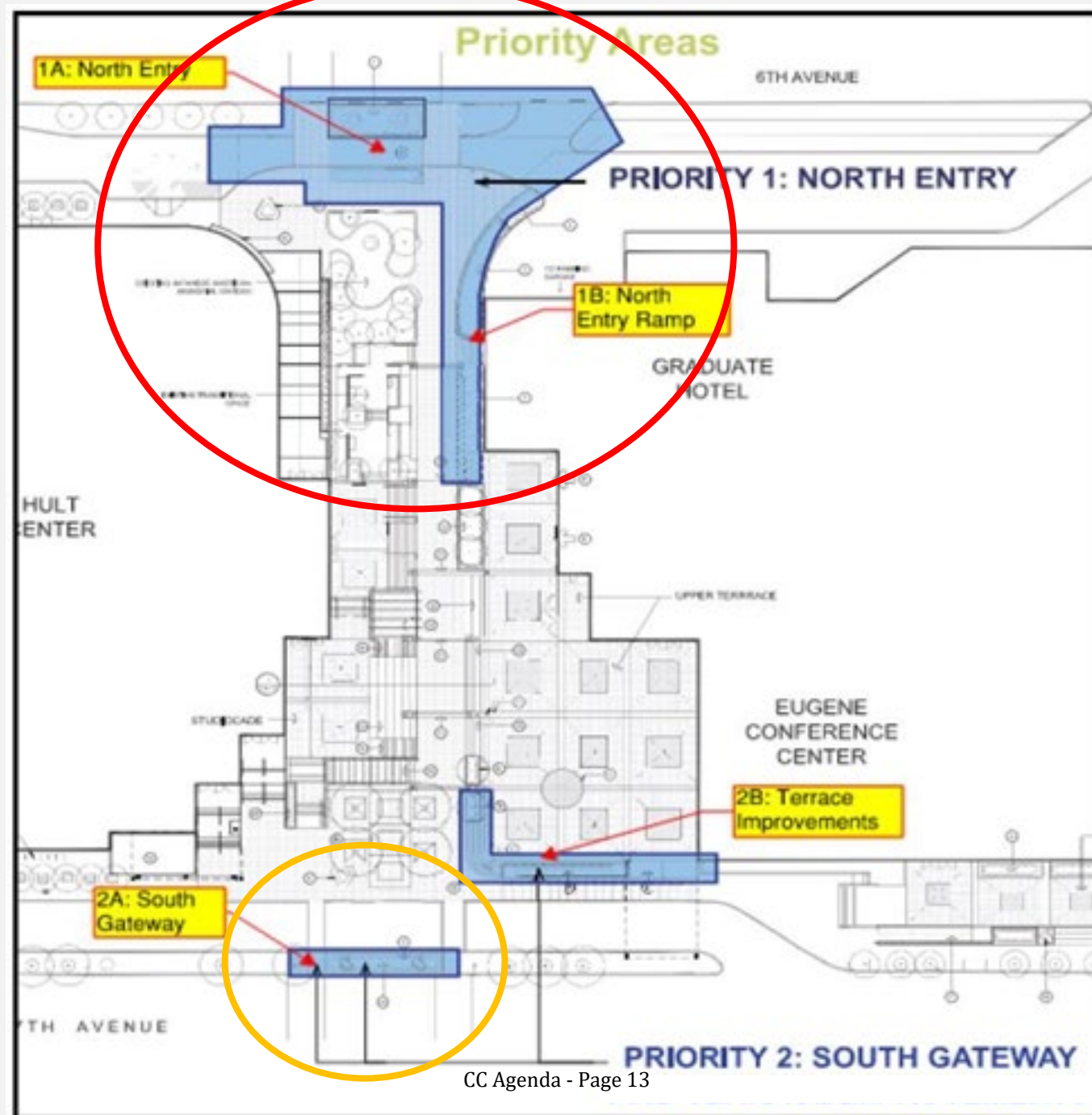
THE WILLAMETTE CONNECTION

FULL CONCEPTUAL PLAN



PHASE I





EXISTING CONDITIONS

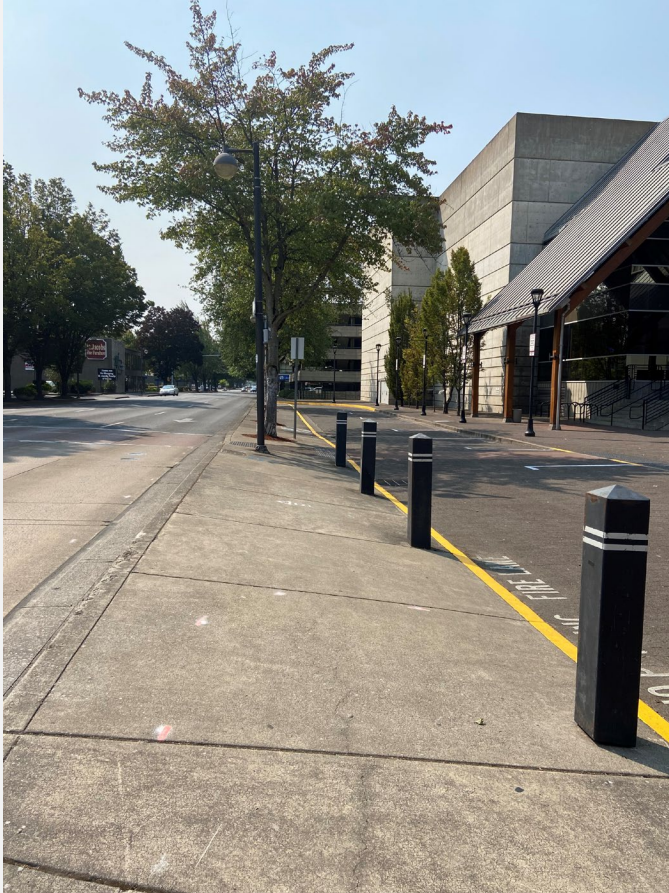












PHASE I CONCEPTUAL DESIGN

