



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

March 9, 2020

7:30 p.m. CITY COUNCIL MEETING
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

Meeting of March 9, 2020;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Emily Semple, President
Mike Clark
Chris Pryor
Betty Taylor

Jennifer Yeh, Vice President
Greg Evans
Claire Syrett
Alan Zelenka

7:30 p.m. CITY COUNCIL MEETING

- 1. COMMITTEE REPORTS AND ITEMS OF INTEREST**
- 2. CONSENT CALENDAR I**
 - A. Approval of City Council Minutes**
 - **January 13, 2020, Work Session**
 - **January 13, 2020, Meeting**
 - **January 15, 2020, Work Session**
 - **January 22, 2020, Work session**
 - **January 27, 2020, Work Session**
 - **January 29, 2020, Work Session**
 - **February 10, 2020, Meeting**
 - **February 19, 2020, Meeting**
 - **February 26, 2020, Work Session**
 - B. Approval of City Council Tentative Agenda**
 - C. Approval of Motion Relating to Voters' Pamphlet for the May 19, 2020, Primary Election**
- 3. PUBLIC FORUM**

4. PUBLIC HEARING: An Ordinance Extending the Term of Ordinance No. 20170 Granting to Northwest Natural Gas Company, a Corporation, a Twenty-Year Non-Exclusive Right and Franchise to Lay, Maintain and Operate Facilities in the Public Way Within the City of Eugene, Oregon; and Providing for the Payment of Compensation to the City

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EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: March 9, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the work sessions on January 13, 15, 22, 27, and 29, 2020, as well as the work session on February 26, 2020; and the meetings on January 13, February 10, and February 19.

ATTACHMENTS

- A. January 13, 2020, Work Session
- B. January 13, 2020, Meeting
- C. January 15, 2020, Work Session
- D. January 22, 2020, Work session
- E. January 27, 2020, Work Session
- F. January 29, 2020, Work Session
- G. February 10, 2020, Meeting
- H. February 19, 2020, Meeting
- I. February 26, 2020, Work Session

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**January 13, 2020
5:30 p.m.**

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark,
Greg Evans, Claire Syrett, Chris Pryor

Mayor Vinis opened the January 13, 2020, work session of the Eugene City Council.

Councilor Zelenka arrived at 6:46 p.m.

1. Committee Reports and Items of Interest

- Councilor Semple – reported an increased presence of police officers in downtown; announced there were 64 more beds soon to open at the Dusk to Dawn site; said the McKenzie Willamette Watershed Council report indicated the second year of opening streams was successful; announced the Human Rights Commission would march as part of the annual Martin Luther King, Jr., celebration.
- Councilor Taylor – reported that constituents asked her about licensing cats and requested longer parking times at Skinner Butte Park as well as action on preventing e-scooters and short-term rentals within the city; expressed concern about the increase in toxins in the air near Amazon Park, especially with the expected increase in housing due to House Bill 2001; read a quote from Wayne Morse.
- Councilor Syrett – reported that she met with the Citizens' Climate Lobby who asked for support on federal carbon dividend legislation and expressed interest in meeting with staff from the Intergovernmental Relations Committee about it.
- City Manager Pro Tem Sarah Medary shared that the CAP 2.0 would have a greater breadth of community input, including a Mayor's committee; said the expansion of 64 beds at Dusk to Dawn site was designed to address the near-constant 50-person waiting list; announced the City has six additional plows for future snowstorms; introduced the new City Manager's Office Director, Brooke Freed.
- Mayor Vinis – explained more about upcoming AARP walk audits; noted the STAR voting work session was tentatively scheduled for April 8.

2. WORK SESSION: Council Process Session

Policy Analyst Jason Dedrick and City Recorder Beth Forrest introduced the topic.

Council Discussion – Council Agenda Delivery Schedule

- Councilor Semple –noted the Thursday arrival of materials for council offered too little review time prior to Monday meetings; expressed interest in receiving meeting materials on Wednesdays.
- Councilor Taylor – expressed interest in receiving meeting materials on Wednesdays.
- Councilor Syrett – supported the Wednesday delivery suggestion.
- Councilor Yeh – said she liked receiving the meeting materials two weeks in advance, but was supportive of having at least a couple of business days to make phone calls if a later delivery schedule was chosen; asked for materials on lengthier items—such as the supplemental budget—farther in advance.

- Councilor Clark – supported distribution of the presentation materials/handouts in advance because they often revealed new information.
- Councilor Pryor – supported a Wednesday arrival of meeting materials; asked staff to give some information farther in advance when it was a “meaty” topic.
- Councilor Zelenka –supported a one-week timeline.
- Councilor Evans – supported reverting to the one-week timeline.
- Councilor Clark – suggested an index of agenda item topics dating back a couple of years and going forward.

MOTION and VOTE: Councilor Taylor, seconded by Semple, moved to return to a one-week agenda delivery schedule, but change the date to Wednesday. **PASSED: 8:0**

Council Discussion – Order of Council Agenda Items

- Councilor Taylor – preferred Items of Interest to stay at the beginning of the 5:30 p.m. work session rather than add to the length of the Public Forum meeting nights.
- Councilor Clark – preferred Items of Interest be returned to the 7:30 p.m. meeting because work sessions were too full.
- Councilor Pryor – said he valued efficiency and thought council should be flexible and fit the Consent Calendar wherever it made sense on its calendar—even at the 5:30 p.m. work session; noted people sometimes used Public Forum to speak on Consent Calendar items.
- Councilor Syrett – did not have a preference about the Consent Calendar; thought Items of Interest would work well at a 7:30 p.m. meeting when there were often more people present; proposed a six-month pilot.
- Councilor Zelenka – noted additional meetings had been added for deliberation because council needed more time due in part to the length of Public Forum; thought Items of Interest worked well at the 7:30 meeting in the past; said annexations and land use issues had sometimes been moved to the Consent Calendar but should have been regular agenda items.
- Councilor Semple – thought the system of pulling a Consent Calendar item was efficient and that having Items of Interest at the 7:30 p.m. meeting would result in people sometimes waiting for Public Forum to begin.
- Councilor Clark – noted voting on annexations could be problematic before Public Forum because council may not have the chance to hear from people who would like to comment about them.

MOTION: Councilor Clark, seconded by Councilor Zelenka, moved to remove all annexations from the Consent Calendar and have a once a month regular agenda item after the Public Forum titled “Annexations.”

- Councilor Pryor – asked whether land use items could be saved for a single meeting a month.
- Councilor Clark – suggested a friendly amendment to his motion that annexations, when they occur, be dealt with after Public Forum as a regular item.
- Councilor Taylor – said she thought anything that was potentially controversial should not be on the Consent Calendar.
- Mayor Vinis – noted that staff meet regularly to determine whether items are potentially controversial and that councilors have the right to pull any item off of the Consent Calendar for discussion.
- Councilor Clark – said removing annexations from the Consent Calendar would enable council to vote on it at the 5:30 p.m. work session without concern about missing comments any related Public Forum comments.

- Councilor Taylor – did not support voting on the Consent Calendar at the 5:30 p.m. work session because it does not take up much time regardless of where it is on the agenda.
- Councilor Semple – preferred not to vote on individual annexations and to hold the Consent Calendar vote until after Public Forum.
- Mayor Vinis – asked the council to consider what problem it was trying to solve.

RESTATEMENT OF MOTION and VOTE (*with friendly amendments*): Councilor Clark, seconded by Councilor Zelenka, moved to separate out and remove annexations from the Consent Calendar and list them as their own individual item after Public Forum during regular council meetings. **PASSED: 6:2**, Councilors Yeh and Semple opposed.

- Councilor Clark – clarified the intention of his motion was to group annexations into a single vote separate from the Consent Calendar.
- Councilor Syrett – voiced her understanding of the motion was as Councilor Clark described.
- Councilor Zelenka – thought the vote was not only about annexations, but about other land use issues.
- Councilor Clark – agreed with Councilor Zelenka about the need to address land use items separately.
- Councilor Semple – supported a six-month pilot of the change.
- Mayor Vinis – read a draft motion regarding the timing of the Consent Calendar.
- Councilor Taylor – indicated she was not supportive of the draft motion.

MOTION: Councilor Taylor, seconded by Councilor Semple, moved to pilot a change to the order of agenda items, scheduling Committee Reports and Items of Interest as well as the Consent Calendar before the Public Forum at regular council meetings. **VOTE: 7:1**, Councilor Taylor opposed.

Council Discussion – Proposed Updates to City Council Operating Agreements

- Councilor Semple – questioned whether the last work session of the month was needed; wanted constituents to know how long they would have to testify in advance of the meeting; raised concerns about action items—especially contentious ones—on the agenda for after a Public Forum; pointed out that the bicycle mileage also applied to walking.
- Councilor Zelenka – thought the length of the public forums got in the way of council doing business; thought resolutions should go through the same polling process as work sessions.

MOTION: Councilor Zelenka, seconded by Clark, moved that resolutions be treated the same as work session items that are scheduled through council polls and the poll needs to reflect the time-sensitivity of the resolution as well.

- Councilor Clark – thought most resolutions focused on state and federal issues rather than on city matters; said the total number of resolutions should be limited.
- Councilor Syrett – noted council's Operating Agreements provided two avenues for councilors to get items on the agenda and supported both avenues for resolutions.
- Councilor Semple – was reluctant to dedicate an entire work session to a resolution.
- Councilor Pryor – supported a polling process for resolutions because those without enough support would not get time on the agenda; noted it would be helpful to know if the resolution was coming through a board or commission.
- Councilor Yeh – thought resolutions should be handled through a separate process from work session topics.

- Councilor Clark – asked for clarification on process; requested work sessions not be held at the end of a meeting.
- Councilor Evans – thought the current process for resolutions worked fine.

VOTE: PASSED 7:1, Councilor Evans opposed.

Council Discussion – Public Forum

- Councilor Syrett – thought the presiding official should have discretion to decide the length of time people could speak at Public Forum; did not support having a lot of items on the agenda following Public Forum and did not support work session items at that time.
- Councilor Clark – supported administrative changes; noted Wards 4, 5, or 6 were frequently underrepresented and many from Ward 5 did not feel welcome; said there are many people who speak frequently and on the same topic; said limiting constituents to 15 minutes of total testimony time per year would save time and allow for different forums.
- Councilor Zelenka – thought the purpose of public forum was for the public to bring new information and/or complaints—one of many communication tools citizens have access to; thought limits on time and frequency were warranted for council's time management; said the first-come, first-served format was also problematic.
- Councilor Taylor – thought public forum was one of the most valuable things council did; opposed to limiting total time for the Public Forum; said she wanted constituents to be able to rely on the amount of time they'd have for testimony; said she did not find people repeating their comments to be a problem and thought groups should get more time than individuals.
- Councilor Syrett – thought public forum should be used for people to express their opinions on community matters; wanted to explore what role staff could play in facilitating peacekeeping and creating a culture welcoming to all community members; thought staff and security should be prepared to uphold standards of behavior set for the audience; thought there was a need for more respectful speech; supported limiting each speaker to two minutes, limiting total time of Public Forum on the agenda, and randomizing speakers.
- Councilor Pryor – supported reducing speaking time to two minutes; thought the purpose of public forum was for people to have an opportunity to be heard by council on matters relevant to the city; supported randomizing speaking order; supported a maximum total time of one hour; thought council should maintain an expectation of respectful speech.
- Councilor Yeh – said that establishing rules with clear consequences was needed; supported two minutes as long as the time was not reduced to one minute; supported randomization of speakers; asked for someone with expertise in equity issues to review proposed rules.
- Councilor Evans – supported shortening the forum to two minutes as well as randomization of speaking order; thought holding meetings at other venues would be valuable, especially for residents of wards that were further away from downtown; supported limiting overall time to 45 minutes or an hour.
- Councilor Semple – supported two-minute comment time; was interested in randomizing; expressed concern about limiting overall length.
- Mayor Vinis – noted that randomizing and limiting overall time might work well together.

MOTION: Councilor Zelenka, seconded by Councilor Clark, moved to limit testimony to two minutes, to limit the times to two times a month for one hour, and to randomize the order of people speaking once they've signed up.

- Councilor Syrett – supported the motion and thought the public would adapt to a new system if council adopted one.
- Councilor Clark – thought there should be clear consequences for abuse of the rules.

- Councilor Yeh – supported the motion as a pilot.
- Councilor Semple – supported some parts of motion and not others and planned to vote against.

MOTION TO DIVIDE AND VOTE: Councilor Semple, seconded by Councilor Taylor, moved to divide the motion into three parts. **PASSED: 5:4**, Councilors Clark, Evans, Pryor and Zelenka opposed, Mayor Vinis in favor.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Syrett, moved to postpone and table the main motion until Wednesday. **PASSED 8:0.**

Mayor Vinis adjourned the meeting at 7:16 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Cas Casados)

Link to the webcast of this City Council meeting: [here](#).

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**January 13, 2020
7:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Vinis opened the January 13, 2020, meeting of the Eugene City Council.

1. ACTION: Election of New Councilor Officers

MOTION AND VOTE: Councilor Taylor, seconded by Councilor Semple, moved to elect Emily Semple as President of the City Council for 2020.
PASSED: 7:0.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Pryor, moved to elect Jennifer Yeh as Vice President of the City Council for 2020.
PASSED: 7:0.

2. PUBLIC FORUM

1. Joshua Korn – updated council on new developments pertaining to 5G technology.
2. David Ivan Piccioni – spoke about a one-celled organism humans could learn from.
3. Susan Bliven – spoke on the need for accessory dwelling units, especially for seniors.
4. Carmel Snyder – asked council to act to make ADUs easier to develop.
5. Jim Neu – wanted council to limit natural gas infrastructure.
6. Kathryn Dunn – shared hopes for the short-term rental committee and process.
7. Peter Ralph – wanted a climate action plan that would help the city reach its goals.
8. Billy – gave an introduction for Thomas Hiura.
9. Thomas Hiura – noted a discrepancy between kindness campaign intention and actions.
10. Paula Thonney – spoke about her hopes for a fossil-free future.
11. Tim Kovash – offered some ideas for council’s review of short-term rentals.
12. Albert LePage – wanted an electric vehicle strategy to include action steps and timeline.
13. Rouanna Garden – supported EV charging stations, especially in multi-family homes.
14. Sid Baum – advocated for fast charge stations for electric vehicles in downtown.
15. Linda Heyl – thanked council for extending the work on the climate action plan.
16. Jim Ball – shared concerns about reliable electrical infrastructure in the future.
17. Anita Van Asperdt – thought the Climate Action Plan 2.0 was more of an inventory.
18. Laurie Powell – spoke about how her faith inspired her views on climate change.
19. Sophia Reyes – spoke about OSPIRG’s local priorities for the coming year.
20. Rowan – spoke about the potential impacts on 5G on people’s health.
21. Jodie Smith – spoke of the benefits of short-term rentals to the community.
22. Brett Smith – asked for assistance going door to door for the 2020 census.
23. Kaarin Knudsen – requested council waive system development charges.

24. Stefan Strek – spoke about the ability to get free coffee at local banks.
25. Julie Lambert – asked for humane treatment of people without homes through winter.

Council Discussion:

- Councilor Semple – expressed appreciation about comments on free buses; expressed concerns about homeless residents not being able to find shelter in the cold weather.
- Councilor Syrett – shared that the ad-hoc committee on short-term rentals would include members of many different constituencies.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

November 11, 2019, Work Session

November 11, 2019, Meeting

December 9, 2019, Work Session

December 9, 2019, Meeting

B. Approval of City Council Tentative Agenda

C. Authorization of City Manager to Transfer a Small Strip of Madison Street Right-of-Way Back to its Owner

D. Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-02-14, Tax Lot 100, Located at 4199 Scenic Drive)(City File: Senderling, Claire; A-19-5)

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve the items on the Consent Calendar. **PASSED 8:0.**

The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Cas Casados)

Link to the webcast of this City Council meeting: [here](#).

MINUTES

ATTACHMENT C

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**January 15, 2020
12:00 p.m.**

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett, Chris Pryor

Councilors Absent: Greg Evans

Mayor Vinis opened the January 15, 2020, work session of the Eugene City Council.

1. Executive Session

An executive session was held pursuant to ORS 192.660(2)(e).

2. WORK SESSION: City Council Process Session

City Manager Pro Tem Sarah Medary and City Attorney Kathryn Brotherton reminded council where its conversation on piloting several changes to Public Forum ended at its work session earlier that week; there were three motions on the table from the previous work session. Council began with a discussion on the motion limiting the Public Forum time to two minutes.

MOTION: Councilor Zelenka, seconded by Councilor Clark, moved to limit testimony to two minutes.

Council Discussion:

- Councilor Yeh – asked for clarification of whether the motion for change was for a six-month trial.
- Councilor Semple – expressed concern about the public's response and advocated for a six-month review; Councilors Zelenka and Clark accepted the idea as a friendly amendment.

VOTE (with friendly amendment): PASSED 7:0

Mayor Vinis reminded council that the second motion from the previous work session was to limit Public Forums to twice monthly for 60 minutes each.

MOTION: Councilor Zelenka, seconded by Councilor Clark, moved to limit the times for Public Forum to two times a month for one hour.

Council Discussion

- Councilor Semple – offered a friendly amendment for a six-month review of the changes; Councilors Zelenka and Clark accepted the friendly.
- Councilor Taylor – thought Public Forum should last for as long as it would take to hear all the speakers who signed up.
- Councilor Semple – supported ending Public Forum after 90 minutes.
- Councilor Syrett – supported Councilor Semple's 90-minute Public Forum idea.

- Councilor Clark – expressed concern that randomizing speakers for Public Forum would still result in limiting newer voices who did not get the chance to speak to council; preferred limiting each speaker to 15 minutes per year.
- Councilor Pryor – was supportive of a 60-minute Public Forum, given that it was longer than any other city, including Portland.
- Councilor Zelenka – noted Eugene’s Public Forum was more than twice the length of any other city; thought the repetition of speakers was not contributing to more knowledge and was getting in the way of council’s business.
- Councilor Yeh – thought the repetition of the same speakers was the biggest problem; was supportive of a 90-minute forum, but not a 60-minute forum; thought council’s need for more work time was not necessarily due to the length of Public Forum.
- Mayor Vinis – noted that 90 minutes was enough time for 45 speakers and that the upcoming discussion regarding randomization of speakers may be the time to address other issues.
- Councilor Semple – thought limiting the speaking time to two minutes would still result in an overall reduction in Public Forum time; voiced concern about limiting accessibility to council; said she planned to make a friendly amendment for 90 minutes; the friendly was not accepted.
- Councilor Clark – said council was very accessible to the public compared to legislative bodies of its type and size; thought Public Forum had become about performance rather than sharing new information and ideas with council.
- Councilor Taylor – was supportive of a 90-minute Public Forum; thought one of the purposes of public forum was for people to talk to the community; opposed a 60-minute Public Forum.
- Councilor Pryor – did not think Public Forum should be an opportunity for community members to speak to one another or provide entertainment for themselves or each other; agreed with Councilor Yeh that one of the problems was with the small number of speakers who came repeatedly and said he would be willing to have a 90-minute Public Forum as long as there was a variety of speakers making testimony that was effective, appropriate and addressed to City Council.
- Councilor Semple – was concerned about free speech issues; questioned how limiting time would deal with repetitive speakers or those who wanted to entertain.

MOTION TO AMEND and VOTE: Councilor Semple, seconded by Councilor Yeh, moved to amend the 60-minute Public Forum limit to 90 minutes. **PASSED 5:2**, Councilors Clark and Zelenka opposed.

VOTE on AMENDED MOTION (*with friendly amendment*): PASSED 7:0

Mayor Vinis reminded council of the third motion on the table from the previous work session regarding randomizing the order of speakers at Public Forum.

MOTION: Councilor Zelenka, seconded by Councilor Clark, moved to randomize the order of people speaking once they’ve signed up.

Council Discussion

- Councilor Clark – asked for clarification on how randomizing of speakers might work; expressed concern about the motion not addressing the lack of variety of speakers.
- Councilor Taylor – opposed the proposal to randomize speakers’ names.
- Councilor Zelenka – thought randomization would help with some of the equity and “gaming the system” issues; said the entertainers and repetitive speakers were still a

problem and that limiting the number of times individuals could speak to council was still necessary; suggested people speaking about the topics on council's tentative agenda or those who haven't spoken as frequently go first.

- Councilor Syrett – pointed out a couple of ways speakers were able to “game” the system currently; thought Councilor Zelenka's idea of splitting up the speakers between upcoming council topic areas and general comments was worth trying.
- Councilor Yeh – thought the motions did not address engaging new people; thought the steps to limit frequent speakers should be paired with investing in engaging new speakers.
- Councilor Pryor – asked for clarification on the legal requirements surrounding public forum; did not think the number of times someone testified was as persuasive or constructive as a good argument; thought outreach about the purpose of public forum and how to effectively get your ideas to council was important.
- Councilor Semple – asked whether council was considering changing the sign-up window; proposed a friendly amendment to review the new practice after six months; Councilors Zelenka and Clark accepted the friendly.
- Councilor Clark – asked for clarification from Councilor Zelenka on legislative intent and on whether the motion applied to public hearings as well; asked for clarification on the legality of randomizing speakers.
- Councilor Zelenka – questioned whether the motion would address the problems they were trying to solve; suggested a friendly amendment (to his own motion) that council limit people to speaking once monthly; the friendly was accepted by the second, Councilor Clark

MOTION TO DIVIDE and VOTE: Councilor Semple, seconded by Councilor Syrett, moved to divide the randomization portion of the motion from the limiting of speakers portion of the motion. **PASSED: 5:2**, Councilors Clark and Zelenka opposed.

VOTE ON SPEAKER RANDOMIZATION (*with friendly amendment*): PASSED 5:2, Councilors Semple and Taylor opposed.

VOTE ON ONCE PER MONTHLY SPEAKER LIMIT: FAILED 3:4, Councilors Clark, Pryor and Zelenka in favor.

Assistant City Manager Kristie Hammit gave a brief report regarding a shooting earlier that day near Autzen Stadium.

The meeting adjourned at 1:32 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Cas Casados)

Link to the webcast of this City Council meeting: [here](#).

MINUTES

ATTACHMENT D

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**January 22, 2020
12:00 p.m.**

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans

Councilors Absent: Claire Syrett, Chris Pryor

Mayor Vinis opened the January 22, 2020, meeting of the Eugene City Council.

1. Work Session: Eugene Water & Electric Board Water Storage and Transmission Improvements Projects

City Manager Pro Tem Sarah Medary introduced EWEB General Manager Frank Lawson who presented background information to supplement future bond authorization requests for EWEB capital improvements.

- Councilor Zelenka – said that EWEB water is the best tasting water on the West Coast; asked if Hawkins Reservoir has the same issues as the College Hill Reservoir; asked about the timeline for projects and the status of the plan for creating a second/back-up source of water; asked about the 89 million gallons of water in storage and how many days of water that would provide; talked about spreading out sides for emergency water; asked for an explanation of how many gallons of water per person per day are recommended in an emergency; reported that Salem had an outbreak in their water supply that forced people to not drink the water and asked if Eugene was at risk for the same type of event.
- Councilor Taylor – reminded the council to account for emergency water for dogs; asked about the 40th Avenue site, including what is there, what will be there and whether it will still provide open space for the public to use; asked if stored emergency water should be changed periodically; said that her sisters in Illinois pay less for water than her, but the quality is poor; asked how Eugene's prices compare to others; asked if she should leave the water running for a few minutes before drinking; asked about the aesthetics and trees at the Potter and 36th street location; said she's glad EWEB is looking at ways to get water closer to where people live during emergencies.
- Councilor Clark – said he'd like to the City Council and the EWEB Board to meet for a conversation; talked about how this item was pulled from the Consent Calendar to get more information and have further conversation about it; said most people don't think about the jurisdiction of the City versus EWEB when it comes to serving them and asked to know what the City can do to make their mutual plans work better together; reminded the council that EWEB and the City serve the same folks; talked about grouping issues together during negotiations; said as time goes on there will be more community questions and wanted to discuss the importance of shared goals.
- Councilor Evans – asked how EWEB handles issues related to people putting waste in the river and how that affects the system; asked what agency enforces dumping along the river; asked about EWEB's customer assistance program and if there are other measures being taken to make sure costs are held down for people who don't have the resources to keep pace with their bills; asked how EWEB works with the City around these issues; asked for an update about smart meters and any information about the health of this technology.

- Mayor Vinis – said that council leadership, EWEB leadership, the City Manager, and EWEB general manager are all meeting on a quarterly basis.
- Councilor Evans – asked if there was a price difference in having standard meters versus smart meters.

2. WORK SESSION: City Council Process Session

City Recorder Beth Forrest summarized the recent actions council took related to public forum changes and the potential actions for council to take.

- Councilor Semple – asked for clarification about the fifth Wednesday meeting; asked if council could add walking in addition to bicycling for mileage reimbursement; asked for staff to keep the timer going after councilors have used their three minutes.
- Councilor Clark – asked if there was anything statutory preventing council from including walking reimbursement and expenses; said he was looking for the legislative intent when bicycling was added and what the implications might be if they changed it to alternative modes of transportation.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to update Section 1.02 Work Sessions to reflect that work sessions will be scheduled on the second, third, fourth, and fifth Wednesdays of the month. Additional 5:30 p.m. work sessions will be scheduled on the third Monday of the month, as needed.

- Councilor Semple – asked for clarification about if it was only third the Monday meeting “as needed”.
- Councilor Clark – asked who determined whether a meeting is needed and what would happen if the Mayor and City Manager disagreed about if a meeting was needed.
- Councilor Taylor – asked if City Council ever formally decided to have the third Monday work session.

VOTE: PASSED 6:0.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to add Section 3.06 Action Items to reflect that, in general, action on ordinances and councilor-introduced resolutions will be placed on regular meeting agendas and will be scheduled after the Public Forum. *(Note: This motion does not preclude taking action on items during work session or other portions of the meeting.)*

- Councilor Semple – asked who decides if an action item occurs during a work session or after a forum; said she would not support this motion.
- Councilor Clark – asked Councilor Semple why she was not going to vote in favor of the motion; asked if this motion would still allow councilors to raise items at the 5:30 p.m. work sessions.
- Mayor Vinis – welcomed councilors to share their preferences about timing on items with her.
- Councilor Clark – said councilors can always make a motion to move specific items to a certain time if they have a majority, which could provide a remedy.

VOTE: PASSED 5:1, Councilor Semple opposed.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to update Section 7.02 Meeting Guidelines to clarify that, whenever possible or practicable, every effort is made to contact other members of the council to inform them of an intent to make a motion at least 24 hours in advance of the meeting.

- Councilor Taylor – asked what “every effort” means; says she objects to saying councilors have to make every effort.
- Councilor Clark – said “whenever possible” helps the idea of no surprises and gives people time to think about it; said he will vote in favor because the motion also includes “practicable,” noting that it may be politically impractical to give notice in advance and the way the motion is worded still provides flexibility.

VOTE: PASSED 6:0.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to update Section 10.03 Local Expenses to reflect the current bicycle mileage reimbursement rate of \$.26/mile.

- Councilor Semple – said she thinks alternative methods of transportation deserve a reimbursement and that the intention is to encourage alternative forms of transportation; said without including the alternative forms, there is an incentive for people to drive.
- Councilor Clark – offered a friendly amendment to update Section 10.03 Local Expenses to reflect that alternative forms of transportation, including walking and biking, have a mileage reimbursement rate of \$.26/mile (*friendly accepted*).
- Councilor Zelenka – asked for clarification about how the mileage rate is determined.
- Councilor Yeh – asked about bus transportation; said councilors already get a free bus pass and it wouldn’t be right to also get paid to ride the bus that they’re riding for free.
- Mayor Vinis – suggested using active transportation, which would cover biking and walking, instead of alternative forms of transportation.
- Councilor Clark – said he was not okay with active transportation wording because it leaves out a few modes of transportation; proposed language that says reimbursement for alternative forms of transportation that are not otherwise subsidized or reimbursed.
- Councilor Semple – said she thought it was appropriate to explicitly exclude buses from the original motion.
- Councilor Evans – asked for clarity on how the rate per mile amount is calculated and if it is tied to the federal rate for automotive transportation and if cost of living is built into it; asked if the IRS has a standard for bike mileage.
- Councilor Semple – noted that the bicycle/walking rate had not been adjusted for years like the automobile rate, so the big jump reflects this gap.

MOTION (with friendly amendments) AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to update Section 10.03 Local Expenses to reflect that alternative forms of transportation, including walking and biking and excluding buses, have a mileage reimbursement rate of \$.26/mile. **PASSED 6:0.**

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to update Section 10.04 Spouse/Guest Expenses to replace all references to “spouse” with “partner.”

- Councilor Taylor – asked what current expenses are covered for spouses; suggested it say companion instead of partner; said there are many things that are not fair to single people.
- Councilor Semple – asked how this would be interpreted without a definition for partner; said she thought it would be more appropriate to say guest.

MOTION *(with friendly amendment)* **AND VOTE:** Councilor Semple, seconded by Councilor Yeh, moved to update Section 10.04 Spouse/Guest Expenses to replace all references to “spouse” with “spouse, partner, or guest.” **PASSED 6:0.**

The meeting adjourned at 1:23 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Elena Domingo)

Link to the webcast of this City Council meeting [here](#).

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**January 27, 2020
5:30 p.m.**

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Councilor Semple opened the January 27, 2020, work session of the Eugene City Council in the absence of Mayor Vinis.

1. UPDATE: Eugene Public Library – Year 3 Levy Report

Director of Library, Recreation and Cultural Services Renee Grube and Library Services Director Will O'Hearn reported on the third year of the Library Levy funds.

Council Discussion

- Councilor Clark – told a story of his recent use of the Library; asked whether staff thought more growth was needed, what the impact of school library closures has been on the City Library, and what public and private partnerships may be possible.
- Councilor Taylor – expressed disappointment that there were no branch libraries in South Eugene; asked about the possibility of eliminating fines for adult patrons and bringing back the bookmobiles.
- Councilor Syrett – expressed appreciation for the good work over the past year.
- Councilor Semple – expressed concern about equity of branch libraries and supported the elimination of fines for adult patrons; expressed appreciation for the programming activities and interest in a long-term funding plan.

2. WORK SESSION: City Manager Attributes

Director of Employee Resource Services Randi Bowers-Payne introduced the topic.

Council Discussion

- Councilor Clark – supported changing “proven leadership” to “innovative leadership.”
- Councilor Taylor – read list of attributes important to her: transparency, follow-up, plenty of information, no pressure to act, a facilitator rather than a leader, open to all segments of the community.
- Councilor Syrett – agreed with Councilor Clark and was supportive of the attributes from 2008; agreed with Councilor Taylor that operating with transparency was important.
- Councilor Pryor – said he thought the City Manager needed to lead the City organization; noted communication was important and that being able to do so was a byproduct of being well-organized; agreed with Councilor Syrett that transparency was key; also wanted someone who was authoritative, authentic and accountable.

- Councilor Zelenka – said he thought the following four attributes were critical: works well with council, has budget and fiscal acumen in City matters, approachable leadership style with staff, and innovative approach to problem-solving.

3. CONSENT CALENDAR

A. Approval of City Council Minutes

- December 11, 2019, Work Session
- January 8, 2020, State of the City

B. Approval of City Council Tentative Agenda

C. Adoption of A Resolution Approving a Low-Income Rental Housing Property Tax Exemption Renewal for Oakwood Manor

D. Adoption of a Resolution Authorizing the Issuance and Sale of Electric Utility Revenue Refunding Bonds and Providing for Related Matters; *and* Adoption of a Resolution Authorizing the Issuance and Sale of Water Utility System Revenue Bonds and Revenue Refunding Bonds and Providing for Related Matters.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to approve the items on the Consent Calendar.

- Councilor Zelenka – asked to pull Item C for discussion.

VOTE: PASSED 8:0

- Councilor Zelenka – recognized the importance of the LIRHPTE program for the development and retention of affordable housing.

VOTE ON ITEM 3C: PASSED 8:0

The meeting adjourned at 7:02 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Cas Casados)

Link to the webcast of this City Council meeting [here](#).

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**January 29, 2020
12:00 p.m.**

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Emily Semple opened the January 29, 2020, work session of the Eugene City Council in Mayor Vinis' absence.

1. WORK SESSION: Urban Reserves Planning

Senior Planner Rebecca Gershow and Planning Director Alissa Hansen gave an update regarding the urban reserves project, including outreach process, study area, land supply, land suitability, and development options.

Council Discussion:

- Councilor Clark – asked questions about the legal reasons for amending the Metro Plan; requested a timeline for when the process would be completed; asked if there had been policy assumptions made previously and if they had been voted on; voiced strong concerns about the use of Portland State's numbers, without consideration of other factors.
- Councilor Zelenka – addressed the policy assumptions question raised by Councilor Clark; stated that this was to be a regularly scheduled process; asked about the development options and requested more detail; questioned the removal of the south airport section.
- Councilor Pryor – clarified that the lands are based on suitability and not affordability; questioned the ability to research which lands could be developed at a lower cost; encouraged consideration of affordability of development when looking at the 400 acres, to help with the affordability housing issue.
- Councilor Semple – agreed with Councilor Pryor's position on the affordability issue; questioned the population estimate numbers in the presentation; asked if the urban reserves will need to be adjusted based on the numbers.
- Councilor Clark – appreciated what Councilor Pryor stated about affordability; questioned the growth and population number differences; discussed the average population calculations provided by PSU and asked what can be done if the numbers are radically off; spoke about the frequency of the PSU numbers and the long-term effect on some policy decisions.
- Councilor Zelenka – reminded council of the previous Urban Growth Boundary planning process; asked about the triple bottom line sounding board and the outcome of the analysis; asked if some of the areas will be being taken out of the analysis as the result of feedback from the group; said that it is the committees' purpose to delve into the details, further and asked for the names and the groups who were involved.
- Councilor Taylor – concurred with Councilor Zelenka about wanting to know who was in the meetings; expressed concern about climate change and the preservation of the open space, forest and agricultural land; spoke about single and multi-family options and limiting what and where to build; expressed disappointment about having the urban reserves and supported preserving the urban growth boundary

2. WORK SESSION: 1059 Willamette Street Acquisition and Disposition

Community Development Director Michael Kinnison, Grants Manager Stephanie Jennings, and Development Investment Liaison Allison Camp provided information about the 1059 Willamette Building, the former LCC building. The staff explained the need for affordable housing including plans, policies, initiatives, environmental review, financial feasibility analysis, community outreach.

Council Discussion:

- Councilor Taylor – asked whether CDBG funds can be used for housing or a shelter; expressed reluctance to vote in favor; spoke about the need for a downtown shelter and wanted clarification that the purchase of the building would only be for housing.
- Councilor Syrett – supported the proposed use of the building and the use of CDBG funds; preferred housing over shelter at this location; asked about the 80 percent AMI and the ability for people to move from other lower-income housing; spoke about the need for affordable grocery stores and places to have a prescription filled for the downtown residents.
- Councilor Clark – asked about requirements for the RFP; said he felt the City should not be in the development business but acknowledged the need for involvement to achieve affordable housing; asked what would happen if the building is sold.
- Councilor Zelenka - clarified the use of CDGB funds and the 80 percent AMI requirement; asked how many units were being planned, about interest in the RFP, and whether the construction excise tax could help the project; expressed concern about the age of the building; agreed with Councilor Syrett about the building's use for housing instead of a shelter and that downtown lacks grocery options; expressed support for both motions.
- Councilor Pryor – expressed support for plans for the building and the use of the CDBG funds.
- Councilor Clark – asked about the ability to amend the RFP so a local development company can be a respondent; asked about the RFP criteria already built into motion two.
- Councilor Semple – expressed support for doing something with the site; spoke about having a shelter at that location but hoped a small shelter near the downtown core would be created.

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Taylor, moved to authorize the City Manager to acquire the property at 1059 Willamette (formerly the LCC Downtown Center) using \$500,000 of Community Development Block Grant funds. **PASSED 8:0.**

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Taylor, moved to direct City Manager to dispose of the property at 1059 Willamette (formerly the LCC Downtown Center) with the Land Acquisition for Affordable Housing property disposition process outlined in Attachment A. **PASSED 8:0.**

The meeting adjourned at 1:28 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Carolyn Dimick-Kronberger)

Link to the webcast of this City Council meeting [here](#).

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**February 10, 2020
7:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Vinis opened the February 10, 2020, meeting of the Eugene City Council.

1. Committee Reports and Items of Interest

- Councilor Taylor – expressed concern that bus service in south Eugene is in danger of being cut, noting the importance of good bus service to meet Climate Recovery goals; encouraged everyone to read the article in Saturday’s paper about short-term rentals and announced the topic will be address at the City Club on March 6.
- Councilor Yeh – mentioned that Transit Tomorrow is a proposal, not a finished plan; changes have been made and a new proposal will be rolled out soon taking into account public feedback; announced that Casa Cultural Frida Kahlo is a new non-profit in the community whose mission is to honor and celebrate Mexican culture; said she attended a town hall focused on the “Abolish Movement” which seeks to raise awareness of human trafficking issues and reported that the Junior League has taken up human trafficking awareness as its primary campaign to work on in the coming years.
- Councilor Clark – reported that there had been a “protest” in a local restaurant on Saturday that was not a protest but an assault on a local business and its patrons, designed with intimidation in mind; said he believed it was a criminal act against a person who has spoken out about the lawlessness occurring in the community.
- Mayor Vinis – said she missed the last council meetings in January because she was on the annual United Front trip, during which she went to 40 meetings over two days to advocated for federal funds to address a diversity of local issues, including funding for brownfields redevelopment and restoring riparian habitat; announced she would participate in Trashy Tuesday with the Willamette Riverkeepers.
- Councilor Clark – clarified that the restaurant that was the victim of the protest was the Elk Horn Brewery and encouraged community members to support the business.

2. Consent Calendar

A. Approval of City Council Tentative Agenda

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve the items on the Consent Calendar. **PASSED 8:0.**

3. Public Forum

1. Joe Schmidlin – spoke about the positive impact of short-term rentals in the community.
2. Andrea Nelson – spoke about the positive experience of hosting a short-term rental.
3. Rowan – talked about concerns with 5G technology.
4. Joshua Korn – talked about concerns with 5G technology.
5. David Ivan Piccioni – made comments related to parking and City Hall.
6. Paulina Romo – shared concerns about losing her Airbnb if affected by new regulations.
7. Todd Boyle – talked about the auditor measures from a few years ago and homelessness.

8. Valerie Harris – spoke about short-term rental meeting needs that hotels cannot.
9. Lin Woodrich – asked when Envision Eugene will be implemented in Bethel.
10. Kathryn Dunn – said that short-term rentals are not the reason for Eugene’s housing shortage.

Council Discussion:

- Councilor Clark – addressed comments from about the City’s authority over EWEB utility poles by noting that if the utility poles were houses, it is the owner’s decision about whether or not to rent the house; EWEB can decide whether to rent space or not and determine the conditions under which that space is rented.
- Councilor Syrett – responded to Mr. Boyle that she agreed the City needs to do a better job of informing the community about the progress being made to implement the TAC report; said she hopes the City and County can do a better job about updating the public, noting the challenge presented by no longer having a locally owned newspaper; said that the budget the City has set aside for welcoming visitors to the 2021 championships includes doing beautification along Highway 99; thanked Airbnb hosts for their input on how they use their rentals and welcome the community.
- Councilor Evans – talked about proposed changes in Transit Tomorrow and supported letting the process work itself out before making a final determination about whether it’s successful; talked about Bethel development and said the area needs a plan for in-depth commercial retail and housing development; said Envision Eugene should be implemented in Bethel similar to the River Road/Santa Clara process.

The meeting adjourned at 8:13 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Elena Domingo)

Link to the webcast of this City Council meeting [here](#).

**MINUTES
Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**February 19, 2020
12:00 p.m.**

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans

Councilors Absent: Claire Syrett, Chris Pryor

Mayor Vinis opened the February 19, 2020, work session of the Eugene City Council.

1. Executive Session: Pursuant to ORS 192.660(2)(e)

City Council met in Executive Session pursuant to ORS 192.660(2)(e).

The council reconvened in public session.

MOTION AND VOTE: Councilor Yeh, seconded by Councilor Clark, moved to direct the City Manager to schedule a public hearing regarding an ordinance extending by six months the term of Northwest Natural Gas company's franchise agreement. **PASSED: 5:1**, Councilor Taylor opposed.

2. Work Session: Fuels Reduction Update

Eugene Springfield Fire Department Chief Chris Heppel and AIC Fire Marshal Amy Linder, along with staff from Oregon Department of Forestry, Eugene Parks and Open Space, and the Northwest Youth Corp, gave an update about the wildland urban interface fuels reduction project. Community engagement, education, fuels reduction, and workforce development were primary topics.

Council Discussion

- Councilor Semple – thanked staff and expressed gratitude for the work.
- Councilor Clark – appreciated the collaborative nature of the work and spoke about ongoing education outreach to children; asked if there is quantifiable evidence that the work has increased public safety.
- Councilor Zelenka – appreciated the collaboration of the groups involved; asked about the next steps of the project; expressed support for including funding for the project in the upcoming budget.
- Councilor Taylor – spoke about living in the area of the pilot project and encouraged continued neighborhood involvement; expressed desire to ban fireworks; asked staff about enforcement options, including new ordinances, requirements or fines; spoke to the importance of a strong nuisance ordinance.
- Mayor Vinis – talked about opportunities to involve CERT volunteers in the work; addressed nuisance code violations, community involvement and education; stated that the project was presented on a national level and there is interest in creating a model program.

The meeting adjourned at 1:25 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Carolyn Dimick-Kronberger)

Link to the webcast of this City Council meeting [here](#).

MINUTES

Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401

February 26, 2020
12:00 p.m.

Councilors Present: Betty Taylor, Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark,
 Greg Evans, Claire Syrett, Chris Pryor

Councilor Semple opened the January 27, 2020, work session of the Eugene City Council. Councilor Syrett joined the meeting at 12:25 p.m.

1. WORK SESSION: Parks and Recreation System Development Charge Methodology Update

Parks and Natural Resource Planner Carolyn Burke and Interim Public Works Director Matt Rodrigues introduced the topic.

Council Discussion

- Councilor Clark – asked for clarification on stormwater system development charges; expressed support for Option 4 and interest in suspending SDCs for accessory dwelling units; said that affordable, smaller homes become available as people move out of them because they move into larger homes.
- Councilor Zelenka – expressed support for adopting the proposed project list; asked what the comparison was between Portland’s and Eugene’s rates; appreciated that the model supported small housing and transportation access; expressed support for a two-year phase-in of the fee increase.
- Councilor Pryor – wanted to figure out how to increase the number of smaller, affordable homes built; was most interested in Options 2 and 3.
- Councilor Yeh – agreed with Councilor Pryor in support of Options 2 or 3; was willing to phase in the fee increase.
- Councilor Evans – was interested in a fifth option that would include no increase in the first year, a 20 percent increase in the second year, and a phased increase for two years after that.
- Councilor Semple – asked for clarification on what would occur between years one and two in Options 5 and 3.
- Councilor Syrett – weighed the need to increase housing while also continuing to fund parks development; supported the proposed Option 5.
- Councilor Clark – supported keeping the current fees for two more years; interested in a comparison between in-market cities nearby (including Veneta, Creswell, etc.); raised the idea that the increase could occur over ten years’ time.
- Councilor Zelenka – thought the comparison between Eugene and its competitors for where people wanted to build were with cities like Corvallis and Bend and that the \$500 difference between Eugene and Springfield would not make much of an impact in the overall choice of where to build locally.
- Councilor Pryor – said he looked forward to a rate structure that encourages building smaller; supported Option 5.
- Councilor Syrett – asked about the impact of the change in the administrative fee.
- Councilor Clark – thought Option 5 would result in builders choosing to build elsewhere and wanted to see a slower rate change over ten years; asked how the administrative fee might be used to eliminate fees for SDCs.

- Mayor Vinis – expressed interest in putting the motions on the table to determine whether a second work session would be needed.
- Councilor Taylor – supported the first two motions and wanted to delay voting on the fee structure timing.
- Councilor Zelenka – thought there was enough support to adopt Option 5 and wanted to vote rather than delay.
- Councilor Semple – noted that when people moved to larger homes, their smaller homes were often demolished; asked what the lost revenue might be depending on each choice.
- Councilor Zelenka – offered a rough figure of lost revenue resulting from a delay in implementation of the new fee structure.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to prepare for adoption a reduction in the SDC administrative fee from nine percent to five percent. **PASSED: 8:0**

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to prepare for adoption the proposed project list and components of the proposed methodology to ensure funding for 2018 Parks and Recreation bond measure projects. **PASSED 7:1**, Councilor Clark opposed.

MOTION AND VOTE: Councilor Evans, seconded by Councilor Syrett moved to direct the City Manager to prepare Option 5 for adoption. **PASSED: 6:2**, Councilors Clark and Taylor opposed.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to prepare for adoption an SDC adjustment for large multi-family units that implement Envision Eugene and Climate Recovery goals. **PASSED: 7:1**, Councilor Taylor opposed.

2. WORK SESSION: E-Scooters and Micromobility

Transportation Planning Intern Karen Mason and Transportation Planning Manager Rob Inerfeld introduced the topic.

Council Discussion

- Mayor Vinis – asked for clarification on the definition of a shared use path.
- Councilor Semple – shared a personal story about being hit by an e-scooter and did not support having them on sidewalks; said that if a pilot was implemented, she wanted as many options as possible as well as scooters with seats and baskets; wanted to require helmets and consider equity concerns.
- Councilor Zelenka – shared his experience with using scooters in a couple of different cities; thought they were an important tool for reducing greenhouse gases; thought parking spots were helpful, technology was very helpful for controlling speed and educating about use
- Councilor Taylor – said she thought there were problems with parking and sidewalk use, and that scooters were a hazard generally; thought e-bikes were already a problem on shared use paths.
- Councilor Pryor – said he was focused on rider behavior for all mobility devices and that a pilot was an opportunity to see how safely the City could get people to ride.
- Councilor Clark – expressed concern about the interaction between scooters and cars; did not think the City should expend any funds for this service when there were so many other more pressing needs.

- Councilor Yeh – expressed concerns but supported a pilot program; thought a longer trial period would be helpful; asked for clarification on the location of the pilot within the city; wanted to ensure people outside of downtown would have the opportunity to use them.
- Councilor Evans – said he shared the concerns of Councilors Semple and Taylor; shared personal experiences with e-scooters; asked how many cities have banned e-scooters due to safety issues; was hesitant to support a pilot and wanted to learn from the experiences of other cities.
- Councilor Syrett – asked staff to speak more about how geo-fencing might be used; thought Eugene could incorporate best practices into its pilot to alleviate some concerns, and that the City needed to encourage people to travel without their cars; wanted a city-wide pilot.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to extend the meeting by 10 minutes. **PASSED 8:0**

- Councilor Taylor – did not support a pilot and wanted to know who would issue fines; thought it might discourage people from biking and walking, and draw riders away from buses.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to bring back for council consideration an ordinance amending the code to allow the administrative establishment of a pilot program for licensing e-scooter share services in Eugene.

- Councilor Semple – expressed support for the pilot.

VOTE: PASSED 6:2, Councilors Taylor and Evans opposed.

- Councilor Clark – asked for clarification on where people could use e-scooters currently.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to bring back for council consideration an ordinance amending the code to allow e-scooters and other electric micromobility devices (e.g., e-skateboards) on shared use paths (outside of East Alton Baker Park). **PASSED 6:2**, Councilors Taylor and Evans opposed.

The meeting adjourned at 1:42 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Cas Casados)

View the video recording of the meeting [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: March 9, 2020
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2B
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve the City Council Tentative Working Agenda.

BACKGROUND

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2 notes, in part, that "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

CITY MANAGER'S RECOMMENDATION

The City Manager has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: bforrest@eugene-or.gov



City Council Tentative Agenda

Updated March 4, 2020

Meeting Location: Harris Hall, 125 East 8th Avenue, unless otherwise noted

March 2020					
Date	Day	Time	Title	Length	Dept. Contact
9-Mar	Monday	5:30 pm	 River Road-Santa Clara Neighborhood Plan (Work Session)	45 mins	Terri Harding, PDD
			 Franklin Boulevard Project Update (Work Session)	45 mins	Larisa Varela, PW
		7:30 pm	 Committee Reports and Items of Interest		Beth Forrest, CS
			 Approval of Appropriation to Produce Voters' Pamphlet (Consent Calendar 1)		
 Public Forum			Ethan Nelson, CS		
			 NW Natural Gas Franchise Extension Ordinance (Public Hearing)		
Expected absences for 3/9: Taylor, Evans					
11-Mar	Wednesday	12 pm	 Emergency Preparedness Update	60 mins	Kevin Holman, CS
			 Speed Limits on Residential Streets (Work Session)	30 mins	Chris Henry, PW
Expected absences for 3/11: Taylor, Evans, Pryor					

Council Break: March 12 – April 8



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest

CC Agenda Changes



CC Agenda Changes

March 9, 2020 Meeting - Item 11



Pledge of Allegiance

April 2020						
Date	Day	Time	Title		Length	Dept. Contact
8-Apr	Wednesday	12 pm	 STAR Voting (Work Session)	45 mins	Beth Forrest, CS	
			 NW Natural Gas Franchise Extension Ordinance (Action)	45 mins	Ethan Nelson, CS	
Expected absences for 4/8: none						
13-Apr	Monday	5:30 pm	 Transit Tomorrow (Work Session)	45 mins	Rob Inerfeld, PW	
			 Affordable Housing Trust Fund Allocation (Work Session)	45 mins	Stephanie Jennings, PDD	
		7:30 pm	 Committee Reports and Items of Interest		Emily Proudfoot, PW	
			 Public Forum			
			 Downtown Riverfront Park Clarification Code Amendment (City File CA-20-1) (Public Hearing)			
			 Comcast Franchise Agreement Extension Ordinance (Public Hearing)			Pam Berrian, CS
			 Parks & Recreation SDC Methodology (Action)		Carolyn Burke, PW	
Expected absences for 4/13: none						
15-Apr	Wednesday	12 pm	 Town Square (Work Session)	90 mins	Will Dowdy, PDD	
Expected absences for 4/15: none						
20-Apr	Monday	5:30 pm	 TBD (Work Session)	45 mins		
		(schedule as needed)	 TBD (Work Session)	45 mins		
		7:30 pm	Hold for Boards and Commissions Candidate Statements			
Expected absences for 4/20: none						
22-Apr	Wednesday	12 pm	 Bethel Redevelopment (Work Session)	45 mins	Anne Fifield, PDD	
			 TBD (Work Session)	45 mins		
Expected absences for 4/22: none						

27-Apr	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	Stephanie Jennings, PDD Pam Berrian, CS Emily Proudfoot, PW Elizabeth Butterfield, CS Elizabeth Butterfield, CS
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest		
			 Public Forum		
			 Adoption of Eugene-Springfield Consolidated Plan (Action)		
			 Comcast Franchise Agreement Extension Ordinance (Action)		
			 Downtown Riverfront Park Clarification Code Amendment (City File CA-20-1) (Action)		
 FY20 Supplemental Budget 2 (Public Hearing and Action)					
 URA FY20 Supplemental Budget 2 (Public Hearing and Action)					
Expected absences for 4/27: none					
29-Apr	Wednesday	12 pm	 Short-Term Rentals (Work Session)	45 mins	Lydia Kaye, PDD
			 TBD (Work Session)	45 mins	
Expected absences for 4/29: none					
29-Apr	Wednesday	5:30 pm	 Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 4/29: none			** BUDGET COMMITTEE MEETING -B/T Room, Library **		

May 2020						
Date	Day	Time	Title		Length	Dept. Contact
11-May	Monday	5:30 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
		7:30 pm	 Committee Reports and Items of Interest			
			 MWMC Budget Ratification (Consent Calendar)			
			 Public Forum			
Expected absences for 5/11: none						

13-May	Wednesday	12 pm	 Expansion of Downtown Urban Renewal District (Work Session)	45 mins	Amanda Nobel, PDD
			 TBD (Work Session)	45 mins	
Expected absences for 5/13: none					
13-May	Wednesday	5:30 pm	 Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 5/13: none ** BUDGET COMMITTEE MEETING -B/T Room, Library **					
18-May	Monday	5:30 pm <i>(schedule as needed)</i>	 TBD (Work Session)  TBD (Work Session)	45 mins	
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 5/18: none					
20-May	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 5/20: none					
20-May	Wednesday	5:30 pm	 Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 5/20: none ** BUDGET COMMITTEE MEETING -B/T Room, Library **					
26-May	Tuesday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
Expected absences for 5/26: none					
27-May	Wednesday	12 pm	 Wild Turkey Population Mgmt. (Work Session)	45 mins	Rachelle Nicholas, PDD
			 TBD (Work Session)	45 mins	
Expected absences for 5/27: none					
27-May	Wednesday	5:30 pm	 Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 5/27: none ** BUDGET COMMITTEE MEETING -B/T Room, Library **					

June 2020						
Date	Day	Time	Title		Length	Dept. Contact
8-Jun	Monday	5:30 pm	 TBD (Work Session)	45 mins		
		 TBD (Work Session)	45 mins			
		7:30 pm	 Committee Reports and Items of Interest  (Consent Calendar)  Public Forum  Appointment to Boards and Commissions (Action)		Cas Casados, CS	
Expected absences for 6/08: none						
10-Jun	Wednesday	12 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
Expected absences for 6/10: none						
15-Jun	Monday	5:30 pm <i>(schedule as needed)</i>	 TBD (Work Session)	45 mins		
		 TBD (Work Session)				
		7:30 pm	 TBD (Public Hearing)			
Expected absences for 6/15: none						
17-Jun	Wednesday	12 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
Expected absences for 6/17: none						
22-Jun	Monday	5:30 p.m.	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		

22-Jun	Monday	7:30 pm	 Committee Reports and Items of Interest  Public Forum  FY20 Supplemental Budget (Public Hearing and Action)  FY21 Budget Adoption (Public Hearing and Action)  FY21 URA Budget Adoption (Public Hearing and Action)		Vicki Silvers, CS Vicki Silvers, CS Vicki Silvers, CS
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Expected absences for 6/22: none

24-Jun	Wednesday	12 pm	 TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	
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Expected absences for 6/24: none

July 2020						
Date	Day	Time	Title		Length	Dept. Contact
8-Jul	Wednesday	12 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
Expected absences for 7-8: none						
13-Jul	Monday	5:30 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
		7:30 pm	 Committee Reports and Items of Interest  Public Forum			
Expected absences for 7/13: none						
15-Jul	Wednesday	12 pm	 Public Forum Changes – Check -In (Work Session)	45 mins	Beth Forrest, CS	
			 TBD (Work Session)	45 mins		
Expected absences for 7/15: none						
20-Jul	Monday	5:30 pm <i>(schedule as needed)</i>	 TBD (Work Session)	45 mins		
			 TBD (Work Session)			
		7:30 pm	 TBD (Public Hearing)			
Expected absences for 7/20: none						

22-Jul	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
<i>Expected absences for 7/22: none</i>					
27-Jul	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest		
			 Public Forum		
<i>Expected absences for 7/27: none</i>					
29-Jul	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
<i>Expected absences for 7/29: none</i>					

Council Break: July 30 – September 9



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Update Sign Code for Digital Display Technology – <i>follow-up TBD</i>	Pryor	2/14/19
5G/Small Cell – include experience of other cities – <i>follow-up TBD</i>	Clark	5/20/19
Strategies for managing the wild turkey population – <i>scheduled 5/27/20</i>	Pryor	10/17/19
E-Scooters – <i>follow-up TBD</i>	Evans	11/14/19
Extension of Downtown Urban Renewal District – <i>scheduled 5/13/20</i>	Evans	12/19/19
STAR Voting – <i>scheduled 4/8/20</i>	Evans	12/26/19
Follow-Up Work Sessions to be Scheduled		
TAC Implementation		
Commercial Setbacks		
Naming Policy		

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Motion Relating to Voters' Pamphlet for the May 19, 2020, Primary Election

Meeting Date: March 9, 2020
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2C
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

The purpose of this item is to request council approval of a motion related to the Eugene Voters' Pamphlet for the May 19, 2020, primary election.

BACKGROUND

On May 19, 2020, the City of Eugene will conduct a nonpartisan nominating election for the offices of Eugene Mayor, City Councilor for Wards 1, 2, 7, and 8, and EWEB Commissioner for Wards 1 & 8, 2 & 3, and 4 & 5.

Voters' Pamphlet:

Eugene Code 2.993(4) states:

If a candidate for city office wishes to publish a statement in the city voters' pamphlet for an election at which no City measure is submitted for a vote, the City Manager shall publish a voters' pamphlet containing candidate statements submitted pursuant to subsection (3) of this section, unless the City Council waives the requirement.

The time required for printing a pamphlet and preparing it for mailing are set by production schedules of mailing services and commercial printers. Pamphlet content and deadlines for its preparation and mailing are established by Eugene Code 2.993 through 2.997. To meet these deadlines, council action is needed at this meeting.

Production of a voters' pamphlet is not a regularly budgeted item and thus requires a request for additional funds. Production costs for voters' pamphlets the past few years have averaged between \$20,000 and \$25,000 (including mailing). Staff estimates that this pamphlet will cost approximately \$20,000.

PREVIOUS COUNCIL DIRECTION

None.

COUNCIL OPTIONS

1. The council may approve the motion to appropriate funds for the May 19, 2020, voters' pamphlet.
2. The council may provide other direction to staff.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approval of the motion to appropriate funds for the May 19, 2020, voters' pamphlet.

SUGGESTED MOTIONS

Move to direct the City Manager to include on a supplemental budget sufficient appropriation offset by General Fund contingency and the Reserve for Revenue Shortfall to produce a voters' pamphlet for the May 19, 2020, Primary Election.

ATTACHMENTS

None.

FOR MORE INFORMATION

Staff Contact: Beth Forrest, City Recorder
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: March 9, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on city-related issues and should not address items which have already been heard by a Hearings Official or are on the present agenda as a public hearing item.

SUGGESTED MOTION

No action is required; this is an informational item only.

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: bforrest@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Extending the Term of Ordinance No. 20170 Granting to Northwest Natural Gas Company, a Corporation, a Twenty-Year Non-Exclusive Right and Franchise to Lay, Maintain and Operate Facilities in the Public Way Within the City of Eugene, Oregon; and Providing for the Payment of Compensation to the City

Meeting Date: March 9, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Ethan Nelson
Contact Telephone Number: 541-682-5245

ISSUE STATEMENT

The purpose of this public hearing is to provide an opportunity for public comment regarding the proposed ordinance extending the Northwest Natural Gas Right of Way Franchise Agreement until November 11, 2020. Without the extension, the franchise agreement will expire on May 11, 2020. This ordinance would only extend the term of the franchise; all other current franchise terms and conditions would remain the same.

BACKGROUND

Franchise agreements between local governments and utilities govern the use of the public right-of-way to ensure safety, coordinated access, and the stability of public infrastructure. Typical franchise agreements outline the terms and fees under which utility companies can utilize the public right-of-way for their business. Fees are typically calculated on a percentage of the revenues derived from sales of the utility company to customers within the service area.

In October 1999, the City Council approved Ordinance 20170 (Attachment A) that:

- Increased the compensation rate from 4 percent to 5 percent of gross revenues;
- Granted a franchise term of 20 years with possible renegotiation every five years;
- Provided updated audit language and facility relocation and abandonment provisions;
- Added “favored cities” language, which requires NWNG to notify the City should they agree to pay any other city in Oregon a franchise fee that exceeds 5 percent of gross revenues.

Currently, the City receives \$1.4 million in General Fund revenues from this franchise annually. Revenue from NWNG franchise fees have been trending at this level over the past few years based on flat/declining NWNG rates in the area.

Franchise Negotiation Update

The City Council adopted Ordinance 20620 on July 22, 2019 granting a six-month extension of the Right of Way Franchise Agreement to Northwest Natural Gas. The ordinance went into effect on

March 9, 2020, Public Hearing – Item 4

August 24, 2019. In previous work sessions related to the Franchise Agreement and the Climate Action Plan, City Council discussed the concept of including a carbon reduction element into the Franchise Agreement as a means to implement the 2016 Climate Recovery Ordinance. Including a carbon reduction element into a utility franchise agreement is a fairly novel concept, adding new issues to the negotiations discussions and requiring more time for due diligence on both sides of the issue.

Over the past six months, a City Council Sounding Board was established to inform and guide staff negotiations and several joint negotiation meetings have been held with NWN. Additionally, the City has been able to retain the consulting services of a utility regulatory expert to assist in the negotiation process; this expert joined the team in January 2020. Due to the complexity of negotiations, both sides have requested an additional six-month extension of the existing franchise agreement to continue negotiations with the goal of finalizing the agreement by late summer/early fall of 2020. A public hearing on the ordinance that will grant this extension is scheduled for March 9, 2020.

All the work on the franchise agreement and carbon reduction efforts are being guided by adopted Council policy, primarily the Climate Recovery Ordinance, and include actions related to energy efficiency, renewable energy, carbon offsets, and addressing potential impacts to low-income community members.

PREVIOUS COUNCIL DIRECTION

[November 14, 2018, Work Session](#)

This work session provided the City Council with information regarding the review process for the right-of-way franchise agreement with Northwest Natural Gas and discuss options for including CAP2.0 in the negotiations.

[January 30, 2019, Work Session](#)

Staff reviewed questions submitted by the Eugene Sustainability Commission to the City Council regarding the regulation of natural gas in Eugene.

[May 22, 2019, Work Session](#)

Council held a work session with Northwest Natural ([Northwest Natural presentation](#)) as a follow-up to a previous work session about NWN's franchise agreement with the City and Climate Action Plan 2.0 discussions.

[May 29, 2019, Work Session](#)

Move to direct the City Manager to schedule a public hearing on a possible one-year extension of the franchise with Northwest Natural Gas. (*Motion passed*)

[July 22, 2019, Work Session](#)

Move to adopt an Ordinance Extending the Term of Ordinance No. 20170 for six months. (*Motion passed*)

March 9, 2020, Public Hearing – Item 4

COUNCIL OPTIONS

This item is scheduled for public hearing only. Council action on the proposed ordinance to extend the franchise term is scheduled for April 8, 2020.

CITY MANAGER'S RECOMMENDATION

No recommendation is provided at this time. A recommendation will be provided for the scheduled action on April 8, 2020.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. Ordinance 20170
- B. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Ethan Nelson
Telephone: 541-682-5245
Staff E-Mail: Enelson@eugene-or.gov

1999-2019

ORDINANCE NO. 20120

AN ORDINANCE GRANTING TO NORTHWEST NATURAL GAS COMPANY, A CORPORATION, A **TWENTY (20) YEAR NON-EXCLUSIVE** RIGHT AND FRANCHISE TO LAY, MAINTAIN AND OPERATE FACILITIES IN THE PUBLIC WAY WITHIN THE CITY OF EUGENE, OREGON; PROVIDING FOR THE PAYMENT OF COMPENSATION TO THE CITY; AND REPEALING ORDINANCE NO. 18489, PASSED BY THE CITY COUNCIL AUGUST 27, 1979, AND APPROVED BY THE MAYOR SEPTEMBER 3, 1979.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known and may be cited as The Northwest Natural Gas Company Franchise Ordinance.

Section 2. Definitions.

For the purpose of this Ordinance the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Eugene, Oregon.
- (2) "Company" is Northwest Natural Gas Company, the grantee of rights under this Franchise.
- (3) "Council" is the City Council of the City of Eugene.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Code" is the Eugene Code, 1971, including all amendments thereto.
- (6) "Public way" is any street, road, alley, right-of-way, pedestrian or bicycle easement or utility easement for public use that is controlled by City.
- (7) "GIS format" is the format of electronic information, as established by the City Engineer for incorporation into City's Geographic Information System (GIS).
- (8) "Facilities" includes gas mains, pipes, boxes, reducing and regulation stations, laterals, conduits and connections, including service connections, together with all of the necessary or useful appurtenances for the transmission and distribution of gas to City and its inhabitants and to other customers and territory beyond the limits of City.
- (9) "Gross revenues" means revenues earned by Company from operations within City, including but not limited to revenues from the sale and/or transportation of natural gas consumed within City and revenues earned from the use, rental or lease of operating facilities of Company other than residential-type space and water heating equipment; less the net writeoff of uncollectible accounts directly related to such revenues. Gross revenues shall not include:

- (a) Revenues paid directly by the United States of America or any of its agencies;
- (b) Proceeds from the sale of bonds, mortgages or other evidence of indebtedness, securities or stocks; or
- (c) Sales at wholesale by one utility to another when the utility purchasing the service is not the ultimate customer.

Section 3. Grant of Authority.

City hereby grants to Company the right and privilege to lay, maintain, and operate facilities in and under the public ways of City, subject to the terms of this Ordinance for a period of twenty years. This grant of authority shall not be exclusive, and City reserves the right to grant similar use of such public ways to any person or corporation at any time during the period of this Franchise.

Section 4. Compliance with Applicable Laws and Ordinances.

Company shall at all times during the period of this Franchise, be subject to all lawful exercise of the police power of City, and to such reasonable regulation as City shall hereinafter by resolution or ordinance provide.

Section 5. Conditions - Occupancy of Public Ways.

Company, subject to the prior approval of the City Manager or designee, and requirements of all applicable ordinances, regulations and adopted City policies, may make necessary excavations in public ways for the purpose of laying, operating and maintaining its mains, pipes and appurtenances. Company shall furnish and file with the City Engineer of City, which shall, to the extent technologically feasible, be in a data format prescribed by the City Engineer to allow integration into City's Geographic Information System (GIS), maps showing the location of all such mains, pipes, and appurtenances within City, both for its existing system and future plans for the system. The City Engineer may require such information, including (GIS) format, or other drawings, surveys and plans, as deemed necessary to conform to the requirements of the Code and related administrative rules. Company shall bring maps up to date annually or upon such shorter notice as the City Engineer may reasonably require.

City reserves the right to stop any work on a public way if the City Manager or designee determines that the work has a serious adverse effect on traffic flow or endangers public safety. The right to stop work is absolute and cannot be challenged by Company even if Company's work hours and/or traffic control plans have been previously approved by City.

Section 6. Removal and Restoration.

Whenever any of Company's facilities shall unnecessarily inconvenience the public or private property owners, City may require the removal or change of location of any such

facility. Any removal or relocation of facilities made for the convenience of the public shall be at Company's expense. Whenever Company excavates or in any manner disturbs or interferes with any public way within City, Company shall restore the same as required by the Code.

Section 7. City Free to Use Public Ways.

Nothing in this Ordinance shall be construed to prevent City from sewerage, grading, paving, repairing, altering, or doing any work that it finds necessary or desirable in or on any public way. Should City find it in the public interest to permanently or temporarily remove or change the location of any of Company's facilities, Company shall, upon request and reasonable notice from the Director of Public Works, do all necessary work at Company's sole cost and expense as promptly as the circumstances will reasonably permit. If Company fails so to do, City may cause such work to be done and Company shall pay all costs incurred by City in performing such work within thirty (30) days of the date City notifies Company of the cost thereof.

Section 8. Company to Defend and Hold City Harmless.

Company shall defend, indemnify and save harmless City, its employees, officers and agents, from any and all claims, damages, costs, liabilities, and expenses to which it or they may be subjected by reason of any act or neglect of Company, its agents or employees, or which may in any manner arise out of the construction, maintenance, operation or use of any property of Company in any public way.

Section 9. Default and Termination.

If Company fails to comply with or perform any of the requirements imposed on it by this Ordinance and City gives written notice specifying the nature of Company's default and demanding that such default be remedied within a reasonable time to be fixed in such notice, the rights and privileges granted by this Ordinance may be terminated and annulled by City if Company fails to remedy its default within the time specified.

Section 10. Franchise Fee.

As compensation to City for the franchise hereby granted, Company shall pay to City an amount equivalent to five percent (5%) of Company's gross revenues. If the Code in effect at the time the revenue is earned does not allow payment of a franchise fee or business privilege tax or combined franchise fee and business privilege tax in an amount of five percent of gross revenues or some greater amount, then the franchise fee shall be the maximum amount allowed by the Code; provided that, if the Code is amended thereafter to increase the allowable franchise fee, business privilege tax or combined franchise fee and business privilege tax, the increased rate, not to exceed five percent, shall be paid on all gross revenues earned after the effective date of the amendment. If Company agrees to pay any other city in Oregon a franchise fee that exceeds five percent of gross revenue, City may require Company to pay the same percentage of its gross

revenue to City, so long as the Code allows payment of the higher percentage. Payment shall be made within forty-five (45) days following the end of each quarter of each calendar year. Within forty-five (45) days after the termination of this franchise, compensation shall be paid for the period elapsing since the close of the last quarter for which compensation has been paid. Upon thirty days' written notice by either party to the other, the basis for calculation of the franchise fee, the definition of gross revenues and other terms of this franchise shall be subject to renegotiation and redetermination at the end of the first three-year period of the franchise term and again at the end of each five-year period thereafter during the franchise term. The principles governing the renegotiation shall include, but not necessarily be limited to, making the franchise consistent with federal, state and local law in effect at the time of the renegotiation.

Section 11. Reports by Company.

Company shall furnish to City with each quarterly payment of compensation a statement by an officer of Company showing the amount of gross revenues of Company for the quarter covered by the payment, computed on the basis set forth in Section 10, and the calculation of the payment for the quarter, including a description of and the amount for each exclusion from gross revenue, as allowed under Section 10. The books and records showing Company's gross revenues from the gas sales referred to in Section 10 shall always be open to inspection by City's Finance Officer, or by any other authorized representative of City for the purpose of ascertaining the amount payable to City under Section 10, or to verify any statement or report submitted by Company pursuant to the provisions of this Section. City, or its authorized representative, shall have the right to audit Company's books and records to verify that the franchise fee has been correctly calculated and paid by Company. Company shall reimburse City for the reasonable costs of such audit if the audit discloses that Company has paid 95% or less of the fee owing for the period of the audit.

Company shall, upon request, furnish to City a list of all customers within the corporate limits of City who have contracted with Company for transportation and delivery of natural gas separate from the purchase of natural gas. This report shall include the names of all such customers and the volume of gas which was transported by Company on behalf of each customer for the period covered by the report.

Section 12. Company to Pay All City Taxes and Fees.

Nothing contained in this franchise shall give Company any credit against any non-discriminatory business tax or ad valorem property tax now or hereafter levied against real or personal property within City, or against any local improvement assessment imposed on Company, or against any permit fees or inspection fees required by the construction codes or other ordinances of City which are or may hereafter be adopted.

Section 13. Valuation for Eminent Domain.

In the event City should desire to acquire the property of Company in City and

adjacent territory by purchase, condemnation, or otherwise, the price to be paid by City shall exclude the value of the franchise or other prerogatives of sovereignty granted by City and connected with property of Company in the City.

Section 14. Abandonment.

Company shall at all times maintain all of its facilities in a good state of repair, and shall subscribe to a utility notification and locate service. If Company ceases to make use of its facilities in the public way for the purposes authorized by this franchise ordinance for a continuous period of six months or more, with no intention of using those facilities in that location in the future, the facilities shall be deemed abandoned; no facilities shall be considered abandoned if they are reserved for future use. If facilities have been in the public way for more than one year without being used, they shall be presumed to be abandoned unless Company provides to City objective evidence of Company's intent to use the facilities within the next year. Company shall maintain records of all abandoned facilities and, upon receipt of a locate request, shall locate those facilities, labelling them as abandoned. Upon 60 days written notice to Company at the address indicated in its acceptance of this ordinance, City may require Company to remove abandoned facilities and restore the public way, at Company's sole cost and expense. If Company fails to remove the facilities and restore the public way within the 60-day period, City may, at its option and in its sole discretion, remove the facilities from the public way and require Company to pay for the full cost of removal and restoration of the public way. If Company removes the facilities from the public way but fails to restore the public way to its prior condition, City may complete the repairs and bill Company for the full cost thereof.

Section 15. Acceptance by Company.

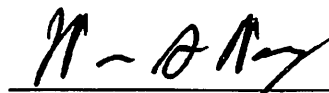
This Ordinance shall take effect thirty days after its adoption by the Council and approval by the Mayor, provided that prior to the expiration of those thirty days, Company files with City's Finance Officer its written acceptance of this Ordinance and the obligations it imposes. If no such acceptance is filed, this Ordinance shall become null and void.

Section 16. Repeal of Ordinance 18489.

From and after the effective date of this Ordinance, Ordinance 18489 of the City of Eugene, passed by the Council on August 27, 1979, and approved by the Mayor September 3, 1979, shall be, and the same is hereby repealed.

Passed by the City Council this

11th day of October, 1999



City Recorder

Approved by the Mayor this

11th day of October, 1999



Mayor

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 20170 AND ORDINANCE NO. 20620 GRANTING TO NORTHWEST NATURAL GAS COMPANY, A CORPORATION, A NON-EXCLUSIVE RIGHT AND FRANCHISE TO LAY, MAINTAIN AND OPERATE FACILITIES IN THE PUBLIC WAY WITHIN THE CITY OF EUGENE, OREGON; AND PROVIDING FOR THE PAYMENT OF COMPENSATION TO THE CITY.

The City Council of the City of Eugene finds that:

A. On October 11, 1999, Ordinance No. 20170 was adopted granting to Northwest Natural Gas Company ("NWNG") a twenty-year non-exclusive right and franchise to lay, maintain and operate facilities in and under the public ways within the City of Eugene, Oregon. NWNG accepted Ordinance No. 20170 on October 15, 1999. The Franchise was set to expire on November 11, 2019.

B. On July 22, 2019, Ordinance No. 20620 was adopted granting to NWNG a franchise extension up to and through May 11, 2020. NWNG accepted Ordinance No. 20620 on January 22, 2020.

C. The City of Eugene and NWNG have been negotiating in good faith since Fall 2019 regarding franchise renewal and potential franchise terms. Despite the parties' diligence, due to the number of relevant issues and potential franchise terms, the parties have not yet concluded their franchise negotiations.

D. Extending the term of the Franchise for six months would allow time for the City of Eugene and NWNG to complete franchise renewal negotiations.

E. The City of Eugene has determined that it serves the public welfare to extend the term of the current franchise from May 11, 2020 up to and through November 11, 2020.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The franchise granted to NWNG in Ordinance No. 20170 and Ordinance No. 20620 shall be extended up to and through November 11, 2020. This extension shall be effective upon NWNG's written acceptance.

Section 2. Other than the duration of the franchise set forth in this Ordinance, Ordinance No. 20170 and Ordinance No. 20620 shall continue in full force and effect.

Passed by the City Council this

_____ day of April, 2020

Approved by the Mayor this

_____ day of April, 2020

City Recorder

Mayor