



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

April 13, 2020

7:30 p.m. CITY COUNCIL MEETING

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, this meeting will be held remotely using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of April 13, 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

- February 10, 2020, Work Session
- February 12, 2020, Work Session
- February 24, 2020, Work Session
- February 24, 2020, Meeting
- March 9, 2020, Work Session
- March 9, 2020, Meeting
- March 11, 2020, Work Session
- March 17, 2020, Emergency Meeting

B. Approval of City Council Tentative Agenda

C. Resolution Authorizing the Reissuance of Revenue Bonds by The Hospital Facilities Authority of the City of Medford, Oregon, in an Aggregate Principal Amount not to Exceed \$5,000,000 for the Cascade Manor Continuing Care Retirement Community Located in Eugene, Oregon

3. PUBLIC FORUM

- 4. PUBLIC HEARING: An Ordinance Clarifying Relationship between Approved Riverfront Park Permit and S-DR Downtown Riverfront Code and Amending Section 9.3155 of the Eugene Code, 1971.**
- 5. PUBLIC HEARING: An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon II, Inc. a Franchise for Operation of a Cable Telecommunications System.**

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: April 13, 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 February 10, 12, and 24 as well as on March 9 and 11, 2020; the meetings on February 24 and March 9, 2020; and the emergency meeting on March 17, 2020.

ATTACHMENTS

- A. February 10, 2020, Work Session Minutes
- B. February 12, 2020, Work Session Minutes
- C. February 24, 2020, Work Session Minutes
- D. February 24, 2020, Meeting Minutes
- E. March 9, 2020, Work Session Minutes
- F. March 9, 2020, Meeting Minutes
- G. March 11, 2020, Work Session Minutes
- H. March 17, 2020, Emergency Meeting Minutes

FOR MORE INFORMATION

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

April 13, 2020, Meeting – Item 2A

MINUTES

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

**February 10, 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 February 10, 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).

2. Work Session: Town Square Project Update

Urban Development Manager Will Dowdy gave an update about the Town Square Project and asked for decision points about City Hall from City Council.

Discussion

- Councilor Clark – asked about the continued increase of construction costs and the impacts of state legislation on those costs; said he was hoping the City would set a budget and decide what it can get for that, instead of making decisions before a budget is put in place; said he has asked about how long the Downtown Urban Renewal District would have to be extended in order to fund a \$22 million dollar city hall and that the voters will not support an extension; said asking for money on the ballot to fund city hall will fail; said he would vote no on each decision today because this is the wrong approach for moving forward.
- Councilor Taylor – said she thinks the City should build for the future and not pursue a building that will be torn down in 50 years; said she'd like a third choice on the first motion, including bringing City offices that are currently renting space to city hall so that they are all in one location; said she thinks the underground parking is worth doing and much needed downtown, especially after the butterfly lot is removed; said she wants to first ask what is needed in a city hall and what is good for the future of the city and then figure out where to get the money; said environmental sustainability of the building is important, but not the LEED certification, and that she supported the hybrid seismic standards.
- Councilor Syrett – said she's not in favor of building additional office space to lease or to house other city offices; said she's not in favor of the underground parking because it's too expensive and conflicts with goals to discourage people from driving; thanked staff for bringing the costs and options for environmental standards forward; said she supports city policy and working towards LEED silver certification; asked for an example of monitoring that creates the \$40,000 cost for administering the certification; said she's in favor of the "safety plus" as an alternative for seismic standards because it protects the investment in the building without needing immediate occupancy; confirmed that the building would be insured up to \$75 million dollars.
- Councilor Zelenka – said he's not sure cap and trade would contribute to the cost increase of a building and that energy efficiency would bring costs down over the long run; said adding more floors would increase the cost and that there was an analysis done that showed the City's leases are cheaper than adding new building space and he's in favor of a modest building that meets basic needs; said it's important that the public meeting space be multi-purpose and overlooking the market and plaza; asked how many underground parking spaces would be possible and said he was not in favor of adding it; asked how maintaining certification standards adds value to the

building and if there are studies done of value added to and costs benefits of LEED silver versus other buildings; asked if the seismic building cost is based on square feet.

- Councilor Pryor – asked about the previously proposed \$28 million dollar building and where that would have been built, noting that building on the previous city hall site is no longer an option; noted that the City is planning to build a different building in a different place with a different price tag and is in more in control of what is being building now; said it would be hard to lease any additional space because it would be too expensive to build; said he wants to build a 21st century city hall on the scale being discussed; said underground parking is too expensive, even though parking needs to be addressed; said if we're trying to achieve a sustainability standard, there should be verification to know if it's been achieved; supported the hybrid seismic model.
- Councilor Yeh – asked for help understanding the timeline; asked how decisions will be made along the way that will have costs associated with them; shared concerns that there will be momentum moving forward towards a facility with a huge price tag that will be out of the ballpark when the ballpark hasn't been defined.
- Councilor Semple – said she supports LEED silver certification and the seismic life-safety plus option; said the other options are a conundrum between what the council has said it wants and what it will cost; said that with the goals of density and building up, it wouldn't make sense to only build a three-story building; said she didn't want to lease out floors, because it would be nice to have a central area where more City staff are located, such as the staff on the fourth floor of the library; said people should be able to park at city hall, but that may be old thinking and it costs too much; asked who gets to make design decisions along the way.
- Councilor Clark – said this proposal will be over 40 million dollars when it comes back to council; said parking is desperately needed downtown, especially because new units of housing are being built downtown without parking; asked why the City isn't working on a public-private partnership to build more parking on the county lot that's a block and a half away and can house underground and three stories of parking on it; said he's concerned that there's no ceiling on the budget and that the council hasn't talked about where this money will come from; opposed voting on these issues because the community will be unhappy with this process.
- Councilor Syrett – asked about costs associated with LEED; asked if the LEED certification takes into account more than the energy efficiency of the building, but also the environmental impacts of materials and construction itself; said that whether a budget is set now or an estimate after some direction is given, there will be public opposition to this project and council will have to make difficult choices about how it pays for this building; said none of these decisions are final; the council will give direction to the team to come up with an estimate and it can then decide what steps to take in terms of funding or scaling back.
- Councilor Evans – asked what the sources of money would be to finish this project if it moves forward.
- Councilor Zelenka – said that they are narrowing down the concept of city hall so that a price estimate can be generated, which can be adjusted later; said he assumes that as the cost is determined, staff will bring back potential funding plans; asked for the previous cost study for leases and summary of building comparison costs to be provided to council.
- Mayor Vinis – reminded council that they are in the process of reviewing the Draft Climate Action Plan 2.0 and a few of these decisions are very relevant to that, including discouraging people from driving and holding ourselves accountable to reducing our environmental impact through construction.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to design City Hall without additional floors of leasable real estate.

MOTION TO SUBSTITUTE: Councilor Taylor, seconded by Councilor Semple, moved to direct the City Manager to design City Hall with additional floors for city offices that are currently paying rent in other buildings.

Discussion

- Councilor Zelenka – asked for clarification of Councilor Taylor’s motion because there is large number of City operations that lease building space and if the intent was to relocate every office to the city hall space, the building would be significantly bigger and more expensive.
- Councilor Taylor – said she wants offices that the public needs access to located in the building, such as permit services; said people are upset that money is spent to lease space.

VOTE ON MOTION TO SUBSTITUTE: FAILED 2:6, Councilors Semple and Taylor in favor.

Discussion

- Councilor Clark – said he wanted to move to consider a budget first on Wednesday but would also like to move the votes on these motions to Wednesday so they can have a more thorough conversation; said the community’s opinion should be known before staff spends a lot of time planning based on council’s votes.

MOTION and VOTE: Councilor Clark, seconded by Councilor Evans, moved to postpone this debate over these issues to Wednesday and to add a discussion of budget and money sourcing. **FAILED 3:5**, Councilors Semple, Clark, and Evans in favor.

VOTE ON ORIGINAL MOTION: PASSED 5:4, Mayor Vinis broke the tie and voted in favor with Councilors Zelenka, Yeh, Syrett, and Pryor.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to design City Hall without underground parking. **PASSED 7:1**, Councilor Taylor opposed.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to design City Hall to achieve LEED Silver certification. **PASSED 6:2**, Councilors Clark and Evans opposed.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to design City Hall to a seismic standard above Life Safety, with the intent of City Hall being repairable after an earthquake. **PASSED 6:2**, Councilors Clark and Evans opposed.

The meeting adjourned at 7:10 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 12, 2020
12:00 p.m.**

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

Councilors Absent: Greg Evans, Claire Syrett

Mayor Vinis opened the February 12, 2020, meeting of the Eugene City Council.

1. Work Session: Incentives for Accessory Dwelling Units

Economic Development Planner Anne Fifield presented information about financial incentives that could lower the cost of building ADUs.

Discussion

- Councilor Clark – said although he was assured he doesn’t have a conflict, to be safe he wanted to declare a potential conflict because his job involves lending people money to buy and build houses and ADUs; said he asked for this work session to talk about the idea of a property tax exemption; discussed implementing a waiver for the City’s portion of property taxes that doesn’t have to rely on state statute; said he had talked with the previous city manager about voluntary annexation in Santa Clara and River Road and had been told that the City could offer a 10-year tax waiver for joining the City; said he’d like to see what a path forward for this option might be; said that there were many pros and cons missing from the lists, including one advantage that even if an incentive only resulted in a small percentage, the ability to borrow can turn on a very small amount of money and the impact could be significant; said he wants to discuss hooking up ADUs to the existing house instead of new hookups to the street.
- Councilor Zelenka – asked how many ADUs were built 2018 and 2019; asked if there was evidence that the already-reduced SDCs have stimulated construction of ADUs; asked about the current practice of waiving SDCs for affordable housing units; talked about how SDCs aren’t just fees used to cover costs, but to pay for future infrastructure and when they’re not collected, less infrastructure is built or money must be found somewhere else; asked if the City is seeing any low-income SDC waivers for owner-occupied single family dwellings; asked if the City’s building permit services are entirely covered by fees; asked at what cost an ADU mortgage would be at or below the workforce affordable housing threshold.
- Councilor Taylor – asked whether adoption of any of the proposed incentives would allow council to limit them to owner-occupied ADUs; said she might support the property tax exemption if limited to owner-occupied units.
- Councilor Pryor – said fractions of a percent in costs can influence whether someone can build or not and supported the development of pre-approved building plans; said that MUPTE should not be the mechanism used for ADU property tax exemptions; said he’s been considering LIRHPTE expansions and using this is a starting point; said waiving or scaling SDCs is a good idea if it applies specifically to ADUs; said the council has to commit to ADUs and be willing to endure the cost impact if SDCs, building fees, or land use application fees are lower.
- Councilor Yeh – said she’d like to consider developing pre-approved plans because this could result in significant savings and would be a one-time initial fee for an ongoing resource; supported targeting low-income folks if possible and to identify ways to target that

demographic when scaling or waiving fees; said MWMC has a program that if a city waives its fees, the MWMC also waives its fees and this doubles the money for the owner; said she's not excited about entirely waiving fees because they go towards important things and doesn't want other programs to be impacted by developing a few ADUs.

- Councilor Semple – said that it seems like all the proposed incentives would essentially take away from the general fund because money that's given up will need to be replaced; shared concerns that waiving SDC fees for ADUs might result in higher fees for other types of housing, including missing middle housing; said she also understands that builders need to be able to build and make money; said the bottom line is how much are the City is willing to pay to incentivize this; asked how much it would cost to pay for a set of plans; asked about the cap on transportation SDCs.
- Councilor Zelenka – said after hearing data about affordable rents, the second half of his question is how that translates into capital costs for an ADU.
- Councilor Clark – said the council needs to be willing to lower the capital costs and thus make it more affordable for people in the middle range, because these numbers drive the cost; said this is why incentives are needed - to lower the costs of building; said the other piece that would significantly lower costs is working with partners at EWEB to pursue the idea of hooking up ADU utilities directly to the main house instead of starting as a new structure; asked if the SDC totals shown today assume a parks SDC increase.
- Councilor Zelenka – said the council has spent a lot of time on ADU discussions when it won't lead to significant headway on creating affordable housing; said he wishes council would spend this amount of time on other things that do have a high likelihood of creating more affordable housing; said when Eugene's SDCs are compared to other cities throughout the state, Eugene is down at the bottom of the range; said he likes the idea of pre-approved plans and having a contest for designs to meet people's needs; said MUPTE is too complicated and unfair, but likes Councilor Pryor's idea of exploring the LIRHPTE program; said he's comfortable with waiving land use application fees; said it would be counterproductive to waive permit fees; said he prefers scaling back SDCs versus waiving them back entirely and is willing to look at this if it is targeted at affordable units; supported an overall cap and clarity about the budget impacts.
- Mayor Vinis – said in thinking about lighter, quicker, cheaper options, it makes sense to think about the complexity of initiating any of these options; said the library of plans would be the fastest and have the most impact on the individual developer of an ADU; said a number of SDC fees for ADUs have been reduced already and it's a little soon to say how much more is needed to incentivize; said moving forward with any incentives should support low-income rental housing development.
- Councilor Clark – asked how many work sessions council has had around ADU regulations, noting that the financial incentives are much more impactful on whether ADUs get built than the regulations; said this is the appropriate place to spend staff time and conversations if the council wants to see missing middle housing get built; asked what the cost reduction would be for hooking up ADU utilities to the main house versus directly to the street; asked what the next steps would be after this work session; said the next work session needs to be before summer.
- Councilor Yeh – said she thinks the land use code changes are more important than cost adjustment in terms of seeing more ADUs being built; said she supported having a contest for the design plans because it could be a good opportunity to advertise the things the City is already doing and the ways people can currently get discounts, and they may learn more about whether they can afford to build an ADU.
- Councilor Taylor – said the main thing she'd like to see come back is whether the options can apply only to owner-occupied ADUs.
- Councilor Semple – asked how the utility would charge for separate units if there is only one meter; shared concerns about how much time council has put into ADUs and would like to move forward on HB 2001; said she'd like to continue incentivizing in the same manner as

transportation SDCs; said she wishes there were more options that seemed workable right now, but would like to be done with this issue sooner rather than later.

- Councilor Pryor – agreed that this conversation has taken a long time; asked for clarification about how HB 1051 impacts ADUs; asked if council could create conditions around these options (permitting, waiving fees, etc.) that specify whether or not it is owner-occupied without being in conflict with HB 1051 or 2001 and was concerned that putting a provision like that in place would be immediately appealed and remanded; said he wants to make sure council's decisions will be on firm legal footing.
- Councilor Zelenka – asked for clarification about what would be coming back related to the scaling or waiving of SDCs; said he also wanted to look at targeting affordable housing for SDC reductions.
- Councilor Clark – asked what the source was for the research about the options presented; asked if staff had talked with builders or architects about current market conditions related to costs; said he knows a widely respected individual, Dan Hill, with Arbor South Architecture who would be willing to speak with staff or council about the information he has gathered over decades of building ADUs and the economics of building them.

The meeting adjourned at 1:03 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 24, 2020
5: 30 p.m.

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

Councilors Absent: Claire Syrett

Mayor Vinis opened the February 24, 2020, work session of the Eugene City Council.

1. Work Session: Town Square Project Funding Strategies

City Manager Pro Tem Sarah Medary, Finance Director Twylla Miller, and Urban Development Manager Will Dowdy spoke about the concept design, schematic design, design development, construction drawings, bidding, and construction steps of the Town Square project. Additionally, they discussed the potential scope/phasing and funding options for the project. Planning and Development Director Denny Braud spoke about possible parking solutions.

Council Discussion

- Councilor Clark – inquired about additional assets the City owns, the zoning of the land above Laurelwood Golf Course and its value as an asset, talked about the urban downtown renewal project and how much more money is still needed for the park blocks portion of the project, said the use of funds for city hall would not be well received by the community and asked about downtown parking considerations and solutions.
- Councilor Evans – asked about the number of surplus asset properties and related exceptions of what could be sold; inquired about the possibility of altering the park blocks and the location of the farmer’s market.
- Councilor Pryor – asked about the current facility reserve fund and additional assets; spoke about the combination of different funding options; expressed a desire to scale and phase the project.
- Councilor Zelenka – stated that he was not interested in selling park land; asked about the swap fund and amount; inquired about the farmer’s market funding agreement with Lane County; talked about the complication of finances and pulling together funding options; expressed support for scaling and using a combination of funding options for the project.
- Councilor Taylor – asked about transferring funds for park blocks improvements to the city hall plan; supported addressing one project at a time and looking at transferring funds from the quiet zone, raising the transient room tax, and other private donation options; supported addressing the city hall project before the park blocks portion of the plan; spoke about the history of the butterfly lot as the former site of the farmer’s market; reported that people were expressing negative views of the drawing of the market published in the newspaper; asked if the funds from the quiet zone could be transferred to the city hall project
- Councilor Yeh – supported being mindful of other important projects going on at the same time as the town square project; stated that parks and the quiet zone are very important; desired a phasing of the project; asked about the projected cost of the farmer’s market structure; asked about Lane County’s role in discussion of the funds; asked for an email highlighting the numbers.

- Councilor Semple – talked about the need to maintain the surrounding areas; spoke about being cautious of using some of the fund options for the project; discussed the monies needed for the portions of the project; expressed concern about moving quickly ahead with planning but being behind with funding options.
- Councilor Clark – spoke to Councilor Taylor’s questions about transferring funds; talked about the parking issue and the possibility of partnering with Lane County; discussed the EWEB building and parking options.
- Councilor Taylor – spoke about parking issues and future possible parking on 7th Avenue; encouraged taking time to consider and make changes.
- Councilor Zelenka – asked about the use of Comcast dollars; inquired about the use of different monies for specific pieces of the project related to the downtown urban renewal district; supported further discussion of the Lane County parking structure option; supported moving forward with the project.
- Councilor Pryor – asked about the reserve versus the facility reserve monies; talked about the urban reserves and the remaining LCC downtown center funds; said he is willing to look at an extension of the urban renewal district.
- Councilor Semple – asked about spending to-date on the design and expressed her desire to phase the project.

2. **Work Session: Eugene-Springfield 2020 Consolidated Plan for Affordable Housing and Community Development**

Grants Manager Stephanie Jennings spoke about the consolidated plan scope and purpose, community profile and needs, draft goals and strategies for use of HUD funds, and next steps for completion and submittal of the plan.

Council Discussion

- Councilor Taylor – asked for clarification regarding the definition of fair housing.
- Councilor Pryor – spoke about his role on the committee that drafted the consolidated plan; discussed the federal poverty level and the residents who qualify for that designation.
- Councilor Evans – discussed the issue of segregation of persons in housing.
- Councilor Zelenka – spoke about the poverty line of renters and costs of rent; asked about renter protections committee and work related to codes and ordinances; expressed a desire to tackle affordable housing.
- Councilor Clark – spoke about renter costs and size of household; talked about an article he read regarding the differences between living in nuclear or multi-generational households and the modern culture of single-person households.
- Mayor Vinis – expressed appreciation for the work that went into the consolidated plan.

The meeting adjourned at 6:58 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 24, 2020
7:30 p.m.**

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

Councilor Absent: Claire Syrett

Mayor Vinis opened the February 24, 2020, meeting of the Eugene City Council.

1. Committee Reports and Items of Interest

Discussion

- Mayor Vinis – extended an apology related to her interview with KVAL about the City Prosecutor’s Elk Horn Brewery decision, noting she should have used the prosecutor’s words instead of her own because the language she used was not accurate; clarified her position that she did not believe the protest was fair or appropriate; said she appreciates the frustration and anger felt by Eugene businesses and she’s committed to working with them to have better conversations and find a productive path forward.
- Councilor Semple – said she had a field trip to the Westside Church on 18th and Chambers where they have a homeless services program that, while not perfect, may be emulated elsewhere; explained they have a group of homeless individuals who are allowed to sleep on the porch and they each sign a letter saying they will attend meetings and work on projects and community service; said she’s happy to see different people working together and building trust.
- Councilor Taylor – said she wanted to correct an impression that came from a *Register-Guard* article that reported four councilors voted to create rental property on top of a new city hall, which was not the case; said these councilors voted to build city hall with additional floors for staff that are currently in leased space downtown.
- Councilor Pryor – shared his perspective on what occurred at the Elk Horn Brewery; noted that the prosecutor said the evidence wasn’t clear enough for the case to be successfully prosecuted; encouraged council to be more clear in identifying behavior that is intimating or harassing so the rules are in place to prosecute that behavior in the future; said he does not want to regulate words, but behavior; said if people wish to protest, that is welcomed, but illegal or inappropriate behavior is not; encouraged making the ordinance more clear to regulate this kind of behavior.
- Councilor Clark – said everything he spoke about last week that made him angry was related to people’s behavior, not their status or condition; said the criminal code addresses behavior and that, in reading the code about disturbing the peace, he comes to a different conclusion than the prosecutor - there was a clear violation; asked what the appropriate role of a councilor is when they disagree with a prosecutor’s decision; said that he did not think that the decision ended up being in the best interest of community.
- City Manager Pro Tem Sarah Medary shared an update about a pilot to make free menstrual products available in some public bathrooms throughout the community.

2. Consent Calendar 1

- A. Approval of City Council Minutes
 - January 21, 2020, Work Session
 - January 21, 2020, Public Hearing
 - January 27, 2020, Meeting
 - February 18, 2020, Work Session
 - February 18, 2020, Public Hearing
- B. Approval of City Council Tentative Agenda
- C. Adoption of An Ordinance Providing for Withdrawal of Annexed Properties from the Following Special Districts: River Road Park & Recreation District; River Road Water District; Santa Clara Rural Fire Protection District; Santa Clara Water District; and Willakenzie Rural Fire Protection District.
- D. Adoption of A Resolution Repealing Resolution No. 3993 Regarding the Abatement of Dutch Elm Disease

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve the items on the Consent Calendar 1. **PASSED 7:0.**

3. Public Forum

1. Kimberly Gladen – asked how downtown businesses would be showcased in 2021 planning.
2. Jo Staniac – talked about the absence of adequate infrastructure in the Bethel neighborhood.
3. Kira Elliot – spoke on behalf of the period movement and providing free menstrual products.
4. Jarl Burg – talked about expectations put on the homeless, City Hall, and issues with renters.
5. Rowan – shared concerns about 5G technology and ideas to slow down the installation process.
6. Tracy Justin Cook – shared ideas and solutions about homelessness.
7. Travis Johanness – shared his hopes for projects and development in the Bethel neighborhood.
8. Stefan Strek – proposed a new project to install a green and yellow brick road in Eugene.
9. Cassandra Miley – expressed concerns and made suggestions about LTD routes.
10. Kathryn Dunn – talked about the timeline for making decisions about short-term rentals.
11. Diane Behling – expressed concerns about air pollutants and health conditions in Bethel area.
12. David Piccioni – talked about living with other people and protesting.
13. Ed Farren – shared concerns about the Bethel neighborhood and desire for improvements.
14. Joshua Korn – talked about small cell facility regulation and deregulation.
15. Linda Sissen – said that regulating STRs was not an outcome of housing tools and strategies.
16. Violet Neal – talked about providing free menstrual products throughout the City.

Discussion

- Councilor Pryor – said he served on the Better Bethel Committee and creating partnerships is fundamental in that work and moving forward; talked about developing a homeless shelter, including a navigation center with support services and counseling; spoke about City Hall, saying that the City is currently renting space from the County and it is not a long-term solution; said the last communication the council received was that EWEB was asking for \$20 million to purchase their headquarters.
- Councilor Evans – thanked the individuals from Bethel who came to speak, because council does not often hear their perspective; said it was important to hear from Bethel residents as the council moves forward, particularly with regard to infrastructure and pollution; shared concerns about streets being built in the area without bike lanes; thanked voters for approving bonds that will allow for a sports park at Golden Gardens and improvements at Echo Hollow pool, but noted there are other needs that have gone unaddressed for too long.
- Councilor Zelenka – addressed the myth that purchasing the EWEB building is less expensive than constructing a new City Hall; encouraged people to read the Robertson

Sherwood Architects report about using the EWEB building for City Hall purposes; talked about the number of things that would need to be addressed if this old building were purchased because it is not move-in ready.

- Councilor Clark – said that Councilor Evans is a good advocate for the Bethel area, and he supports addressing the infrastructure issues mentioned; raised the possibility of proposing a counteroffer for the EWEB building between \$16-18 million; said the study Councilor Zelenka cited was not current and this is not a clear cut-and-dry issue.

4. Consent Calendar 2

- A. Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-23-13; Tax Lot 7400; Located at 1345 Elkay Drive)(City File: Finnerty, Kathryn; A 19-11)

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve the items on Consent Calendar 2. **PASSED 7:0.**

The meeting adjourned at 8:36 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**

**March 9, 2020
5:30 p.m.**

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

Councilors Absent: Betty Taylor, Greg Evans

Mayor Vinis opened the March 9, 2020, work session of the Eugene City Council.

1. Work Session: River Road-Santa Clara Neighborhood Plan Project Update

Senior Planner Chelsea Hartman, Principal Planner Terri Harding, Chair of the Santa Clara Community Organization Kate Perle, and Co-chair of the River Road Community Organization Jon Belcher gave an update about the River Road-Santa Clara Neighborhood Plan, including project phases, community outreach, and action plan highlights.

Discussion:

- Councilor Clark – thanked staff and the neighborhoods for their hard work; asked about the effects of HB 2001 on their efforts and goals; said he sees preserving the character and livability of the area and increasing density and complying with HB 2001 as being in conflict; said he wants there to be realistic expectations about what is going to happen; said he likes the idea of protecting farmlands within the UGB and asked if that included lands in the buildable inventory; said River Road and Santa Clara neighborhoods are great examples of living sustainably and urban farming and more legal steps to protect the ability to do that should be considered.
- Councilor Syrett – reported that she went to a recent Santa Clara Community Organization meeting focused on the land use parts of this project; said people generally supported the plan and understood that the City has made a commitment to grow more densely; said many people want to retain the quality of the neighborhood, but also enhance it with community and commercial centers; asked if the quarter mixed-use and quarter residential are proposed zones that the City does not currently have; said the new zones would have a lot of potential to meet the city and state's needs in rethinking commercial and residential mix, that could work in other parts of the city as well.
- Councilor Pryor – said this work has been groundbreaking and creative and he does not think it will end up conflicting with HB 2001; said he's on the state Department of Land Conservation and Development draft code advisory committee and he wants to bring this forward in Salem because that committee is trying to accommodate density in a reasonable way, without destroying neighborhood livability; encouraged the City to create its own code that reflects this balance.
- Councilor Zelenka – said he has seen many neighborhood planning efforts and this plan and process has been excellent; said the process has been collaborative, has disseminated accurate information, and was approached with the goal of making the neighborhood more livable; said this is a great model to be applied elsewhere; said the goals in the plan were good and balanced; asked staff how new land use designations would get integrated into the existing zoning framework; asked for a description of corridor residential and residential middle; said he has seen conflicts arise when different zones are abutting without transition and asked how those

areas have been addressed to minimize future conflicts; encouraged staff to focus on those points.

- Councilor Clark – asked for an explanation about how to incentivize people to maintain land for a particular use; asked if the plan included any way to discourage the sale of land to a developer for housing; asked if the neighborhood associations or the City, in gathering feedback, had a way of determining if respondents were City residents or renters to get a sense of who had authority and who was potentially guiding the new policies; said having the data on who supports the new plan is important; said he wants to make sure the interests of the City residents are being served because those are the individuals he is representing.
- Councilor Semple – said one of her goals for this project is that it would be a template for other neighborhoods; said the outreach and citizen involvement has been great; said she is interested in pursuing an agricultural land trust for many reasons.
- Councilor Syrett – said she appreciated the design principals and how they are captured to provide a clear and easy-to-understand picture; said she was glad to hear Councilor Pryor will take some of the information to state meetings; said she heard many creative ideas for buffers when two zones abut each other and she hopes those will be useful in other areas in the future as clear templates.

2. **Work Session: Franklin Boulevard Transformation Project Update #2**

Transportation Planner Larisa Varela presented information about the proposed Franklin Boulevard Transformation Project.

Discussion:

- Councilor Semple – said this is an exciting undertaking representing a big change for a corridor that is the entryway to the city and the university and not currently very attractive; said she's excited about the roundabouts and their ability to keep traffic flowing.
- Councilor Zelenka – said he has been eagerly paying attention to this process; said he liked the preferred alternative, including the roundabouts; talked about the safety aspects of roundabouts and their ability to decrease the time of traffic flow; asked how much time it currently takes to go from one end of Franklin to the other and what it would be after this project was implemented; asked staff to address pedestrian safety; asked questions about Walnut Station and East Gateway; talked about the funding for this project being the number one priority during the City's United Front trip to Washington D.C; asked for the total cost of the project; said he is interested in getting an upgraded entrance sign; asked if Springfield would also match funding for the grant requirement.
- Councilor Yeh – said she appreciates that this corridor is seeing a lot of change and that it has risen to a priority level, including a partnership with Springfield; said she's impressed with the creativity of these plans and likes that new concepts are being tried; said she has been convinced that roundabouts are a safe, viable option for the community; reported that she attended a walk audit and is glad thought is being given to the concept of keeping different modes of transportation separated and how those issues might be addressed within the confines of the limited available space; said she's looking forward to learning how the public reacts.
- Councilor Syrett – said the progress of this plan is smart and exciting; said she also supports the roundabouts and that they are the most sensible approach given the complexities of the corridor; asked about the awkward intersection at Villard street and whether there might be engineering changes there; asked more about the bike lanes and whether they might be one-way or two-way; pointed out that there is no sign on Highway 99 welcoming anybody to Eugene.
- Councilor Clark – asked how much time has been devoted to planning this particular corridor and what the total project costs will be; talked about the dangers of the Delta and Beltline intersection and the need to make that safer; said that plans and funding for this project came

about quickly by comparison and it doesn't seem equitable; asked why these monies weren't part of the process and efforts that are now underway at Delta and Beltline; said his constituents want to see their representative asking these tough questions and he hopes staff understand that.

- Councilor Pryor – said he remembers the presentation that ODOT did about improvements to Delta and Beltline and the price tag was \$250 million at the time which ODOT wasn't prepared to invest into the project; said that the City hasn't lost sight of how important that project is, but more work must be done to figure out the mechanism for funding such a huge project.
- Councilor Zelenka – talked about highway projects being ridiculously expensive; asked about the timeline for safety improvements at Delta and Beltline; said progress made on the Franklin Boulevard project is the result of coming together with partners like LTD and Springfield.

The meeting adjourned at 7:10 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**

**March 9, 2020
7:30 p.m.**

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

Councilors Absent: Betty Taylor, Greg Evans

Mayor Vinis opened the March 9, 2020, meeting of the Eugene City Council.

1. COMMITTEE REPORTS AND ITEMS OF INTEREST

- Councilor Yeh – read a list of spring break programming offered by the Library.
- Councilor Semple – spoke about the Kindness Campaign within the city and challenged community members to count how many acts of kindness they could perform in 24 hours.
- Councilor Clark – announced the Northeast Neighbors meeting was cancelled over concerns about coronavirus transmission.

City Manager Pro Tem Sarah Medary – announced that a work session was added to update council on the City's COVID-19 response; noted the Oregon Health Association issued interim shelter guidelines and that staff was working with local organizations serving unsheltered people.

- Councilor Zelenka – reminded everyone about the Franklin Boulevard Transformation Project open house and encouraged people to attend.

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

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve the items on Consent Calendar I. **PASSED 6:0.**

3. PUBLIC FORUM

Public Forum opened with a report from Eugene's youth ambassadors on a recent trip to Chinju, South Korea, a sister city. Candace Shorack, the President of the Eugene-Chinju Sister City Committee, introduced the ambassadors, Ashley Morzenti and Jasmine Vasquez, who spoke about their experience with the cultural exchange.

1. Nate Otto – advocated for adoption of Score Then Automatic Runoff voting.
2. Tom Peck – shared actions council could take to help with help the spread of COVID-19.
3. David Ivan Piccioni – supported STAR voting and raised concerns about deforestation.
4. Samuel Schall – shared how STAR voting empowers voters.
5. Brett Blundon – supported short-term rentals and a reduction in building fees.
6. Chris Widdop – thought complaints about STRs were anecdotal rather than fact-based.
7. Allen Zundel – thanked council for considering whether to put STAR voting on the ballot.
8. Stephanie McLaughlin – expressed interest in sharing data about STRs.
9. Charles Fournier – spoke in support of STAR voting.
10. Wayne Martin – supported making it safer for unhoused people to sleep outdoors.
11. Erika Propst – spoke about traffic calming efforts on Jefferson Street.
12. Kim Hyland – asked council to make decisions on STRs based on validated data.
13. Sue Sierralupé – advocated for bathrooms to be opened for people to wash their hands.
14. Steve Piercy – asked for more traffic calming funds and de-prioritization of parking.
15. Jay Concotta – asked council to refer STAR voting to the ballot.
16. Rich Self – wanted full adoption of recommendations from recent report on unhoused.
17. Travis Johannes – supported Bethel receiving more community development funds.
18. Sara Wolk – explained more about how STAR voting works.
19. Bruce Sisson – shared data from a recent survey on STRs.
20. Jonathan Miller – spoke in support of STAR voting.
21. Joshua Korn – spoke of the ethical issues surrounding 5G technology.
22. Holly Berry – shared concerns about a potential 90-day limit on STRs.
23. Kristina Lang – shared her experiences managing a STR.
24. Anthony Martins – spoke of the challenges of the petition signature-gathering window.
25. Mark Osterloh – said he thought council should place STAR voting on the ballot.
26. Todd Boyle – shared recent report on homelessness from Lane County Legal Aid.
27. Karen Alvarado – shared concerns about the STR ad-hoc committee's process
28. Tim Kovash – voiced concern about the lack of collaboration on the STR committee.
29. Rowan – spoke about his recent experiences researching 5G.
30. Pamela Krause – requested more resources for public health to deal with COVID-19.
31. Hallie Roberts – spoke about the challenges the STAR voting campaign faced.
32. Matthew Yook – wanted an STR tax and greater transparency and access generally.
33. Mark Frohnmayer– urged council to push STAR voting to the ballot.
34. Katherine Dunn – spoke in support of STRs.
35. Will Phillips – urged council to review the data on STRs; noted professionalism of hosts.
36. Tommy "Soybean" Hiura – spoke about STAR voting; sang the national anthem.
37. Linda Sisson – shared concerns about the STR ad-hoc committee's process.
38. Jared Weybright – thanked the City for its support of the McKenzie Watershed Council.

Council Discussion:

- Councilor Semple – spoke about the work of the McKenzie Watershed Council; shared the City website was going through a redesign and invited people to complete an online survey to give their input on what they would like to see; expressed her intent to bring a work session poll to council to discuss the recent report on the unhoused and its recommendations; noted she was already circulating a work session poll to add housing status as a protected class; expressed interest in meeting with people about STRs.
- Councilor Syrett – voiced concern about the process used by the ad-hoc advisory committee on STRs, which she had intended through her motion to be comprised of STR hosts and owners, and not include impacted neighbors or hotel lobbyists in its membership; explained that the City could not require developers to build affordable housing unless they did so as part of a tax incentive program; expressed support of residents calling for traffic calming along Jefferson Street.
- Councilor Zelenka – shared information about the City’s commitment to Vision Zero and his support for traffic calming, noting he would like to consider putting more funding toward the effort; thought registration, license and accountability mechanisms would prevent some of the problems the community was experiencing with STRs.
- Councilor Clark – agreed with Councilor Syrett regarding the intent of the motion to form an ad-hoc committee and thought the committee focus should be on any unintended consequences of the draft code on the STR owners.

2. 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

City Manager Pro-Tem Sarah Medary introduced the public hearing.

1. Jim Neu – encouraged council to take steps to phase out the use of natural gas in the city in order to reach its emissions goals.
2. Patricia Hine – urged council that any extension should result in an agreement to reduce natural gas emissions.
3. Linda Perrine – expressed frustration with the extension and council’s lack of meaningful action to reduce greenhouse emissions.
4. Tiffany Edwards – relayed the Eugene Chamber of Commerce’s support for the franchise agreement extension so long as the parties involved were negotiating in good faith.
5. Linda Heyl – said steep reductions in natural gas were needed for the City to meet its climate goals; asked council to explore specific ways to reduce natural gas usage.

Council Discussion:

- Councilor Zelenka – said carbon offsets were an important tool for reducing greenhouse gas emissions.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Cas Casados)

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

MINUTES

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

**March 11, 2020
12:00 p.m.**

Councilors Present: Emily Semple, Alan Zelenka, Jennifer Yeh, Mike Clark, Claire Syrett

Councilors Absent: Betty Taylor, Greg Evans, Chris Pryor

Mayor Vinis opened the March 11, 2020, work session of the Eugene City Council.

1. WORK SESSION: Emergency Preparedness Update

Interim Fire Chief Chris Heppel and Communicable Disease Nursing Supervisor and Incident Commander for Lane County Public Health Cindy Morgan gave an update regarding emergency preparedness specifically regarding COVID-19. Items discussed were updates from Lane County Public Health, role of the City, and current City actions.

Council Discussion:

- Councilor Zelenka – asked about viricide and bleach-based cleaning products; inquired about the differences between COVID-19 and other similar viruses as they relate to transmission; talked about personal prevention tactics; asked about attending large events and social distancing measures; asked who has the authority to shut down events or large gathering locations,
- Councilor Clark – talked about the fear many citizens feel and their frustration with the lack of communication; asked about restricting activities and closing locations that are used by vulnerable populations; spoke about wanting more communication from Lane County Public Health and City staff to the citizens.
- Councilor Syrett – reminded everyone about Oregon’s paid sick leave law; noted the preparedness of health care workers, her availability for meeting with the City Manager during the council break, and her desire for more communications from Lane County Public Health and the City.
- Mayor Vinis – asked about plans for increasing the number of sanitation stations for the unhoused community members.
- Councilor Semple – expressed concern about the lack of hand washing stations for the unhoused population; asked about next steps after the mitigation stage; expressed hope that the City’s response can be used as a model for what to do in the future.
- Councilor Yeh – asked about the timeline and agenda of the task force and if they would be needing funds to proceed;
- Councilor Clark – talked about the concerns related to taking stricter precautionary measures for the city and what precautions have taken place in the world; appreciated the thoughtfulness of taking into consideration small businesses and access to services; desired more calming communication with the public.
- Councilor Zelenka – thanked staff for the work being done on preparedness; spoke about the mortality rates of the flu versus COVID-19; supported placing hand washing stations around the city and at large events; inquired about testing and the actual number of cases.

- Councilor Clark – talked about simplistic the airborne versus the droplet transmission communication needed with the public, asked that the City Council be kept in the loop about upcoming needs during the break.
- Mayor Vinis – expressed appreciation for the communication Lane County Public Health has put out and asked others to convey the same message.
- Councilor Clark – spoke about the fear of citizens and wanting more communication.

2. WORK SESSION: Speed Limits on Residential Streets

Transportation Planning Engineer Chris Henry provided information about speed limits on residential streets, including the Vision Zero policy framework, effect of speed in crashes, Senate Bill 558, implementing speed limit change, 20 IS PLENTY community campaign, and next steps.

Council Discussion:

- Councilor Clark – asked about the timing of Vision Zero and state legislation; discussed Vision Zero; talked about the use of travel lanes and turning lanes.
- Councilor Zelenka – asked about the downsides of the proposed speed reduction, asked what the citation fee would be for speeding; expressed desire to move forward with limiting speeds and promoting the 20 IS PLENTY campaign; talked about the speed fatality statistics; discussed the new traffic calming improvements on 19th and how they have made a difference.
- Councilor Syrett – expressed desire to move forward with the plan; talked about Eugene Police Traffic Enforcement Team and encouraged giving warnings to violators; supported education efforts out in the communities; discussed the Safe Routes to School program, reengineering sidewalks and bike paths, and animal safety in roadways.
- Councilor Yeh – talked about the Vision Zero initiative and changing behaviors to achieve safety goals; expressed support for the changes.
- Councilor Semple – asked about specific streets affected by the speed limits; talked about higher-volume streets such as Jefferson Street and other collectors.
- Councilor Clark – asked about traffic standard ratings and if speed limits have any effect on that statistic; talked about north Eugene traffic issues; expressed concerns about the proposal to open a WinCo in the old ShopKo building and how traffic will be affected; expressed support for the proposed motion.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to set a public hearing on a proposed ordinance to designate a speed limit that is five miles per hour lower than the statutory speed limit where authorized by state statute. **PASSED 5:0.**

The meeting adjourned at 1:13 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**

**March 17, 2020
12:00 p.m.**

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

Mayor Vinis opened the March 17, 2020, meeting of the Eugene City Council.

City Manager Pro Tem Sarah Medary provided context about the public health emergency relating to COVID-19.

Fire Chief Chris Heppel updated council on the City's efforts to respond to the public health challenge. Declaring a state of emergency would enable access to more state and federal resources to support the community in navigating the crisis.

1. DISCUSSION: Declaration of a State of Emergency

City Attorney Kathryn Brotherton explained how a state of emergency could be declared and what such a declaration would authorize and require of the City Manager.

Council Discussion:

- Councilor Clark – asked for clarification of the reason the City Manager may declare a state of emergency as defined in the code; said he was inspired by ideas offered by former Governor Kitzhaber in a recent article about the State's response to COVID-19.
- Councilor Pryor – said a declaration of emergency was essential; encouraged the City Manager to communicate with council and the community as expeditiously as possible over the course of managing the crisis.
- Councilor Semple – noted she would like to talk about alternative emergency shelters, bathrooms, and food access later in the meeting.
- Councilor Syrett – asked staff to respond to small businesses' concerns, especially those of restaurants; asked about childcare support, more testing ability and priority testing.
- Councilor Taylor – expressed concern about the impacts of the crisis on people living paycheck to paycheck.
- Councilor Yeh – said many of her concerns had already been mentioned and addressed.
- Councilor Zelenka – thought a declaration of emergency was appropriate; clarified that not all powers available to the City Manager in a state of emergency would necessarily be used; highlighted how the communication process would work between council and the City Manager during the emergency; noted several operational concerns, including support for local businesses, shelter and sanitation for the unhoused, communications planning, and lack of available testing.

- Mayor Vinis – asked the City Manager to address people’s concerns about being able to pay rent.
- Councilor Syrett – agreed with Mayor Vinis and also wanted to know what could be done to keep local businesses from defaulting on their leases.
- Councilor Zelenka – asked questions about options for tenants and landlords; appreciated the efforts of local utilities to mitigate community concerns.
- Councilor Taylor – wanted to know what additional authority the City Manager has in an emergency.
- Councilor Semple – asked whether a curfew would be needed and how it may or may not apply to people who are unhoused.
- Councilor Clark – asked whether City Manager Pro Tem Sarah Medary anticipated the immediate use of any emergency authority she would be empowered with.

City Manager Pro-Tem Sarah Medary noted the City was in very close contact with Lane County as well as the City of Springfield. She answered councilors’ questions regarding evictions, rental assistance, economic recovery for the business community, how she would decide whether to utilize emergency powers, childcare, and shelter for the unhoused members of the community.

- Councilor Clark – asked whether restaurants would have the flexibility to use food carts if they have them.

Chief Heppel answered questions regarding testing availability and priority, alternative shelters for people who are unhoused, the collaborative efforts between local government entities, procurement and distribution of food, and communicating information to the community.

- Councilor Pryor – noted that the part of the incident command system included an economic team that is planning for both immediate and long-term needs of the business community.
- Councilor Zelenka – asked about specifics in terms of resources for local businesses and employees as well as what would be the City Manager’s process for invoking emergency powers, if necessary.

City Manager Medary explained the process for consulting the Mayor and a majority of councilors per the code requirements before invoking emergency powers; noted there would be a financial impact for the City as an organization.

- Councilor Clark – asked how staff was accounting for the long-term needs of the community in addition to the short-term.
- Councilor Semple – asked for more details about alternative shelters as well as the social and emotional needs of the community.
- Mayor Vinis – shared information about an informal support network in her neighborhood.
- Councilor Taylor – asked how staff would know when it was no longer an emergency; asked about using the community centers as shelters.
- Councilor Zelenka – expressed confidence in the intergovernmental collaboration.

- Councilor Pryor – noted the City Council would not—given the circumstances—have the level of clarity and certainty that would be most desirable and would have to put their faith in staff to consider what they have heard from council about its priorities.
- Councilor Evans – asked how long the City would have in terms of its reserves and resources.

MOTION and VOTE: Councilor Semple, seconded by Councilor Yeh, moved to support the City Manager Pro Tem declaring a state of emergency under Section 2.1055 of the Eugene Code within the city of Eugene due to the COVID-19 pandemic. **PASSED: 8:0.**

The meeting adjourned at 1:03 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Cas Casados)

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: April 13, 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 April 9, 2020

**** SPECIAL NOTICE ****

Due to Governor Kate Brown's Stay Home, Save Lives Executive Order to combat the spread of Covid-19, all City Council meetings will be held remotely, using virtual meeting technology. Information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

April 2020						
Date	Day	Time	Title		Length	Dept. Contact
13-Apr	Monday	5:30 pm	 Covid-19 Update		90 min	Sarah Medary, CS
		 City Council Process Session (Work Session)		Kristie Hammitt, CS		
		7:30 pm	 Committee Reports and Items of Interest			Twylla Miller, CS
			 Resolution Authorizing Reissuance of Revenue Bonds for Cascade Manor (Consent Calendar 1)			
			 Public Forum			Emily Proudfoot, PW
			 Downtown Riverfront Park Clarification Code Amendment (City File CA-20-1) (Public Hearing)			
			 Comcast Franchise Agreement Extension Ordinance (Public Hearing)			Pam Berrian, CS
Expected absences for 4/13: none						
15-Apr	Wednesday	12 pm	 Covid-19 Update		45 mins	Chief Heppel, Fire
			 Affordable Housing Trust Fund Allocation (Work Session)			Stephanie Jennings, PDD
			 TBD (Work Session)			
Expected absences for 4/15: none						



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest

CC Agenda Page 20



Official Matters



Pledge of Allegiance

20-Apr	Monday	5:30 pm <i>(schedule as needed)</i>	 Covid-19 Update  TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	Sarah Medary, CS
		7:30 pm	Hold for Boards and Commissions Candidate Statements		Beth Forrest, CS
		Expected absences for 4/20: none			
22-Apr	Wednesday	12 pm	 Covid-19 Update	45 mins 45 mins	Chief Heppel, Fire
			 Bethel Redevelopment (Work Session)		Anne Fifield, PDD
			 Broadway and Hilyard Deal Points (Work Session)		Amanda D’Souza, PDD
Expected absences for 4/22: none					
27-Apr	Monday	5:30 p.m.	 Covid-19 Update  Adoption of Eugene-Springfield 2020 Consolidated Plan and One- Year Action Plan (Action)  TBD (Work Session)	45 mins 45 mins	Sarah Medary, Fire Stephanie Jennings, PDD
		7:30 pm	 Committee Reports and Items of Interest  Public Forum  Downtown Riverfront Park Clarification Code Amendment (City File CA-20-1) (Action)  Comcast Franchise Agreement Extension Ordinance (Action)  FY20 Supplemental Budget 2 (Public Hearing and Action)  URA FY20 Supplemental Budget 2 (Public Hearing and Action)  Toxics Program Fee Ordinance (Public Hearing and Poss. Action)		Emily Proudfoot, PW Pam Berrian, CS Elizabeth Butterfield, CS Elizabeth Butterfield, CS James Lenhart, Fire
		Expected absences for 4/27: none			
28-Apr	Tuesday	6:00 pm	 Joint Public Hearing on Airport Master Plan (Public Hearing)		Dan Halverson, PDD
Expected absences for 4/28: none					

** NOTE: SPECIAL MEETING POSTPONED**

29-Apr	Wednesday	12 pm	 Covid-19 Update  TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	Chief Heppel, Fire
<i>Expected absences for 4/29: none</i>					
29-Apr	Wednesday	5:30 pm	 Budget Committee (Meeting)		
<i>Expected absences for 4/29: none</i> ** BUDGET COMMITTEE MEETING CANCELLED **					

May 2020						
Date	Day	Time	Title		Length	Dept. Contact
11-May	Monday	5:30 pm		Covid-19 Update	45 mins	Sarah Medary, CS
				Urban Reserves (Work Session)		
				TBD (Work Session)	45 mins	
		7:30 pm		Committee Reports and Items of Interest		James McClendon, PW
	MWMC Budget Ratification (Consent Calendar)					
	Public Forum					
Expected absences for 5/11: none						
13-May	Wednesday	12 pm		Covid-19 Update	45 mins	Chief Heppel, Fire
				Expansion of Downtown Urban Renewal District (Work Session)		
				STAR Voting (Work Session)	45 mins	Beth Forrest, CS
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>		Covid-19 Update	45 mins	Sarah Medary, CS
				TBD (Work Session)		
			TBD (Work Session)	45 mins		
7:30 pm		Ordinance to Incorporate State Updates to MUPTE's Green Building and Construction Deadline Provisions (Public Hearing)		Amanda D'Souza, PDD		
	Expected absences for 5/18: none					

20-May	Wednesday	12 pm	 Covid-19 Update	60 mins 30 mins	Chief Heppel, Fires
			 Short-Term Rentals (Work Session)		
			 TBD (Work Session)		
Expected absences for 5/20: none					
20-May	Wednesday	5:30 pm	 Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 5/20: none					
26-May	Tuesday	5:30 p.m.	 Covid-19 Update	45 mins	Sarah Medary, CS
			 TBD (Work Session)		
			 TBD (Work Session)		
		7:30 pm	 Committee Reports and Items of Interest		
 Public Forum					
Expected absences for 5/26: none					
27-May	Wednesday	12 pm	 Covid-19 Update	45 mins 45 mins	Chief Heppel, Fire Rachelle Nicholas, PDD
			 Wild Turkey Population Mgmt. (Work Session)		
			 TBD (Work Session)		
Expected absences for 5/27: none					
27-May	Wednesday	5:30 pm	 Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 5/27: none					

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		Beth Forrest, CS	
			 (Consent Calendar)			
 Public Forum						
 Appointment to Boards and Commissions (Action)						
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	 E-Scooters/Micromobility Ordinances (Public Hearing)		Rob Inerfeld, PW
			 Ordinance Lowering Speeds on Residential Streets (Public Hearing)		Chris Henry, PW
Expected absences for 6/15: none					
17-Jun	Wednesday	12 pm	 CAP 2.0 Update (Work Session)	90 mins	Chelsea Clinton, CS
Expected absences for 6/17: none					
22-Jun	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		
			 FY20 Supplemental Budget (Public Hearing and Action)		Vicki Silvers, CS
			 FY21 Budget Adoption (Public Hearing and Action)		Vicki Silvers, CS
			 FY21 URA Budget Adoption (Public Hearing and Action)		Vicki Silvers, CS
Expected absences for 6/22: none					
24-Jun	Wednesday	12 pm	 Natural Hazards Mitigation Plan (Work Session and Action)	45 mins	Kevin Holman, CS
			 TBD (Work Session)	45 mins	
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		
Expected absences for 7/22: none						
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			
Expected absences for 7/27: none						

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>public hearing scheduled 6/15/20</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 5/13/20</i>	Evans	12/26/19
“Housing Status” as a Protected Class	Sample	03/12/20
Follow-Up Work Sessions to be Scheduled		
TAC Implementation		
Commercial Setbacks		
Naming Policy		

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Resolution Authorizing the Reissuance of Revenue Bonds by The Hospital Facilities Authority of the City of Medford, Oregon, in an Aggregate Principal Amount not to Exceed \$5,000,000 for the Cascade Manor Continuing Care Retirement Community Located in Eugene, Oregon

Meeting Date: April 13, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2C
Staff Contact: Twylla Miller
Contact Telephone Number: 541-682-8417

ISSUE STATEMENT

Cascade Manor, Inc. is requesting the authority to proceed with the reissuance of conduit or pass through revenue bonds (the “Bonds”) by the Hospital Facilities Authority of the City of Medford (the “Authority”) in an aggregate principal amount not to exceed \$5,000,000 for the benefit of Cascade Manor.

The City of Eugene’s roles in this bond issue are determined by the IRS and by Oregon statutes, and include the following actions: (1) to provide an opportunity for citizens to comment on the issuance of tax-exempt debt, and (2) to indicate its approval for the transaction, as required by the IRS for the proposed financing. If council agrees to this financing, Cascade Manor will be able to use less expensive tax-exempt financing for projects.

BACKGROUND

Cascade Manor, Inc., an Oregon nonprofit 501(c)(3) corporation, owns a continuing care retirement community (the “CCRC”) located in the vicinity of 65 West 30th Avenue. The CCRC located at the northwest corner of West 29th Place and Portland Street consists of 140 independent living units, 11 residential assisted living units, and 22 health center beds.

In 2006, Cascade Manor undertook renovations to its health center and moved its residential living units. The entire garden apartments project and a portion of the health center project were financed and/or refinanced with the proceeds of a tax-exempt bond offering (the “2006” bonds).

In 2010, the Authority issued tax-exempt revenue bonds (the “2010” bonds) for the benefit of Cascade Manor for the purpose of refinancing the 2006 Bonds in their entirety.

In 2014, the Authority issued tax-exempt revenue bonds (the “2014 bonds”) to finance an expansion project on a site adjacent to the CCRC, a new dining venue, additional common areas and other capital improvements on the CCRC campus and to refinance the 2010 bonds.

April 13, 2020, Meeting – Item 2C

At this time, Cascade Manor would like to reissue \$5,000,000 of the 2014 bonds. The reissuance would allow Cascade Manor to sell furniture, fixtures, and equipment (primarily appliances) that were originally financed or refinanced with proceeds of the 2014 bonds and to use the sale proceeds for new financeable assets (e.g., replacement appliances and capital improvements to real property). This action is required by the IRS due to the tax-exempt nature of the 2014 bond issue and requires the public hearing and council approval.

Section 147(f) of the Internal Revenue Code of 1986, as amended, requires that qualified 501(c)(3) bonds, must be approved by the applicable elected representatives of (1) the governmental unit issuing such bonds (The Hospital Facilities Authority of the City of Medford, Oregon) and (2) the governmental unit having jurisdiction over the area in which the Project is located (the City of Eugene, Oregon). Council previously approved the prior financings for the CCRC.

The principal and interest on the Bonds will not constitute a debt of the City of Eugene, Oregon, the City of Medford, Oregon or the Authority, nor are the Bonds payable from a tax of any nature levied upon any property within the City of Eugene nor any other political subdivision of the State of Oregon. The Bonds are payable only from the revenues and resources of Cascade Manor pledged to the payment of the Bonds and any credit enhancement arranged for by Cascade Manor.

On Thursday, March 26, 2020, a public hearing was held by the Lane Council of Governments in Eugene pursuant to the provisions Section 147(f) of the Internal Revenue Code of 1986, as amended, for the purpose of hearing public comments on the request by Cascade Manor, Inc. to the Authority with respect to the reissuance of the Bonds over the period of approximately three years pursuant to a plan of finance in an aggregate principal amount not exceeding \$5 million. A report on the hearing is included as Attachment A. The report also includes the text of the notice of public hearing that was published in the Register-Guard newspaper.

The resolution authorizing the issuance of the Bonds fulfils the IRS requirement for approval of tax-exempt financing from the jurisdiction over the area in which the Project is located.

PREVIOUS COUNCIL DIRECTION

Previous resolutions were adopted as part of the Consent Calendar on the following dates:
October 13, 2014 – Resolution Authorizing the Issuance of \$40 million in Revenue Bonds
May 22, 2006 – Resolution Authorizing the Issuance of up to \$20 million in Revenue Bonds

COUNCIL OPTIONS

Council can approve or not approve this bond financing. If council does not approve the financing, the Borrower will not be able to proceed with the reissuance of the Bonds and will not be able to take advantage of recycling the proceeds of such sales to purchase new assets.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the resolution.

April 13, 2020, Meeting – Item 2C

SUGGESTED MOTION

Move to adopt a Resolution Authorizing the Reissuance of Revenue Bonds, by The Hospital Facilities Authority of the City of Medford, In An Aggregate Principal Amount Not to Exceed \$5,000,000 pursuant to a Plan of Finance for the Cascade Manor Continuing Care Retirement Community Located In Eugene, Oregon.

ATTACHMENTS

- A. Public Hearing Report dated March 26, 2020 (including Notice of Public Hearing held March 26, 2020; published in the *Register-Guard*, Eugene, Oregon on March 19, 2020.
- B. Resolution Authorizing the Reissuance of Revenue Bonds, by The Hospital Facilities Authority of the City of Medford, In An Aggregate Principal Amount of Not To Exceed \$5,000,000, pursuant to a Plan of Finance, for the Cascade Manor Continuing Care Retirement Community Located In Eugene, Oregon

FOR MORE INFORMATION

Staff Contact: Twylla Miller
Telephone: 541-682-8417
Staff E-Mail: TMiller@eugene-or.gov

PUBLIC HEARING REPORT

March 26, 2020

**RE: Public Hearing on Issuance of
The Hospital Facilities Authority of the City of Medford, Oregon
Variable Rate Demand Revenue Bonds, Series 2006 (Cascade Manor Project)
by The Hospital Facilities Authority of the
City of Medford, Oregon**

On March 26, 2020, a public hearing was held in the Lane Council of Governments' Camas Conference Room located 859 Willamette Street, Suite 500, Eugene, Oregon 97401–2910 pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended.

The purpose of the hearing was to receive oral or written comments from the public regarding the request by Cascade Manor, Inc. (the "Borrower"), for authorization and reissuance, by The Hospital Facilities Authority of the City of Medford, Oregon (the "Authority"), of the Authority's revenue bonds, in one or more series, pursuant to a plan of finance, in an amount not to exceed \$5,000,000.

The proceeds of the reissued Bonds will be treated as loaned to the Borrower to permit the proceeds of the sale of the Used Equipment (the "Sale Proceeds") to be employed, for federal tax purposes, to make capital improvements (including the purchase of equipment) (the "Project") to the Borrower's continuing care retirement facility and related facilities (collectively, the "CCRC").

The assets on which the Sale Proceeds may be spent are located at 65 W 30th Avenue, 74 W 29th Avenue, 76 W 29th Avenue, 78 W 29th Avenue, 70 W 29th Place, 46 W 29th Place, 2960 Portland Street, 2962 Portland Street, 2976 Portland Street, 45 W 29th Place, 47 W 29th Place, 53 W 29th Place, 61 W 29th Place, 65 W 29th Place and 2926 Portland Street, all in Eugene, Oregon 97405. All components of the Project will be owned by the Borrower, which is an Oregon nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and the facilities at all of the listed sites are used in an integrated operation of the CCRC.

Gary Darnielle, serving as Hearing Officer, opened the hearing at 9:03 a.m. No comments, either oral or written, were received from the public. The hearing was adjourned at 9:05 a.m.

Hearing Officer:


Gary L. Darnielle, OSB #74072

GANNETT

3500 CHAD DRIVE, SUITE 600, EUGENE, OREGON 97408
PHONE (541) 485-1234

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Legal Notice Advertising

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PORTLAND, OR 97209

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, }
COUNTY OF LANE, } ss.

I, **Nancy Guardino**, being first duly affirmed, depose and say that I am the Advertising Manager, or the principal clerk, of The Register-Guard, a newspaper of general circulation as defined in ORS 193.010 and 193.020; published at Eugene in the aforesaid county and state; that the **NOTICE OF PUBLIC HEARING** printed copy of which is hereto annexed, is publishing in the entire issue of said newspaper in the following issues:

March 19, 2020

NOTICE OF PUBLIC HEARING CITY OF EUGENE, OREGON

Thursday, March 26, 2020: 9:00 a.m.

Lane Council of Governments, Fifth Floor Camas Conference Room
859 Willamette Street, Suite 500 - Eugene, Oregon 97401

A public hearing will be held by the City of Eugene, Oregon (the "City"), on Thursday, March 26, 2020 at 9:00 a.m. in the Lane Council of Governments' Camas Conference Room, located on the Fifth Floor at 859 Willamette Street, Suite 500, Eugene, Oregon 97401, for the purpose of hearing public comment on a request by Cascade Manor, Inc. (the "Borrower") to The Hospital Facilities Authority of the City of Medford, Oregon (the "Authority") with respect to the authorization and reissuance, for federal tax purposes only, of the Authority's revenue bonds, in one or more series, pursuant to a plan of finance, in a maximum aggregate state principal amount not to exceed \$5,000,000 (the "Bonds") previously issued by the Authority to finance Borrower equipment that will be sold by the Borrower because it is no longer adequate for the Borrower's operations in its current state (the "Used Equipment").

The proceeds of the reissued Bonds will be treated as loaned to the Borrower to permit the proceeds of the sale of the Used Equipment (the "Sale Proceeds") to be employed, for federal tax purposes, to make capital improvements (including the purchase of equipment) (the "Project") to the Borrower's continuing care retirement facility and related facilities (collectively, the "CCRC").

The assets on which the Sale Proceeds may be spent are located at 65 W 30th Avenue, 74 W 29th Avenue, 76 W 29th Avenue, 78 W 29th Avenue, 70 W 29th Place, 46 W 29th Place, 2960 Portland Street, 2962 Portland Street, 2976 Portland Street, 45 W 29th Place, 47 W 29th Place, 53 W 29th Place, 61 W 29th Place, 65 W 29th Place and 2926 Portland Street, all in Eugene, Oregon 97405. All components of the Project will be owned by the Borrower, which is an Oregon nonprofit corporation and organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and the facilities at all of the listed sites are used in an integrated operation of the CCRC.

Section 147(f) of the Code requires that qualified 501(c)(3) bonds be approved by the applicable elected representatives of the governmental unit issuing such bonds (the Authority), and by the applicable elected representatives of governmental units having jurisdiction over any of the areas in which the Project is located (the City Council of the City). The City, as the governmental unit having jurisdiction over the area in which the Project is located, will consider a resolution approving the reissuance of the Bonds by the Authority following the public hearing. Separately, the City Council of the City of Medford, Oregon, as the applicable elected representatives of the Authority, will consider a resolution approving the reissuance of the Bonds by the Authority.

The principal of and interest on the Bonds will not constitute a debt of the City or the City of Medford, Oregon, nor shall the Bonds be payable from a tax of any nature levied upon any property within the Cities of Eugene or Medford, Oregon nor any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources of the Borrower pledged to the payment of the Bonds.

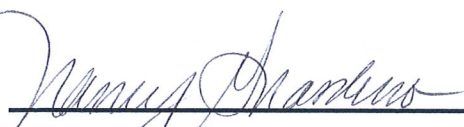
The purpose of the public hearing will be to provide a reasonable opportunity for members of the public to express their views, orally or in writing, regarding the reissuance of the Bonds and the uses and purposes of the Sale Proceeds. The hearing will be conducted in a manner that provides a reasonable opportunity for persons with differing views to be heard on the question of the reissuance of the Bonds. Written comments may be delivered at the public hearing or mailed to the Lane Council of Governments, 859 Willamette Street, Suite 500, Eugene, Oregon 97401-2910, Attention: Gary Darnielle.

This notice is published pursuant to the public approval requirements of Section 147(f) of the Code and the regulations and rulings issued thereunder.

CITY OF EUGENE, OREGON

Published: March 19, 2020.

No. 185547 - March 19, 2020

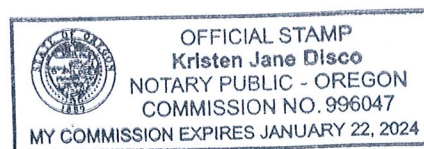


Subscribed and affirmed to before me this March 23, 2020



Notary Public of Oregon

Account #: 25570
INVOICE: 0000185547
Case: Cascade Manor
Ad Price: \$272.50



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE REISSUANCE OF REVENUE BONDS, BY THE HOSPITAL FACILITIES AUTHORITY OF THE CITY OF MEDFORD, OREGON, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000 FOR THE CASCADE MANOR CONTINUING CARE RETIREMENT COMMUNITY LOCATED IN EUGENE, OREGON.

The City Council of the City of Eugene, Oregon that:

A. Cascade Manor, Inc., a nonprofit 501(c)(3) corporation (the “Borrower”), and an affiliate of Pacific Retirement Services, Inc., a nonprofit 501(c)(3) corporation, owns a continuing care retirement community (the “CCRC”) located at 65 W 30th Avenue, 74 W 29th Avenue, 76 W 29th Avenue, 78 W 29th Avenue, 70 W 29th Place, 46 W 29th Place, 2960 Portland Street, 2962 Portland Street, 2976 Portland Street, 45 W 29th Place, 47 W 29th Place, 53 W 29th Place, 61 W 29th Place, 65 W 29th Place and 2926 Portland Street, all in Eugene, Oregon 97405.

B. In October 2014, The Hospital Facilities Authority of the City of Medford, Oregon (the “Authority”) previously issued tax-exempt conduit bonds in the aggregate principal amount of \$33,842,000 (the “2014 Bonds”), for the benefit of the Borrower, which financed and refinanced all or a portion of the costs of constructing, renovating, improving, enlarging, furnishing and equipping senior housing units, community amenities and additional common areas, including furniture, fixtures and equipment (“FF&E”) and other capital improvements at the Borrower’s CCRC (such financed and refinanced assets, collectively, the “2014 Project”).

C. In connection with the issuance of the 2014 Bonds, the City Council of the City of Eugene held a public hearing and approved a Resolution approving the Project and the issuance of the 2014 Bonds by the Authority.

D. When residential housing units at the Project are turned over for new residents to occupy, new FF&E is purchased for such units, but used FF&E in the residential housing units, which were financed with proceeds of the 2014 Bonds, may still have economic value and may be sold at fair market value, the cash proceeds of which (the “Sale Proceeds”) may then be used to purchase the new FF&E or to make other capital improvements to the CCRC (the “Reissued 2014 Bonds Project”).

E. The Authority has received a request from the Borrower to reissue, for tax purposes, one or more series of tax-exempt conduit bonds in an aggregate principal amount not to exceed \$5,000,000 (the “Bonds”), pursuant to a plan of finance, under the federal tax remedial action rules in Treasury Regulation 1.141-12(e)(1) (the “Tax Regulations”), for the purpose of paying the costs of the Reissued 2014 Bonds Project. Under the Tax Regulations, the Authority may only use the Sale Proceeds to pay costs of the Reissued 2014 Bonds Project if the 2014

Bonds are treated as reissued for federal tax purposes and all requirements for the issuance of tax-exempt debt are met with respect to the Reissued 2014 Bonds.

F. Under Section 147(f) of the Internal Revenue Code of 1986, as amended, qualified 501(c)(3) bonds, such as the Reissued 2014 Bonds, must be approved by the applicable elected representatives of (i) the governmental unit issuing such bonds (the Authority) and (ii) the governmental unit having jurisdiction over the area in which the Project is located (the City of Eugene, Oregon).

G. The principal and interest on the Reissued 2014 Bonds will not constitute a debt of the City of Eugene, Oregon, the City of Medford, Oregon or the Authority, nor shall the Reissued 2014 Bonds be payable from any funds of the City of Eugene, including from a tax of any nature levied upon any property within the City of Eugene nor any other political subdivision of the State of Oregon. The Reissued 2014 Bonds will be payable only from the revenues and resources of the Borrower pledged to the payment of the Reissued 2014 Bonds.

H. On March 19, 2020, a notice of public hearing was published in the *Register-Guard* newspaper. A Hearings Officer conducted a public hearing on Thursday, March 26, 2020 at 9:03 a.m. with respect to the proposed reissuance by the Authority of the Bonds. The Hearings Officer produced a Public Hearing Report setting out the results of the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eugene, a municipal corporation of the State of Oregon, as follows:

Section 1. **Bonds authorized.** The City Council of the City of Eugene hereby approves the authorization and reissuance by The Hospital Facilities Authority of the City of Medford, Oregon of the Bonds in an amount not to exceed \$5,000,000.

Section 2. **Effective Date.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution adopted this 13th day of April, 2020.

City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: April 13, 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 Clarifying Relationship between Approved Riverfront Park Permit and S-DR Downtown Riverfront Code and Amending Section 9.3155 of the Eugene Code, 1971.

Meeting Date: April 13, 2020
Department: Public Works
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Emily Proudfoot
Contact Telephone Number: 541-682-4915

ISSUE STATEMENT

The City Council will hold a quasi-judicial public hearing on an ordinance to amend Eugene Code Chapter 9 (land use code). This City-initiated process proposes an amendment to a section of the recently adopted land use code provisions for the Downtown Riverfront Special Area Zone. The proposed amendment would allow the City to move forward with construction of the City-approved park pavilion structure within the view corridor at the east end of 5th Avenue (see Attachment A).

BACKGROUND

On July 22, 2019, the City Council passed Ordinance No. 20619, approving a package of land use applications to authorize redevelopment of the former EWEB site consistent with the updated concept plan for the site. The 2019 Ordinance included amendments to Eugene Code 9.3155(15), which limits structures within the designated view corridors of the S-DR Downtown Riverfront Special Area Zone (see Attachment B). In the same ordinance, however, the City Council also approved a /WR Water Resources Conservation Overlay Zone Standards Review application (City File SDR 19-2) to allow specific park features, including an art pavilion structure within the view corridor at the East end of 5th Avenue overlooking the Willamette River (see Attachment C). In moving forward with park development, staff noticed this previously overlooked inconsistency between the limitations of EC 9.3155(15) and the authorization of SDR 19-2. The proposed amendment would address the inconsistency.

The City Council's approval of SDR 19-2 indicates an intent to authorize the placement of the art pavilion in the view corridor extending from 5th Avenue. The proposed land use code amendment would make that intent explicit and would allow the City to consider approval of future structures in a view corridor only through the /WR Standards Review process (see Attachment D).

On March 3, 2020, the Eugene Planning Commission held a public hearing, deliberated, and unanimously voted to recommend that the City Council approve the proposed land use code amendment. No written or spoken testimony was received during the Planning Commission public hearing process.

April 13, 2020, Meeting – Item 4

Public Hearing Notice & Procedures

The notice of the Planning Commission public hearing went beyond the minimum requirements for this Type IV land use application, including mailed notice to property owners and occupants of property within 300 feet of the site, Eugene neighborhood organizations, the Oregon Department of Land Conservation and Development, Oregon Department of Transportation, Lane County, City of Springfield and other community groups and individuals who have requested notice or who were identified as interested parties in the 2019 process. Signs announcing the Planning Commission hearing were posted on and around the property in six locations. Notice of the City Council's hearing was published in the *Register-Guard* and mailed in accordance with EC 9.7440. Nonetheless, no testimony, written or otherwise, has been received to date. Any written comments received after the preparation of this agenda item summary will be provided to the City Council prior to the public hearing, for inclusion into the public record.

Assuming there are no issues of concern raised at the public hearing, the ordinance presented for council action on April 27, 2020, will include an immediate effective date. Construction of the Downtown Riverfront Park is scheduled to begin in early May 2020. An immediate effective date will enable City staff to include the pavilion-related construction work in the construction contract so that the construction for the art pavilion will take place as an integrated part of construction of the 5th Avenue overlook.

As relevant, EC 9.8065 states: "[i]f the City Council elects to act, it may, by ordinance, adopt an amendment to this land use code that: (1) Is consistent with applicable statewide planning goals as adopted by the Land Conservation and Development Commission; and (2) Is consistent with applicable provisions of the comprehensive plan and applicable adopted refinement plans." The proposed ordinance does not make a substantive change; it clarifies the previously-approved development. The findings adopted by the City Council for Ordinance No. 20619 are included in the record for this action to demonstrate consistency with these criteria.

PREVIOUS COUNCIL DIRECTION

On July 22, 2019, the Eugene City Council approved Ordinance No. 20619. Section 3 of that Ordinance approved amendments to EC 9.3155(15), which regulates development within view corridor areas of the Downtown Riverfront Special Area Zone. Section 8 of that Ordinance approved /WR Water Resources Overlay Zone Standards Review application No. SDR 19-2, including the art pavilion at a location within the view corridor area extending from 5th Street.

COUNCIL OPTIONS

No action is required at this time; however, options will be provided at the time of City Council action scheduled for April 27, 2020.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for a public hearing only. Following the public hearing and City's receipt of any testimony, the City Manager will make a recommendation for action on April 27, 2020.

ATTACHMENTS

- A. Map showing S-DR View corridors and pavilion location
- B. Excerpts from Ordinance No. 20619, adopted July 22, 2019
- C. Excerpts from /WR Water Resources Conservation Overlay Standards Review application (SDR 19-2), approved by Section 8 of Ordinance No. 20619
- D. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Emily Proudfoot, Parks and Open Space Principal Landscape Architect

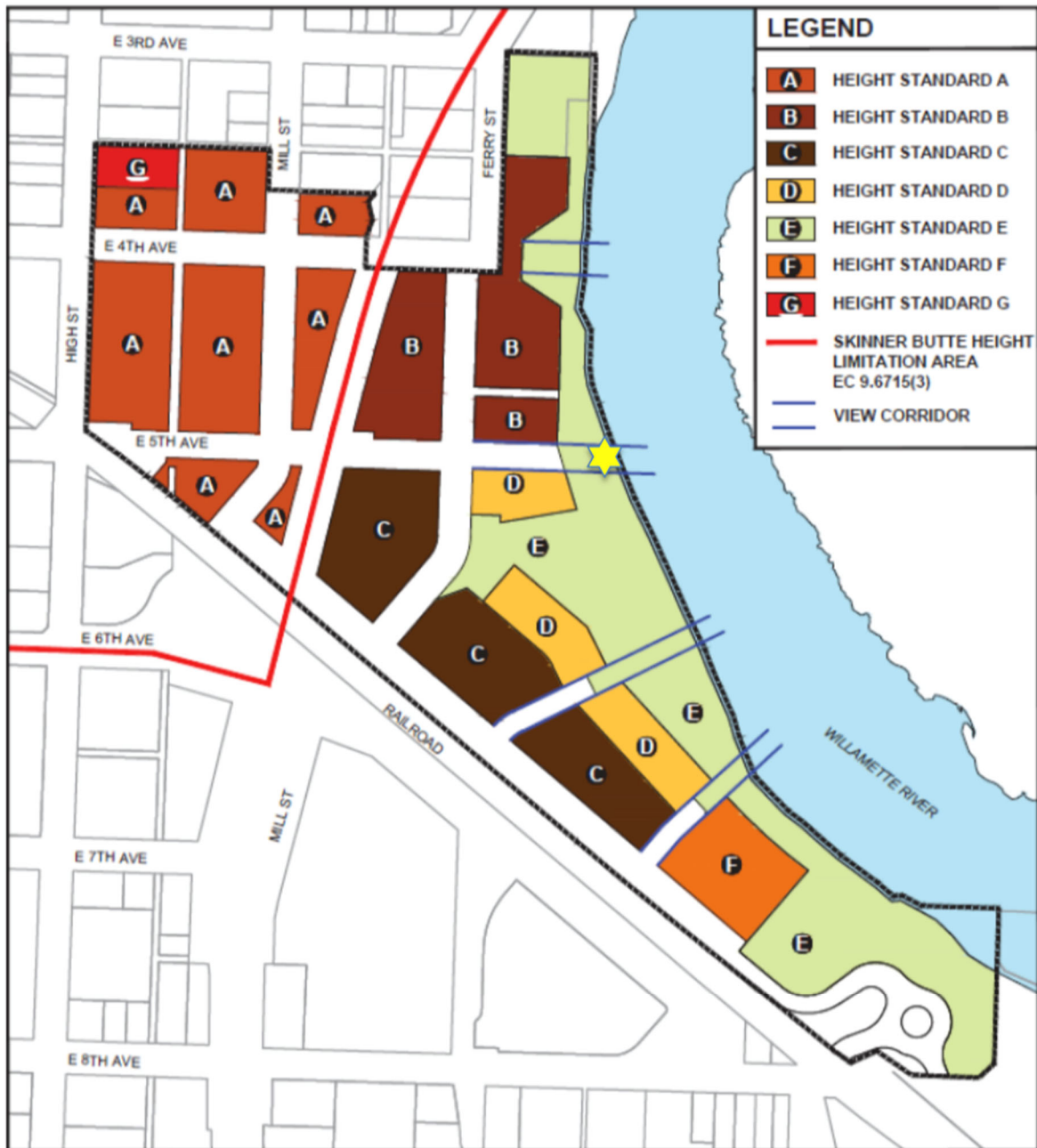
Telephone: 541-682-4915

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

As a courtesy, the materials related to this application are also publicly available on the City's website at: <https://pdd.eugene-or.gov/LandUse/SearchApplicationDocuments?file=CA-20-0001>

S-DR View Corridors and Pavilion Location

Figure 9.3155(3) S-DR Zone Height Regulating Plan.



 Art Pavilion Location

ORDINANCE NO. 20619

EXCERPTS

COUNCIL ORDINANCE NO. 20619

COUNCIL BILL 5213

**AN ORDINANCE AMENDING THE WHITEAKER PLAN;
REPEALING THE EWEB DOWNTOWN RIVERFRONT SPECIFIC
AREA PLAN; AMENDING CHAPTER 9 OF THE EUGENE CODE;
AMENDING THE EUGENE ZONING MAP AND OVERLAY ZONE
MAP; RESCINDING THE WILLAMETTE GREENWAY PERMIT
APPROVED BY ORDINANCE NO. 20513 AND APPROVING A
NEW WILLAMETTE GREENWAY PERMIT; APPROVING A
TENTATIVE SUBDIVISION; APPROVING A /WR WATER
RESOURCES OVERLAY ZONE STANDARDS REVIEW; AND
PROVIDING AN EFFECTIVE DATE.**

ADOPTED: July 22, 2019

SIGNED: July 26, 2019

PASSED: 7:0

REJECTED:

OPPOSED:

ABSENT: Evans

EFFECTIVE: August 25, 2019



ORDINANCE NO. 20619

AN ORDINANCE AMENDING THE WHITEAKER PLAN; REPEALING THE EWEB DOWNTOWN RIVERFRONT SPECIFIC AREA PLAN; AMENDING CHAPTER 9 OF THE EUGENE CODE; AMENDING THE EUGENE ZONING MAP AND OVERLAY ZONE MAP; RESCINDING THE WILLAMETTE GREENWAY PERMIT APPROVED BY ORDINANCE NO. 20513 AND APPROVING A NEW WILLAMETTE GREENWAY PERMIT; APPROVING A TENTATIVE SUBDIVISION; APPROVING A /WR WATER RESOURCES OVERLAY ZONE STANDARDS REVIEW; AND PROVIDING AN EFFECTIVE DATE.

[Approving Applications: CA 19-1, RA 19-1, Z 19-5, WG 19-3, ST 19-3, SDR 19-2]

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The Whiteaker Plan is revised as follows:

- A. Add text to the Land Use Element Policy 2 under the “City Policies / Implementation Strategies” heading as shown:

Apply Site Review subdistrict zoning to properties that are zoned C-2 General Commercial, GO General Office, or I-2 Light-Medium Industrial that are adjacent, across an alley, or across a street from land zoned low-density residential since the uses on these properties are potentially incompatible with the following exception: Do not apply Site Review to C-2 zoned land within the 6th/7th Avenue Commercial Area. Also apply Site Review to properties that are across adjacent, across an alley, or across a street from land within a historic district with the following exceptions: Do not apply Site Review to property zoned PL Public Land, S-DR Downtown Riverfront Special Area Zone or low-density residential. Also apply Site Review to all properties zoned MU-W Whiteaker Mixed Use and to all properties zoned R-2/20 or any other residential zoning district that allows an equal or higher residential density, excluding property in a historic district or in the S-DR Downtown Riverfront Special Area Zone. For parcels zoned with the site review subdistrict as part of the Whiteaker Plan implementation rezonings, the triggering threshold for when to apply site review shall be as follows:

Site review is required for new development, except for the expansion or alternation of single-family structures in residential use. New development is defined as the development of a new structure, excluding single-family structures, or an addition to an existing structure that expands the building footprint.

- B. Add text to the Add text to the Land Use Element Policy 2 under the “Skinner Butte Mixed Use Are – Subarea 11” heading as shown:

Change the zoning in the Skinner Butte Mixed Use Area to apply the MU-W Whitaker

Mixed Use District to properties designated for Mixed Use on the Whiteaker Plan Land Use Diagram except for parcels that are zoned SD Special Development District. Apply R-3 Multiple-Family Residential zoning to properties designated Limited High-Density Residential. Allow future rezoning of parcels zoned SD as initiated by the property owner. Apply SR Site Review subdistrict zoning to all property zoned MU-W Whitaker Mixed Use, except for property in the S-DR Downtown Riverfront Special Area Zone.

Section 2. The EWEB Downtown Riverfront Specific Area Plan, adopted by Section 2 of Ordinance No. 20513, is repealed.

Section 3. The text, maps and figures of Chapter 9 of the Eugene Code, 1971, are amended, repealed, and/or replaced as shown on Exhibit A ("Eugene Code Chapter 9 Text, Maps and Figures Amended, Repealed or Replaced").

Section 4. The Eugene Zoning Map and Overlay Zone Map are amended as shown on the table and maps at Exhibit B ("Eugene Zoning Map and Overlay Zone Map Amendments").

Section 5. The Willamette Greenway permit approved by Ordinance No. 20513 is hereby rescinded and, pursuant to EC 9.8800 – 9.8825, the City Council hereby approves the Downtown Riverfront Willamette Greenway Permit application (WG 19-3) for the portion of the Willamette River Greenway within the boundaries of the S-DR Riverfront Special Area Zone (allowing development consistent with the applicable S-DR Downtown Riverfront Special Area Zone code provisions as amended and/or adopted by this Ordinance). The Willamette Greenway Permit approved by this Ordinance shall remain in effect for any land within the Willamette Greenway boundaries in the S-DR zone for as long as that land continues to be in the S-DR zone. A new Willamette River Greenway setback boundary is hereby established in accordance with the applicable approval criteria at Section 9.8815(5)(a) of the Eugene Code, as shown on Exhibit C ("Regulatory Plan").

Section 6. Pursuant to EC 9.8500 – 9.8515, the City Council hereby approves Downtown Riverfront Tentative Subdivision application ST 19-3.

Section 7. Pursuant to the policy adopted into the Eugene Code at Section 9.4920(5) by the City Council in Ordinance, 20352 (November 14, 2005), areas that were developed prior to November 14, 2005, were excluded from the /WR Water Resources Overlay Zone Conservation Area. By Ordinance No. 20513 (July 8, 2013), the City Council identified the portion of the Downtown Riverfront Special Area Zone that includes land subject to this exclusion from the /WR Conservation Area. For illustrative purposes, the location of that prior developed area is shown on Exhibit C ("Regulatory Plan").

Section 8. Pursuant to EC 9.8460 – 9.8472, the City Council hereby approves the Downtown Riverfront /WR Water Resources Overlay Zone Standards Review application SDR 19-2.

Section 9. In support of the actions taken by the City through this Ordinance, the City Council accepts the findings provided in Exhibit D to this Ordinance.

Section 10. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 11. This Ordinance, including the land use approvals granted herein, shall become effective 30 days from the date of its adoption by the Council and approval by the Mayor.

Passed by the City Council this

22nd day of July, 2019

Samantha Roberts
Deputy City Recorder

Approved by the Mayor this

26 day of July, 2019

Lucy Viris
Mayor

- (f) Woodworking (including cabinet makers).
- (6) **Industrial Service Uses.** Permitted in S-DR/MU. This category of uses refers to the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include, but are not limited to:
 - (a) Electric motor repair;
 - (b) Printing, publishing, and lithography;
 - (c) Research and development laboratories;
 - (d) Repair of scientific or professional instruments;
 - (e) Sales, repair, or storage for building, heating, plumbing, or electrical contractors;
- (7) **Parks and Open Space Uses.** Permitted in S-DR/MU, S-DR/MU/1, S-DR/MU/2, and S-DR/CL. This category of uses refers to areas used for public recreational activities and areas having scenic, biological, or ecological significance identified for preservation or enhancement. Examples include, but are not limited to:
 - (a) Parks, public squares, plazas, boardwalks, fountains, arboretums, trails, multi-use paths, gardens, and natural areas;
 - (b) Park furnishings (including play equipment, picnic tables, benches, bicycle racks, and interpretive signage);
 - (c) Park structures (including kiosks, gazebos, pavilions, picnic shelters, pergola, arbors, and restrooms);
 - (d) Green infrastructure (including infiltration planters, rain gardens, flow-through planters, vegetated swales, vegetated filter strips, and water quality ponds, basins, and wetlands).
- (8) **Utilities and Communications Uses.** Permitted in S-DR/CL and S-DR/MU. This category of uses refers to above ground infrastructure services that include, but are not limited to:
 - (a) Water, gas, sanitary sewer, stormwater treatment and drainage, electric, telephone, and cable service infrastructure;
 - (b) Pumping stations, underground transmission facilities, and substations;
 - (c) District heating and cooling systems (including geothermal wells);
 - (d) Related physical facilities that do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment, or material storage areas.

- Section 9.3146 of the Eugene Code, 1971, is amended to provide as follows:

9.3146 S-DR Downtown Riverfront Special Area Zone Prohibited Uses. The following uses are not permitted in the S-DR Zone.

- (1) The following "Retail Sales and Service Uses" are not permitted.
 - (a) Agricultural Machinery Rental;
 - (b) Casinos;
 - (c) Drive-through facilities, except as permitted at EC 9.3145(4)(e);
 - (d) Indoor firing ranges;
 - (e) Heavy Equipment Sales;
 - (f) Kennels;
 - (g) Mortuaries;

- Section 9.3155 of the Eugene Code, 1971, is amended to provide as follows:

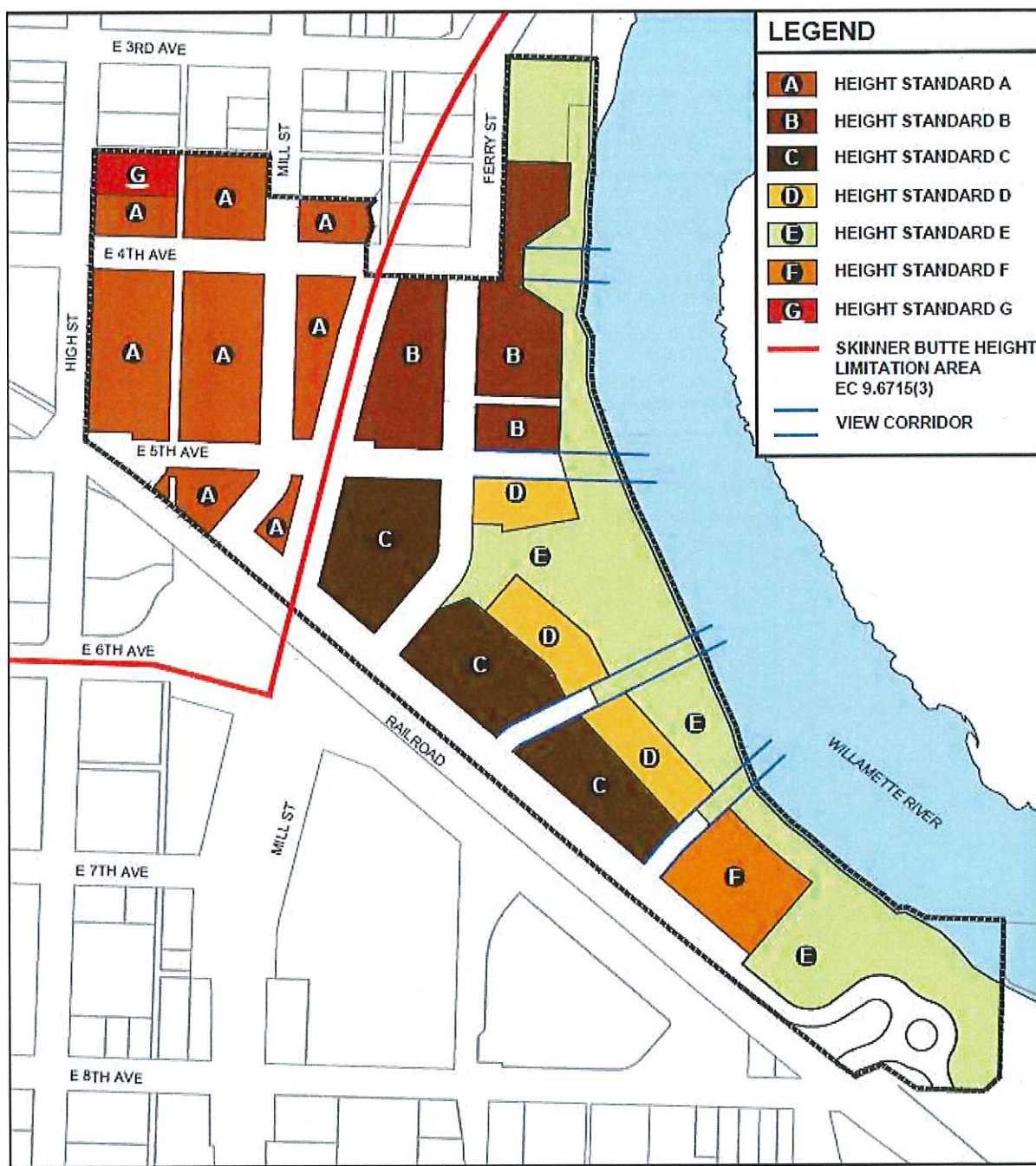
9.3155 S-DR Downtown Riverfront Special Area Zone General Development Standards (applicable to all property).

- (1) **Application of Standards.** The Special Development Standards for Certain Uses at EC 9.5000 through 9.5350 and the General Standards for All Development at EC 9.6000 through 9.6885 apply within the S-DR Zone, except as provided at EC 9.3148 through EC 9.3185. In the event of a conflict, the provisions of EC 9.3148 to EC 9.3185 shall control.
- (2) **Setbacks (Building and Yard).** Unless otherwise specified at EC 9.3180 through EC 9.3185, there are no minimum front or interior yard setbacks for a building or structure.
- (3) **Building Height.** Minimum and maximum building heights shall be determined using Figure 9.3155(3) S-DR Zone Height Regulating Plan and Figures 9.3155(3)(a) through (g). In the event of a conflict between the written text and the figures, the figures shall control. Notwithstanding the provisions in EC 9.6715 and EC 9.6720, trellises, structures providing weather protection, architectural features, and other devices may be erected no more than 12 feet above the height limits established in this land use code, whether such structure is attached to it or freestanding.
- (4) **Building Stepbacks.** Required building stepbacks in the S-DR Zone are shown on Figures 9.3155(3)(a) through (g). Stepbacks are measured from the front of the building facing a primary street, from the side of the building adjacent to an alley or, where applicable, from the side of the building when abutting the S-DR/CL subdistrict.
- (5) **Building Entrances.** Buildings fronting on a street shown in Figure 9.3160(4) S-DR Zone Street Network must provide a main entrance on the facade of the building facing the street. A main entrance is the principal entry through which people enter the building. A building may have more than one main entrance. Buildings having frontage on more than one street shall provide at least one main entrance oriented to a street, or to the corner where two streets intersect.
- (6) **Building Projections.** Building projections such as bay windows and articulated balconies are permitted for no more than 50 percent of the length of the affected floor. No projection shall extend to more than 5 feet over the public right-of-way. All projections shall be a minimum of 8 feet above grade.
- (7) **Weather Protection.** Weather protection features such as canopies, awnings, or arcades shall be provided over at least the full width of all building entrances to a depth of at least 3 feet beyond the face of the building.
- (8) **Multiple-Family Standards.** The Multiple-Family Standards at EC 9.5500(1) through (14) are not applicable in the S-DR Zone, except for the following. The requirements at EC 9.5500(9)(a), (b), and (d) apply within the S-DR Zone.
- (9) **Outdoor Storage.** For non-residential development, no outdoor storage is permitted except for equipment used by an outdoor restaurant or cafe.
- (10) **Outdoor Lighting.** Outdoor lighting shall conform to standards specified at EC 9.6725 as indicated below:
 - (a) Notwithstanding any other provisions of this code, outdoor lighting of a building facade is permitted for buildings within the S-DR/MU/2 subdistrict if provided in accordance with the standards for a building of exceptional symbolic or historic significance (refer to EC 9.6725(13)).

- (b) Outdoor lighting in the S-DR/MU subdistrict shall conform to standards specified at EC 9.6725(8)(c) – Medium Ambient.
 - (c) Outdoor lighting in the S-DR/CL subdistrict shall conform to standards specified at EC 9.6725(8)(b) – Low Ambient, except that plazas and multi-use paths shall be illuminated to a minimum average maintained luminance of .9 foot-candle and not to exceed a maximum average maintained luminance of 3.5 foot-candle.
- (11) **Delivery and Loading Areas.** All delivery and loading areas in the S-DR/MU subdistrict shall meet the following standards.
- (a) Maneuvering and circulation related to delivery and loading is not permitted between the street and the portion of a building used to comply with building setback requirements.
 - (b) All loading spaces shall be off the street, shall be in addition to required motor vehicle parking spaces, and shall be served by service drives, alleys, private accessways, or maneuvering areas so that no backward movement or other vehicle maneuvering within a street will be required.
 - (c) All off-street loading spaces shall be on interior service courts, alleys, or screened from view from all adjacent property lines according to EC 9.6210(4) High Wall Landscape Standards (L-4).
 - (d) The above standards do not apply to development in the S-DR/MU/1 overlay subdistrict.
- (12) **Signs.** Signs shall conform to standards specified at EC 9.6670 Central Commercial except as identified at EC 9.3185(3)(f) for the S-DR/CL subdistrict.
- (13) **Pedestrian Circulation.** The provisions of EC 9.6730(3)(c) do not apply within the S-DR Zone.
- (14) **Public Structured Parking.** One percent of the total cost of a public parking structure must be used to include public art as a component of the parking structure. Public art used to comply with this standard shall be located on the exterior of the parking structure. Compliance with this standard shall be demonstrated at the time of building permit.
- (15) **View Corridor Requirements.** View corridors shall be provided in those areas identified on Figure 9.3155(3), in addition to compliance with other applicable standards of the S-DR Zone. View corridors shall be a minimum 40 feet in width, shall be in alignment with public rights-of-way, and shall be unobstructed by buildings or structures except as permitted at EC 3155(6).
- (16) **Prior Developed Areas.** The standards and requirements at EC 9.4900 through EC 9.4980 do not apply to prior developed areas pursuant to EC 9.4920(5) as identified on Exhibit D to Ordinance No. 20619.
- (17) **Stormwater Quality Control Standards.** The Stormwater Quality Control standards at EC 9.6792(3) are not applicable in the S-DR Zone. The following standards apply, instead:
- (a) For land use applications proposing the construction of a public or private street, stormwater facilities shall be selected from the Stormwater Management Manual and may be sized to also treat some or all the stormwater runoff from future development on lots adjoining the street.
 - (b) Applications for a development permit shall comply with subsection (c) below at the time of development permit application unless the applicant has entered into an agreement with the City of Eugene demonstrating that a stormwater facility approved pursuant to (a) will treat all of the

- Figure 9.3155(1) S-DR Zone Encroachments is repealed.
- Figure 9.3155(2) S-DR Zone Height Regulating Plan is repealed and replaced with Figure 9.3155(3) S-DR Zone Height Regulating Plan as follows:

Figure 9.3155(3) S-DR Zone Height Regulating Plan.

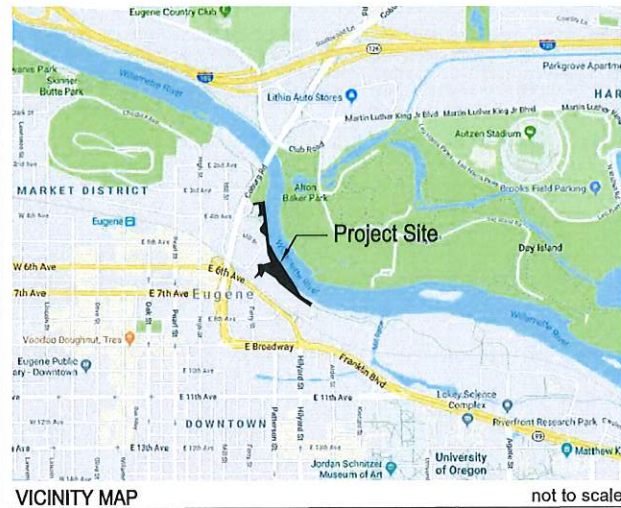


EXCERPTS FROM

SDR 19-2

APPROVED BY ORDINANCE NO. 20619

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Map ID Tax Lot
17-03-29-33 Lot #1500
Map ID Tax Lot
17-03-29-33 Lot #1600
Map ID Tax Lot
17-03-29-33 Lot #1800
Map ID Tax Lot
17-03-29-33 Lot #1900
Map ID Tax Lot
17-03-29-33 Lot #2000

EWEB HEADQUARTERS
(TO REMAIN)

EWEB PLAZA AND FOUNTAIN
(TO REMAIN)

EWEB HEADQUARTERS
(TO REMAIN)

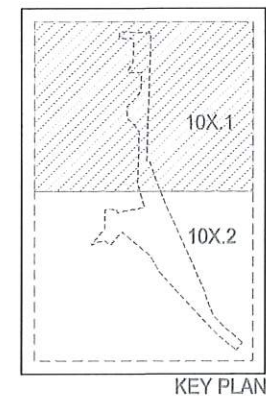
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Phase 1 Riverfront Park
Boundary: 3.30 AC.

WILLAMETTE RIVER

LEGEND

- LIMITS OF WORK
--- PROPERTY LINE/TAX LOT BOUNDARY
--- TOP OF BANK (TOB)
--- ORDINARY HIGH WATER LINE (OHW)
--- /WF /WF WR CONSERVATION SETBACK BOUNDARY
--- MATCHLINE
--- WR CONSERVATION AREA
--- WR CONSERVATION SETBACK AREA
--- WR PRIOR DEVELOPED AREAS



SCALE 1 INCH = 40 FEET
40 0 40

- PROJECT NOTES:
1. PROPOSED IMPROVEMENTS WILL NOT OCCUR BELOW ORDINARY HIGH WATER (OHW).
2. ALL IMPROVEMENTS SHOWN ARE CONCEPTUAL AND PROVIDED FOR THE PURPOSES OF STANDARDS REVIEW ONLY.
3. ALL SITE AND UTILITY DESIGN DETAILS, DIMENSIONS, AND LAYOUTS ARE IN CONFORMANCE WITH THE WR CONSERVATION STANDARDS.
4. ACTUAL DETAILS WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT SUBMITTAL IN COMPLIANCE WITH ALL APPLICABLE CITY CODE REQUIREMENTS.

NOT FOR CONSTRUCTION

DOWNTOWN RIVERFRONT PARK
W/R OVERLAY ZONE
STANDARDS REVIEW APPLICATION
GOAL 5 RESOURCE SITES PLAN

SHEET NO.

WR
101.1



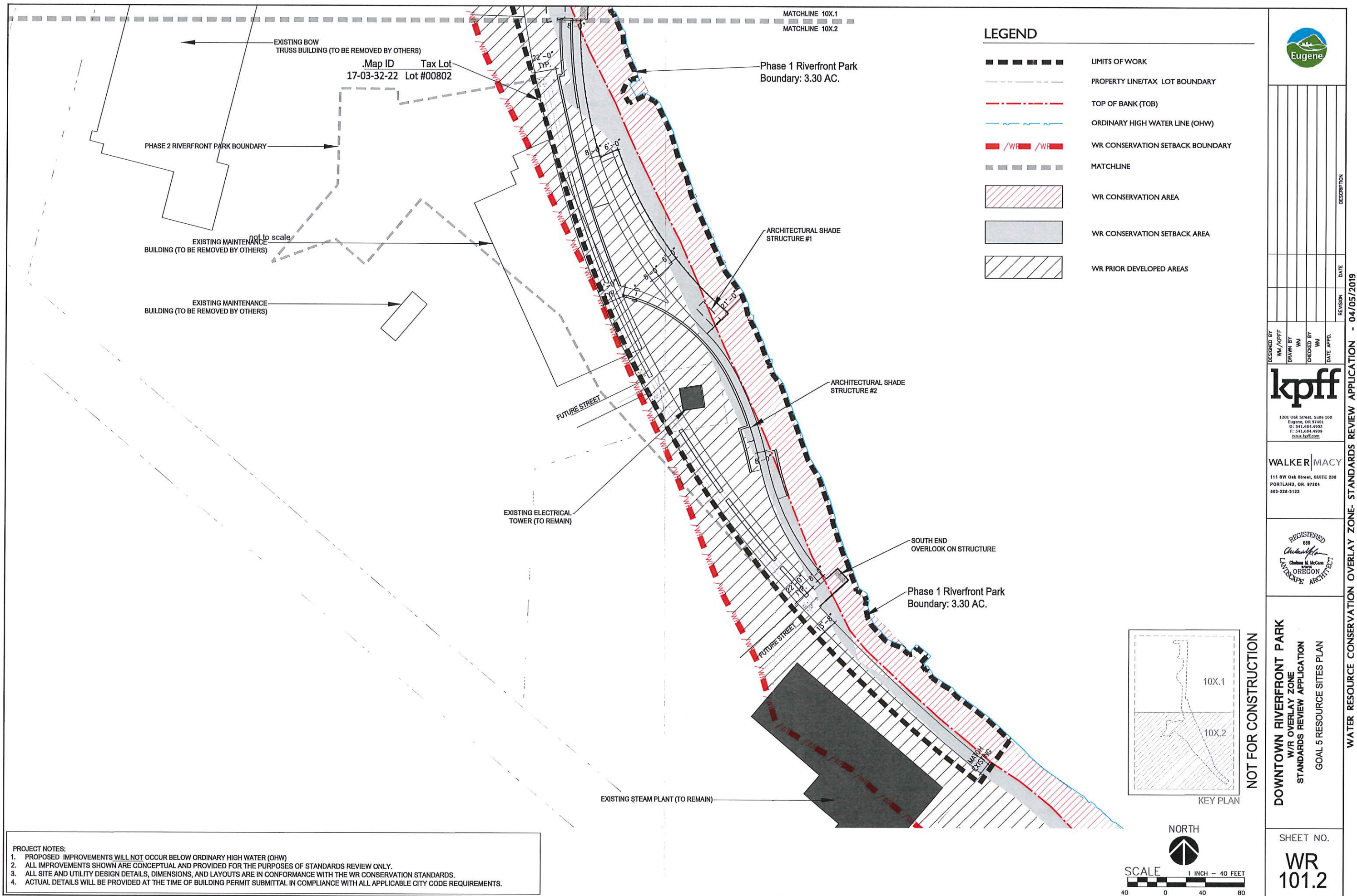
DESIGNED BY
WM/KPFF
DRAWN BY
WM
CHECKED BY
WM
DATE APPD.

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1201 Oak Street, Suite 100
Eugene, OR 97401
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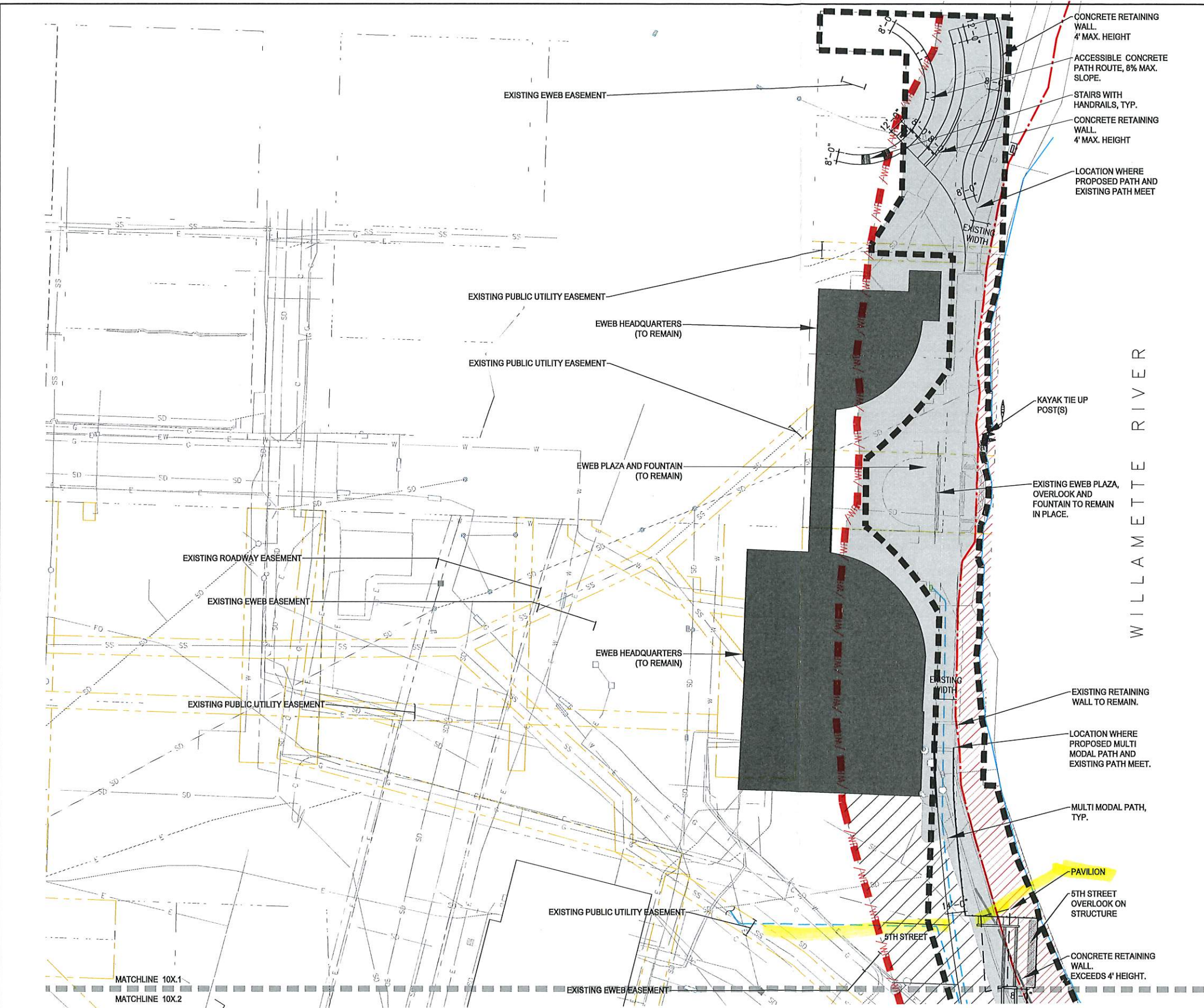
WALKER | MACY
111 SW Oak Street, SUITE 200
PORTLAND, OR. 97204
503-228-3122

REGISTERED
688
Charles M. McCann
OREGON
LANDSCAPE ARCHITECT

WATER RESOURCE CONSERVATION OVERLAY ZONE- STANDARDS REVIEW APPLICATION - 04/05/2019



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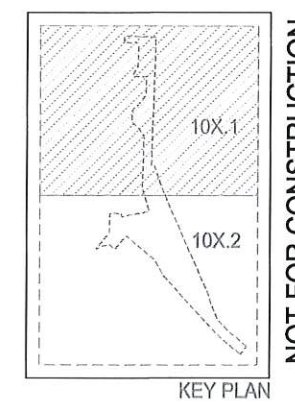
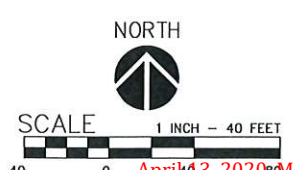


PROJECT NOTES:
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4. ACTUAL DETAILS WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT SUBMITTAL IN COMPLIANCE WITH ALL APPLICABLE CITY CODE REQUIREMENTS.

LEGEND

---	LIMITS OF WORK
---	PROPERTY LINE/TAX LOT BOUNDARY
---	TOP OF BANK (TOB)
---	ORDINARY HIGH WATER LINE (OHW)
---	WR CONSERVATION SETBACK BOUNDARY
---	MATCHLINE
---	WR CONSERVATION AREA
---	WR CONSERVATION SETBACK AREA
---	WR PRIOR DEVELOPED AREAS

NOTES:
1. ALL PROPOSED LIGHTING WILL MEET THE LIGHTING STANDARDS PER THE S-DR AND THE WR STANDARDS REVIEW CODES AS APPLICABLE TO SPECIFIC AREAS WITHIN THE PROJECT BOUNDARY.
2. ALL SUBSTITUTION REQUESTS SPECIFIC TO THE MAKE / MODEL OF PROPOSED FIXTURES SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL.





DESIGNED BY	DRAWN BY	CHECKED BY	DATE APPD.	REVISION	DATE	DESCRIPTION
WM/KPFF	WM	WM				

kpff

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503-228-3122

REGISTERED
588
Chadwick
Chadwick M. McCann
OREGON
LANDSCAPE ARCHITECT

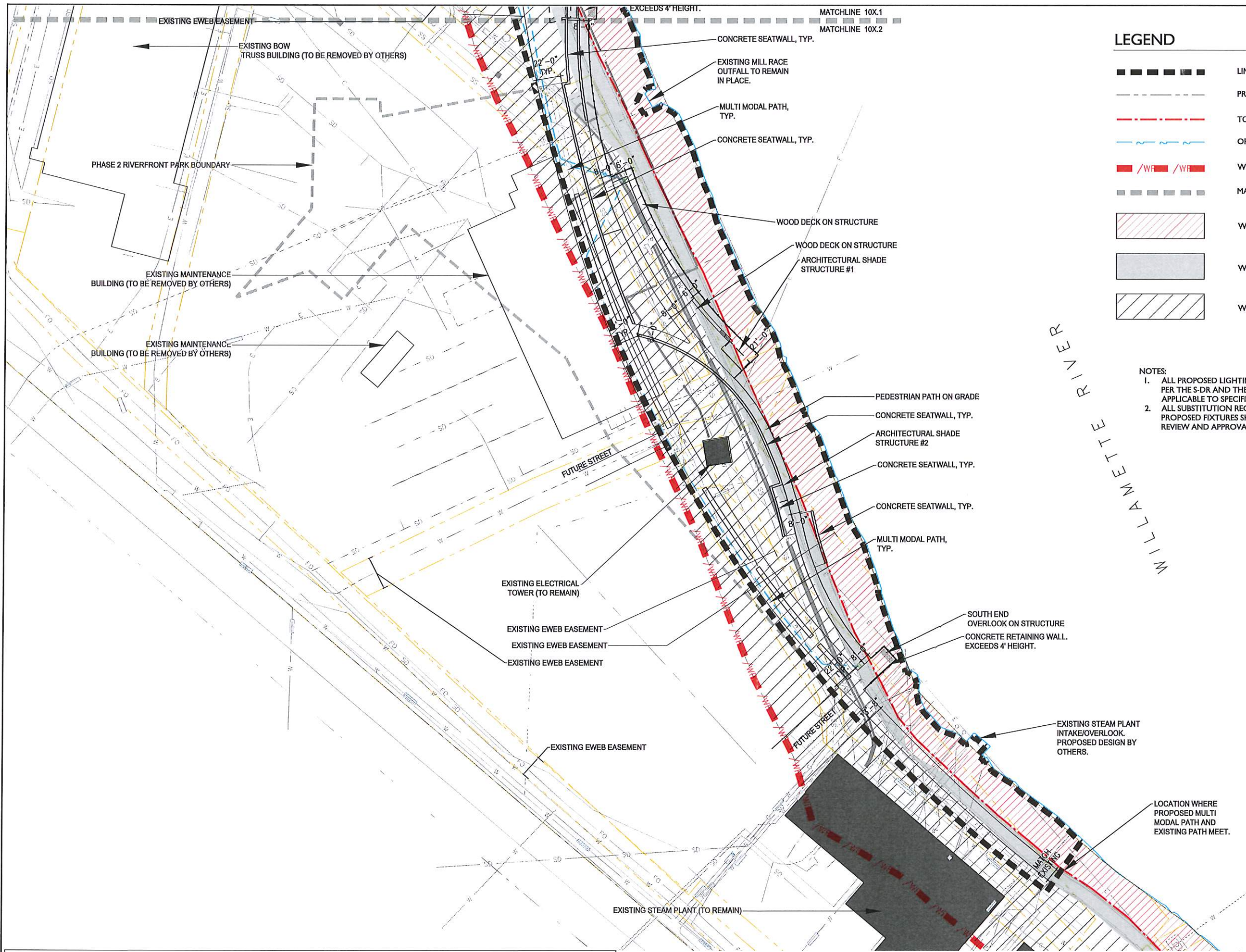
NOT FOR CONSTRUCTION

DOWNTOWN RIVERFRONT PARK
W/R OVERLAY ZONE
STANDARDS REVIEW APPLICATION
GENERAL SITE PLAN

SHEET NO.
WR 102.1

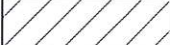
WATER RESOURCE CONSERVATION OVERLAY ZONE- STANDARDS REVIEW APPLICATION - 04/05/2019

APR 13, 2020 Meeting - Item 4
CITY OF EUGENE PROJECT NO. 965302



1. PROPOSED IMPROVEMENTS WILL NOT OCCUR BELOW ORDINARY HIGH WATER (OHW)
2. ALL IMPROVEMENTS SHOWN ARE CONCEPTUAL AND PROVIDED FOR THE PURPOSES OF STANDARDS REVIEW ONLY.
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4. ACTUAL DETAILS WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT SUBMITTAL IN COMPLIANCE WITH ALL APPLICABLE CITY CODE REQUIREMENTS.

LEGEND

- | | |
|---|----------------------------------|
|  | LIMITS OF WORK |
|  | PROPERTY LINE/TAX LOT BOUNDARY |
|  | TOP OF BANK (TOB) |
|  | ORDINARY HIGH WATER LINE (OHW) |
|  | WR CONSERVATION SETBACK BOUNDARY |
|  | MATCHLINE |
|  | WR CONSERVATION AREA |
|  | WR CONSERVATION SETBACK AREA |
|  | WR PRIOR DEVELOPED AREAS |

NOTES:

- NOTES:**
1. ALL PROPOSED LIGHTING WILL MEET THE LIGHTING STANDARDS PER THE S-DR AND THE YVR STANDARDS REVIEW CODES AS APPLICABLE TO SPECIFIC AREAS WITHIN THE PROJECT BOUNDARY.
 2. ALL SUBSTITUTION REQUESTS SPECIFIC TO THE MAKE / MODEL OF PROPOSED FIXTURES SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL.



DESIGNED BY			
WM/KPFF			
DRAWN BY			
WM			
CHECKED BY			
WM			
DATE APPD.			
	REVISION	DATE	DESCRIPTION

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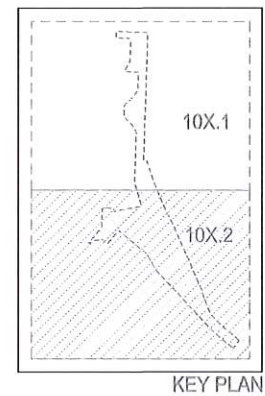
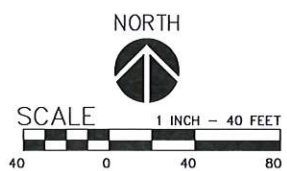


**DOWNTOWN RIVERFRONT PARK
W/R OVERLAY ZONE
STANDARDS REVIEW APPLICATION
GENERAL SITE PLAN**

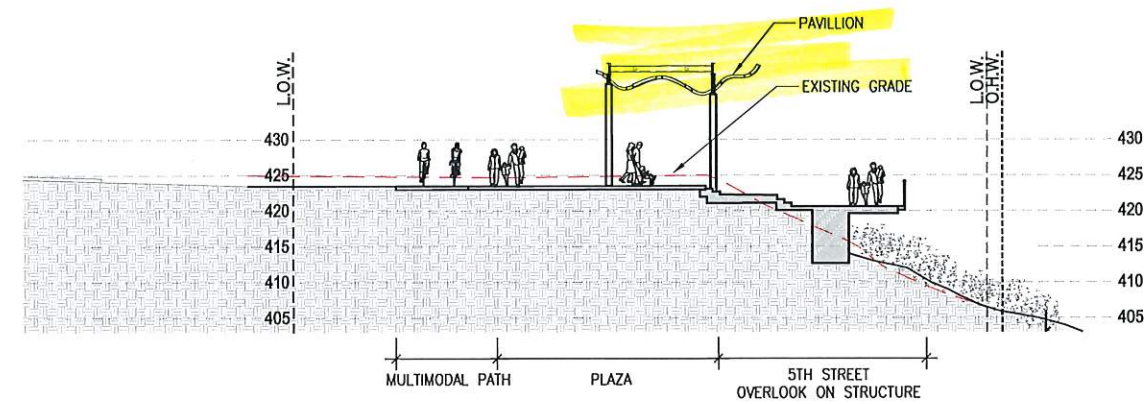
SHEET NO.

WR
102.2

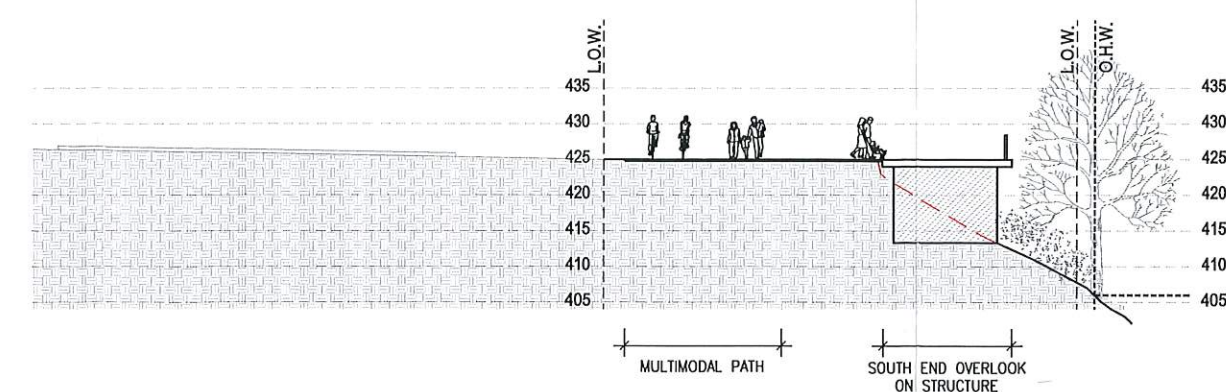
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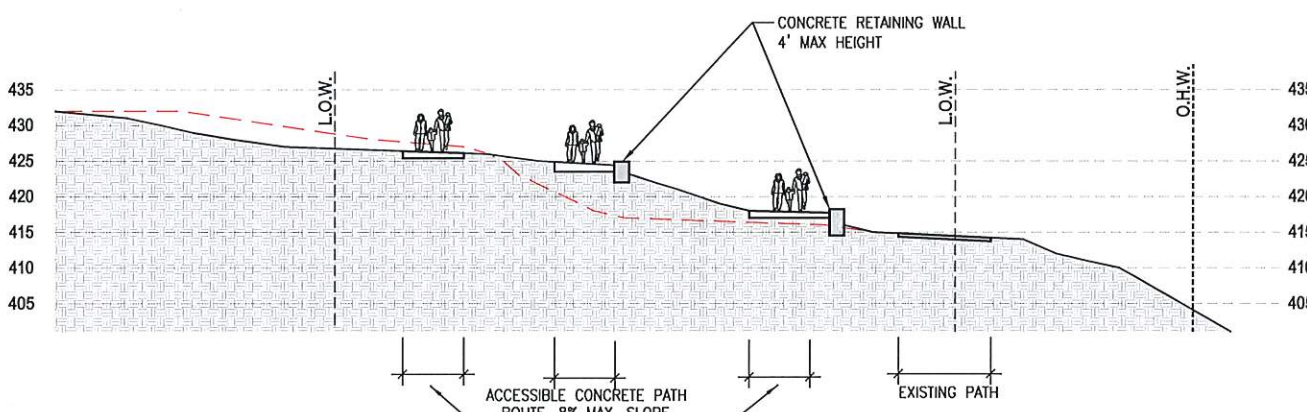
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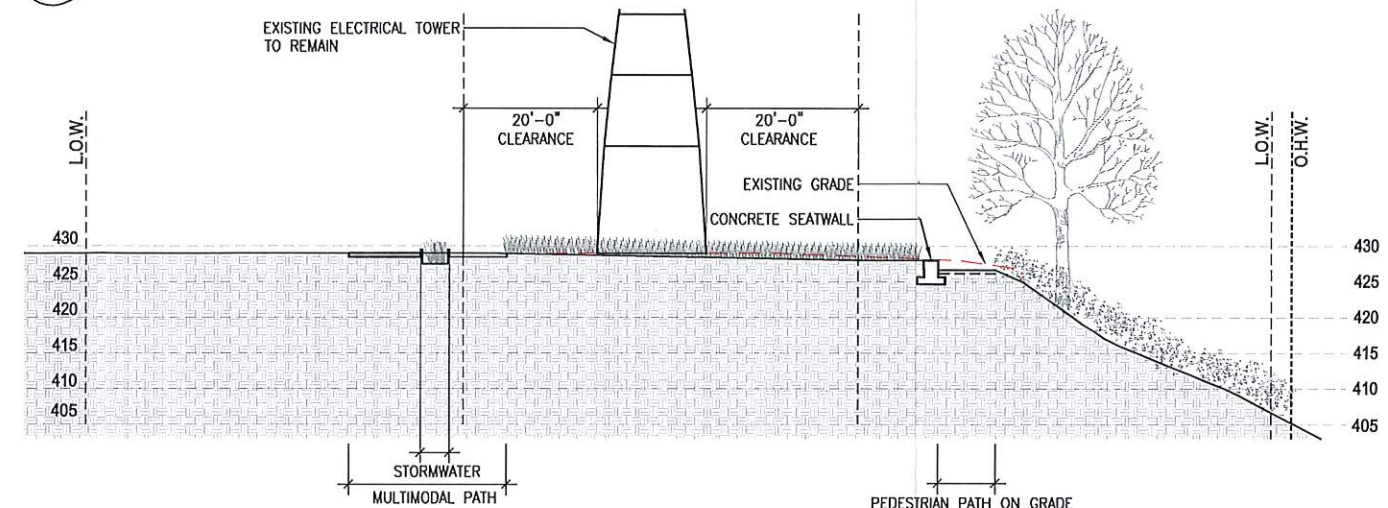
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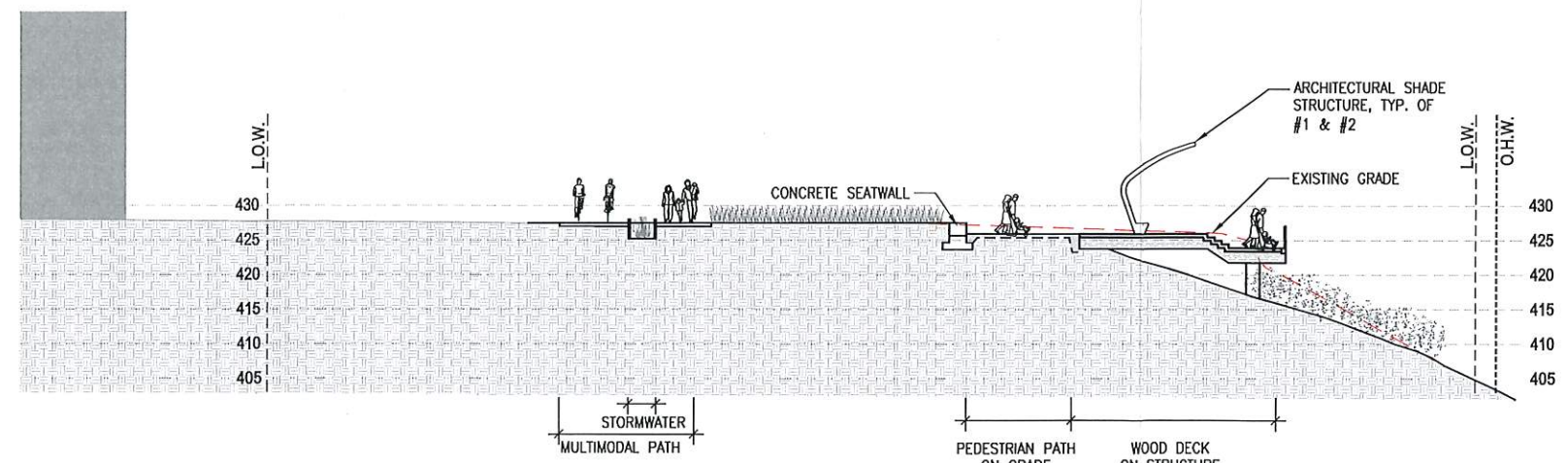
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5 SECTION E
1"=1'-0"



2 SECTION B
1"=1'-0"



3 SECTION C
1"=1'-0"

- PROJECT NOTES:
1. PROPOSED IMPROVEMENTS WILL NOT OCCUR BELOW ORDINARY HIGH WATER (OHW).
 2. ALL IMPROVEMENTS SHOWN ARE CONCEPTUAL AND PROVIDED FOR THE PURPOSES OF STANDARDS REVIEW ONLY.
 3. ALL SITE AND UTILITY DESIGN DETAILS, DIMENSIONS, AND LAYOUTS ARE IN CONFORMANCE WITH THE WR CONSERVATION STANDARDS.
 4. ACTUAL DETAILS WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT SUBMITTAL IN COMPLIANCE WITH ALL APPLICABLE CITY CODE REQUIREMENTS.

NOT FOR CONSTRUCTION

DOWNTOWN RIVERFRONT PARK
W/R OVERLAY ZONE
STANDARDS REVIEW APPLICATION

SITE SECTIONS

SHEET NO.
**WR
105.1**



DESIGNED BY: WM/KPFF
DRAWN BY: WM
CHECKED BY: WM
DATE APPL.:
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WALKER | MACY
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WATER RESOURCE CONSERVATION OVERLAY ZONE- STANDARDS REVIEW APPLICATION - 04/05/2019

ORDINANCE NO. _____

**AN ORDINANCE CLARIFYING RELATIONSHIP BETWEEN
APPROVED RIVERFRONT PARK PERMIT AND S-DR DOWNTOWN
RIVERFRONT CODE AND AMENDING SECTION 9.3155 OF THE
EUGENE CODE, 1971.**

The City Council of the City of Eugene finds that:

A. On July 22, 2019, the Eugene City Council approved Ordinance No. 20619. Section 3 of that Ordinance approved amendments to EC 9.3155(15), which regulates development within view corridor areas of the Downtown Riverfront Special Area Zone. Section 8 of that Ordinance approved /WR Water Resources Overlay Zone Standards Review application No. SDR 19-2 for park areas within the Downtown Riverfront Special Area Zone.

B. The City Council's approval of SDR 19-2 as part of the same action that approved the Downtown Riverfront Special Area Zone code amendments demonstrates the City's intent that the art pavilion described and depicted in the SDR 19-2 narrative and site plans is permitted in the view corridor area extending from 5th Street as shown in the approved plans without further need to demonstrate consistency with EC 9.3155(15).

C. The view corridor areas of the Downtown Riverfront Special Area Zone that are within the /WR Water Resources Conservation Area are owned by the City of Eugene for park purposes. Approval of a park building or structure within those areas through the City's standards review process as permitted by EC 9.4930(3) ("Uses Subject to Standards Review within /WR Conservation Areas") ensures that the building or structure is consistent with the City's protection measures for the Willamette River and should also be a sufficient basis for allowing the building within a Downtown Riverfront view corridor.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (15) of Section 9.3155 of the Eugene Code, 1971, is amended to provide as follows:

9.3155 S-DR Downtown Riverfront Special Area Zone General Development Standards (applicable to all property).

* * *

(15) View Corridor Requirements. View corridors shall be provided in those areas identified on Figure 9.3155(3), in addition to compliance

with other applicable standards of the S-DR Zone. View corridors shall be a minimum 40 feet in width, shall be in alignment with public rights-of-way, and shall be unobstructed by buildings or structures except as ***approved through a /WR Water Resources Overlay Zone standards review permit pursuant to EC 9.8460 – 9.8472 or as permitted at EC 9.3155(6).***

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

____ day of _____, 2020

Approved by the Mayor this

____ day of _____, 2020

City Recorder

Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Extending the Term of Ordinance No. 19775 and Ordinance No. 20397 Granting to Comcast of Oregon II, Inc. a Franchise for Operation of a Cable Telecommunications System.

Meeting Date: April 13, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Pam Berrian
Contact Telephone Numbers: 541-682-5590

ISSUE STATEMENT

The purpose of this public hearing is to provide an opportunity for public comment regarding the proposed ordinance extending Comcast's cable television franchise agreement until December 31, 2021. Without the extension, the franchise agreement will expire on June 30, 2020. This ordinance would only extend the term of the franchise; all other franchise terms and conditions would remain the same.

BACKGROUND

The Franchise

City of Eugene, the City of Springfield, and Lane County together granted Comcast of Oregon II, Inc. ("Comcast") a franchise for the operation of a cable communications system (Eugene Ordinance No. 19775). In 2007, the three entities amended and renewed Comcast's franchise (Eugene Ordinance No. 20397) through August 1, 2018.

The Extension to June 2020

The term of the franchise has since been extended, most recently by Ordinance No. 20606 enacted on November 13, 2018, which extended the franchise through June 30, 2020. That extension was necessary due to the fact that while Eugene, Springfield and Lane County staff had been negotiating in good faith with Comcast about the renewal terms and provided progress updates to the Cable Commission, delays occurred while staff tried to resolve a dispute with Comcast arising from a franchise fee review the jurisdictions conducted. That resulted in staff simultaneously dealing with fee review issues for the current franchise as well as trying to negotiate policy and operational terms for the franchise renewal. Delays also occurred due to the loss of Comcast personnel who had been working on the franchise renewal.

At that time, staff were optimistic that a renewed agreement would be reached by June 2020.

Attachment A is a table of negotiation issues, many of which had been tentatively agreed upon. However, two major hurdles remained unresolved:

April 13, 2020, Meeting – Item 5

1. Comcast proposed “competitive equity” language that would apply to providers other than cable operators and would require the jurisdictions to either impose certain cable franchise obligations on those other providers or excuse Comcast from its franchise obligations. Jurisdictional staff have been advised by their legal counsel that the jurisdictions do not have authority under applicable federal, state and local laws to impose such franchise obligations on those other providers. Jurisdictional staff informed Comcast of this and also reviewed, discussed and offered edits that would have resulted in a legally-defensible provision. Comcast rejected the edits.
2. On September 25, 2018, the Federal Communications Commission approved a notice of proposed rule-making regarding cable franchising that would have significant implications for the cable franchise because it would allow cable operators to reduce franchise fees paid to local jurisdictions by deducting the value of providing in-kind cable benefits, such as TV programming to schools and government-owned buildings even where Comcast had agreed to do so as a community benefit provision in the franchise agreement.

Staff recommended, and Comcast agreed, the extension to allow time for the parties to work on remaining issues as well as to see if the FCC would take final action on its notice of proposed rule-making and to obtain additional information about the impacts on the franchise, franchise fee revenues, and renewal negotiations.

The Proposed Extension to December 31, 2021

In fall 2019, the FCC issued a final order and adopted rules that significantly changed the landscape for cable regulation (FCC Cable Order). The order not only allows cable operators to offset from their 5 percent franchise fees the value of “cable related, in-kind contributions,” like free service or cable boxes in government buildings, it prohibits local franchising agencies from charging cable operators additional fees—aside from the cable franchise fees—for use of the public rights-of-way to provide other services like broadband internet.

The FCC Cable Order is being appealed in litigation filed by numerous municipalities across the U.S., including the City of Eugene. Briefing in the case is scheduled to conclude in mid-October 2020; oral argument will likely not occur until early 2021 and a decision from the court will follow after that. To date, Comcast has not implemented any franchise fee reduction nor provided notice of when it may choose to do so. Therefore, municipalities cannot estimate the impact upon the franchise, nor be clear about elements to include in a renewed franchise.

Note: While not yet ordered, the FCC is expected to propose a rule granting an additional franchise fee offset/reduction for a Comcast-established valuation of any Public Access, Education, and Government community TV channels provided under a franchise. In our area, there are four Community TV channels provided under the long-standing franchise: Public Access (Channel 29); Education (Channel 23), Government (Channel 21), and the internal Eugene-Springfield Fire Training channel.

At this stage, staff do not know the full extent or financial impact from these potential changes, as it is unclear how those services will be defined or valued. The potential adverse financial impact may have material adverse implications for the General Fund, and a renewed franchise before the FCC takes final action will not likely protect the jurisdictions from a future adverse FCC ruling.

Therefore, the jurisdictions believe additional information about the impact of any potential franchise fee reimbursement or offset is critical before agreeing to a new 10-year franchise term. At the February 6, 2020, Cable Commission meeting, staff recommended a two-year extension of the current franchise, to allow for additional time to obtain that additional information. Comcast has since indicated that it would agree to an 18-month extension, which is why the proposed ordinance would extend the franchise term for 18-months until December 31, 2021.

This proposed extension ordinance would only extend the term of the current franchise. All other franchise terms and conditions would remain the same, including Comcast's obligation to pay franchise fees for use of the rights of way, which is capped under federal law at five percent of gross revenues earned from providing cable TV services within Eugene City limits. The fees collected from the cable franchise are allocated to the General Fund and are used for general purposes. There are no anticipated costs as a result of the extension.

When clarity is achieved and negotiations completed, the proposed renewal franchise agreement will be brought to the City Council for action as an ordinance, with a likely term of 10 years.

RELATED CITY POLICIES

City Telecommunication Vision and Policy: The City of Eugene's telecommunications vision is completion and operation of a coordinated regional information infrastructure that provides accessible and affordable high-speed connectivity for citizens, public institutions and businesses and is constructed in a manner that best serves the public interest.

Telecommunications Ordinance, Eugene Code 3.005, 3.400 to 3.430

Ordinance No. 20397, An Ordinance Granting Comcast of Oregon II, Inc., An Additional Term and Franchise Renewal For The Operation Of A Cable Communications System; Amending Ordinance 19775; Adopting A Severability Clause; And Providing an Effective Date.

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 27, 2020.

CITY MANAGER'S RECOMMENDATION

No recommendation is provided at this time. A recommendation will be provided for the scheduled action on April 27, 2020.

ATTACHMENTS

- A. Table of Negotiation Issues
- B. Proposed Extension Ordinance

FOR MORE INFORMATION

Staff Contact: Pam Berrian, Information Services Division

Telephone: 541-682-5590

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

<u>ATTACHMENT A</u>	<u>Comcast Franchise Renewal Discussion List</u>			
<u>Section</u>	<u>Issue</u>	<u>Comcast Proposal</u>	<u>LFA (Local Franchising Authority) Response</u>	<u>Current Status</u>
Section 3	Definition of gross revenues	MACC (Metro Area Cable Commission) definition, adding language that revenues generated from late fees are to be prorated based on %age of each service provided	Stay with MACC definition originally proposed by Comcast	Add Comcast language stating late fees are prorated based on aggregate pro rata calculation
Section 5.1	Channel capacity	Change capacity from 35 to 120 channels	OK	OK
Section 5.3	Service to Institutions	Allow Comcast to elect to offset complimentary service against franchise fees	No basis upon which to agree	Comcast agreed to provide gratis services to all existing locations, plus 3 additional building per jurisdiction; value of the additional buildings could be offset against fees
Section 5.5(1)	Number of channels in HD	Will provide one channel in HD; when one other channel is averaging 25 hours per week of programming, must be provided in HD	OK	Based on concession of Section 3, above, LFA is requesting 2 other channels be allowed to “prove up”
Section 5.5(2)	Number of digital converters for public safety channel	Drop from 75 to 50	Keep 75; agree to not increase despite anticipated growth in internal viewing locations.	60
Section 7(3) removed	Expansion of Service	Delete requirement for expansion plan	OK, but keep requirement for boundary maps.	OK
Section 7.4	Extension of System	Delete	Keep language requiring an estimate where 5 would be subscribers request service.	OK
Section 9.8(1)	Forced relocates	Requests for reimbursement of temporary removal of equipment	Unnecessary; relocation language already set in law	Comcast withdrew proposal; OK
Section 10.4	Cap on cost of fee review	Where Comcast underpays by 5% or more (threshold trigger), Comcast pay only up to \$15,000 of fee review	No \$ cap, limited to 2 reviews per franchise term	No threshold trigger for reviews conducted as part of performance review; Comcast

				to pay up to \$45,000 for one review; results of reviews can be extrapolated forward
<u>Section</u>	<u>Issue</u>	<u>Comcast Proposal</u>	<u>LFA Response</u>	<u>Current Status</u>
Section 10(5) deleted	Public, Education, Government (PEG) channel fees	Delete; duplicative language	OK	OK
Section 10(5) deleted	Comcast to pay LFA's financial and legal fees	Delete	OK	OK; this break down will be spelled out in other sections
Section 10(8)	Pass through rates; LFA proposed new language addressing pass through rates	Delete	Keep calculation,	Retain only language that requires Comcast to notify MPC of rate changes; OK
Section 12	Customer Service	Delete Section 12, replace with Customer Service Addendum, which includes ability to close Eugene office	Retain Section 12, adopt revisions of Addendum specifying it is intended to complement but does not preempt Section 12. Eugene office to remain open during term of franchise.	Remove Addendum; retain Section 12; insert store language keeping Eugene store with opener to discuss store closure; OK
Section 13.1(7)	Certification of annual report	Allow certification to be done by Comcast, not independent CPA	No, retain the independent review	OK to have Comcast do own in house certification
Section 16.2(2)	Definition of fee review and audit	Comcast disagreed to proposed language stating a fee review is not an audit	LFA proposes to provide only for an "audit," (no distinction between fee review and audit) which will be allowed twice during term, with 3 year look back that will apply for all years preceding audit.	No distinction in audit v. fee review; limited to 2 per term;
Section 16(2)(c)(iv) removed	Summary of FCC regs	Remove requirement to summarize new FCC regs in annual report.	OK	OK
Section 16.2(5)	Comcast presentation to MPC	Allows Comcast to address MPC	OK to clarify Comcast's ability to comment before MPC	OK

Miscellaneous		<u>Comcast Proposal</u>	<u>LFA Response</u>	<u>Current Status</u>
\$30,000 for HD upgrades Side Letter which is linked legally to adoption of renewal franchise Ord.		OK	Will not count toward 5% franchise fees	OK
\$50,000 to Springfield Library for closure of Springfield Customer Service site during the term. Side Letter		OK, provided \$25,000 of the \$50,000 for ARC project	Springfield elected discussed this proposal and directed staff to request \$75,000 as compensation for removing the Springfield store as a requirement in the franchise; will not count toward 5% franchise fees	Comcast agreed to \$75,000 requested by Springfield
Competitive Equity	Addresses equal treatment of service providers	Addendum requires equity for services not covered by the Cable Act and not appropriately covered by this franchise agreement	LFA does not accept the rationale for any such provision under current law. However, it potentially will accept that sort of addendum as revised in draft revisions by Eugene special Counsel	No Agreement at this time
Fee Review				Comcast pay fee review--\$36,000 LCOG--\$23,000 ½ of difference

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 19775 AND ORDINANCE NO. 20397 GRANTING TO COMCAST OF OREGON II, INC. A FRANCHISE FOR OPERATION OF A CABLE TELECOMMUNICATIONS SYSTEM.

The City Council of the City of Eugene finds that:

A. The federal Cable Act requires a franchise for the operation of cable telecommunications systems and provides for a formal or informal renewal process under the Cable Act.

B. The Cities of Eugene and Springfield, together with Lane County, granted a franchise to Comcast of Oregon II, Inc. (“Comcast”) for the operation of a cable communication system, and have designated the Metropolitan Policy Commission (MPC), acting as the cable commission, as the representative of the local franchising authorities in administration of the franchise.

C. The City of Eugene enacted Ordinance No. 19775 on May 13, 1991, granting the franchise.

D. The City of Eugene enacted Ordinance No. 20397 on October 22, 2007, amending and renewing the franchise through August 1, 2018.

E. The term of the franchise has since been extended, most recently by Ordinance No. 20606 enacted on November 13, 2018, which extended the franchise through June 30, 2020.

F. The Cities of Eugene and Springfield, Lane County, and Comcast continue good faith negotiations under the Cable Act’s informal process to renew Comcast’s cable franchise, however, the parties anticipate those negotiations will not be completed in a timeframe that would allow the City of Eugene to adopt a franchise renewal by June 30, 2020.

G. The Cities of Springfield and Eugene, and Lane County have determined that it serves the public welfare to extend the term of the current franchise from June 30, 2020 up to and through December 31, 2021.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The franchise granted to Comcast in Ordinance No. 19775 and Ordinance No. 20397 shall be extended up to and through December 31, 2021.

Section 2. The City of Eugene and Comcast agree that execution of this extension does not waive any rights that either party may have under the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. §§ 521 *et seq.*, or other provision of federal, state, or local law.

Section 3. Other than the duration of the franchise set forth herein, Ordinance No. 19775 and Ordinance No. 20397 shall continue in full force and effect.

Passed by the City Council this

_____ day of _____, 2020

City Recorder

Approved by the Mayor this

_____ of _____, 2020

Mayor