



Eugene City Council

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www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

April 27, 2020

**7:30 p.m. CITY COUNCIL MEETING AND MEETING OF THE
EUGENE URBAN RENEWAL AGENCY**

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 27, 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 AND MEETING OF THE
EUGENE URBAN RENEWAL AGENCY**

1. COMMITTEE REPORTS AND ITEMS OF INTEREST

2. CONSENT CALENDAR I

A. Approval of City Council Minutes

- April 8, 2020, Work Session
- April 13, 2020, Work Session
- April 13, 2020, Meeting
- April 15, 2020, Work Session
- April 20, 2020 Boards and Commissions Candidate Statements

B. Approval of City Council Tentative Agenda

3. PUBLIC FORUM

4. ACTION: An Ordinance Clarifying Relationship between Approved Riverfront Park Permit and S-DR Downtown Riverfront Code; Amending Section 9.3155 of the Eugene Code, 1971; and Providing for an Immediate Effective Date.

5. **ACTION: 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.**
6. **PUBLIC HEARING and ACTION: Resolution Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020.**
7. **PUBLIC HEARING and ACTION: Resolution Adopting a Supplemental Budget; Making Appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020.**
8. **PUBLIC HEARING and POSSIBLE ACTION: An Ordinance Adopting Hazardous Substance User Fees and Providing for an Immediate Effective Date.**

Adjourn.

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.

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

April 27, 2020, Meeting

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: April 27, 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 April 8, 13, and 15; the meeting on April 13; and the Boards and Commission candidate statements on April 20, 2020.

ATTACHMENTS

- A. April 8, 2020, Work Session Minutes
- B. April 13, 2020, Work Session Minutes
- C. April 13, 2020, Meeting Minutes
- D. April 15, 2020, Work Session Minutes
- E. April 20, 2020, Boards and Commissions Candidate Statements Minutes

FOR MORE INFORMATION

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

MINUTES
Eugene City Council
Virtual Meeting
Eugene, Oregon 97401

April 8, 2020
12:00 p.m.

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

Mayor Vinis opened the April 8, 2020, work session of the Eugene City Council.

1. WORK SESSION: COVID-19 Update

Interim Fire Chief Chris Heppel provided an update on the COVID-19 situation, including efforts to flatten the curve, statics, Emergency Operation Center news, and safety information.

Council Discussion:

- Councilor Clark – expressed gratitude to the incident command staff and their efforts; asked about the public safety challenges with empty businesses; spoke about engaging the public and the need to support local restaurants.
- Councilor Zelenka – thanked staff and the public for their support and work being done; asked about the projected peak date in Oregon and what its implication are.
- Councilor Semple – spoke about the campers at Monroe Park and associated issues; asked for more sites for the unhoused; talked about communication with constituents, donating blood and gratitude for staff.
- Councilor Syrett – expressed appreciation for the leadership of the City Manager and staff; supported the policy of not permitting camping in city parks.
- Councilor Zelenka – discussed communication with and use of neighborhood associations email groups.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Yeh, moved to support the City Manager Pro Tem extending the declaration of a state of emergency within the City of Eugene due to the COVID-19 pandemic. **PASSED 8:0**

2. ACTION: 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

Intergovernmental Relations Manager Ethan Nelson discussed the NW Natural Gas Franchise Agreement, including previous council direction.

Council Discussion:

- Councilor Zelenka – spoke about the work being done to develop a new agreement with NW Natural and expressed support for the motion.
- Councilor Taylor – asked if the City would not be able to ban future expansion if the extension was approved.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to adopt 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.
PASSED 8:0.

- Councilor Semple – asked questions about the inclusion of the phrase “twenty-year” in the title of the ordinance.
- Councilor Clark – asked about the possibility of discussing a suspension of the ordinance on reusable bags due to the use of personal reusable grocery bags and risk of contamination.
- Mayor Vinis – talked about her experience at grocery stores with the handling of personal reusable grocery bags.
- Councilor Zelenka – shared his experience with his local grocery store’s diligence in cleaning surfaces.

The meeting adjourned at 1:08 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 Virtual Work Session Eugene, Oregon 97401

April 13, 2020
5:30 p.m.

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

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

1. **WORK SESSION: COVID-19 Update**

City Manager Pro Tem Sarah Medary provided an update on the COVID-19 situation, including the work of City of Eugene staff, timelines, remote working accommodations, social distancing at work, ongoing projects and services, fire and police statistics and revenue funds downfalls.

Council Discussion:

- Councilor Clark – asked for a Lane County Public Health update and inquired about when the peak is projected to happen.
- Councilor Syrett – expressed appreciation to staff and others involved in emergency operations efforts.
- Councilor Zelenka – thanked staff and asked about the availability of test kits.
- Councilor Semple – spoke about the Monroe Park and similar camping situations; reported that constituents are concerned about the area surrounding the fairgrounds; asked for an update on efforts regarding the unhoused.
- Councilor Evans – spoke about the Peterson Barn camp site and the concerns of his constituents.
- Councilor Syrett – spoke about the homeless camps in right-of-way locations around the city.
- Councilor Taylor – spoke about her constituents' reactions to the camp at Amazon Park and asked when the camps will be closed.
- Mayor Vinis – talked about the unhoused community and the need to keep everyone in place during this emergency.
- Councilor Evans – discussed other locations for the camp sites in lieu of residential neighborhoods such as the Peterson Barn location.
- Councilor Yeh – asked if the City is still in need of locations for homeless camp sites.
- Councilor Zelenka – asked for a list of the factors or criteria for choosing camp sites in the city.
- Councilor Clark – asked about coordinating with the University of Oregon to identify sites for homeless, including the use of campus facilities.
- Councilor Pryor – expressed caution about the use of large arenas for homeless camp sites; supported emergency operation staff's knowledge and expertise regarding siting decisions.

2. **WORK SESSION: Council Agenda Planning Process Session**

Assistant City Manager Kristie Hammitt discussed council agenda planning and building a vision for success through community resilience and safety, business recovery, financial stability, and maintaining momentum.

Council Discussion:

- Mayor Vinis – discussed the focus areas and changing priorities resulting from recovery efforts.
- Councilor Clark – spoke about the timeline for recovery, public safety, homelessness efforts, and rebounding economically.
- Councilor Pryor – talked about response versus recovery; spoke about the wellbeing and stability of citizens in the context of safety, economics and infrastructure.
- Councilor Semple – outlined her priorities as business rehabilitation, caring for the unhoused, community and individual wellbeing, climate, and affordable housing.
- Councilor Syrett – said her list of preferences for agenda focus include implementation of the TAC recommendations, riverfront project, town square and farmer’s market, and climate action plan.
- Councilor Evans – talked about being self-quarantined; expressed thanks to staff and emergency responders; supported addressing economic impacts, climate and riverfront projects, and natural gas regulations.
- Councilor Taylor – said her priorities are climate actions, short term rentals, and the need for a homeless shelter.
- Councilor Yeh – noted a lot of agreement among councilors on priorities; supported keeping the council goals in focus while addressing emergency needs; encouraged good stewardship of financial resources.
- Councilor Zelenka – expressed his concurrence with the priorities listed, with emphasis on flattening the curve, recovery, rental protections, economic recovery efforts, local and federal stimulus, climate work, and projects that create jobs.
- Councilor Evans – talked about the increase in racist incidents as a result of the crisis and the need to respond effectively; cautioned about the need for clarity about natural gas availability in development plans.
- Councilor Clark – agreed that racist incidents were concerning and that the Human Rights Commission should be engaged and involved in any response; said clear direction on the council’s natural gas policy is needed for the Riverfront development and housing plans.
- Councilor Zelenka – spoke about the Riverfront project; noted that COVID-19 has brought out the best and worst in people, and it is important to maintain civility.
- Councilor Yeh – talked about racism and the underreporting of hate speech.

The meeting adjourned at 7:00 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 Virtual Meeting Eugene, Oregon 97401

April 13, 2020
7:30 p.m.

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

Mayor Vinis opened the April 13, 2020, meeting of the Eugene City Council in a virtual format.

1. Committee Reports and Items of Interest

Discussion

- Councilor Taylor – shared that Director Merlyn Hough will be retiring from the Lane Regional Air Protection Agency (LRAPA) and she will be serving on the committee to recruit his replacement. The LRAPA Board majority rescinded the recently enacted burning ban, feeling it created a hardship for those in rural areas; Councilor Taylor reported she voted against this and clarified it was not a unanimous decision and that a few Board members were absent from the meeting. Councilor Taylor has heard from several constituents unhappy about Amazon Park being turned into a campground, and stated she still believes we should have a shelter where people can go.
- Councilor Evans – reported that he and Councilor Taylor attended the National League of Cities (NLC) meeting in Washington, D.C.; the NLC is working on priorities related to investments in transportation, broadband and water infrastructure, and the housing crisis and affordability.
- Councilor Syrett – shared the Lane Area Commission on Transportation (Lane ACT) Steering Committee will be meeting in the next two weeks to determine how the May meeting will take place. The Human Services Commission (HRC), is planning to hold the next scheduled meeting virtually on Monday, April 20; the HRC does take public comment and has social service providers who attend. Councilor Syrett stated she assumes Lane County, who staffs the HRC, will be making provisions for public participation.
- Councilor Yeh – shared the Metropolitan Wastewater Management Commission (MWMC) is taking a second look at its budget; it had originally intended a two percent fee increase but has instructed staff to look at a zero percent increase budget recognizing that rate payers have multiple economic stressors right now and wish to help not hurt rate payers at this time. The Police Commission has cancelled several of their meetings but are still in contact; the public can email the Police Commission at ceepdcommission@eugene-or.us.
- Councilor Semple – reported that the Human Rights Commission, Sustainability Commission and McKenzie Watershed Council did not meet this month but are still working and thinking.
- Mayor Vinis – shared she has been meeting with two different groups of businesspeople. One began through the Eugene Wake-Up group and the second group represents downtown retailers; they are discussing how to navigate the loan programs and issues they are facing, trying to make sure we are hearing from those businesspeople. The Mayor said she is grateful to hear the Eugene Area Chamber of Commerce is stepping up and will provide structure for the business community and opportunity to hear back from them. The Mayor reported she will join other Climate Mayors on a phone call with Congressman DeFazio

tomorrow; he has a large infrastructure package called Moving Forward and now is Chair of Transportation Infrastructure, and they will be talking about how to align the infrastructure package with our climate goals. There may be opportunities that come through federal legislation championed by Congressman DeFazio, and Mayor Vinis hopes it will bring mayors from across the country onboard with that work.

2. Consent Calendar 1

- 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.

Councilor Zelenka asked to pull Item C from Consent Calendar 1.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve the items on Consent Calendar 1 with the exception of Item C. **PASSED 8:0.**

Discussion

- Councilor Zelenka asked staff to provide more detail about this item and explain why it has a benefit.

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve Item C on Consent Calendar 1. **PASSED 8:0.**

3. Public Forum

1. Tim Kovash – asked for the STR ad-hoc committee be abandoned and to table the STR issue.
2. Lin Woodrich – expressed dismay regarding the temporary shelter site placed at Peterson Barn.
3. Joshua Korn – shared information about his recent research on 5G wireless technology.
4. Richard Self – asked Council not to revert to previous actions towards the unhoused after the crisis.
5. Ed Farren – advocated for transportation and infrastructure investment in Bethel.
6. Kathryn Dunn – requested STR ad-hoc committee be re-assembled after current crisis.

Discussion

- Councilor Clark – thanked those who participated in the Public Forum. To the City Manager, asked if the Short Term Rental (STR) Ad-Hoc Committee will be restructured and what its meeting schedule will be; stated he is in favor of tabling its work until a more stable time and encouraged getting a stronger voice from STR owners involved and possibly add a few more to the committee.
- Councilor Syrett – expressed she did not feel the STR work is a high priority at this time; the landscape for STRs may change considerably after this crisis. She stated it had been her hope for the STR Ad-Hoc Committee that STR owners could respond to City proposals and work with City staff to develop workable regulations.

- Councilor Taylor – stated she does not believe the STR Ad-Hoc Committee should include individuals with a financial interest in STRs; considers the topic urgent because STRs are taking housing stock from residents who wish to rent or buy, with damaging effect.
- Councilor Zelenka – suggested letting what the City Manager has already set in place play out; does not consider the STR topic a high priority.

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.

City Manager Pro Tem Sarah Medary introduced the item and gave background about the Public Hearing topic.

Testimony: No one signed up to provide testimony for this quasi-judicial public hearing.

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.

City Manager Pro Tem Sarah Medary introduced the item and gave background about the Public Hearing topic.

Testimony: No one signed up to provide testimony for this public hearing.

Discussion

- Councilor Zelenka – asked if staff has done any valuation of reduction in franchise fees for in-kind contributions.
- Councilor Clark – asked for the total amount of revenue extracted from Comcast each year.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Jessica Gebb)

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

MINUTES

Eugene City Council Virtual Work Session Eugene, Oregon 97401

April 15, 2020
12:00 p.m.

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

Councilors Absent: Greg Evans

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

1. WORK SESSION: COVID-19 Update

Interim Fire Chief Chris Heppel provided an update on the COVID-19 situation, including statistics of cases, flattening the curve, test kits, local partnerships, emergency operation center updates, unhoused community efforts, future and recovery.

Council Discussion:

- Councilor Zelenka – spoke about recommendations for re-opening business being discussed by the California, Washington and Oregon governors’ as well as Dr. Luedke’s guidance; asked if city has started the 28-day period; thanked staff for their efforts and asked about the criteria for camp site locations.
- Councilor Syrett – expressed appreciation to staff; asked about local mask-making efforts.
- Councilor Semple – thanked staff; asked about handwashing station at Monroe Park; inquired about the Fairground and Peterson Barn facilities, noting concerns by neighbors; asked about youth shelters; spoke about blood donations and stimulus check access.
- Councilor Clark – thanked staff; talked about the local case numbers and Lane County Public Health data; asked for more data about flattening the curve locally; spoke about local businesses and recovery efforts.
- Councilor Taylor – expressed concerns about the Amazon Park facility and asked where the campers came from prior to placement; asked questions about freezing rents and evictions, the contact tracing process, and fire operations.

2. WORK SESSION: Proposed Use of Affordable Housing Trust Fund Resources

Michael Kinnison and Stephanie Jennings spoke about affordable housing trust fund allocation options, including progress update, changing housing needs, potential uses of funds and next steps.

Council Discussion:

- Councilor Syrett – thanked staff; spoke about the recommendations laid out by staff and how they are in line with the goals of the council; asked about the rental assistance option; asked about the timeline and the ability to back fund the resources used.
- Councilor Yeh – thanked staff; expressed support for the assistance this program provides, inquired about the breakdown of the funds used.
- Councilor Zelenka – spoke about the need for these funds for those most affected by the COVID-19 pandemic and economic burdens it has placed on residents.
- Councilor Pryor – talked about considering short- and long-term strategies in order to find best use of funds, asked that the committee look at more options than it was previously directed to.

The meeting adjourned at 1:29 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
Virtual Meeting
Eugene, Oregon 97401

April 20, 2020
7:30 p.m.

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

Council President Semple opened the April 20, 2020, meeting of the Eugene City Council.

1. Applicant Statements for the Budget Committee, Civilian Review Board, Human Rights Commission, and Planning Commission

City councilors heard from applicants for open positions on the City's advisory boards and commissions. Each applicant presented a three-minute statement regarding their interest in serving the community through board or commission membership.

Budget Committee

1. Edward Gerdes
2. Rayna Jackson
3. Ryan Kounovsky
4. John Prince
5. Sean Shivers

Civilian Review Board

1. William Whalen
2. José Cortez
3. Natalie Dybens

Human Rights Commission

1. Travis Baker
2. Natalie Dybens
3. Silver Mogart
4. Heather Sielicki

Planning Commission

1. Daniel Isaacson

After presenting his three-minute statement, the Planning Commission candidate answered the following three questions:

1. What key issues would you hope to address as a member of the Planning Commission?

2. As a group, the Planning Commission often works on lengthy processes and decisions. Describe your skills, experience and approach that will assist you in working in a constructive, collaborative manner.
3. The Planning Commission must often consider and balance complex issues when reviewing planning documents and making land use decisions. In your opinion, what are the most important factors for the Planning Commission to consider in these efforts?

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: April 27, 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 23, 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
27-Apr	Monday	5:30 p.m.		Covid-19 Update – Financial Outlook	30 mins	Sarah Medary, CMO
				Adoption of Eugene-Springfield 2020 Consolidated Plan and One-Year Action Plan (Action)	60 mins	Stephanie Jennings, PDD
		7:30 pm		Committee Reports and Items of Interest		Emily Proudfoot, PW
				Public Forum		
				Downtown Riverfront Park Clarification Code Amendment (City File CA-20-1) (Action)		
				Comcast Franchise Agreement Extension Ordinance (Action)		
				FY20 Supplemental Budget 2 (Public Hearing and Action)		
	URA FY20 Supplemental Budget 2 (Public Hearing and Action)	Elizabeth Butterfield, CS				
	Toxics Program Fee Ordinance (Public Hearing and Poss. Action)	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 **			

**** NOTE: SPECIAL MEETING POSTPONED ****



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



CC Agenda Changes



Official Matters



Pledge of Allegiance

29-Apr	Wednesday	12 pm	 Covid-19 Update (Dr. Luedtke)  State Update – Governor’s Framework (Sarah Means)	30 mins 15 mins 45 mins	Sarah Medary, CMO
<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 - Recovery	45 mins	Sarah Medary, CMO
				Review of 2019 Implementation of Bond Measure to Fix Streets and 2020 Pavement Management Report (Work Session)	45 mins	Katie Marwitz, PW
		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)		Amanda Nobel, PDD
				Broadway & Hilyard Deal Points (Work Session and Action)	45 mins	Amanda D’Souza, PDD
Expected absences for 5/13: none						
13-May	Wednesday	5:30 pm		Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 5/13: none						
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	

18-May	Monday	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		Chief Heppel, Fire
			 Short-Term Rentals (Work Session)	60 mins	Lydia Kaye, PDD
			 TBD (Work Session)	30 mins	
Expected absences for 5/20: none					
20-May	Wednesday	5:30 pm	 Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 5/20: none ** BUDGET COMMITTEE MEETING -B/T Room, Library **					
26-May	Tuesday	5:30 p.m.	 Covid-19 Update		Sarah Medary, CMO
			 URA- Downtown Riverfront Development WDA Terms (Work Session and Action)	45 mins	Michael Kinnison, PDD
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum  Resolution Authorizing City Borrowing for Riverfront Development Project (Action)		Twylla Miller, CS
Expected absences for 5/26: none					
27-May	Wednesday	12 pm	 Covid-19 Update		Chief Heppel, Fire
			 Wild Turkey Population Mgmt. (Work Session)	45 mins	Rachelle Nicholas, PDD
			 TBD (Work Session)	45 mins	
Expected absences for 5/27: none					
27-May	Wednesday	5:30 pm	 Budget Committee (Meeting)		Elizabeth Butterfield, CS
Expected absences for 5/27: none ** BUDGET COMMITTEE MEETING **					

June 2020					
Date	Day	Time	Title	Length	Dept. Contact
8-Jun	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  (Consent Calendar)  Public Forum  Appointment to Boards and Commissions (Action)		
Expected absences for 6/08: none					
10-Jun	Wednesday	12 pm	 STAR Voting (Work Session)	45 mins	Brooke Freed, CS
			 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)  Ordinance Lowering Speeds on Residential Streets (Public Hearing)		
Expected absences for 6/15: none					
17-Jun	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 6/17: none					
22-Jun	Monday	5:30 p.m.	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	

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

24-Jun	Wednesday	12 pm	 Natural Hazards Mitigation Plan (Work Session and Action)  TBD (Work Session)	45 mins 45 mins	Kevin Holman, CS
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Expected absences for 6/24: none

July 2020					
Date	Day	Time	Title	Length	Dept. Contact
8-Jul	Wednesday	12 pm	 CAP 2.0 Update (Work Session)	90 mins	Chelsea Clinton, CS
Expected absences for 7-8: none					
13-Jul	Monday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
Expected absences for 7/13: none					
15-Jul	Wednesday	12 pm	 Public Forum Changes – Check -In (Work Session)	45 mins	Beth Forrest, CS
			 TBD (Work Session)	45 mins	
Expected absences for 7/15: none					
20-Jul	Monday	5:30 pm <i>(schedule as needed)</i>	 TBD (Work Session)	45 mins	
			 TBD (Work Session)		
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 7/20: none					

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

Council Break: July 30 – September 9

 Work Session	 Action	 Public Hearing	 Public Forum	 Consent Calendar
 Committee Reports/Items of Interest	 Ceremonial Matters	 Pledge of Allegiance		

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Update Sign Code for Digital Display Technology – <i>follow-up TBD</i>	Pryor	2/14/19
5G/Small Cell – include experience of other cities – <i>follow-up TBD</i>	Clark	5/20/19
Strategies for managing the wild turkey population – <i>scheduled 5/27/20</i>	Pryor	10/17/19
E-Scooters – <i>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 6/10/20</i>	Evans	12/26/19
“Housing Status” as a Protected Class	Sample	03/12/20
Flexible Emergency Loan Fund for Small Businesses	Evans	04/23/20
Follow-Up Work Sessions to be Scheduled		
TAC Implementation		
Commercial Setbacks		
Naming Policy		

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: April 27, 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



Action: An Ordinance Clarifying Relationship between Approved Riverfront Park Permit and S-DR Downtown Riverfront Code; Amending Section 9.3155 of the Eugene Code, 1971; and Providing for an Immediate Effective Date.

Meeting Date: April 27, 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 is asked to take action 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 (S-DR) 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 (map) and Attachment D (proposed ordinance).

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 (EC) 9.3155(15), which limits structures within the designated view corridors of the 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

April 27, 2020, Meeting – Item 4

amendment. On April 13, 2020, the Eugene City Council held a public hearing. No written or spoken testimony was received.

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.

Construction of the Downtown Riverfront Park is scheduled to begin in early May. The ordinance's 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. (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 a /WR Water Resources Overlay Zone Standards Review application (City File SDR 19-2), including the art pavilion at a location within the view corridor area extending from 5th Avenue.

COUNCIL OPTIONS

The City Council may consider the following options:

1. Adopt the Ordinance as proposed.
2. Adopt the Ordinance with changes.
3. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the Ordinance as proposed.

SUGGESTED MOTIONS

Move to adopt the Ordinance included as Attachment D to the AIS.

ATTACHMENTS

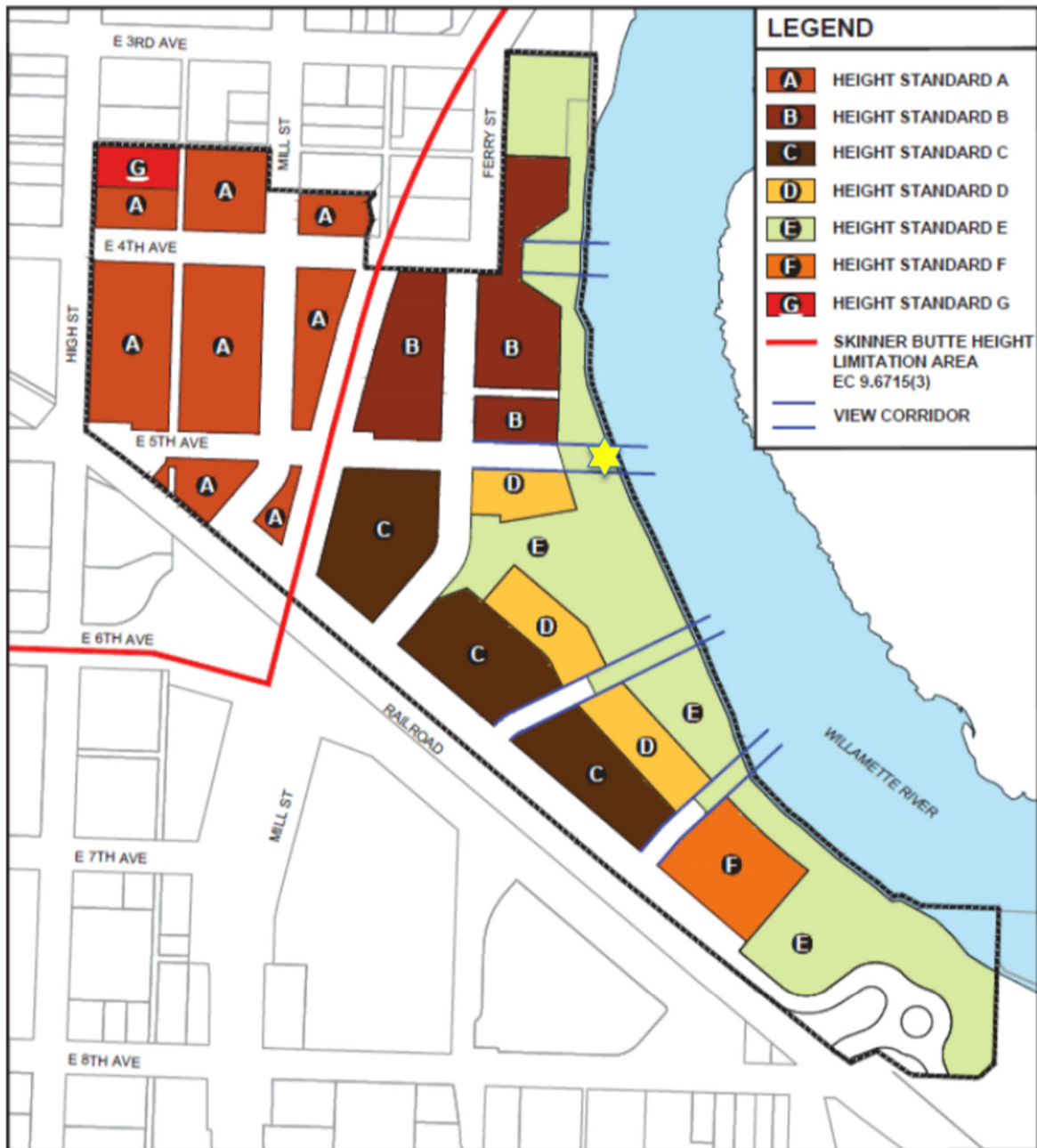
- A. Map showing S-DR View corridors and pavilion location
- B. Excerpts from Ordinance No. 20619, adopted July 22, 2019
- C. Excerpts from /WR Water Resources Conservation Overlay Standards Review application (SDR 19-2), approved by Section 8 of Ordinance No. 20619
- D. Proposed Ordinance

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

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 Area – 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:

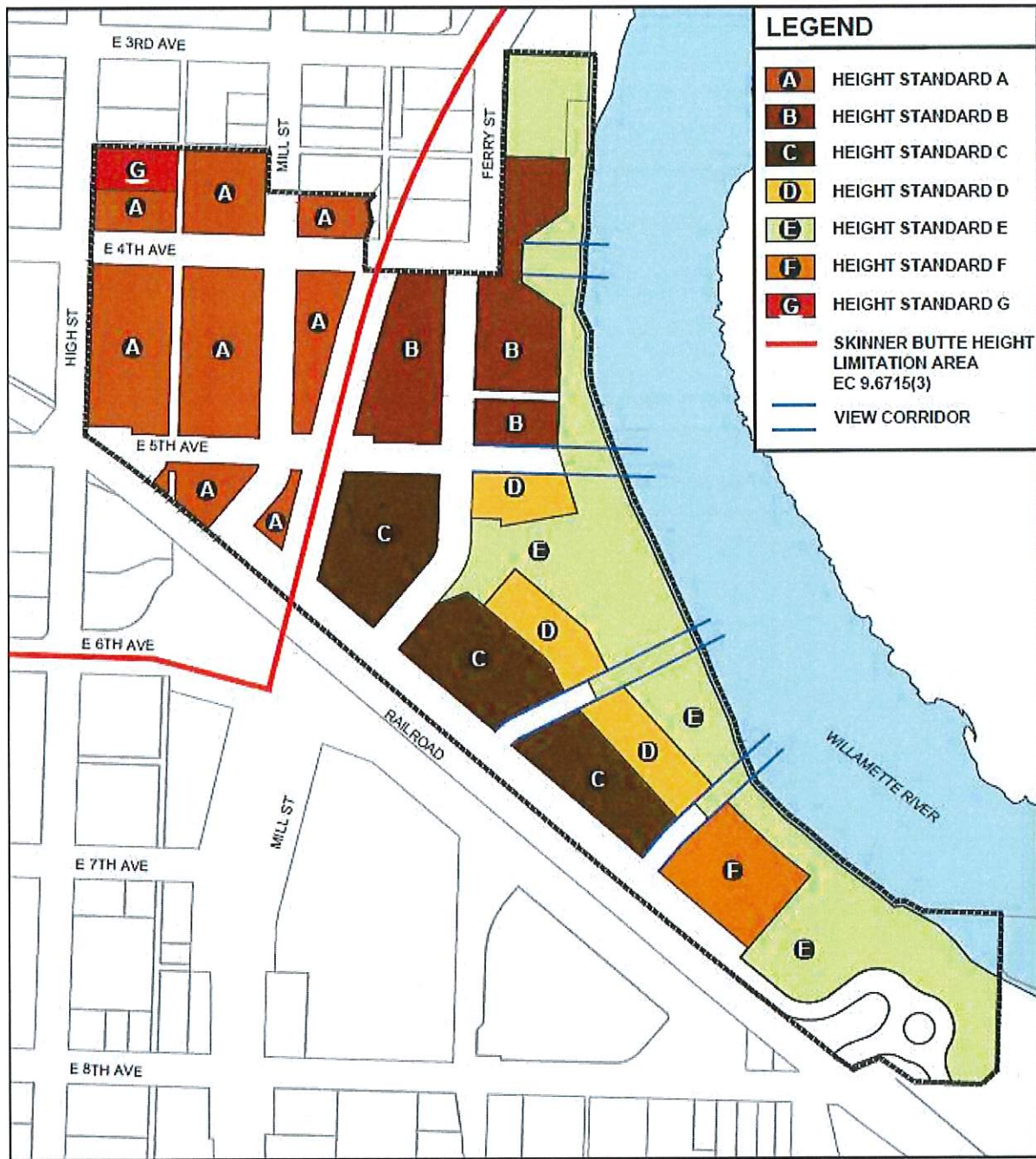
9.3155 S-DR Downtown Riverfront Special Area Zone General Development Standards (applicable to all property).

- (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.

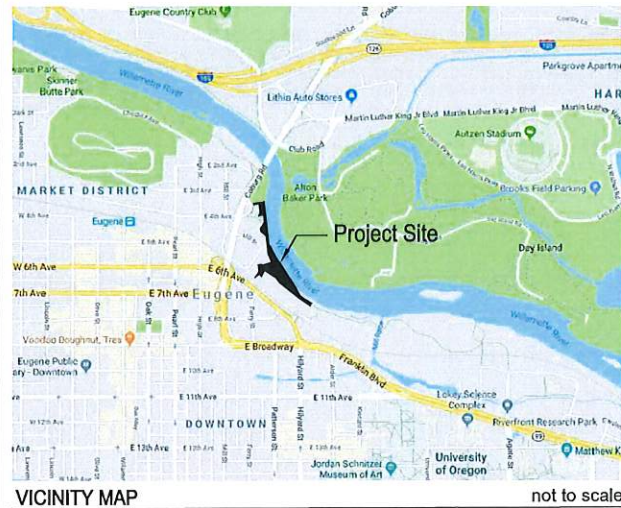


EXCERPTS FROM

SDR 19-2

APPROVED BY ORDINANCE NO. 20619

File: C:\Users\zzhu\AppData\Local\Temp\AcPublish_866A\P3436_WR 101_Goal 5 Resource Sites.dwg TAB:WR101.1
Plotted: 4/5/19 at 10:19am By: zhu



- Map ID Tax Lot
17-03-29-33 Lot #1400
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)

Map ID Tax Lot
17-03-32-22 Lot #00802

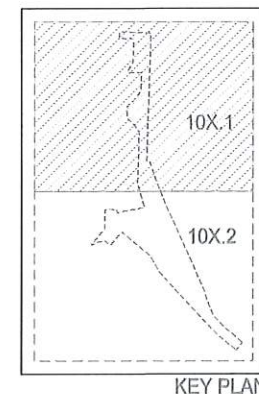
Phase 1 Riverfront Park
Boundary: 3.30 AC.

PAVILION
5TH STREET
OVERLOOK ON
STRUCTURE

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



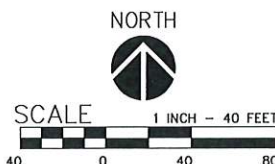
NOT FOR CONSTRUCTION

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

SHEET NO.

WR
101.1

- 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.





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

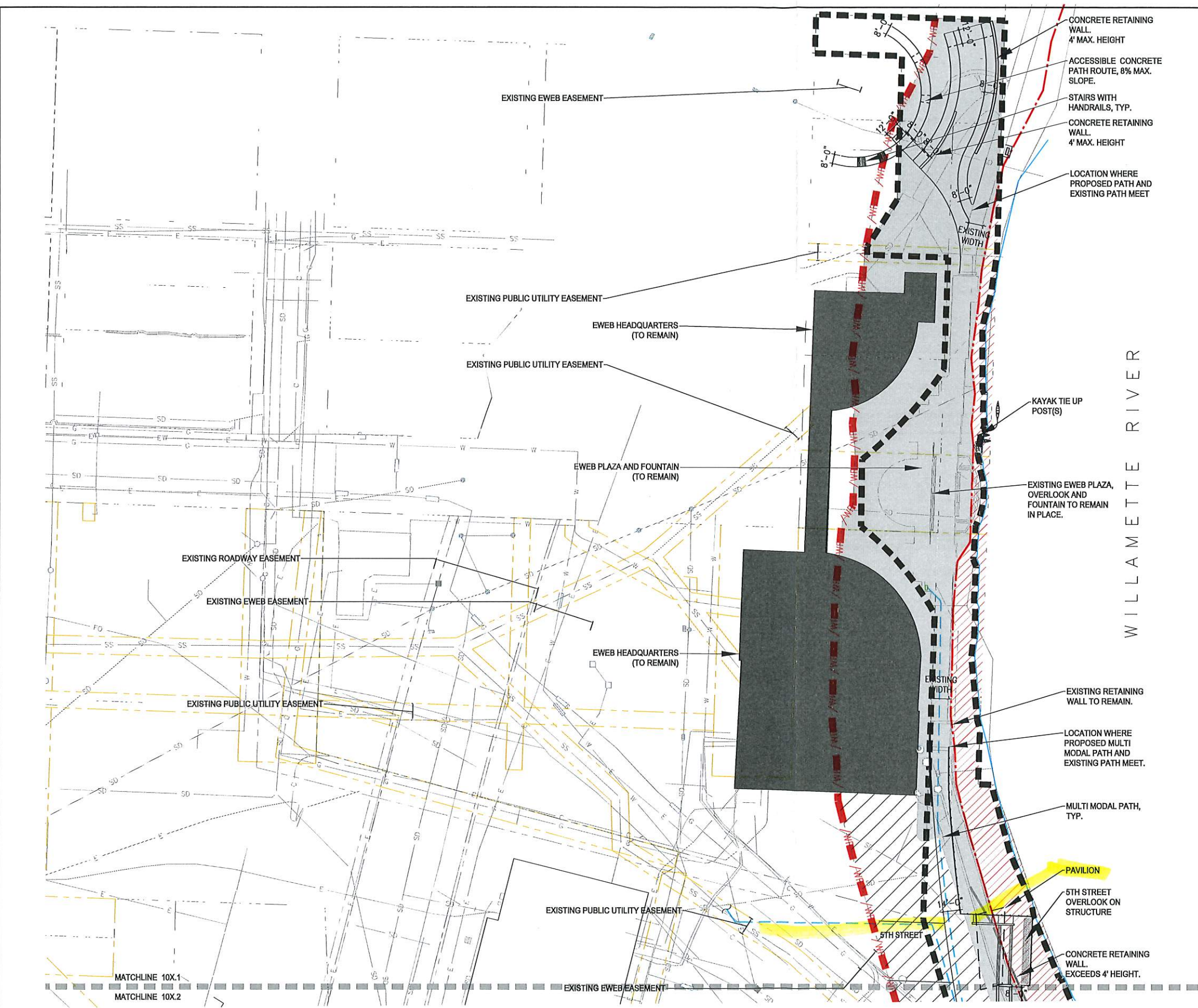
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F: 541.684.4909
www.kpff.com

WALKER | MACY
111 SW Oak Street, SUITE 200
PORTLAND, OR. 97204
503-228-3122

REGISTERED
688
Charles M. McCann
LANDSCAPE ARCHITECT
OREGON

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

File: C:\Users\Xandu\AppData\Local\Temp\KopPublish_886A\33435_WR_102_General_Site_Plan.dwg TAB: WR102.1
Plotted: 4/5/19 at 10:20am by: xandu

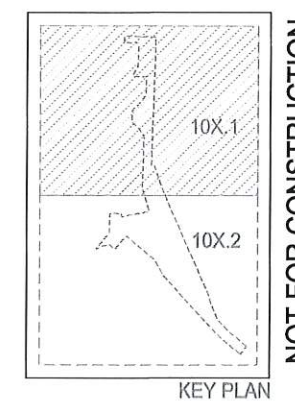
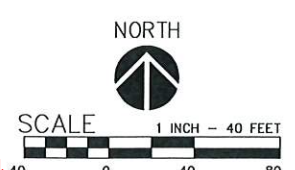


PROJECT NOTES:
1. PROPOSED IMPROVEMENTS WILL NOT OCCUR BELOW ORDINARY HIGH WATER (OHW)
2. ALL IMPROVEMENTS SHOWN ARE CONCEPTUAL AND PROVIDED FOR THE PURPOSES OF STANDARDS REVIEW ONLY.
3. ALL SITE AND UTILITY DESIGN DETAILS, DIMENSIONS, AND LAYOUTS ARE IN CONFORMANCE WITH THE WR CONSERVATION STANDARDS.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

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
- [Hatched Box] WR CONSERVATION AREA
- [Solid Grey Box] WR CONSERVATION SETBACK AREA
- [Diagonal Hatched Box] 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.



NOT FOR CONSTRUCTION

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

SHEET NO.
WR 102.1

Eugene

DESIGNED BY: WM/KPFF
DRAWN BY: WM
CHECKED BY: WM
DATE APPD: 04/05/2019

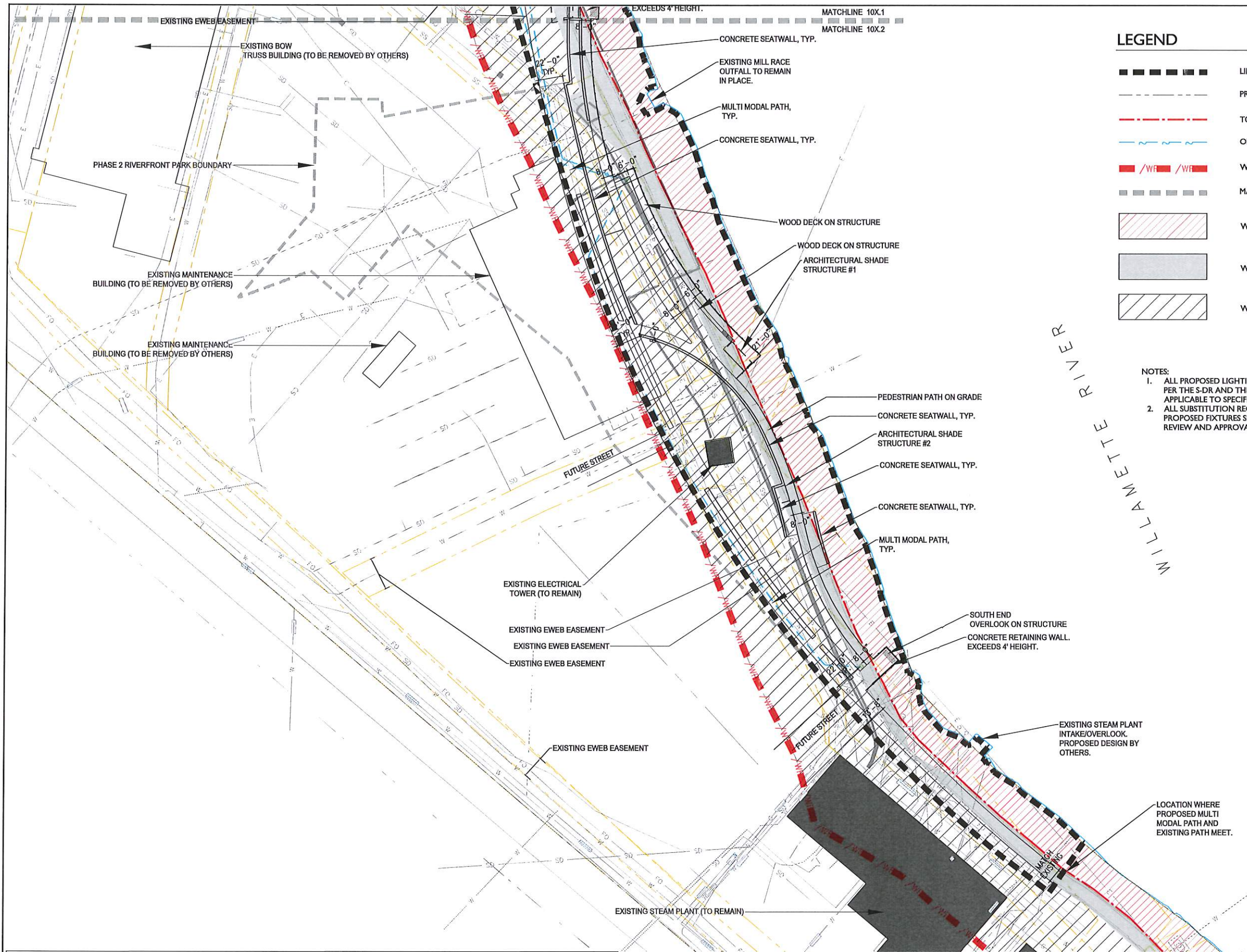
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1201 Oak Street, Suite 100
Eugene, OR 97401
O: 541.684.4902
F: 541.684.4909
www.kpff.com

WALKER | MACY
111 SW Oak Street, SUITE 200
PORTLAND, OR. 97204
503-228-3122

REGISTERED
588
Chadwick
OREGON
LANDSCAPE ARCHITECT

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

File: F:\WORK\13435.01 - Eugene Riverfront Park\Draw\Plots\WR Overlay Standards review application\WR_Late Package\13435_WR 102_General Site Plan.dwg TAB:WR102.2
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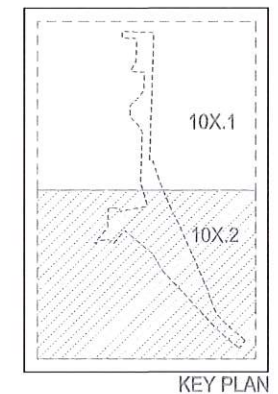
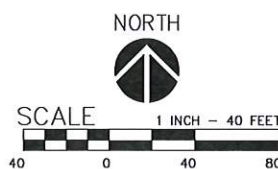


LEGEND

	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

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NOT FOR CONSTRUCTION

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

SHEET NO.
**WR
102.2**



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

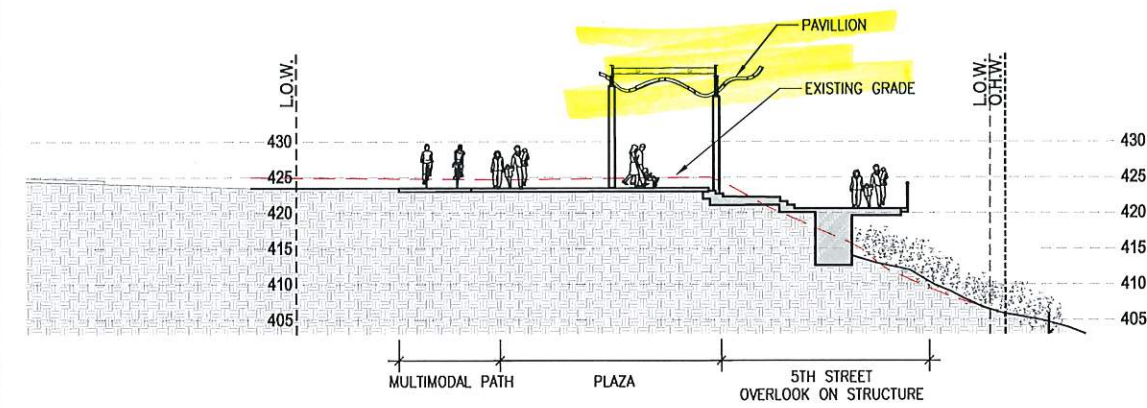


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503-228-3122

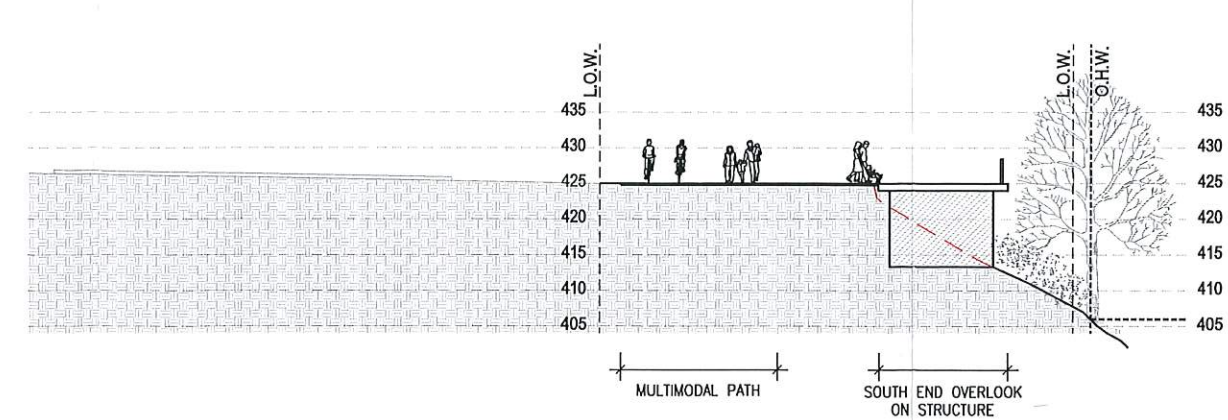


WATER RESOURCE CONSERVATION OVERLAY ZONE- STANDARDS REVIEW APPLICATION - 04/05/2019

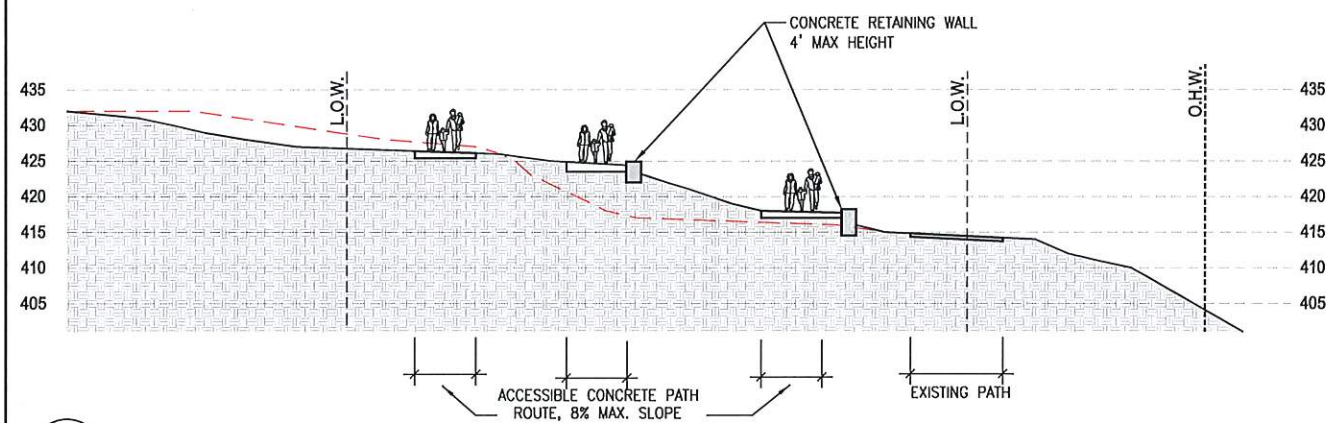
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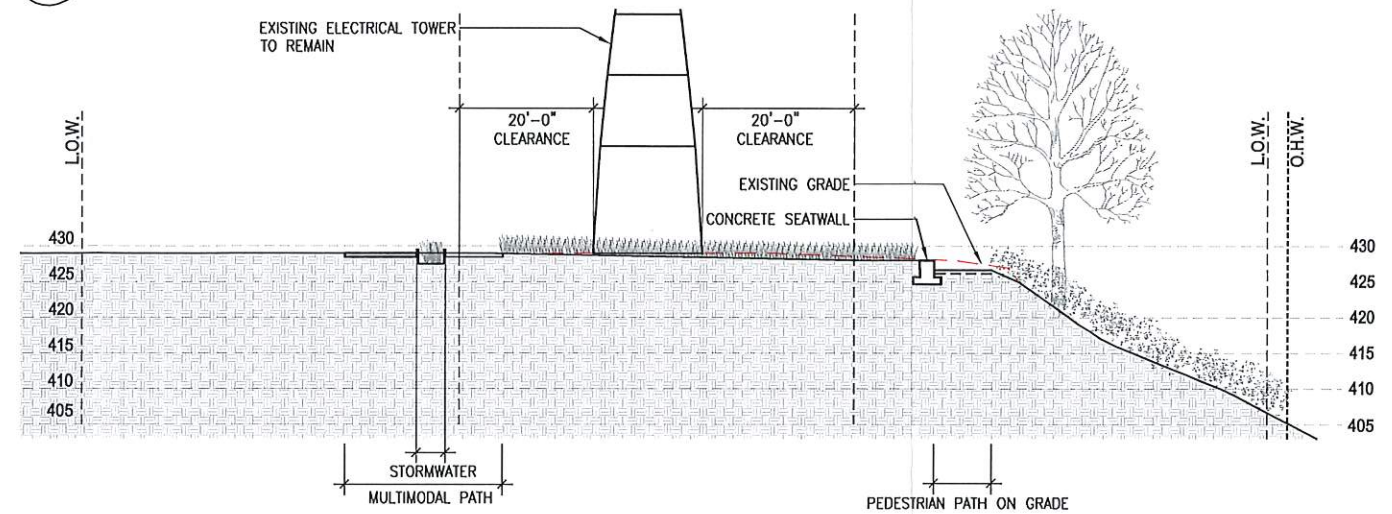
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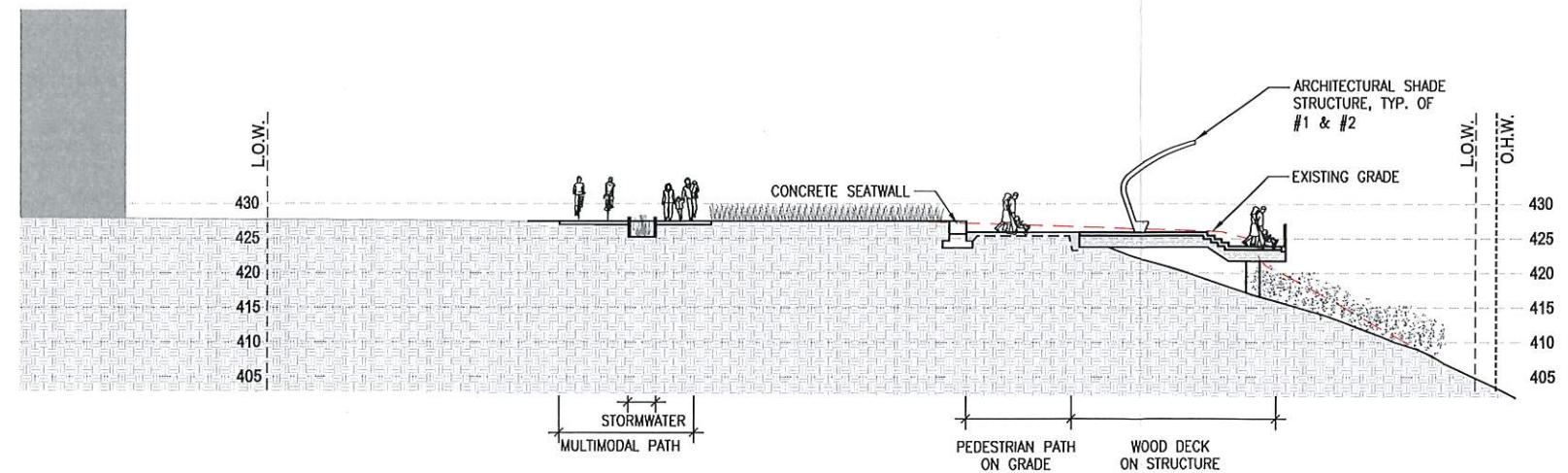
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5 SECTION E
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2 SECTION B
1"=1'-0"



3 SECTION C
1"=1'-0"

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

kpff

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NOT FOR CONSTRUCTION

DOWNTOWN RIVERFRONT PARK
W/R OVERLAY ZONE
STANDARDS REVIEW APPLICATION

SITE SECTIONS

SHEET NO.
**WR
105.1**

ORDINANCE NO. _____

AN ORDINANCE CLARIFYING RELATIONSHIP BETWEEN APPROVED RIVERFRONT PARK PERMIT AND S-DR DOWNTOWN RIVERFRONT CODE; AMENDING SECTION 9.3155 OF THE EUGENE CODE, 1971; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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.

Section 3. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary to enable construction of the proposed art pavilion along with the upcoming construction of the Riverfront Park's 5th Avenue overlook.

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



Action: 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 27, 2020
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

The purpose of this agenda item is council action regarding the adoption of the proposed ordinance extending Comcast's cable television franchise agreement until December 31, 2021. A public hearing on this Ordinance was held April 13, 2020. There was no testimony. 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, and also 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 the table of negotiation issues, many of which had been tentatively agreed upon. However, two major hurdles remained unresolved:

April 27, 2020, Meeting – Item5

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 provision. Comcast rejected the edits.

2. On September 25, 2018, the Federal Communications Commission (FCC) 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 five-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.

[Special 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

1. Adopt the Ordinance as proposed.
2. Adopt the Ordinance with modifications as determined by the City Council.
3. Deny the adoption of the Ordinance.
4. Take no action.

Option 1, adopting the ordinance as proposed, will extend the cable franchise term until December 31, 2021, without a lapse, and allow time for staff to receive additional information about the financial impacts of potential franchise fee offsets and FCC actions, and allow time for the parties to complete negotiations. For Options 3 and 4, the franchise would expire on June 30, 2020, and while the franchise might possibly be construed as continuing on a month-to-month informal basis, a formal extension is the preferred course. Staff believe Option 1 would provide the best opportunity for a clear path to continued and informed negotiations of a new 10-year franchise.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the City Council adopt the Ordinance.

SUGGESTED MOTION

I move to adopt an Ordinance extending the term of Ordinance No. 19775 and Ordinance No. 20397 granting to Comcast of Oregon II Inc., a franchise for the operation of a cable telecommunications system.

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
Section	Issue	Comcast Proposal	LFA Response
			Current Status
Section 10(5) deleted	Public, Education, Government (PEG) channel fees	Delete; duplicative language	OK
Section 10(5) deleted	Comcast to pay LFA's financial and legal fees	Delete	OK
Section 10(8)	Pass through rates; LFA proposed new language addressing pass through rates	Delete	Keep calculation,
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 pre-empt Section 12. Eugene office to remain open during term of franchise.
Section 13.1(7)	Certification of annual report	Allow certification to be done by Comcast, not independent CPA	No, retain the independent review
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.
Section 16(2)(c)(iv) removed	Summary of FCC regs	Remove requirement to summarize new FCC regs in annual report.	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

<u>Miscellaneous</u>	<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	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		

ATTACHMENT B

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing and Action: Resolution Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020

Meeting Date: April 27, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 6
Staff Contact: Liz Butterfield
Contact Telephone Number: 541-682-5512

ISSUE STATEMENT

City Council approval of the second Supplemental Budget (SB2) for Fiscal Year 2019-2020 (FY20) is requested. Oregon Local Budget Law (ORS 294.471) allows for supplemental budgets in the event of “an occurrence or condition that is not ascertained when preparing the original budget or a previous supplemental budget for the current year or current budget period and that requires a change in financial planning.” ORS 294.471 also allows for a supplemental budget if there are “funds that are made available by another unit of federal, state or local government and the availability of which could not reasonably be foreseen when preparing the original budget.” This Supplemental Budget does not authorize any increase in the property tax levy and has been published in compliance with the Oregon Local Budget Law.

BACKGROUND

The purpose of this Supplemental Budget is to provide the appropriation authority necessary to move forward with the infrastructure improvements related the Downtown Riverfront redevelopment.

The City Council and Agency Board have been working on this redevelopment project for several years. The project has been advanced with considerable public input and was on a timeline to accomplish significant improvements prior to the 2021 World Championships, which have been rescheduled to the summer of 2022. The park and infrastructure are still on a timeline to be completed by summer of 2021, but other parts will take longer to complete than originally contemplated.

The Downtown Riverfront redevelopment includes the creation of a world-class public park along the waterfront and a high-quality, multi-use riverfront development that reflects the community’s vision, provides economic and housing opportunities, promotes compact urban development, and enhances natural resources. The infrastructure package includes construction of the necessary streets and related infrastructure (including storm water, street trees, sidewalks, pedestrian lighting, utilities, etc.) to provide public access to the Downtown Riverfront Park and enable the development plan to become a reality. The infrastructure project will be completed in two phases,

April 27, 2020, Meeting – Item6

with the majority of the work planned to occur in 2020 (starting in May), and phase two to be completed next year (2021).

This supplemental budget includes several items related to the Downtown Riverfront for funding to allow the infrastructure project to move forward this coming spring and summer. There is a companion supplemental budget for the Urban Renewal Agency that also includes appropriations for that project.

The funding plan includes several pieces:

- Issuance of bonds that will be repaid from future tax increment revenues in the Riverfront Urban Renewal District, through the termination date of the district (6/30/2024);
- Reallocating budget authority that was dedicated to paying for the plaza, but is now to be used to install phase one of the infrastructure;
- Pausing the River Loans program and redirecting non-tax increment revenue to this project;
- Selling property under the redevelopment agreement; and
- Interim funding in the form of loans from the City to the Agency two of the assessment funds.

The total project is estimated to cost \$13.5 million, based on construction bids that were received on April 9. Together with funds that had already been budgeted for the infrastructure project and redirecting the plaza budget to this project, there is \$5.9 million of additional appropriation included on this supplemental budget to fully fund the phase 1 infrastructure plus the costs of issuing the debt.

The portions of this funding approach for phase one of the infrastructure that are included on the City's supplemental budget are:

1. Issuance of \$12 million of City full faith and credit bonds to pay for the project, and transfer of those bond proceeds to the Urban Renewal Agency; and
2. \$2 million of loans from the Special Assessment Management Fund (\$0.6 million) and the Special Assessments Capital Projects Fund (\$1.4 million) to the Urban Renewal Agency.

Repayment of the loans from the assessment funds could occur within the next several years, depending on direction from the Agency Board. The funds to repay the loans will come from the Agency's sale of one or more of the lots. The order in which those sale proceeds get allocated will be policy decision made by the Agency Board. The Agency Board could choose, for example, to prioritize repayment of the loans, or alternatively could use sale proceeds first to move the Steam Plant project, the plaza or some other action forward and then repay the loans. It is intended that the loans will be repaid without interest.

The authorization for issuing bonds for this project is currently anticipated for Council action in May, with a closing on the transaction to occur prior to the end of FY20.

A detailed description of the supplemental budget transactions is provided in Attachment A.

PREVIOUS COUNCIL/AGENCY BOARD DIRECTION

[July 9, 2018, Work Session](#)

Agency Board authorized the Agency Director to approve a disposition and development agreement consistent with the terms included in Attachment B [of that AIS], which included the City's construction and management of the publicly owned, 1-acre plaza (in addition to 3- acre Riverfront Park).

[April 15, 2019, Work Session](#)

Agency Board a) authorized the use of \$8 million of Riverfront Urban Renewal funds for the park and \$4 million for the plaza, and b) directed the Agency Director to come back to discuss funding strategies for other potential projects within the Riverfront Urban Renewal District.

[October 14, 2019, City Council Work Session](#)

The City Council received an update on Urban Renewal Projects in both districts.

[October 28, 2019, Agency Board Work Session](#)

Agency Board asked for staff to come back with more information on affordable housing, steam plant, plaza, and parking.

COUNCIL OPTIONS

Council can either adopt or not adopt the resolution. If the resolution is not adopted, the infrastructure project cannot move forward.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the resolution.

SUGGESTED MOTION

Move to adopt Resolution 5293 adopting a Supplemental Budget; making appropriations for the City of Eugene for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

ATTACHMENTS

- A. Transaction Summary
- B. Resolution

FOR MORE INFORMATION

Staff Contact: Liz Butterfield
Telephone: 541-682-5512
Staff E-Mail: EButterfield@eugene-or.gov

110 Special Assessments Management Fund

	FY20 Adopted	FY20 SB1 Action	FY20 SB2 Action	FY20 Revised
I. RESOURCES				
BEGINNING WORKING CAPITAL	1,126,562	16,342	0	1,142,904
CHANGE TO WORKING CAPITAL				
REVENUE				
Charges for Services	47,400	0	0	47,400
Miscellaneous	32,800	0	0	32,800
Interfund Transfers	30,000	0	0	30,000
Special Payments	2,700	0	0	2,700
Total Revenue	112,900	0	0	112,900
TOTAL RESOURCES	1,239,462	16,342	0	1,255,804
II. REQUIREMENTS				
Department Operating				
Central Services	109,440	0	0	109,440
Total Department Operating	109,440	0	0	109,440
Non-Departmental				
Interfund Transfers	10,000	0	0	10,000
Special Payments	30,000	0	600,000 a	630,000
Reserve	50,000	0	0	50,000
Balance Available	1,040,022	16,342	(600,000) a	456,364
Total Non-Departmental	1,130,022	16,342	0	1,146,364
TOTAL REQUIREMENTS	1,239,462	16,342	0	1,255,804

110 Special Assessments Management Fund

a) **One-Time Funding Request:** Recognize interagency loan (\$600,000) to the Urban Renewal Agency to pay for the Downtown Riverfront Redevelopment Project until property sale proceeds are available. Decrease Balance Available by same amount.

230 Miscellaneous Debt Service Fund

	FY20 Adopted	FY20 SB1 Action	FY20 SB2 Action	FY20 Revised
I. RESOURCES				
BEGINNING WORKING CAPITAL	0	0	0	0
CHANGE TO WORKING CAPITAL				
REVENUE				
Other Financing Sources	0	0	12,000,000 a,b	12,000,000
Total Revenue	0	0	12,000,000	12,000,000
TOTAL RESOURCES	0	0	12,000,000	12,000,000
II. REQUIREMENTS				
Non-Departmental				
Special Payments	0	0	12,000,000 b	12,000,000
Total Non-Departmental	0	0	12,000,000	12,000,000
TOTAL REQUIREMENTS	0	0	12,000,000	12,000,000

230 Miscellaneous Debt Service Fund

- a) **Fund Creation:** To create a new reporting fund to account for the payment of debt that is not accounted for in another debt service fund.
- b) **New Revenues:** Recognize funds coming from the sale of City of Eugene Full Faith & Credit Bonds to fund Downtown Riverfront Redevelopment Project. Proceeds provided to the Urban Renewal Agency to pay for the Downtown Riverfront Redevelopment project under an intergovernmental agreement.

350 Special Assessment Capital Projects Fund

	FY20 Adopted	FY20 SB1 Action	FY20 SB2 Action	FY20 Revised
I. RESOURCES				
BEGINNING WORKING CAPITAL	1,404,735	18,427	0	1,423,162
CHANGE TO WORKING CAPITAL				
REVENUE				
Miscellaneous	40,194	0	0	40,194
Total Revenue	40,194	0	0	40,194
TOTAL RESOURCES	1,444,929	18,427	0	1,463,356
II. REQUIREMENTS				
Non-Departmental				
Interfund Transfers	20,000	0	0	20,000
Special Payments	0	0	1,400,000 a	1,400,000
Balance Available	1,424,929	18,427	(1,400,000) a	43,356
Total Non-Departmental	1,444,929	18,427	0	1,463,356
TOTAL REQUIREMENTS	1,444,929	18,427	0	1,463,356

350 Special Assessment Capital Projects Fund

a) **One-Time Funding Request:** Recognize interagency loan (\$1,400,000) to the Urban Renewal Agency to pay for the Downtown Riverfront Redevelopment Project until property sale proceeds are available. Decrease Balance Available by same amount.

Resolution Number 5293

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET;
MAKING APPROPRIATIONS FOR THE CITY OF EUGENE
FOR THE FISCAL YEAR BEGINNING JULY 1, 2019,
AND ENDING JUNE 30, 2020.**

The City Council of the City of Eugene finds that Adopting the Supplemental Budget and Making Appropriations is necessary under ORS 294.471.

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.

That the Supplemental Budget for the City of Eugene, Oregon, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as set forth in attached Exhibit A is hereby adopted.

Section 2.

The supplemental amounts for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and for the purposes shown in attached Exhibit A are hereby appropriated.

Section 3.

That this Supplemental Budget is prepared in accordance with ORS 294.471(1), which authorizes the formulation of a supplemental budget resulting from "An occurrence or condition that is not ascertained when preparing the original budget or a previous supplemental budget for the current year or current budget period and that requires a change in financial planning." This Supplemental Budget was published in accordance with ORS 294.471(3).

Section 4.

This resolution complies with ORS 294.471(4), and does not authorize an increase in the levy of property taxes above the amount in the Adopted Budget publication.

Section 5.

This supplemental budget includes a loan from the City to the Urban Renewal Agency in the amount of \$2 million. The source of the loan is assessment funds. The purpose of the loan is to provide funding to pay for the Downtown Riverfront Redevelopment project until property sale proceeds are received.

City Recorder

EXHIBIT A

Amounts
in dollars

SPECIAL ASSESSMENT MANAGEMENT FUND

Non-Departmental

* Balance Available	(600,000)
Special Payments	600,000

Total Non-Departmental	0
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TOTAL SPECIAL ASSESSMENT MANAGEMENT FUND	0
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MISCELLANEOUS DEBT SERVICE FUND

Non-Departmental

Special Payments	12,000,000
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Total Non-Departmental	12,000,000
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TOTAL MISCELLANEOUS DEBT SERVICE FUND	12,000,000
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SPECIAL ASSESSMENTS CAPITAL PROJECTS FUND

Non-Departmental

* Balance Available	(1,400,000)
Special Payments	1,400,000

Total Non-Departmental	0
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TOTAL SPECIAL ASSESSMENTS CAP. PROJECTS FUND	0
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TOTAL REQUIREMENTS - ALL FUNDS	12,000,000
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* Balance Available is not appropriated for spending and is shown for informational purposes only.

EUGENE URBAN RENEWAL AGENCY

AGENDA ITEM SUMMARY



Public Hearing and Action: Resolution Adopting a Supplemental Budget; Making Appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year Beginning July 1, 2019, and Ending June 30, 2020

Meeting Date: April 27, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 7
Staff Contact: Liz Butterfield
Contact Telephone Number: 541-682-5512

ISSUE STATEMENT

Urban Renewal Agency (Agency) Board approval of the second Supplemental Budget (SB2) for Fiscal Year 2020 (FY20) is requested. Oregon Local Budget Law (ORS 294.471) allows for supplemental budgets in the event of "An occurrence or condition that is not ascertained when preparing the original budget or a previous supplemental budget for the current year or current budget period and that requires a change in financial planning." ORS 294.471 also allows for a supplemental budget if there are "funds that are made available by another unit of federal, state or local government and the availability of which could not reasonably be foreseen when preparing the original budget or a previous supplemental budget for the current year or current budget period." This Supplemental Budget does not authorize any increase in the property tax levy and has been published in compliance with the Oregon Local Budget Law.

BACKGROUND

The purpose of this Supplemental Budget is to provide the appropriation authority necessary to move forward with the infrastructure improvements related the Downtown Riverfront redevelopment.

The City Council and Agency Board have been working on this redevelopment project for several years. The project has been advanced with considerable public input and was on a timeline to accomplish significant improvements prior to the 2021 World Championships, which have been rescheduled to the summer of 2022. The park and infrastructure are still on a timeline to be completed by summer of 2021, but other parts will take longer to complete than originally contemplated.

Eugene's Downtown Riverfront redevelopment project includes the creation of a world-class public park along the waterfront and a high-quality, multi-use riverfront development that reflects the community's vision, provides economic and housing opportunities, promotes compact urban development, and enhances natural resources. The infrastructure package includes construction of the necessary streets and related infrastructure (including storm water, street trees, sidewalks, pedestrian lighting, utilities, etc.) to provide public access to the Downtown Riverfront Park and enable the development plan to become a reality. The infrastructure project will be split into two

phases, with the majority of the work planned to occur in 2020 (starting in May), and phase two to be completed next year (2021).

This supplemental budget includes several items related to the Downtown Riverfront for funding to allow the infrastructure project to move forward this coming spring and summer. There is a companion supplemental budget for the City that also includes appropriations for that project.

The funding plan includes several pieces:

- Issuance of bonds that will be repaid from future tax increment revenues, through the termination date of the district (6/30/2024);
- Reallocating budget authority that was dedicated to paying for the plaza, but is now to be used to install the base infrastructure;
- Pausing the River Loans program and redirecting non-tax increment revenue to this project;
- Selling property under the redevelopment agreement; and
- Interim funding in the form of loans from the City to the Agency from two of the assessment funds.

The total project is estimated to cost \$13.5 million, based on construction bids that were received on April 9. Together with funds that had already been budgeted for the infrastructure project and redirecting the plaza budget to this project, there is \$5.9 million of additional appropriation included on this supplemental budget to fully fund the phase 1 infrastructure plus the costs of issuing the debt.

The portions of this funding approach for phase one of the infrastructure that are included on the Agency's supplemental budget are:

1. Receipt of \$12 million of bond proceeds from the City, offset by reductions in Interfund Transfers and Miscellaneous Revenue that were previously budgeted in anticipation of issuance of these bonds;
2. Receipt of \$2 million of loans from the City;
3. Reallocation of \$3.75 million of funding from the plaza project to the infrastructure project;
4. Increase of \$5.9 million of spending to fully fund the infrastructure project and cover the costs of debt issuance (estimated at \$170,000).

In addition, the supplemental budget includes \$85,774 for a project that the City is constructing for which EWEB is providing the funding.

Repayment of the loans from the assessment funds could occur within the next several years, depending on direction from the Agency Board. The funds to repay the loans will come from the Agency's sale of one or more of the lots. The order in which those sale proceeds get allocated will be policy decision made by the Agency Board. The Agency Board could choose, for example, to prioritize repayment of the loans, or alternatively could use sale proceeds first to move the Steam Plant project, the plaza or some other action forward and then repay the loans. It is intended that the loans will be repaid without interest.

A detailed description of these transactions is provided in Attachment A.

PREVIOUS COUNCIL/AGENCY BOARD DIRECTION

[July 9, 2018, Work Session](#)

Agency Board authorized the Agency Director to approve a disposition and development agreement consistent with the terms included in Attachment B [of that AIS], which included the City's construction and management of the publicly owned, 1-acre plaza (in addition to 3- acre Riverfront Park).

[April 15, 2019, Work Session](#)

Agency Board a) authorized the use of \$8 million of Riverfront Urban Renewal funds for the park and \$4 million for the plaza, and b) directed the Agency Director to come back to discuss funding strategies for other potential projects within the Riverfront Urban Renewal District.

[October 14, 2019, City Council Work Session](#)

The City Council received an update on Urban Renewal Projects in both districts.

[October 28, 2019, Agency Board Work Session](#)

Agency Board asked for staff to come back with more information on affordable housing, steam plant, plaza, and parking.

AGENCY BOARD OPTIONS

The Agency Board can either adopt or not adopt the resolution. If the resolution is not adopted, the infrastructure project cannot move forward.

AGENCY MANAGER'S RECOMMENDATION

The Agency Manager recommends adopting the resolution.

SUGGESTED MOTION

Move to adopt Resolution 1093 adopting a Supplemental Budget; making appropriations for the Urban Renewal Agency of the City of Eugene for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

ATTACHMENTS

- A. Transaction Summary
- B. Resolution

FOR MORE INFORMATION

Staff Contact: Liz Butterfield
Telephone: 541-682-5512
Staff E-Mail: EButterfield@eugene-or.gov

823 Urban Renewal Agency Riverfront Capital Projects Fund

	FY20 Adopted	FY20 SB1 Action	FY20 SB2 Action		FY20 Revised
I. RESOURCES					
BEGINNING WORKING CAPITAL	7,918,636	(1,093,463)	0		6,825,173
CHANGE TO WORKING CAPITAL					
REVENUE					
Intergovernmental	0	0	12,085,774	a	12,085,774
Miscellaneous	10,257,000	0	(5,112,860)	b	5,144,140
Interfund Transfers	4,300,000	1,300,000	(3,100,000)	b	2,500,000
Other	0	0	2,000,000	a	2,000,000
Total Revenue	14,557,000	1,300,000	5,872,914		21,729,914
TOTAL RESOURCES	22,475,636	206,537	5,872,914		28,555,087
II. REQUIREMENTS					
Capital Projects					
Capital Projects	15,100,000	1,300,000	5,872,914	b	22,272,914
Capital Carryover	4,055,563	(1,118,407)	0		2,937,156
Total Capital Projects	19,155,563	181,593	5,872,914		25,210,070
Non-Departmental					
Interfund Transfers	3,203,333	0	0		3,203,333
Balance Available	116,740	24,944	0		141,684
Total Non-Departmental	3,320,073	24,944	0		3,345,017
TOTAL REQUIREMENTS	22,475,636	206,537	5,872,914		28,555,087

823 Urban Renewal Agency Riverfront Capital Projects Fund

a) New Revenue: Recognize \$12 million received from the City's sale of full faith and credit bonds. Recognize funding provided by EWEB (\$85,774) for project Agency is constructing on behalf of EWEB. Increase Other to recognize interagency loan (\$2,000,000).

b) Revenue Adjustments: Reduction in Miscellaneous revenue due to receipt of proceeds from the City's full faith and credit bonds to be issued in FY20. Reduction in interfund transfer of program revenue (\$3,100,000) that is not needed at this time for the same reason.

c) Appropriation Adjustments: Reallocation of appropriations from the plaza project (\$3,750,000) to pay for the phase one infrastructure package. Increase in appropriations of \$5,872,914 to pay for the balance of the phase one infrastructure package.

824 Urban Renewal Agency Riverfront Program Revenue Fund

	FY20 Adopted	FY20 SB1 Action	FY20 SB2 Action	FY20 Revised
I. RESOURCES				
BEGINNING WORKING CAPITAL	3,253,279	10,766	0	3,264,045
CHANGE TO WORKING CAPITAL				
REVENUE				
Interfund Transfers	3,203,333	0	0	3,203,333
Miscellaneous	81,000	0	0	81,000
Total Revenue	3,284,333	0	0	3,284,333
TOTAL RESOURCES	6,537,612	10,766	0	6,548,378
II. REQUIREMENTS				
Non-Departmental				
Interfund Transfers	1,800,000	1,300,000	(3,100,000) a	0
Special Payments	1,000,000	10,766	0	1,010,766
Balance Available	3,737,612	(1,300,000)	3,100,000 a	5,537,612
Total Non-Departmental	6,537,612	10,766	0	6,548,378
TOTAL REQUIREMENTS	6,537,612	10,766	0	6,548,378

824 Urban Renewal Agency Riverfront Revenue Fund

a) Appropriation Adjustments: Interfund transfer of program revenue (\$3,100,000) not needed at this time due to receipt of proceeds from City sale of full faith and credit bonds to be issued in FY20. Increase in Balance Available by same amount.

Resolution Number 1093

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET;
MAKING APPROPRIATIONS FOR THE URBAN RENEWAL AGENCY
OF THE CITY OF EUGENE
FOR THE FISCAL YEAR BEGINNING JULY 1, 2019,
AND ENDING JUNE 30, 2020.**

The Urban Renewal Agency of the City of Eugene finds that adopting the Supplemental Budget and making appropriations is necessary under ORS 294.471.

NOW THEREFORE,

BE IT RESOLVED BY THE URBAN RENEWAL AGENCY OF THE CITY OF EUGENE as follows:

Section 1.

That the Supplemental Budget for the Urban Renewal Agency of the City of Eugene, Oregon, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as set forth in attached Exhibit A is hereby adopted.

Section 2.

The supplemental amounts for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and for the purposes shown in attached Exhibit A are hereby appropriated.

Section 3.

That this Supplemental Budget is prepared in accordance with ORS 294.471(1), which authorizes the formulation of a supplemental budget resulting from "An occurrence or condition that is not ascertained when preparing the original budget or a previous supplemental budget for the current year or current budget period and that requires a change in financial planning." This Supplemental Budget was published in accordance with ORS 294.471(3).

Section 4.

This resolution complies with ORS 294.471(4), and does not authorize an increase in the levy of property taxes above the amount in the Annual Budget publication.

The foregoing resolution adopted this 27th day of April, 2020.

City Recorder

EXHIBIT A

Amounts
in dollars

URBAN RENEWAL AGENCY RIVERFRONT CAPITAL PROJECTS FUND

Capital Projects

Capital Projects	5,872,914
Total Capital Projects	5,872,914

TOTAL URA RIVERFRONT CAPITAL PROJECTS FUND	5,872,914
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URBAN RENEWAL AGENCY RIVERFRONT PROGRAM REVENUE FUND

Non-Departmental

Interfund Transfers	(3,100,000)
* Balance Available	3,100,000
Total Non-Departmental	0

TOTAL URA RIVERFRONT PROGRAM REVENUE	0
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TOTAL REQUIREMENTS - ALL FUNDS	5,872,914
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* Balance Available amounts are not appropriated for spending and are shown for informational purposes only.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing and Possible Action: An Ordinance Adopting Hazardous Substance User Fees and Providing for an Immediate Effective Date

Meeting Date: April 27, 2020
Department: Fire
www.eugene-or.gov

Agenda Item Number: 8
Staff Contact: James Lenhart
Contact Telephone Number: 541-682-7118

ISSUE STATEMENT

In accordance with provisions of Section 54, Article VII of the Eugene City Charter and Section 3.694 of the City Code, the cost of running the Eugene Toxics Right-to-Know Program must be fully funded by fees assessed to local manufacturing businesses that are hazardous substance users.

To support the program for the fiscal year July 1, 2020, through June 30, 2021 (FY21), the Toxics Board recommends that City Council adopt a fee of \$56.13 per full-time-equivalent employee, up to the maximum of \$2,000 per entity as provided by state law. The \$56.13 is a decrease of \$6.12 per FTE in comparison to last year's fee. Program staffing level is to continue at 90 percent, which will facilitate staff time spent on implementing a comprehensive audit process of businesses currently in the program to ensure accuracy of reporting hazardous substance use and reporting FTE employees, continuing to identify businesses that meet the program requirements, and improving outreach to the public and businesses that report under the program.

To comply with Charter requirements, the fees should be adopted and effective before May 1st. Therefore, this item is scheduled for public hearing and possible action at a single meeting and provides for an immediate effective date. *The unanimous consent of the City Council is required for the council to enact this ordinance following the public hearing. The affirmative vote of two-thirds of the council is required for an effective date less than 30 days after enactment of the ordinance.*

Due to current circumstances and the strain placed on many businesses by the COVID-19 pandemic, staff is proposing a grace period for businesses required to pay the Hazardous Substance User Fee. Even though the fees take effect and is technically due May 1st, the proposed fee ordinance is drafted to provide that the City will not take any enforcement action for failure to pay the fee until after June 30, 2020.

BACKGROUND

Each year, beginning in 1998, council has approved fees to support the Eugene Toxics Right-to-Know Program, first by resolution, and later by ordinance due to changes in state law. Throughout the life of this program, the City has always assessed fees based on the number of persons employed by businesses required to be in the program. This is because the City is prohibited by state law from charging fees based on the quantity of chemicals used.

April 27, 2020, Meeting – Item 8

Until 2004, the methodology was to poll businesses at the beginning of each calendar year and ask them to calculate and report their FTE for the preceding calendar year, then divide the program's revenue requirement for the upcoming fiscal year by the total number of FTE reported, and bill accordingly.

In 2004, a state-imposed fee cap of \$2,000 per entity took effect (in accordance with ORS 453.370(2)(b)). Since that time, businesses are still polled for their FTE figures, the program's revenue requirement is still divided by the total number of FTE reported, and businesses are still billed accordingly, with payment due May 1 each year as provided by the Charter. Additionally, the state-imposed fee cap of \$2,000 per entity is taken into account. However, because of the state-imposed fee cap, those with a high number of FTE now pay a smaller amount per FTE to support the program. This has resulted in fee reductions for larger businesses, and fee increases for businesses that have not reached the \$2,000 state-imposed fee cap. To date, efforts to address this perceived inequity, both locally and before the State Legislature, have been unsuccessful. Therefore, the recommendation before council at this time is to adopt a similar fee, similarly calculated, to those adopted in each of the past fourteen years.

It is important to note that the state-imposed fee cap of \$2,000 per entity has remained the same since taking effect in 2004. This state-imposed fee cap, coupled with rising program costs as well as inflation (all of which are beyond the Toxics Board's scope of control), have created a very serious structural funding issue for the program.

In a continued effort to balance the financial impact—especially for businesses that have not reached the \$2,000 state-imposed fee cap—with maintaining staffing at a reasonable level, the Toxics Board voted unanimously to recommend a fee of \$56.13 per FTE, which covers a budget of \$132,886.90 to support the program for FY21.

To calculate the fees for FY21, the total number of 4,796.398 FTE reported was used in conjunction with the revenue requirement of \$132,886.90; then considering the maximum of \$2,000 per entity as provided by state law, resulted in a fee of \$56.13 per FTE, up to the state-imposed fee cap of \$2,000 per entity. Compared to last year's fee of \$62.25 per FTE, this is a decrease of \$6.12 per FTE. Any business with more than 35.35 FTE would pay the state-imposed fee cap of \$2,000 per entity.

In consideration of the Triple Bottom Line, the Eugene Toxics Right-to-Know Program and the work of the Toxics Board supports valuing all people and assists City Council, staff and the public to be responsible stewards of our physical assets and natural resources.

Section 54, Article I of the City Charter reads as follows: *The people of Eugene do hereby find that:*

- A. Exposure to toxic chemicals can damage human health and the environment; and*
- B. Citizens have a fundamental right to know the identity and amounts of toxic chemicals that are released into the workplaces, air, water, soil, and environment of their community.*

The Eugene Toxics Right-to-Know Program requires businesses who meet certain criteria to provide information to the public concerning the use and disposition of federally-listed hazardous substances. The program is overseen by the Toxics Board who makes policy recommendations

governing the program, and is authorized to enforce the reporting requirements and impose penalties. The Toxics Board is comprised of seven members: three members who are employed by or are agents of businesses required to report under the law; three who have a proven record of environmental advocacy; and one neutral member.

PREVIOUS COUNCIL DIRECTION

There has been no previous City Council direction on this year's Toxic User Fee. Previously, each year the City Council has passed an ordinance updating the user fee per the Toxics Right-to-Know Board's recommendations.

COUNCIL OPTIONS

1. Adopt the Ordinance as proposed at a single meeting, effective immediately.
2. Adopt the Ordinance at a single meeting with a 30 day effective date.
3. Not act on the Ordinance tonight, in which case action will be scheduled for a future council meeting.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1, adoption of the ordinance at a single meeting, with an immediate effective date.

SUGGESTED MOTION

Move to adopt Council Bill __an Ordinance Adopting Hazardous Substance User Fees and Providing for an Immediate Effective Date.

ATTACHMENTS

- A. Proposed ordinance
- B. Toxics Right-to-Know program workplan for the fiscal year commencing July 1, 2020
- C. Toxics Right-to-Know program user fee history document

FOR MORE INFORMATION

Staff Contact: James Lenhart
Telephone: 541-682-7118
Staff E-Mail: jlenhart@eugene-or.gov

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING HAZARDOUS SUBSTANCE USER FEES
AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

The City Council of the City of Eugene finds that:

A. Pursuant to Article VII of Amendment IV to the Eugene Charter of 2002 (the “Amendment”), the City Council has previously adopted a series of Resolutions and Ordinances establishing fees to be paid by hazardous substance users within the City with the most recent being Ordinance No. 20612.

B. In accordance with other requirements of the Amendment, the City Council, by ordinance, has adopted the City’s Hazardous Substance Tracking Instructions, which provide guidance to hazardous substance users in completing and submitting the reports required by the Amendment.

C. Pursuant to ORS 453.370(2)(a), the City must adopt the hazardous substance user fee schedule via ordinance after notice and public hearing. The City published and posted notice of the public hearing to be held on April 27, 2020, concerning the proposed ordinance adopting hazardous substance user fees, and such hearing was held before the Eugene City Council on that date.

D. Pursuant to ORS 453.370(2)(b), the City cannot adopt a fee schedule that imposes a fee of more than \$2,000 for any single facility in any calendar year.

E. The Toxics Board has recommended a fee of \$56.13 per FTE, not to exceed \$2,000 for any single facility for the 2020 calendar year, in order to cover the expenses of the program for the fiscal year commencing July 1, 2020.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. A fee of \$56.13 per FTE, not to exceed \$2,000 for any single facility for the 2020 calendar year, is hereby imposed as the fee to be paid by hazardous substance users within the City of Eugene.

Section 2. No enforcement action shall be taken against any reporting company for failure to pay until after June 30, 2020.

Section 3. As used in this Ordinance, the terms “FTE” and “hazardous substance users” have the meanings ascribed to them in Section 3.692 of the Eugene Code, 1971.

Section 4. The fees collected pursuant to this Ordinance shall be used for the purpose of operating the Toxics Right-to-Know Program created by Amendment IV to the Eugene Charter of 2002 and implemented by subsequent ordinances of the City.

Section 5. Pursuant to Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the City Council and approval by the Mayor. An immediate effective date is necessary to ensure the City's updated hazardous substance user fees are effective prior to May 1, 2019, as required by Eugene Code section 3.694 and Article VII of Amendment IV to the Eugene Charter of 2002.

Passed by the City Council this

27th day of April, 2020.

Approved by the Mayor this

_____ day of April, 2020.

City Recorder

Mayor

TOXICS RIGHT-TO-KNOW WORKPLAN

Fiscal Year '21

James Lenhart

Program Manager, City of Eugene
1320 Willamette St., Eugene, OR 97401

Introduction

The Toxics Right-to-Know Program started in 1996 by amendment to the Eugene City Charter. The Program was created to facilitate the collection and distribution of information related to the use and disposition of federally listed hazardous substances, by qualifying businesses. Since 1998 the program has been funded through the assessment of fees paid by businesses which are: physically located within the Eugene city limits, use any quantity of listed hazardous substances, have at least 10 full time equivalent (FTE) employees, and operate within the #2,000-3,999 SIC codes.

Each section of the workplan as a summary, a list of general tasks, and an estimate of staff time allotment. Tasks are grouped by similarity and by synergy (a decrease in time spent on one can lead to an increase in another). Due to the interaction between tasks the time allotment is given by section.

For fiscal year '21, the Workplan has been created with a 90/10 split of staffing between the Toxics Program and Eugene Springfield Fire Marshal's Office. The Toxics Program will fully fund ninety percent (90%) of staffing personnel costs (e.g. wages, benefits, taxes) and receive a direct proportional amount of staff time over the course of the fiscal year. The remaining ten percent (10%) will be funded by and time allotted to special projects as assigned by the Fire Marshal's Office.

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Budget, Fees, & Workplan

The Program facilitates the annual requirement for the Toxics Board to recommend a program fee schedule to the City Council. The Program develops: the annual budget with the Fire Administration, annual Workplan with the Fire Marshal's Office and Toxics Board, and a fee schedule for the Toxics Board approval. The workplan and budget are utilized as supporting documentation for the proposed annual fee schedule. By charter mandate the fee schedule is to fully fund the program through collected fees.

1. Facilitate process to assist Toxics Board recommend the annual hazardous substance user fees.¹
2. Work with Fire Chief and the Toxics Board to develop a work plan and facilitate process to provide recommendation to City Manager and City Council for adoption as part of the annual hazardous substance user fee.²
3. Facilitate process to assist City Council approve the annual hazardous substance user fees; and Prepare and submit necessary paperwork and attend associated City Council Public Hearings and Meetings.³

Estimated Budget, Fees, & Workplan Total = 5%

¹ Article VI, Section 6.2.B.1

² Article VI, Section 6.3

³ Article VII, Section 7.A

Education, Outreach & PR

Providing orientations and educational sessions with new businesses and board members along with informational presentations to community members is a critical element of the program. By ensuring full understanding of the scope and purpose of the program, businesses are more likely to comply with the mandate of the program.

1. Maintain content on the Toxics Board and Toxics Program's webpages.⁴
2. Provide an orientation of the Toxics Program for new Toxics Board members, manufacturing business representatives, environmental justice and advocacy representatives and interested members of the public.⁴
3. Build and maintain good working relationships between the Toxics Program Manager and Toxics Board members, the manufacturing business community, the environmental justice and advocacy community and other program stakeholders.⁴
4. Conduct public education and outreach efforts to increase transparency, understanding and awareness of the program; including issue news releases to keep the media and community informed; collaborate with the University of Oregon and Oregon State University, and to provide graduate students with internship opportunities; hold ongoing informational work sessions to give businesses and the community opportunities to learn and ask questions about the program, and provide feedback; Monitor the Toxics Board's email box, and facilitate responses accordingly.⁴
5. Add a rating system (such as HMIS) to the Toxics Program website in FY21 to improve public and industry hazard understanding.

Estimated Education, Outreach, & PR Total = 17%

⁴ Necessary to support charter amendment

Compliance and Auditing

As much as possible, the program attempts to proactively encourage compliance. Through proper guidance and education, provided to businesses within the program, coupled with auditing of submitted data the need for more extreme activities from non-compliance has been kept to a minimum. The charter mandated activities, for when a business is non-compliant, have been budgeted at under 1% of program staff time since they are on an as needed basis and rarely needed.

1. Work with businesses in the program to assist them in successfully meeting Charter Amendment hazardous substance reporting requirements and Charter mandated deadline of April 1st: including providing information and assistance.⁵
2. Report to the Fire Marshal the names of any hazardous substance users in non-compliance with hazardous materials balance reports requirements.⁶
3. Publish names of non-complying entities in the daily newspaper.⁷
4. Investigate evidence of reports not filed in compliance with the Charter Amendment.⁸
5. Audit the accuracy of hazardous materials balance reports for the Fire Marshal: including follow-up work with businesses to assist them in reconciling errors accurately (site audits are permitted, not required); Conduct site visits of newly-identified businesses as part of Toxics Program representative orientation; Work with Toxics Board to update procedure to implement a more comprehensive audit process, including cross-referencing data reported under other programs.⁹
6. Work with businesses in the program to assist them in reporting FTE, which the annual fee is based upon; Work with Toxics Board to implement procedure to verify accuracy of number of reported FTE; Perform data entry, print and send invoices to businesses in the program; and Assist businesses in the program meeting the Charter-mandated deadline of May 1st for payment of invoices.¹⁰
7. Enforce reporting requirements and impose penalties for noncompliance.¹¹
8. Order non-complying repeat offenders to cease and desist using hazardous substances in the City of Eugene.¹²
9. Members of the Public: Petition the Toxics Board against hazardous substance users or persons for failure to comply with the Charter Amendment.¹³

Estimated Compliance & Auditing Total = 25%

⁵ Article IV, Section 4

⁶ Article VI, Section 6.2.C

⁷ Article VI, Section 6.2.D

⁸ Article VI, Section 6.2.E

⁹ Article VI, Section 6.2.F

¹⁰ Article VII, Section 7.A

¹¹ Article VIII, Section 8.1

¹² Article VII Section 8.2.E

¹³ Article VIII, Section 8.3

Program Management

Beyond the previous sections there are many tasks that must be completed to maintain an effective and efficient program. The Program operates in a balance between needs of the Board, facilitating the program mandates, and needs of the Fire Marshal's Office. Annual reporting, process evaluation and improvement, program research, and much more must take place for the program to operate and optimum efficacy.

1. Facilitate process to assist Toxics Board provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems; and work with Information Technology staff to build or purchase a more efficient records and data management program/system.¹⁴
2. Collaborate with other City staff and community organizations on relevant citywide projects and processes (e.g.: participate as a member of the Lane County Local Emergency Planning Committee (LEPC); participate in the Envision Eugene planning process).¹⁵
3. Facilitate process to assist Toxics Board make hazardous materials balance reports available at the Eugene Public Library.¹⁶
4. Facilitate process to help Toxics Board file an annual report on the effectiveness of the program, and any recommendations for improvements: including preparing draft report for Toxics Board review, edits and approval, and submitting to City Council on the Toxics Board's behalf.¹⁷
5. Monitor applicable Federal regulatory program websites and state program databases to keep related local program information current and accurate.¹⁵
6. Conduct inventory processes to identify covered entities and implement processes and procedures to proactively identify covered entities in the future because with each business that is successfully identified, it extends the financial burden across industry more fairly and equitably and lowers the cost per full-time equivalent (FTE) employee and the cost to smaller businesses.¹⁵
7. Conduct ongoing continuous improvement program and process analyses and make recommendations to Toxics Board for improvements as necessary.¹⁵

Estimated Program Management Total = 32%

¹⁴ Article IV, Section 4

¹⁵ Necessary to support charter amendment

¹⁶ Article V, Section 5.1.F

¹⁷ Article VI, Section 6.2.B.3

Board Support

A critical element of the program operations is to support the Toxics Right-to-Know Board to facilitate effective operation. The Program facilitates: communication of recommendations from the Board to the City Council and City Manager, posting and filling of Board vacancies, coordination of Board meetings, and other special projects as developed by the Board.

1. Facilitate process to ensure Toxics Board members are appointed; including filling vacancies on the Toxics Board due to mid-term resignations; Prepare and submit necessary paperwork and attend City Council Public Hearings and Meetings for new Toxics Board member candidate interviews and appointments.¹⁸
2. Facilitate process to assist City Council enact reasonable ordinances necessary for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board (not already specifically shown above).¹⁹
3. Facilitate Toxics Board meetings and completion of projects and processes to ensure compliance with the Charter Amendment (including Toxics Board meeting preparation, attendance and follow-up).²⁰
4. Facilitate process to assist the Toxics Board recommend and the City Manager conduct Administrative Rule processes for updates to the Hazardous Substance Tracking Instructions and List of Reportable Chemicals; and Publish and distribute Hazardous Substance Tracking Instructions and List of Reportable Chemicals to reporting businesses in the program; publish corresponding Citizen Guide.²⁰

Estimated Board Support Total = 11%

Fire Marshal's Office Projects

When 100% of the staffing allotment is not planned to be utilized by the Toxics Program, the remainder is funded and utilized by the Fire Marshal's Office. This time can be utilized for special projects on an as needed basis to support the mission of the Fire Marshal's Office and the Eugene Springfield Fire Department as a whole.

Fire Marshal's Office Projects Total = 10%

¹⁸ Article VI, Section 6.1

¹⁹ Article X, Section 10

²⁰ Necessary to support charter amendment.

Appendix A – Program Task Matrix

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT		STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Charter Mandate – Article VI, Section 6.2.B.1 and Article VII, Section 7.B: Toxics Board: Recommend annual hazardous substance user fees		Facilitate process to assist Toxics Board recommend the annual hazardous substance user fees	2%	Budget, Fees, & Workplan #1
Charter Mandate – Article VI, Section 6.3: City Manager: Work with the Toxics Board jointly to determine the appropriate support services for the program		Work with Fire Chief and the Toxics Board to develop a work plan, and facilitate process to provide recommendation to City Manager and City Council for adoption as part of the annual hazardous substance user fee	2%	Budget, Fees, & Workplan #2
Charter Mandate – Article VII, Section 7.B: City Council: Approve and amend as necessary annual hazardous substance user fees		Facilitate process to assist City Council approve the annual hazardous substance user fees; and Prepare and submit necessary paperwork and attend associated City Council Public Hearings and Meetings	1%	Budget, Fees, & Workplan #3
Necessary to Support Charter Amendment		Maintain content on the Toxics Board and Toxics Program's webpages	2%	Education, Outreach, & PR #1
Necessary to Support Charter Amendment		Provide an orientation of the Toxics Program for new Toxics Board members, manufacturing business representatives, environmental justice and advocacy representatives and interested members of the public	3%	Education, Outreach, & PR #2
Necessary to Support Charter Amendment		Build and maintain good working relationships between the Toxics Program Manager and Toxics Board members, the manufacturing business community, the environmental justice and advocacy community and other program stakeholders	3%	Education, Outreach, & PR #3
Necessary to Support Charter Amendment		Conduct public education and outreach efforts to increase transparency, understanding and awareness of the program; including issue news releases to keep the media and community informed; collaborate with the University of Oregon and Oregon State University, and to provide graduate students with internship opportunities; hold ongoing informational work sessions to give businesses and the community opportunities to learn and ask questions about the program, and provide feedback; Monitor the Toxics Board's email box, and facilitate responses accordingly	9%	Education, Outreach, & PR #4
Charter Mandate – Article IV, Section 4: Hazardous Substance Users: File annual, public, hazardous materials balance report; and File a signed declaration certifying that the hazardous materials balance reports filed are accurate and complete		Work with businesses in the program to assist them in successfully meeting Charter Amendment hazardous substance reporting requirements and Charter-mandated deadline of April 1 st ; including providing information and assistance	12%	Compliance and Auditing #1
Charter Mandate – Article VI, Section 6.2.C: Toxics Board: Report to the Fire Marshal the names of any hazardous substance users in non-compliance with hazardous materials balance reports requirements		Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #2

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT		STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Charter Mandate – Article VI, Section 6.2.D: Toxics Board: Publish names of non-complying entities in the daily newspaper		Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #3
Charter Mandate – Article VI, Section 6.2.E: City Fire Marshal: Investigate evidence of reports not filed in compliance with the Charter Amendment		Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #4
Charter Mandate – Article VI, Section 6.2.F: City Fire Marshal: Audit the accuracy of the reporting processes of each hazardous substance user in an order such that all hazardous substance users are audited in a random order at least once every three years		Audit the accuracy of hazardous materials balance reports for the Fire Marshal: including follow-up work with businesses to assist them in reconciling errors accurately (site audits are permitted, not required); Conduct site visits of newly-identified businesses as part of Toxics Program representative orientation; Work with Toxics Board to update procedure to implement a more comprehensive audit process, including cross-referencing data reported under other programs	9%	Compliance and Auditing #5
Charter Mandate – Article VII, Section 7.A and Article VII, Section 7.C: Hazardous Substance Users: Pay an annual fee to cover program expenses		Work with businesses in the program to assist them in reporting FTE, which the annual fee is based upon; Work with Toxics Board to implement procedure to verify accuracy of number of reported FTE; Perform data entry, print and send invoices to businesses in the program; and Assist businesses in the program meeting the Charter-mandated deadline of May 1 st for payment of invoices	3%	Compliance and Auditing #6
Charter Mandate – Article VIII, Section 8.1: Toxics Board: Enforce reporting requirements and impose penalties for noncompliance		Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #7
Charter Mandate – Article VIII, Section 8.2.E: City Manager: Order non-complying repeat offenders to cease and desist using hazardous substances in the City of Eugene		Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	<1%	Compliance and Auditing #8
Charter Mandate – Article VIII, Section 8.3: Members of the Public: Petition the Toxics Board against hazardous substance users or persons for failure to comply with the Charter Amendment		Percentage of staff time is currently zero because historically, this situation has not occurred; however, if it were to occur, staff time would need to be reallocated accordingly to manage the process	<1%	Compliance and Auditing #9
Charter Mandate – Article V, Section 5.1.C and Article VI, Section 6.2.A: Toxics Board: Provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems		Percentage of staff time is currently zero because online data entry system for hazardous materials balance reports has been developed and implemented	<1%	Program Management #1
Necessary to Support Charter Amendment		Facilitate process to assist Toxics Board provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems; and work with	9%	Program Management #1

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT		STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
		Information Technology staff to build or purchase a more efficient records and data management program/system		
Necessary to Support Charter Amendment		Collaborate with other City staff and community organizations on relevant citywide projects and processes (e.g.: participate as a member of the Lane County Local Emergency Planning Committee (LEPC); participate in the Envision Eugene planning process)	1%	Program Management #2
Charter Mandate – Article V, Section 5.1.F: Toxics Board: Make hazardous materials balance reports available at the Eugene Public Library for seven years		Facilitate process to assist Toxics Board make hazardous materials balance reports available at the Eugene Public Library	1%	Program Management #3
Charter Mandate – Article VI, Section 6.2.B.3: Toxics Board: File an annual report on the effectiveness of the program, and any recommendations for improvements		Facilitate process to help Toxics Board file an annual report on the effectiveness of the program, and any recommendations for improvements: including preparing draft report for Toxics Board review, edits and approval, and submitting to City Council on the Toxics Board's behalf	1%	Program Management #4
Necessary to Support Charter Amendment		Monitor applicable Federal regulatory program websites and state program databases to keep related local program information current and accurate	1%	Program Management #5
Necessary to Support Charter Amendment		Conduct inventory processes to identify covered entities, and implement processes and procedures to proactively identify covered entities in the future because with each business that is successfully identified, it extends the financial burden across industry more fairly and equitably and lowers the cost per full-time equivalent (FTE) employee and the cost to smaller businesses	13%	Program Management #6
Necessary to Support Charter Amendment		Facilitate Toxics Board meetings and completion of projects and processes to ensure compliance with the Charter Amendment (including Toxics Board meeting preparation, attendance and follow-up); and Conduct ongoing continuous improvement program and process analyses, and make recommendations to Toxics Board for improvements as necessary	6% 6%	Program Management #7 Board Support #3
Charter Mandate – Article VI, Section 6.1: City Council: Appoint Toxics Board members		Facilitate process to ensure Toxics Board members are appointed; including filling vacancies on the Toxics Board due to mid-term resignations; Prepare and submit necessary paperwork and attend City Council Public Hearings and Meetings for new Toxics Board member candidate interviews and appointments	3%	Board Support #1
Charter Mandate – Article X, Section 10: City Council: Enact reasonable ordinances necessary and proper for carrying into execution the provisions of the Charter		Facilitate process to assist City Council enact reasonable ordinances necessary for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board (not already specifically shown above)	1%	Board Support #2

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT				APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Amendment upon recommendation of the Toxics Board					
Necessary to Support Charter Amendment	Facilitate process to assist the Toxics Board recommend and the City Manager conduct Administrative Rule processes for updates to the Hazardous Substance Tracking Instructions and List of Reportable Chemicals; and Publish and distribute Hazardous Substance Tracking Instructions and List of Reportable Chemicals to reporting businesses in the program; publish corresponding Citizen Guide	1%	Board Support #4		
	TOTAL APPROXIMATE % OF STAFF TIME	90%			



Program Fee History

November 1996 Eugene City Charter, Section 54, Amendment IV adopted (Section 54, Amendment IV, Article VII, Section 7(D)). For the fiscal year 1997 and 1998 – The program was supported by the City of Eugene’s General Fund in accordance with the Eugene City Charter (Section 54, Amendment IV, Article VII, Section 7(D)).

- ❖ 1998 fee -- \$500/facility + \$16.12/FTE (Charged to reporting businesses)¹
- ❖ 1999 fee -- \$500/facility + \$7.92/FTE (Charged to reporting businesses)²
- ❖ 2000 fee -- \$14.310/FTE³
- ❖ 2001 fee -- \$12.540/FTE
- ❖ 2002 fee -- \$10.790/FTE
- ❖ 2003 fee -- \$13.920/FTE
- ❖ 2004 fee -- \$31.650/FTE up to \$2,000⁴
- ❖ 2005 fee -- \$30.940/FTE up to \$2,000
- ❖ 2006 fee -- \$31.300/FTE up to \$2,000
- ❖ 2007 fee -- \$37.380/FTE up to \$2,000
- ❖ 2008 fee -- \$46.200/FTE up to \$2,000
- ❖ 2009 fee -- \$52.380/FTE up to \$2,000
- ❖ 2010 fee -- \$55.480/FTE up to \$2,000
- ❖ 2011 fee -- \$53.340/FTE up to \$2,000
- ❖ 2012 fee -- \$79.000/FTE up to \$2,000
- ❖ 2013 fee -- \$82.690/FTE up to \$2,000
- ❖ 2014 fee -- \$56.750/FTE up to \$2,000
- ❖ 2015 fee -- \$56.080/FTE up to \$2,000
- ❖ 2016 fee -- \$48.290/FTE up to \$2,000
- ❖ 2017 fee -- \$63.120/FTE up to \$2,000
- ❖ 2018 fee -- \$65.430/FTE up to \$2,000
- ❖ 2019 fee -- \$62.230/FTE up to \$2,000
- ❖ [PROPOSED] 2020 fee -- \$56.13/FTE up to \$2,000

¹ Beginning spring 1998, program is supported by fees assessed each spring, per the City Charter. This continues to be the case.

² Because of the 05/05/99 Oregon Court of Appeals decision, all fees paid in 1998 and 1999 were refunded; due to the City assessing fees based on quantity.

³ In 2000 an additional class of businesses that did not meet the 2,640-pound reporting threshold but did meet the other three criteria to be considered hazardous substance users. This class of businesses are categorized as non-reporting businesses under the program. From then all fees were assessed to both reporting and non-reporting businesses.

⁴ State-imposed fee cap of \$2,000 per facility took effect 7/1/03 (ORS 453.370(2)(b)).

