



Eugene City Council

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Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

September 28, 2020

7:30 p.m. CITY COUNCIL MEETING

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

**Meeting of September 28, 2020;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Emily Semple, President
Mike Clark
Chris Pryor
Betty Taylor

Jennifer Yeh, Vice President
Greg Evans
Claire Syrett
Alan Zelenka

7:30 p.m. CITY COUNCIL MEETING

1. COMMITTEE REPORTS AND ITEMS OF INTEREST

2. CONSENT CALENDAR 1

A. Approval of City Council Minutes

September 14, 2020, Meeting

September 21, 2020, Public Hearing

B. Approval of City Council Tentative Agenda

3. PUBLIC FORUM

4. ACTION: An Ordinance Concerning Short-Term Rental Registration; Amending Section 3.005 of the Eugene Code, 1971; and Adding Section 3.350 to That Code

5. ACTION: An Ordinance Extending the Term of Ordinance No. 20170 Granting to Northwest Natural Gas Company, a Corporation, a Non-Exclusive Natural Gas Franchise, to May 11, 2021

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: September 28, 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 public hearing on September 21 and the meeting on September 14.

ATTACHMENTS

- A. September 14, 2020, Meeting Minutes
- B. September 21, 2020, Public Hearing 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

September 14, 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 September 14, 2020, meeting of the Eugene City Council in a virtual format.

1. COMMITTEE REPORTS AND ITEMS OF INTEREST

Council Discussion

- Councilor Semple – shared information about her health following a serious car accident, noting she planned to listen in on the meeting.
- Councilor Taylor – expressed concern that many people are just one unexpected expense away from being homeless.
- Councilor Syrett – shared information about the resources available on the Lane Regional Air Protection Agency’s website related to the fire and air quality conditions; said she volunteered at an emergency distribution center and noted there are other opportunities for people to get involved in the relief efforts; said the person nominated by Mayor Vinis to fill the Police Commission vacancy will be an excellent addition to that advisory group; supported a moratorium on evictions.
- Mayor Vinis – shared Councilor Syrett’s enthusiasm for the Police Commission appointee, noting his relevant experience and eagerness to engage in this important work; said the prior week had been a very difficult one and the work to recover is far from over; stated the homeless crisis is growing and the City continues to work hard with its partners on solutions, recognizing that a more robust plan and more shelter space is needed.

2. CONSENT CALENDAR 1

- A. Approval of City Council Minutes
 - July 15, 2020, Work Session
 - July 20, 2020, Work Session
 - July 20, 2020, Public Hearing
 - July 22, 2020, Work Session
 - July 27, 2020, Work Session
 - July 27, 2020, Meeting
- B. Approval of City Council Tentative Agenda
- C. Appointment to Police Commission

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

3. PUBLIC FORUM

- 1. Joshua Korn – voiced concern that more 5G towers are being erected and they are not a legal height.
- 2. Marianne Senhouse – expressed disappointment with the City’s smoke/air quality response.

3. Jen Smith – asked why the parks sweeps were still happening, noting the homeless need protection.
4. Lin Woodrich – thanked councilors Evans and Syrett for their involvement with Bethel area issues.
5. Katrina – voiced concern about the health of the homeless; discussed the impact of Covid restrictions.
6. Tyler Stewart – said the City must act immediately to assist the homeless and provide shelter.
7. Matthew Yook – discussed the economic impacts of Covid; suggested using schools for shelter.
8. Isiah Wagner – said that more needs to be done to provide shelter; it is a moral issue.
9. Sarah Astra – said the community is demanding the abolition of police; imagined a new world.
10. Erin Grady – said the City’s response to the fire conditions was inadequate.
11. Haley Wilson – expressed concern that there are no resources for a shelter.

Council Discussion

- Councilor Zelenka – sympathized with those expressing frustration about the lack of shelter; said that most viable facilities are not owned by the City; encouraged people to also contact the County and school districts; noted that Covid protections must be maintained.
- Councilor Yeh – requested help from everyone in getting the word out about existing shelter resources; shared that the Police Commission is addressing policies related to the use of teargas and pepper balls.
- Councilor Evans – thanked Lin Woodrich for the opportunity to participate in the Active Bethel Citizens workshop on race and equity; encouraged other neighborhood associations to offer something similar.
- Councilor Taylor – inquired about the City’s response to allegations that the 5G installations are illegal.
- City Manager Medary – shared information about what the City is doing in response to the fire and smoke conditions.

4. CONSENT CALENDAR 1

A. Adoption of a Resolution Annexing Land to the City of Eugene (Assessor’s Map 17-04-11-13; Tax Lot 1900; Located at 3060 River Road) (City File: Peace Presbyterian Church; A 20-2)

MOTION AND VOTE: Councilor Semple, seconded by Councilor Yeh, moved to approve the item on the Consent Calendar 2. **PASSED 8:0.**

The meeting adjourned at 8:23 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

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

MINUTES
Eugene City Council
Virtual Meeting
Eugene, Oregon 97401

September 21, 2020
7:30 p.m.

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

Mayor Vinis opened the July 20, 2020, meeting of the Eugene City Council.

1. PUBLIC HEARING: An Ordinance Concerning Digital Sign Code, Amending Sections 9.0500, 9.6610, 9.6615, 9.6620, 9.6630, 9.6635, 9.6640, 9.6645, 9.6650, 9.6655, 9.6660, 9.6665, 9.6670, 9.6675, and 9.6680 of the Eugene Code, 1971, and Providing an Effective Date. (City File CA 20-2).

Mayor Vinis opened the Public Hearing.

1. John Barofsky –on behalf of the Planning Commission (PC), noted concerns with the proposal.
2. Tiffany Edwards –expressed support for Vision Zero goals; shared the focus of PC deliberations.
3. Brittany Quick-Warner – supported updating the sign code to allow for digital billboards.
4. Aaron Noteboom – supported the amendment as a member of the outdoor advertising industry.
5. Brian Casady – supported the amendment; requested changing dwell time to eight seconds.
6. Christie Hill – expressed support for the amendment as a representative of the industry.
7. Claire Roth – shared concerns about the dangers of distracted driving and roadside ads.
8. James Carpentier – supported digital signs for institutional uses with appropriate oversight.

Mayor Vinis closed the Public Hearing.

Council Discussion

- Councilor Clark – asked for anecdotal information on safety near existing readerboards.

2. PUBLIC HEARING: An Ordinance Amending the Eugene-Springfield Metropolitan Area General Plan Diagram and the Willakenzie Area Plan Diagram to Redesignate the Property Identified as Assessor's Map 17-03-16-41, Tax Lots 201, 300 And 400 and Assessor's Map 17-09-16-44, Tax Lots 400 and 800 from Campus Industrial to Light Medium Industrial and Rezone the Property from E-1 Campus Employment to E-2 Mixed Use Employment

Councilors Clark, Yeh, and Evans disclosed that they had met with the applicant but it would not affect their ability to remain impartial about the issue.

Mayor Vinis opened the Public Hearing.

1. Phil Speers – shared his company's plans for the site where rezoning was being requested, noting that the development would include EV capability and provide good jobs.
2. Brittany Quick-Warner – expressed the Chamber of Commerce's support for the proposal.

Mayor Vinis closed the public hearing.

- Councilor Syrett - disclosed that she had also met with the applicant, but it would not affect her ability to remain impartial about the issue.

3. PUBLIC HEARING: 1059 Willamette Street Redevelopment

Mayor Vinis opened the public hearing.

1. Brittany Quick-Warner – supported the redevelopment proposal and the use of urban renewal funds.
2. Pete Knox – shared the Downtown Neighborhood Association’s support for the development and advocated for more low-income housing.

Mayor Vinis closed the public hearing.

4. PUBLIC HEARING: An Ordinance Extending the Term of Ordinance No. 20170 Granting to Northwest Natural Gas Company, a Corporation, a Non-Exclusive Natural Gas Franchise, to May 11, 2021

Mayor Vinis opened the public hearing.

1. Kathryn Williams – shared NW Natural’s commitment to climate action; supported the extension.
2. Zach Mulholland – read a resolution requesting City action on adopted gas reduction goals.
3. James Neu – supported phasing out natural gas use; said NW Natural is not being honest.
4. Betzi Hitz – discussed the dangers of fracked gas; supported letting the agreement expire.
5. Douglas Bovee – opposed the burning of fossil fuels; discussed impacts of leaking methane.

The meeting adjourned at 8:37 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Beth Forrest)

Webcast of meeting available [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: September 28, 2020
Department: Central Services
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 September 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>.

September 2020						
Date	Day	Time	Title		Length	Dept. Contact
26-Sep	Saturday	9 am	City Council Goals Workshop			Sarah Medary
Expected absences for 9/26: none			NOTE: Workshop Added			
28-Sep	Monday	5:30 p.m.	 Commercial Setbacks (Work Session)	45 mins	Chad Cramer, PDD	
			 City Manager Evaluation Process (Work Session)	45 mins	Sarah Medary	
		7:30 pm	 Committee Reports and Items of Interest		Lydia Bishop, PDD	
			 Public Forum			
			 Ordinance on Short-Term Rentals (Action)		Ethan Nelson, CS	
			 Ordinance Extending NW Natural Franchise Agreement (Action)			
Expected absences for 9-28: none						
30-Sep	Wednesday	12 pm	 1059 Willamette Street Redevelopment (Work Session and Action)	35 mins	Amanda D’Souza, PDD	
			 URA-1059 Willamette Street Redevelopment (Action)	10 mins	Amanda D’Souza, PDD	
			 Homeless Services (Work Session)	45 mins	Brooke Freed, CS	
Expected absences for 9-30: none						



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest

CC Agenda Ceremonial Matters



Pledge of Allegiance

October 2020						
Date	Day	Time	Title		Length	Dept. Contact
12-Oct	Monday	5:30 pm	 Urban Reserves Options (Work Session and Action)	45 mins	Rebecca Gershow, PDD	
			 UPS Enterprise Zone Extension Request (Work Session)	45 mins	Amanda D’Souza, PDD	
		7:30 pm	 Committee Reports and Items of Interest		Dan Halverson, PDD	
			 Public Forum			
 Airport Master Plan (Action)						
 Ordinance on Sheppard Motors Metro Plan Amend. /Zone Change (Action)	Jeff Gepper, PDD					
			 Ordinance on Digital Sign Code (Action)		Jenessa Draovich, PDD	
Expected absences for 10/12: none						
14-Oct	Wednesday	12 pm	 Joint Meeting with Lane County on TAC Implementation (Work Session)	90 mins	Sarai Johnson	
Expected absences for 10/14: none						
19-Oct	Monday	5:30 pm <i>(scheduled as needed)</i>	 Community Safety Initiative Workshops Update (Work Session)	45 mins	Mike Kinnison, CS	
			 TBD (Work Session)			
		7:30 pm	 Ordinance on Land Use Regulation Extending the Expiration Dates for Certain Land Use Approvals (Public Hearing)		Jeff Gepper, PDD	
 URA -Resolution Adopting FY21 Supplemental Budget (PH and Action)	Elizabeth Butterfield, CS					
Expected absences for 10/19: none						
21-Oct	Wednesday	12 pm	 URA Riverfront Urban Renewal Follow-Up (Work Session)	45 mins	Amanda Nobel, PDD	
			 Housing Status as a Protected Class (Work Session)	45 mins	Michael Kinnison, CS	
Expected absences for 10/21: none						

26-Oct	Monday	5:30 p.m.	 Human Rights Commission Annual Report (Work Session)	45 mins	Fabio Andrade, CS
			 Sustainability Commission Annual Report (Work Session)	45 mins	Samantha Roberts, CS
		7:30 pm	 Committee Reports and Items of Interest  Public Forum  Ordinance on Land Use Regulation Extending the Expiration Dates for Certain Land Use Approvals (Action)		Jeff Gepper, PDD

Expected absences for 10/26: none

28-Oct	Wednesday	12 pm	 Ambulance Transport Fund and Ground Emergency Medical Transportation Update (Work Session)	45 mins	Chief Heppel, Fire
			 TBD (Work Session)	45 mins	

Expected absences for 10/28: none

November 2020					
Date	Day	Time	Title	Length	Dept. Contact
9-Nov	Monday	5:30 pm	 Growth Monitoring Update (Work Session)	45 mins	Heather O'Donnell, PDD
			 TBD (Work Session)	45 mins	

9-Nov	Monday	7:30 pm	 Committee Reports and Items of Interest  Public Forum		
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Expected absences for 11/9: none

11-Nov	Wednesday	12 pm	Veterans Day – no meeting		
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Expected absences for 11-11: none

16-Nov	Monday	5:30 pm <i>(scheduled as needed)</i>	 Civilian Review Board Annual Report (Work Session)	45 mins	Mark Gissiner, PA
			 Police Auditor Update (Work Session)	45 mins	Mark Gissiner, PA
		7:30 pm	 Ordinance on Downtown Urban Renewal Amendment for Farmers Market Public Hearing (Public Hearing)		Josh Berman, PDD

Expected absences for 11/16: none

18-Nov	Wednesday	12 pm	 River Road/Santa Clara Neighborhood Plan Update (Work Session)	45 mins	Chelsea Hartman, PDD
			 Naming Policy (Work Session)	45 mins	Jason Dedrick, CS
Expected absences for 11/18: none					
23-Nov	Monday	5:30 p.m.	 Ordinance on Downtown Urban Renewal Amendment for Farmers Market Public Hearing (Work Session)	45 mins	Josh Berman, PDD
			 TBD (Work Session)	45 mins	
		7:30 pm	 Committee Reports and Items of Interest  Public Forum		
Expected absences for 11/23: none					
25-Nov	Wednesday	12 pm	Schedule only as needed		
Expected absences for 11/25: none					

December 2020						
Date	Day	Time	Title		Length	Dept. Contact
9-Dec	Wednesday	12 pm	 CAP2.0 Update (Work Session)	45 mins	Chelsea Clinton, CS	
			 TBD (Work Session)	45 mins		
Expected absences for 12/9: none						
14-Dec	Monday	5:30 pm	 TBD (Work Session)	45 mins		
			 TBD (Work Session)	45 mins		
		7:30 pm	 Committee Reports and Items of Interest		Finn Cronin, CS	
			 Resolution Acknowledging Receipt of FY20 Comprehensive Annual Financial Report (Consent Calendar 1)			
			 Public Forum			
			 URA - Resolution Acknowledging Receipt of the FY20 URA Annual Financial Report (Action)			
 URA-Resolution Adopting Supplemental Budget 2		Finn Cronin, CS				

			 (Public Hearing and Action)  Resolution Adopting Supplemental Budget (Public Hearing and Action)  Ordinance on Downtown Urban Renewal Amendment for Farmers Market Public Hearing (Action)		Elizabeth Butterfield, CS Elizabeth Butterfield, CS Josh Berman, PDD
<i>Expected absences for 12/14: none</i>					
16-Dec	Wednesday	12 pm	 TBD (Work Session)  TBD (Work Session)	45 mins 45 mins	
<i>Expected absences for 12/16: none</i>					

Council Break: December 17 – January 6

 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>action scheduled 10/12</i>	Pryor	2/14/19
5G/Small Cell – include experience of other cities – <i>follow-up TBD</i>	Clark	5/20/19
Expansion of Downtown Urban Renewal District	Evans	12/19/19
“Housing Status” as a Protected Class – <i>scheduled 10/21</i>	Sample	03/12/20
Flexible Emergency Loan Fund for Small Businesses	Evans	04/23/20
Equity in Community Engagement	Yeh	08/06/20
City of Eugene Construction Projects Local Stimulus Package	Zelenka	08/13/20
Follow-Up Work Sessions to be Scheduled		
TAC Implementation – <i>ongoing</i>		
Commercial Setbacks – <i>scheduled 9/28</i>		
Naming Policy – <i>scheduled 11/18</i>		

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: September 28, 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 Concerning Short-Term Rental Registration;
Amending Section 3.005 of the Eugene Code, 1971; and Adding Section
3.350 to That Code

Meeting Date: September 28, 2020
Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Lydia Bishop
Contact Telephone Number: 541-682-5482

ISSUE STATEMENT

This meeting is an opportunity for the Eugene City Council to act on an ordinance (Attachment A) requiring annual registration for short-term rentals in Eugene. The registration process will collect the address of the short-term rental (STR), determine whether it is owner occupied, and obtain a local contact number.

BACKGROUND

The Eugene City Council requested information on short term rentals and how they are regulated in other cities, which was first discussed on September 23, 2019. At that meeting, Council directed the City Manager to craft an ordinance incorporating several regulations for short-term rentals for a December 11, 2019 meeting. Prior to that meeting, Council heard from several STR owners/operators that there hadn't been a public process prior to drafting the preliminary ordinance. At the December 11, 2019 meeting, Council directed staff to slow the process and create an ad hoc committee to provide feedback to city staff about implementation of City policy regarding the regulation of short-term rentals in Eugene. Staff returned to Council on May 20, 2020 to share information on the public outreach and ad hoc committee process. After a robust discussion, Council directed staff to return for a public hearing on June 15, 2020 with an ordinance that included the provision for a license to be revoked and requiring information regarding whether the STR is owner-occupied and a local contact number. Also required was quarterly provision of information regarding rental dates, the number of nights stayed by each rental party, and the number of occupants per stay.

Council heard from 26 people at the hearing and dozens of others via email. While some supported the June 15, 2020 ordinance, the majority did not. There was a great deal of concern, primarily from STR owners and operators, about the proposal to require short-term rentals obtain a license. Many suggested that registration would be the more appropriate path to collect data and would not put a burden on the STR operators to keep a registry.

At the July 13, 2020 work session, Council discussed the public comment and various perspectives on regulating short-term rentals. One Councilor favored the original ordinance from December

Sept. 28, 2020, Meeting – Item 4

2019 which required a license and regulated several items not considered in the more recent ordinances, including a ban on short term rentals that were not owner occupied. Another Councilor felt that STRs should not be regulated at all. The majority of the Council agreed that licensing was not necessary at this time but were interested in collecting local data regarding STRs and providing a local contact so that neighbors would have the ability to contact someone regarding issues that usually occur after hours when code compliance staff are not available. Council directed the City Manager to bring back an ordinance requiring registration of short-term rentals.

The attached ordinance requires short-term rentals register annually, provide a local contact number, and requires the operator indicate whether the STR is owner occupied. Currently there is not a fee proposed for registration. Staff recommends that the program begin in January 1, 2021. This will provide time for staff to work with the Eugene Short Term Rental Association and our public information officers and others to communicate with STR owners and operators regarding the new requirement. Having a few months of lead time will help to get the majority of STRs currently operating to be registered.

PREVIOUS COUNCIL DIRECTION

[July 13, 2020, Work Session](#)

Council moved to direct the City Manager to return to act an ordinance requiring registration of short-term rentals.

MOTION: Councilor Semple, seconded by Councilor Yeh, moved to direct the City Manager to revise the June 15, 2020, ordinance to require short-term rentals to register annually and provide local contact information on the revised ordinance.

MOTION TO SUBSTITUTE: Councilor Taylor, moved to substitute with the original ordinance. No second was received.

VOTE ON MAIN MOTION: Passed 5:3, Councilors Zelenka, Clark and Taylor opposed.

[June 15, 2020, Public Hearing](#)

Council conducted a public hearing on an ordinance requiring short-term rentals obtain a business license, including an enforcement mechanism. While no specific motion was made, Council directed staff to return for another work session.

[May 20, 2020, Work Session](#)

Council received a report on the short-term rental ad hoc committee process and directed the City Manager to return for a public hearing.

MOTION: Councilor Zelenka, seconded by Councilor Semple, moved to direct the City Manager to prepare an ordinance and schedule a June public hearing and July action requiring short term rentals to obtain a license from the City with the only license requirement being the provision of information related to the STR (such as whether or not the STR is owner-occupied and a local contact number) and the quarterly provision of information regarding rental dates,

the number of nights stayed by each rental party, and the number of occupants per stay; and including an accountability mechanism and fee.

MOTION to SUBSTITUTE: Councilor Taylor moved to direct the City Manager to schedule a June public hearing and July action on the draft ordinance that was presented to Council on December 11, 2019. There was no second.

RESTATED MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Semple, moved to direct the City Manager to prepare an ordinance and schedule a June public hearing and July action requiring short term rentals to obtain a license from the City with the only license requirement being the provision of information related to the STR (such as whether or not the STR is owner-occupied and a local contact number) and the quarterly provision of information regarding rental dates, the number of nights stayed by each rental party, and the number of occupants per stay, and the ordinance including an enforceability mechanism and a fee to support the program.

VOTE: PASSED 7:1, Councilor Clark opposed.

[December 11, 2019, Work Session](#)

Council reviewed an ordinance requiring short-term rentals obtain a business license and directed the City Manager to slow down the process and create an ad hoc committee.

MOTION: Councilor Syrett, seconded by Councilor Clark, moved to direct the City Manager to create an ad hoc department advisory committee to make recommendations to City staff concerning the implementation of City policy regarding the regulation of short-term rentals. This committee should engage with local short-term rental hosts and owners who represent the variety of ways in which these short-term rentals are currently configured and provide opportunities for neighbors impacted by them to share their perspective on the topic. The recommendations generated through this process should be analyzed by staff and brought back to Council for further consideration. The input process will be completed by March 31, 2020, with action on the ordinance scheduled before the Council's summer break.

VOTE: PASSED 7:1 Councilor Taylor opposed.

[September 23, 2019, Work Session](#)

Council received information from staff on short term rentals and how they are regulated in other cities. Council directed the City Manager to return with an ordinance on short term rentals requiring them to obtain a business license.

MOTION: Councilor Taylor, seconded by Councilor Zelenka, moved to direct the City Manager to schedule a public hearing on an ordinance that amends Chapter 3 to add a short term rental licensure program and that includes as part of the licensure program at least the following items: 1) yearly license fee; 2) owner-occupancy requirement; 3) limit on the number of days a unit can be rented; 4) basis for license revocation, including number of complaints per calendar year; 5) minimum separation between short-term rentals; 6) inspection requirements; 7) requirements for on-line platforms to assist in regulations; and, 8) parking

Sept. 28, 2020, Meeting – Item 4

requirements.

MOTION TO AMEND AND VOTE: Councilor Clark, seconded by Councilor Semple, moved to remove 5) and 6) to keep on a better track. PASSED 5:3, Councilors Taylor, Zelenka, and Evans opposed.

VOTE ON AMENDED MOTION: PASSED 8:0

COUNCIL OPTIONS

1. Adopt the ordinance as attached to this Agenda Item Summary (AIS).
2. Direct the City Manager to schedule another work session for further Council discussion on this item.
3. Take no action at this time.

POSSIBLE MOTIONS

1. Move to adopt the proposed ordinance in Attachment A; An ordinance concerning short-term rental registration; Amending Section 3.005 of the Eugene Code, 1971; and adding section 3.350 to that Code.
2. Move to direct the City Manager to schedule another work session for further Council discussion of this item.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1.

ATTACHMENTS

- A. An Ordinance Concerning Short-Term Rental Registration; Amending Section 3.005 of the Eugene Code, 1971; and Adding Section 3.350 to That Code.

FOR MORE INFORMATION

Staff Contact: Lydia Bishop
Telephone: 541-682-5482
Staff E-Mail: lkaye@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE CONCERNING SHORT-TERM RENTAL REGISTRATION; AMENDING SECTION 3.005 OF THE EUGENE CODE, 1971; AND ADDING SECTION 3.350 TO THAT CODE.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.005 of the Eugene Code, 1971, is amended to add the following set of Definitions between the definitions for “Public Passenger Vehicles” and the definitions for “Solid Waste, Yard Debris and Recycling”:

Short-Term Rentals:

Owner. Any person who, alone or with others, has an ownership interest in a short-term rental or the tax lot on which the short-term rental is located. A person whose interest in a proposed short-term rental is solely that of a tenant, subtenant, lessee, or sublessee shall not be considered an owner.

Short-term rental. A dwelling unit, or portion of a dwelling unit, offered for overnight occupancy in exchange for a fee and that is available for rent for fewer than 30 consecutive days. For purposes of EC 8.410, “short-term rental” has the same meaning as “vacation dwelling.”

Transient lodging intermediary. A person or business, other than the owner of the short-term rental, that facilitates a short-term rental and either:

- (1) Charges for occupancy of the short-term rental;
- (2) Collects the consideration charged for the occupancy of the short-term rental; or
- (3) Receives a fee or commission and requires the owner of the short-term rental to use a specified third-party entity to collect the consideration charged for occupancy of the short-term rental.

Section 2. The following heading and Section 3.350 of the Eugene Code, 1971, are added to provide as follows:

Short-Term Rental

3.350 Short-Term Rental.

- (1) Short-term Rental Registration Requirements. No person or business may own a short-term rental in the City of Eugene without registering the short-term rental with the City.
 - (a) A registrant must provide all the required registration information, including but not limited to the street address of the short-term rental(s), a local contact name and phone number, and whether the short-term rental is owner-occupied. The provided information must be kept up to date.
 - (b) The registration required by section (1) must be annually renewed. At the time of annual renewal, the registrant must either update the registration information or affirm that all registration information is accurate and up to date.
- (2) Transient Room Tax. Transient room tax shall be collected and remitted to the city for each short-term rental, in coordination with transient lodging intermediary if utilized, as set forth in EC 3.770 through EC 3.804.
- (3) Registration Fee. A registration fee may be established by the city manager pursuant to section 2.020 of this code.

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

Passed by the City Council this

____ day of _____, 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. 20170 Granting to Northwest Natural Gas Company, a Corporation, a Non-Exclusive Natural Gas Franchise, to May 11, 2021.

Meeting Date: September 28, 2020
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Ethan Nelson
Contact Telephone Number: 541-682-5245

ISSUE STATEMENT

The City Council is scheduled to take action on an ordinance extending the Northwest Natural Gas Right of Way Franchise Agreement until May 11, 2021. Without the extension, the franchise agreement will expire on November 11, 2020. This ordinance would only extend the term of the franchise; all other current franchise terms and conditions would remain the same. A Public Hearing on the proposed ordinance was held on September 21, 2020.

BACKGROUND

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

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

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

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

Franchise Negotiation Update

At the July 29, 2020 Work Session, Council directed the City Manager to prepare an ordinance and schedule a public hearing in September 2020, to extend Northwest Natural

Sept. 28, 2020, Meeting – Item 5

Gas's Franchise Agreement for 6 months and to schedule a work session in early September 2020 for an update on the negotiations. The Agenda Item Summary from July 29th provides a chronological summary of negotiations to date.

As City staff stated during the September 9 Council Work Session, staff from the City and NWNG, including at times Executive Leadership, held four 2-hour meetings between the July 29th and September 9th Council meetings and have weekly 2-hour meetings scheduled through the fall. These meetings have been incredibly helpful to build deeper understanding between parties and set the tone for collaborative discussions.

Public Hearing Summary

During the September 28th Council Meeting, staff will provide a short summary of the comments received as part of the September 21 Public Hearing.

PREVIOUS COUNCIL DIRECTION

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

This work session provided the City Council with information regarding the review process for the right of way Franchise Agreement with NWNG and discussed options for including CAP2.0 in the negotiations.

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

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

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

Council held a work session as a follow-up to the previous work session about NWNG's Franchise Agreement with the City and Climate Action Plan 2.0 discussions; NWNG presented its Deep Decarbonization presentation to Council.

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

Council directed the City Manager to schedule a public hearing on a possible one-year extension of the Franchise Agreement with NWNG.

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

Council adopted an Ordinance Extending the Term of Ordinance No. 20170 for six months until May 11, 2020.

[March 9, 2020 Public Hearing](#)

Public hearing followed by Council discussion on proposed Ordinance to extend the Franchise Agreement with NWNG another six months.

[April 8, 2020 Council Meeting](#)

City Council adopted the Ordinance extending the Franchise Agreement until November 11, 2020.

July 29, 2020 Council Meeting

City Council directed the City Manager to prepare an ordinance and schedule a public hearing in September 2020, to extend Northwest Natural Gas's Franchise Agreement for 6 months and to schedule a work session in early September 2020 for an update on the negotiations.

September 9, 2020 Council Work Session

Staff provided an update to City Council regarding the Franchise Agreement negotiations with NWNG.

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.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends the City Council adopt the Ordinance.

SUGGESTED MOTION

Move to adopt an Ordinance Extending the Term of Ordinance No. 20170 Granting to Northwest Natural Gas Company, a Corporation, a Non-Exclusive Natural Gas Franchise, to May 11, 2021.

ATTACHMENTS

- A. Ordinance 20170
- B. Proposed Ordinance

FOR MORE INFORMATION

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

1999-2019

ORDINANCE NO. 20120

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

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

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

Section 2. Definitions.

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

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

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

Section 3. Grant of Authority.

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

Section 4. Compliance with Applicable Laws and Ordinances.

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

Section 5. Conditions - Occupancy of Public Ways.

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

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

Section 6. Removal and Restoration.

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

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

Section 7. City Free to Use Public Ways.

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

Section 8. Company to Defend and Hold City Harmless.

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

Section 9. Default and Termination.

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

Section 10. Franchise Fee.

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

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

Section 11. Reports by Company.

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

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

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

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

Section 13. Valuation for Eminent Domain.

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

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

Section 14. Abandonment.

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

Section 15. Acceptance by Company.

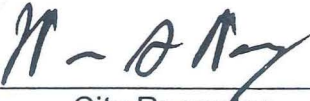
This Ordinance shall take effect thirty days after its adoption by the Council and approval by the Mayor, provided that prior to the expiration of those thirty days, Company files with City's Finance Officer its written acceptance of this Ordinance and the obligations it imposes. If no such acceptance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

Section 16. Repeal of Ordinance 18489.

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

Passed by the City Council this

11th day of October, 1999



City Recorder

Approved by the Mayor this

11th day of October, 1999



Mayor

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE TERM OF ORDINANCE NO. 20170 GRANTING TO NORTHWEST NATURAL GAS COMPANY, A CORPORATION, A NON-EXCLUSIVE NATURAL GAS FRANCHISE, TO MAY 11, 2021.

The City Council of the City of Eugene finds that:

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

B. On July 22, 2019, the City Council adopted Ordinance No. 20620 granting to NWNG a franchise extension up to and through May 11, 2020. On April 8, 2020, the City Council adopted Ordinance 20627 granting to NWNG another franchise extension up to and through November 11, 2020.

C. The City of Eugene and NWNG have been negotiating in good faith since Fall 2019 regarding franchise renewal and potential franchise terms. Despite the parties’ diligence, due to the number of potential franchise terms and relevant issues, many of which are novel for franchise negotiations, the parties have not yet concluded their franchise negotiations. Additionally, the onset of the COVID-19 pandemic in March 2020, temporarily stalled negotiations.

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

E. The City of Eugene has determined that it serves the public welfare to extend the term of the current franchise up to and through May 11, 2021.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The franchise granted to NWNG in Ordinance No. 20170 shall be extended up to and through May 11, 2021. This extension shall be effective upon NWNG’s written acceptance.

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

Passed by the City Council this

_____ day of September, 2020

Approved by the Mayor this

_____ day of _____, 2020

City Recorder

Mayor