



Eugene City Council

101 W 10th Ave., Suite 203
Eugene, OR 97401
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

April 24, 2023

7:30 p.m. CITY COUNCIL MEETING

City Council meetings will continue to be held in hybrid format using in person and 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 24, 2023; Her Honor Mayor Lucy Vinis Presiding

Councilors

Randy Groves, President
Alan Zelenka
Greg Evans
Emily Semple

Matt Keating, Vice President
Jennifer Yeh
Mike Clark
Lyndsie Leech

7:30 p.m. CITY COUNCIL MEETING

1. COMMITTEE REPORTS AND ITEMS OF INTEREST

2. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- April 5, 2023 Special Meeting
- April 12, 2023 Work Session
- April 17, 2023 Public Hearing

B. Approval of City Council Tentative Agenda

C. Approval of Appointments to the Human Rights Commission

3. PUBLIC FORUM

4. ACTION: An Ordinance Concerning Construction Excise Tax Exemptions and Amending Section 3.734 of the Eugene Code, 1971

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

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

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: April 24, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-5042

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes for the work session on April 12, 2023, a special meeting on April 5, 2023 and a public hearing on April 17, 2023.

ATTACHMENTS

- A. April 5, 2023 Special Meeting
- B. April 12, 2023 Work Session
- C. April 17, 2023 Public Hearing

FOR MORE INFORMATION

Staff Contact: Sara McKinney
Telephone: 541-682-5042
Staff E-Mail: smckinney@eugene-or.gov

MINUTES

Eugene City Council Special Meeting Eugene, Oregon 97401

**April 5, 2023
12:00 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Lyndsie Leech, Randy Groves

Councilors Absent: Greg Evans

Mayor Vinis opened the April 5, 2023, special meeting of the Eugene City Council in a virtual format.

1. SPECIAL MEETING: Presentation of Referendum Petition 2023-1 to Council

City Manager Sarah Medary gave a brief background of Ordinance Number 20681, An Ordinance Prohibiting Fossil Fuel Infrastructure In New Low-Rise Residential Buildings; And Adding Sections 6.695 And 6.696 To The Eugene Code, 1971 and the referendum petition 2023-1. City Manager Medary then introduced Kathryn Brotherton, City Attorney, and Katie LaSala, City Recorder, who presented further information regarding the Referendum Petition 2023-1.

Councilor Discussion:

- Mayor Vinis – asked what the process would be for adjusting the effective date if Council takes no action and the measure passes.
- Councilor Zelenka – asked if the effective date would be retroactive if the measure passes in November; asked if Council can change the effective date of the ordinance; asked how repealing the current ordinance and creating a new ordinance with a different effective date would impact the referendum petition; asked if a work session regarding the topic can be scheduled at a later date, prior to the November election.
- Councilor Semple – noted that Council can state their intention to change the effective date without repealing and redrafting the ordinance.
- Councilor Clark – noted that talking about what action can be taken after the vote may not have an impact on the voters; is concerned about the timeframe for which Council has for providing information to the public; is concerned that the number of new homes built will drastically decrease for the summer due to the uncertainty of the ordinance's effective date.
- Councilor Zelenka – asked about alternative ways to change the effective date other than repealing and redrafting the ordinance; asked if referring an ordinance to the ballot would take the current item off of the ballot and replace it; asked what the deadline for such action would be; asked staff to clarify the process for referring a new ordinance; asked if Council could amend the ordinance.
- Councilor Clark – asked for clarification on the timeline for repealing and referring ordinances.

- Mayor Vinis – noted that the effective date of the ordinance is of the most concern.
- Councilor Zelenka – asked to clarify what action Council needs to take at this meeting; asked if Council loses any options by not taking action at this meeting.
- Councilor Groves – indicated he would not put a motion forward; noted that he believes that Council should let the public vote on the matter.
- Councilor Semple – asked for clarity on why the special meeting was called if action at this meeting is not required.

Mayor Vinis adjourned the meeting at 12:34 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)

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

MINUTES

Eugene City Council Work Session and Meeting of the Urban Renewal Agency Eugene, Oregon 97401

**April 12, 2023
12:00 p.m.**

Councilors Present: Matt Keating, Jennifer Yeh, Mike Clark, Randy Groves, Alan Zelenka, Emily Semple, Greg Evans and Lyndsie Leech

Mayor Vinis opened the April 12, 2023, meeting of the Urban Renewal Agency in a hybrid format at 101 W 10th Avenue, Eugene OR 97401.

1. WORK SESSION and POSSIBLE ACTION: Proposed Downtown Urban Renewal Amendment

Agency Director Sarah Medary introduced Community Development Manager Will Dowdy and Development Programs Manager Amanda D'Souza, who presented information on the proposed Downtown Urban Renewal Amendment.

Councilor Discussion:

- Councilor Zelenka – asked what projects funded by the Urban Renewal Agency would require Council approval; asked staff to clarify how funding will be allocated; asked about the purpose of the project list in attachment D; noted a preference to shift more funding to housing; asked to clarify the proposed motion; would support a motion that relates to maximum indebtedness without allocating funds but signaling intent to allocate the majority to housing.
- Councilor Clark – asked staff if option B included administrative costs; asked staff for a breakdown of administrative costs; asked what percentage of a unit's construction cost is funded by tax incremental financing.
- Councilor Evans – asked if Council chose to extend the district up to \$50 million, could a lower amount be spent; asked what guarantees can be built into allocations to provide for affordable housing; noted a desire to use funds to provide affordable housing to individuals within a specific percentage of area median income.
- Councilor Groves – noted he would be supportive of approving an extension based on a specific dollar amount and focus on allocations at a later time.
- Councilor Zelenka – believes that it would be more effective to extend a timeline rather than a dollar amount; would support an 11-year extension with the option to grow at a later date.
- Councilor Keating – would like a large portion of funding allocated to housing; asked staff to clarify if the emerging projects were provided as suggestions.
- Councilor Yeh – believes that it makes more sense to extend the timeframe to account for timeline variances and to allow for projects that may not have been discussed yet.
- Mayor Vinis – is in favor of an option that extends the District for the longer time period to ensure that project timelines and variances that building housing can encounter.

- Councilor Semple – asked if a project list is required prior to approving an increase; would support a larger extension to increase flexibility and resources for projects; noted that housing is the biggest need but would support funding other projects; supports the proposal to extend the Downtown Urban Renewal Plan by \$50 million.
- Councilor Leech – is in support of a higher level of investment for Downtown Urban Renewal; believes housing is important and that the physical and safety improvements are critical to the Downtown area.
- Councilor Evans – supports the \$50 million option with longer timelines to allow for flexibility on project timelines.
- Councilor Zelenka – is not supportive of a \$50 million, 20-year extension; would like input from stakeholders and members of the public on this topic; is concerned that Council is considering extending without allocating funds to inform the public on how funds would be spent; is concerned that projects suggested in Attachment D could be controversial or reduce public support; would like certain projects to be removed from consideration.
- Councilor Clark – noted that Council has been vocal in their desire to allocate a large percentage of the funds to housing.
- Mayor Vinis – asked staff to clarify that removed projects could still be considered by Council in the future.

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, moved to direct the Agency Director to begin the process of amending the Downtown Urban Renewal Plan using total maximum indebtedness of \$50 million consistent with the draft plan and report and included in attachments A and B.

VOTE: PASSED 7:1 (opposed by Councilor Zelenka)

- Councilor Zelenka – noted that he would have supported the motion if the total amount were \$40 million.

Mayor Vinis closed the meeting of the Urban Renewal Agency at 12:41p.m. and opened the April 12, 2023 work session of the Eugene City Council.

2. **WORK SESSION and POSSIBLE ACTION: Revenue Team**

City Manager Sarah Medary introduced Finance Director Twylla Miller, who provided information regarding the Revenue Team.

Councilor Discussion:

- Councilor Keating – asked if the Revenue Team is a subcommittee of Council or the Budget Committee; asked if the Revenue Team meetings would be considered public meetings; asked for a breakdown of the suggested membership pool; asked why the Revenue Team duties would not be considered an extension of the Budget Committee; asked if there would be Council work sessions before the Revenue Team convenes to receive information on unfunded services.
- Councilor Zelenka – noted the importance of a clear plan for the Revenue Team; is in support of the proposal.
- Councilor Leech – noted her support of the proposal.

- Councilor Clark – asked to clarify if Council members could attend any committee meeting if they wanted; would like to have the option to attend the Revenue Team meetings; would like to see enhanced invitations for voluntary annexation to the City discussed as source of revenue.
- Mayor Vinis – noted that she will accept requests from Council to be assigned to the committee.
- Councilor Semple – noted that increased revenue is important and that it is difficult to develop new revenue routes; noted that this would be an advisory committee not a committee to develop policy.
- Councilor Zelenka – is concerned that Revenue Team meetings would not be considered public meetings; expressed interest in serving on the Revenue Team.
- Councilor Yeh – asked to clarify that decisions about the work the Revenue Team would be tasked with would be done in public meetings; is in support of the proposal.
- Councilor Keating – indicated desire to serve on the Revenue Team; asked for clarification on Council members attendance or observation of public meetings; asked for information about committees Council members can attend without violating public meetings law.
- Councilor Evans – noted that all committees, with the exception of the Planning Commission, are advisory to Council and Council is the only body that makes policy decisions.
- Councilor Zelenka – noted that Council will hold public meetings about what type of revenue sources to implement; asked why the Revenue Team discussions would not be publicly noticed; believes that Revenue Team meetings should be held as public meetings.
- Mayor Vinis – noted that previous committees of this type resulted in public documents that showed the options considered.
- Councilor Clark – believes that the Revenue Team meetings should be held publicly; noted that revenue sources can have various impacts on community members, and therefore the public should have the ability to attend and observe the meetings; prefers that the entire process be transparent.

MOTION AND VOTE: Councilor Groves, seconded by Councilor Keating, moved to adopt the revenue team proposal as outlined in Attachment A.

- Councilor Keating – asked why the Revenue Team makes recommendations to City Manager and not to Council; asked if the proposal supports holding the Revenue Team meetings being held publicly; asked if the Revenue Team meetings could be held publicly.

MOTION TO AMEND: Councilor Zelenka, seconded by Councilor Keating, moved to amend the motion to have the Revenue Team meetings open public meetings **VOTE: FAILED 4:5** (opposed by Councilors Groves, Semple, Leech, Yeh, and Mayor Vinis)

VOTE ON MAIN MOTION: PASSED 6:2 (opposed by Councilors Zelenka and Clark)

Mayor Vinis adjourned the meeting at 1:14 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Sara McKinney)

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

MINUTES

**Eugene City Council
Public Hearing
Eugene, Oregon 97401**

**April 17, 2023
5:30 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Lyndsie Leech, and Randy Groves

Mayor Vinis opened the April 17, 2023, meeting of the Eugene City Council in a hybrid in-person and virtual format at 101 W. 10th Avenue, Suite 114, Eugene, OR 97401.

1. PUBLIC HEARING – An Ordinance Concerning Construction Excise Tax Exemptions and Amending Section 3.734 of the Eugene Code, 1971.

Mayor Vinis opened the Public Hearing.

City Manager, Sarah Medary, introduced the topic and provided background information.

1. Eric Jackson – spoke in favor of applying construction tax funds to specific homelessness solutions.

Mayor Vinis closed the Public Hearing.

Mayor Vinis adjourned the meeting at 5:38 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: April 24, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2B
Staff Contact: Brooke Freed
Contact Telephone Number: 541-682-5010

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.

COUNCIL OPTIONS

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

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. City Council Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Brooke Freed
Telephone: 541-682-5010
Staff E-Mail: bfreed@eugene-or.gov



City Council Tentative Agenda

Updated April 20, 2023

City Council meetings will continue to be held using hybrid and virtual meeting technology. Materials and information about how to access these meetings will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>.

April 2023					
Date	Day	Time	Title	Length	Dept. Contact
24-April	Monday	5:30 pm	 Prohibited Camping Code Amendments (Work Session)	90 mins	Kathryn Brotherton, CAO
<i>Work Session Location: Public via Virtual Only</i>					
24-April	Monday	7:30 pm	 Committee Reports and Items of Interest  Human Rights Commission Interim Appointments (Consent Agenda)  Public Forum  Construction Excise Tax Exemption (Possible Action)		Drae Charles, CS Laura Hammond, PDD
<i>Location: Public via Virtual & Council Chambers, Room 114</i>					
26-April	Wednesday	12 pm	 Executive Session pursuant to ORS 192.660(2)(i)  Municipal Court Judge Annual Evaluation (Work Session)  Industrial Pretreatment Program Overview and Code Updates (Work Session)	60 mins 30 mins	Becky DeWitt, CS Michelle Miranda, PW
<i>Work Session Location: Public via Virtual Only</i>					
26-April	Wednesday	5:30 pm	 City Manager's 2023-2025 Proposed Budget (Budget Committee)		Staff, CS
<i>Budget Committee Location: Virtual Only</i>					

May 2023					
Date	Day	Time	Title	Length	Dept. Contact
8-May	Monday	5:30 pm	 Climate Friendly and Equitable Communities Scenario Planning (Work Session)  Topic Pending Confirmation (Work Session)	45 mins 45 mins	Rob Inerfeld, PW Staff
<i>Work Session Location: Public via Virtual Only</i>					



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

8-May	Monday	7:30 pm	 Committee Reports and Items of Interest  MWMC FY24 Budget Approval (Consent Agenda)  Annual Action Plan for Affordable Housing and Community Development (Consent Agenda)  Public Forum		James McClendon, PW Genevieve Middleton, PDD
<i>Location: Public via Virtual & Council Chambers, Room 114</i>					
10-May	Wednesday	12 pm	 Fossil Fuel Risk Bonds (Work Session)  Willamette Greenway Code Amendments Overview (Work Session)	45 mins 45 mins	Ian Penn, PW Gabe Flock, PDD
<i>Work Session Location: Public via Virtual Only</i>					
10-May	Wednesday	5:30 pm	 Budget Committee: Public Comment and Deliberation (Budget Committee)		Staff, CS
<i>Budget Committee Location: Virtual Only</i>					
15-May	Monday	5:30 pm	 Industrial Pretreatment Program Code Updates (Public Hearing)  Downtown Urban Renewal Amendment (Public Hearing)  Prohibited Camping Code Amendments (Public Hearing)		Michelle Miranda, PW Amanda D'Souza, PDD Kathryn Brotherton, CAO
<i>Location: Public via Virtual & Council Chambers, Room 114</i>					
17-May	Wednesday	12 pm	 Fire Marshal's Office and Unsafe Building Program (Work Session)  Police Auditor and Citizen Review Board Annual Reports (Work Session)	45 mins 45 mins	Deputy Chief Fire Marshal Travis Worthington, ESF Leia Pitcher, PA
<i>Location: Public via Virtual Only</i>					
17-May	Wednesday	5:30 pm	 Budget Committee: Public Comment and Deliberation (Budget Committee)		Staff, CS
<i>Budget Committee Location: Virtual Only</i>					
22-May	Monday	5:30 pm	Boards and Commissions Interviews	90 mins	Sara McKinney, CS
<i>Expected Absences: Mayor Vinis</i>			<i>Interview Location: Virtual & Council Chambers, Room 114</i>		

22-May	Monday	7:30 pm	 Pledge of Allegiance in recognition of Memorial Day  Committee Reports and Items of Interest  Affordable Housing Trust Fund Request for Proposals (Consent Calendar)  Public Forum Boards and Commissions Interviews (cont'd as needed)  Industrial Pretreatment Program Code Updates (Possible Action)  1059 Willamette Redevelopment - Timeline Update (Action)		Laura Hammond, PDD Sara McKinney, CS Michelle Miranda, PW Amanda D'Souza, PDD
<i>Expected Absences: Mayor Vinis</i>			<i>Location: Public via Virtual & Council Chambers, Room 114</i>		
24-May	Wednesday	12 pm	 Prohibited Camping Code Amendments (Work Session, Possible Action)	90 mins	Kathryn Brotherton, CAO
<i>Work Session Location: Public via Virtual Only</i>					
24-May	Wednesday	5:30 pm	 Budget Committee: Public Hearing and Deliberation (Budget Committee)		Staff, CS
<i>Budget Committee Location: Virtual Only</i>					

June 2023						
Date	Day	Time	Title		Length	Dept. Contact
12-June	Monday	5:30 pm	 Downtown Urban Renewal Amendment (Work Session)	45 mins	Amanda D’Souza, PDD	
			 Building Code Updates Overview (Work Session)	45 mins	Mark Whitmill, PDD	
Work Session Location: Public via Virtual Only						
12-June	Monday	7:30 pm	 Pledge of Allegiance in recognition of Flag Day		Sara McKinney, CS	
			 Committee Reports and Items of Interest			
			 Public Forum			
			 Boards and Commissions Appointments (Action)			
Location: Public via Virtual & Council Chambers, Room 114						

14-June	Wednesday	12 pm	 Civilian Oversight Protocols (Work Session)	45 mins	Leia Pitcher, PA
			 Renter Protections, Phase II (Work Session)	45 mins	Amy Cameron, PDD
Work Session Location: Public via Virtual Only					
20-June	Tuesday	5:30 pm	 Ordinance Adopting Hazardous Substance User Fees (Public Hearing)		Mark Dahl, ESF
			 Building Code Updates (Public Hearing)		Mark Whitmill, PDD
			 Willamette Greenway Code Amendments (Public Hearing)		Gabe Flock, PDD
Location: Public via Virtual & Council Chambers, Room 114					
21-June	Wednesday	12 pm	 Downtown Urban Renewal (Work Session, Possible Action)	45 mins	Amanda D’Souza, PDD
			 Topic Pending Confirmation (Work Session)	45 mins	
Location: Public via Virtual Only					
26-June	Monday	5:30 pm	 ESF Governance (Work Session)	90 mins	Kristie Hammitt, CS
Work Session Location: Public via Virtual Only					
26-June	Monday	7:30 pm	 Pledge of Allegiance and Reading in recognition of Independence Day		Elizabeth Butterfield, CS
			 Committee Reports and Items of Interest		
			 Public Forum		
			 City of Eugene FY23 Supplemental Budget (Public Hearing and Action)		Vicki Silvers, CS
			 City of Eugene 2023-2025 Biennial Budget Adoption (Public Hearing and Action)		Elizabeth Butterfield, CS
			 Urban Renewal Agency FY23 Supplemental Budget (Public Hearing and Action)		Vicki Silvers, CS
			 Urban Renewal Agency 2023-2025 Biennial Budget Adoption (Public Hearing and Action)		
Location: Public via Virtual & Council Chambers, Room 114					

28-June	Wednesday	12 pm	 Executive Session pursuant to ORS 192.660(2)(i) (Work Session)	45 mins	Staff
			 <i>Topic Pending Confirmation</i> (Work Session)	45 mins	Staff
Work Session Location: Public via Virtual Only					

UPCOMING PUBLIC HEARINGS			
Date/Time	Topic/Title	Description	Staff Contact
May 15, 5:30 pm	Industrial Pretreatment Program Code Updates	The City Council will hold a public hearing to consider Industrial Pretreatment Program Code Updates. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Michelle Miranda, PW MMiranda@eugene-or.gov 541-682-8615
May 15, 5:30 pm	Downtown Urban Renewal Amendment	The City Council will hold a public hearing to consider Downtown Urban Renewal Amendment. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Amanda D'Souza, PDD ADSouza@eugene-or.gov 541-682-5540
May 15, 5:30 pm	Prohibited Camping Code Amendments	The City Council will hold a public hearing to consider Prohibited Camping Code Amendments. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Kathryn Brotherton, CAO KBrotherton@eugene-or.gov 541-682-8447
June 20, 5:30 pm	Willamette Greenway Code Amendments	The City Council will hold a public hearing to consider Willamette Greenway Code Amendments. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Gabe Flock, PDD GFlock@eugene-or.gov 541-682-5697
June 20, 5:30 pm	Ordinance Adopting Hazardous Substance User Fees	The City Council will hold a public hearing to consider an Ordinance Adopting Hazardous Substance User Fees. The public hearing provides an opportunity for public comment on the proposed hazardous substance user fee for FY24, which will be used to fund the Eugene Toxics Right-to-Know Program. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Mark Dahl, ESF MDahl@eugene-or.gov 541-682-8361

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Fossil Fuel Risk Bonds – Scheduled: May 10, 2023	Groves, Syrett	10/21/21
Gas Stations – TBD	Keating	4/15/22
Bethel Area Plan – April 19, 2023. Follow-up work session TBD	Evans	7/22/22

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: Appointments to the Human Rights Commission (HRC)

Meeting Date: April 24, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 2C
Staff Contact: Drae Charles
Contact Telephone Number: 541-682-5277

ISSUE STATEMENT

This is an action item to appoint two Human Rights Commission (HRC) workgroup members to fill vacancies created by the resignation of two HRC commissioners.

BACKGROUND

The City of Eugene Human Rights Commission (as created through EC 2.260 and outlined in EC 2.260-2.280, included as Attachment A) affirms, encourages and initiates programs and services within the community and advises and supports city of Eugene services designed to place priority upon protecting, respecting, and fulfilling the full range of universal human rights as enumerated in the Universal Declaration of Human Rights.

Per E.C. 2.270 the commission shall consist of one member of the city council or the mayor and ten community members with a demonstrated knowledge and interest in the civil and human rights concerns of the community. Each community member of the commission serves a three-year term.

Eugene code outlines that members shall be appointed in a way that strives to have balance on the commission that reflects the community and has protected class representation, and that members of the commission shall be persons who have actively demonstrated an interest and expertise in efforts to promote diversity, equality, equity and understanding of human rights, and to dismantle injustice, discrimination, bigotry, hatred and harassment within the city.

Per EC 2.270(3) members shall be appointed by the council, and the commission shall perform the initial review of applications and make recommendations to council for its consideration.

Additionally, as outlined in EC 2.013, in nominating or making appointments, the council shall take into consideration information provided by the citizen interest form (included as part of the application materials within Attachment B) and shall nominate or appoint only those persons who at the time of appointment, reside within the city's urban growth boundary. The council may waive the residency requirement if the council deems it to be in the best interest of the committee purpose and function.

Filling Vacancies for Unexpired Terms

Human Rights Commissioner Drae Charles vacated his seat after being hired as a City Staff. The remainder of this term runs through June 2025.

Human Rights Commissioner Heather Marek resigned from her seat in March 2023. The remainder of this term runs through June 2025.

Based on Eugene Code 2.270(4) Council shall appoint, within 90 days of the position becoming vacant, a person to complete the member's unexpired term from the non-commission members of the commission's standing committees.

There are currently 4 standing HRC committees (also referred to as work groups): Whole Eugene Community United (WeCU) work group, Economic Opportunities Work Group, Homelessness and Poverty work group, and Advocacy work group.

The Human Rights Commission conducted a recruitment process, inviting applications from the non-commission members of the commission's standing committees, and received five applications from workgroup members (Attachment B). The Human Rights Commission invited all applicants to provide a speech or statement in support of their applications. Following the statements, the Human Rights Commission voted to recommend candidates Emily Farrell and Demond Hawkins to fill these two existing vacancies.

COUNCIL OPTIONS

1. Appoint both applicants recommended by the Human Rights Commission.
2. Appoint other applicants of council's choosing.
3. Seek additional applicants from the standing committees to fill the vacancies.

SUGGESTED MOTIONS

Move to appoint Emily Farrell to the Human Rights Commission beginning April 25, 2023, ending on June 30, 2025.

AND

Move to appoint Demond Hawkins to the Human Rights Commission beginning April 25, 2023, ending on June 30, 2025.

ATTACHMENTS

- A. Eugene Code 2.260-2.280
- B. List of Applicants

FOR MORE INFORMATION

Staff Contact: Drae Charles
Telephone: 541-682-5277
Staff E-Mail: dcharles@eugene-or.gov

2.260 Human Rights Commission.

There is hereby created a human rights commission, referred to in sections [2.260](#) to [2.280](#) of this code as “the commission.”.

(Section 2.260 amended by Ordinance No. 17479, enacted November 24, 1975, Ordinance No. 18001, enacted June 13, 1977, Ordinance No. 18421, enacted June 20, 1979; Ordinance No. 19083, enacted December 13, 1982; and Ordinance No. 19732, enacted November 5, 1990.)

2.265 Human Rights Commission – Duties and Powers.

(1) The commission shall affirm, encourage and initiate programs and services within the community and advise and support city of Eugene services designed to place priority upon protecting, respecting, and fulfilling the full range of universal human rights as enumerated in the Universal Declaration of Human Rights. To support and promote human rights, the commission will:

- (a) Provide human rights education;
- (b) Be proactive in human rights efforts;
- (c) Address human rights violations;
- (d) Ensure active public participation;
- (e) Be transparent and open; and
- (f) Be publicly accountable for human rights progress.

(2) The commission shall help the city of Eugene and the community work toward the elimination of systemic barriers to equitable treatment and toward inclusion and accommodation of differences among people. The commission will promote justice and equal opportunity for all. In these efforts, the commission may enlist the support of community groups and public agencies.

(3) The commission shall endeavor to ascertain the status of civil and human rights in the community. The commission may explore, research and hold hearings to effectuate this provision.

(4) The commission shall make periodic recommendations to elected officials and the city manager concerning the civil and human rights of persons and groups in the community.

(5) The commission shall cooperate with the city officials to ensure that the city of Eugene is a leader in extending equal opportunity to its community members, including but not limited to:

- (a) Employment opportunities in city government;

- (b) Training for city jobs;
- (c) Equality of city services provided;
- (d) Equality of all before the law; and
- (e) Equal treatment of all by holders of city licenses, contracts and privileges.

(6) The commission shall cooperate with the city of Eugene in ensuring that the city is receiving, referring and/or investigating specific acts of discrimination against individuals in the community.

(7) The commission shall work to educate and encourage community members to report acts of discrimination, hate and bias, to the city of Eugene.

(Section 2.265 amended by Ordinance No. 17479, enacted November 24, 1975; Ordinance No. 19732, enacted November 5, 1990; Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002; and Ordinance No. 20481, enacted November 28, 2011, effective December 30, 2011.)

2.270 Human Rights Commission – Membership.

(1) The commission shall consist of:

- (a) One member of the city council or the mayor;
- (b) Ten community members with a demonstrated knowledge and interest in the civil and human rights concerns of the community. Members shall be appointed in a way that strives to have balance on the commission that reflects the community and has protected class representation.

(2) Members of the commission shall be persons who have actively demonstrated an interest and expertise in efforts to promote diversity, equality, equity and understanding of human rights, and to dismantle injustice, discrimination, bigotry, hatred and harassment within the city.

(3) Members shall be appointed by the council. The commission shall perform the initial review of applications and make recommendations to council for its consideration.

(4) Vacancies on the commission shall be filled in the same manner as original appointments. Except where the vacancy occurs because the member from the council or the mayor ceases to serve on the commission, the council shall appoint, within 90 days of the position becoming vacant, a person to complete the member's unexpired term from the non-commission members of the commission's standing committees. A position becomes vacant upon:

- (a) The death or resignation of the incumbent;

The Eugene Code is current through Ordinance 20680, passed January 23, 2023.

- (b) Removal of an incumbent for nonperformance of duty or upon recommendation by the commission after the commission has determined that the incumbent has failed to properly represent the commission or otherwise damaged the work of the commission, and the council has concurred with that determination;
- (c) Failure of the council to reappoint an incumbent at the expiration of his or her term; or
- (d) The incumbent ceasing to be qualified for initial appointment.

(5) Each community member of the commission shall serve a three-year term. No member of the commission shall serve more than six consecutive years as a member of the commission.

(Section 2.270 added by Ordinance No. 17479, enacted November 24, 1975; amended by Ordinance No. 17748, enacted September 13, 1976; Ordinance No. 19083, enacted December 13, 1982; Ordinance No. 19732, enacted November 5, 1990; Ordinance No. 19926, enacted June 28, 1993; Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002; and Ordinance No. 20481, enacted November 28, 2011, effective December 30, 2011.)

2.275 Human Rights Commission – Officers, Meetings, Rules and Procedures.

- (1) The officers of the commission shall be a chairperson and a vice-chair elected by the commission from among the members of the commission. The chairperson shall preside over meetings of the commission and shall have the right to vote. The vice-chair shall perform the duties of the chairperson in the absence or disability of the chairperson. The officers shall serve for terms of one year.
- (2) The commission shall meet at least six times a year, with such additional meetings as it deems necessary to properly perform its duties.
- (3) The commission may make and alter rules for its conduct and procedure, providing they are consistent with state law and applicable provisions of the city charter, ordinances and policies.
- (4) The commission may approve a leave of absence, not to exceed three months, for a commissioner who is temporarily unable to fulfill the duties of a commissioner.
- (5) Fifty percent plus one of the current membership, not including any commissioner who is on leave of absence, shall constitute a quorum.
- (6) The city manager may, within his or her discretion, furnish staff assistance to the commission or to the commission's working groups.

(Section 2.275 added by Ordinance No. 17748, enacted September 13, 1976; amended by Ordinance No. 19732, enacted November 5, 1990; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; and amended by Ordinance No. 20481, enacted November 28, 2011, effective December 30, 2011.)

The Eugene Code is current through Ordinance 20680, passed January 23, 2023.

2.280 Human Rights Commission – Work Plan and Task Groups.

- (1) The Commission shall create a work plan that is reviewed by the city manager and approved by the mayor and city council.
- (2) The commission may create working group(s) to help achieve the work plan goals.
 - (a) Each working group will be led by a commission member.
 - (b) Membership, powers and rules of conduct and procedure of the working group(s) will be determined by the whole commission.
 - (c) Commission working group(s) will abide by Oregon public meetings law.
- (3) The commission shall present its work plan accomplishments and work plan status annually to the city council.

(Section 2.280 added by Ordinance No. 17748, enacted September 13, 1976, and amended by Ordinance No. 18001, enacted June 13, 1977; Ordinance No. 19083, enacted December 13, 1982; Ordinance No. 19579, enacted October 10, 1988; Ordinance No. 19732, enacted November 5, 1990; Ordinance No. 19941, enacted November 22, 1993, effective December 22, 1993; Ordinance No. 20264, enacted November 12, 2002, effective December 12, 2002; and Ordinance No. 20481, enacted November 28, 2011, effective December 30, 2011.)

Human Rights Commission Applicants:

1. Emily Farrell
2. Demond Hawkins
3. Virgil Jackson III
4. Sarah Koski
5. Richard Self

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: April 24, 2023
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Sara McKinney
Contact Telephone Number: 541-682-5042

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: Sara McKinney
Telephone: 541-682-5042
Staff E-Mail: smckinney@eugene-or.gov

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Construction Excise Tax Exemptions and Amending Section 3.734 of the Eugene Code, 1971

Meeting Date: April 24, 2023
Department: Planning and Development Department
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Laura Hammond
Contact Telephone Number: 541-682-5502

ISSUE STATEMENT

This is an ordinance that will update the City of Eugene's Construction Excise Tax exemptions to align with the intent of the ordinance and comply with state law. This ordinance will add a Construction Excise Tax exemption for residential re-builds after a wildfire or other natural disaster in accordance with HB 2607 passed by the State legislature. In addition, modifications to the Construction Excise Tax exemptions will be included to improve the Construction Excise Tax's ability to support Affordable Housing and homelessness facilities. The ordinance is included as Attachment A.

BACKGROUND

In 2016, the State of Oregon passed SB 1533, which enabled local jurisdictions to adopt a Construction Excise Tax to support the development of Affordable Housing. State law allows up to a 1% tax for residential construction projects; no limit is set for commercial construction. Jurisdictions that adopt the Construction Excise Tax are required to exempt specified categories of construction projects and can expand such exemptions.

On April 8, 2019, City Council passed [Ordinance No. 20609](#) establishing a local Construction Excise Tax to provide a dedicated source of funding for Affordable Housing in Eugene. Funds generated by the Construction Excise Tax go into the City's Affordable Housing Trust Fund. The Construction Excise Tax collects 0.5% of the value of permitted work on new residential and commercial buildings, additions, and alterations. Specifically, it applies to all improvements that result in a new structure, additional square footage to an existing structure, or addition of living space to an existing structure. The Affordable Housing Trust Fund supports local housing related programs, incentives and services for households earning 100% of area median income and below.

Construction Excise Tax Exemptions

As required by State law, Eugene's code identifies exemptions for the Construction Excise Tax that do not require payment of the tax including educational, religious, or public improvements, and for certain non-profit owned facilities. Eugene's code also includes an exemption for projects granted a multi-unit property tax exemption as the program requires a moderate-income housing contribution (either units as part of the project or payment of a fee).

April 24, 2023 Meeting – Item 4

In addition to incorporating new exemptions required by the State legislature as part of [HB 2607](#) related to residential re-builds after a wildfire or other natural disaster, Ordinance No. 20609 ([EC 3.743](#)) could be modified with three specific updates to the Construction Excise Tax exemptions to improve the Construction Excise Tax's ability to support Affordable Housing and homelessness facilities. The proposed changes would adjust the following sections:

- *Affordability Period (draft ordinance section C).* Reduce the required affordability period from 60 years to 20 years, which aligns with the affordability periods for funds the City awards, including the HOME program, Low Income Rental Housing Property Tax Exemptions (LIRHPTE) and Affordable Housing Trust Fund. Currently, this exemption only applies to certain Affordable Housing projects that have been awarded limited, competitive state funds. Under current code, Affordable Housing developments that receive local subsidies only (such as HOME funds, LIRHPTE, and Affordable Housing Trust Fund) that have 20-year periods of affordability, would not meet this exemption and must pay the Construction Excise Tax.
- *System Development Charge Exemptions (draft ordinance section I):* Change the wording to include housing that is eligible for Systems Development Charge exemptions for low-income housing, which would include rental housing for households earning no more than 60% area median income and homeownership housing for households earning no more than 80% area median income. Systems Development Charge exemptions are capped each year and often have more eligible projects applying for the exemption than the City has exemptions to award. Not every eligible Affordable Housing project receives an exemption, so under the existing Code language those Affordable Housing projects that are eligible for but not awarded an Systems Development Charge exemption must pay the Construction Excise Tax.
- *Exempt Facilities (draft ordinance section G):* Add to the list of exempt facilities that are operated by a not-for-profit corporation to include facilities for people experiencing homelessness, including transitional housing and shelters. Without this change, newly created shelter facilities serving people experiencing homelessness must pay the Construction Excise Tax.

The development of Affordable Housing and shelter facilities face significant financial challenges. The proposed updates would provide clarity about the City's assistance to support these types of projects.

A public hearing on the proposed ordinance was held on April 17, 2023. One person spoke at the hearing on their preferred uses of CET revenue.

RELATED CITY POLICIES

Housing Implementation Pipeline - In January 2022, Council approved the Housing Implementation Pipeline (HIP). The Housing Implementation Pipeline estimated the Affordable Housing Trust Fund (funded by the collection of Construction Excise Tax) could support the creation of approximately 320 income-qualified units including 220 rental units and 100 homeownership units for low- and moderate-income households that would be occupied during the 5-year Housing Implementation Pipeline period. To date, \$1.3 million from Affordable Housing

Trust Fund has leveraged more than \$14 million to support the creation of 80 new affordable homes in Eugene.

PREVIOUS COUNCIL DIRECTION

[April 8, 2019 Meeting](#)

Council approved the Construction Excise Tax ordinance with the following motion:

Move to adopt an ordinance concerning the imposition of a construction excise tax on commercial and residential improvements consistent with the City Manager's recommendation of December 2018 (Motion passed 5:3).

COUNCIL OPTIONS

1. Adopt the ordinance as proposed in Attachment A to this Agenda Item Summary.
2. Adopt the ordinance with specific modifications as determined by the City Council.
3. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the Ordinance Concerning Construction Excise Tax Exemptions and Amending Section 3.734 of the Eugene Code, 1971 as provided in Attachment A to this AIS.

SUGGESTED MOTION

Move to adopt the Ordinance Concerning Construction Excise Tax Exemptions and Amending Section 3.734 of the Eugene Code, 1971, included as Attachment A to this Agenda Item Summary.

ATTACHMENTS

A. An Ordinance Concerning Construction Excise Tax Exemptions and Amending Section 3.734 of the Eugene Code, 1971

FOR MORE INFORMATION

Staff Contact: Laura Hammond
Telephone: 541-682-5502
Staff E-Mail: LHammond@eugene-or.gov

ORDINANCE NO. _____

**AN ORDINANCE CONCERNING CONSTRUCTION EXCISE TAX EXEMPTIONS
AND AMENDING SECTION 3.734 OF THE EUGENE CODE, 1971.**

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.734 of the Eugene Code, 1971, is amended to provide as follows:

3.734 Construction Excise Tax - Exemptions.

- (1) The construction excise tax shall not apply to any of the following improvements:
- (a) Private school improvements;
 - (b) Public improvements as defined in ORS 279A.010;
 - (c) Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the city of Eugene, for a period of at least ~~60~~ **20** years following the date of construction of the residential housing;
 - (d) Public or private hospital improvements;
 - (e) Improvements to religious facilities primarily used for worship or education associated with worship;
 - (f) Agricultural buildings, as defined in ORS 455.315(2)(a);
 - (g) Facilities that are operated by a not-for-profit corporation and that are:
 - 1. Long term care facilities, as defined in ORS 442.015;
 - 2. Residential care facilities, as defined in ORS 443.400; ~~or~~
 - 3. Continuing care retirement communities, as defined in ORS 101.020-; **or**
 - 4. ***Facilities for people experiencing homelessness, including but not limited to transitional housing and shelters.***
 - (h) Residential dwellings sold for \$250,000 or less;
 - (i) Housing for low-income persons that is exempt, ***or is eligible to be exempt***, from systems development charges pursuant to section 7.725(2) of this code; ~~and~~,
 - (j) Projects granted a multi-unit property tax exemption (MUPTE) by the city-; ***and***
 - (k) ***Residential housing being constructed on a lot or parcel of land to replace residential housing on the lot or parcel of land that was destroyed or damaged by wildfire or another event or circumstance that is the basis for a state of emergency declared under ORS 401.165 or 401.309 or for the exercise of authority under ORS 476.510 to 476.610.***
- (2) Any person seeking an exemption may be required to demonstrate that the improvements are eligible for an exemption and to establish all facts necessary to support the exemption.

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

Passed by the City Council this

_____ day of _____, 2023.

City Recorder

Approved by the Mayor this

_____ day of _____, 2023.

Mayor