

MINUTES

Eugene City Council
McNutt Room—City Hall
777 Pearl Street—Eugene, Oregon

November 30, 2011
5:30 p.m.

COUNCILORS PRESENT: Betty Taylor, George Brown, Andrea Ortiz, George Poling, Mike Clark, Alan Zelenka, Pat Farr.

COUNCILORS ABSENT: Chris Pryor.

Her Honor Mayor Kitty Piercy called the November 30, 2011, work session of the Eugene City Council to order.

Mayor Piercy read the following resolution into the record:

A RESOLUTION RECOGNIZING RICHARD LARIVIERE FOR HIS SERVICE TO THE UNIVERSITY OF OREGON AND THE GREATER COMMUNITY

The City Council of the City of Eugene finds that:

A. Richard Lariviere was served with enthusiasm and distinction as president of the University of Oregon since July 1, 2009.

B. President Lariviere has been a partner, mentor, and friend to individuals across the community and region.

C. President Lariviere has, through his words and actions, demonstrated a deep respect for community values around social equity, economic prosperity, and environmental well-being.

D. President Lariviere has been a strong voice for excellence and innovation at the University of Oregon and within our larger community.

E. President Lariviere has been an enduring presence at community-building events, joining with us in the Eugene Celebration and other activities, and has worked vigilantly with Eugene's Mayor Kitty Piercy and the Eugene City Council, neighborhood leaders, University of Oregon students, and business interests to help ensure the livability of our city.

F. President Lariviere has championed life-long learning and expanded access to education, leading a collaborative effort with Lane Community College and local school districts to make all institutions equal partners in student success. He has visited classrooms throughout the region to support students at all grade levels and met regularly with colleagues to map resources, identify barriers, and develop support resources.

G. President Lariviere has made it a prominent part of his administration to be a good neighbor, bolstering the university's accessibility to our community's residents.

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

We, the Eugene City Council, extend our appreciation to Richard Lariviere and hereby adopt this resolution expressing our gratitude for his commitment to the University of Oregon and to the larger community.

The foregoing resolution adopted the 30th day of November, 2011.

Ms. Taylor, seconded by Mr. Brown, moved to adopt the resolution.

Councilors expressed general regret at the loss of Dr. Lariviere and commended his commitment to increased educational access and his work in the community.

The motion passed unanimously, 7:0.

**A. WORK SESSION:
Metro Plan Boundary Adjustment Proposal**

The council was joined by Alissa Hansen of the Planning Division, who provided a PowerPoint presentation on a boundary adjustment proposal to the Eugene-Springfield Metropolitan General Area Plan (Metro Plan) initiated by the Lane County Board of County Commissioners. Planning Director Lisa Gardner was also present for the item. Ms. Hansen shared a series of maps that illustrated the existing jurisdictional authority, the jurisdictional authorities proposed, and the boundaries as they would appear if the adjustment was approved.

Ms. Hansen then called attention to Attachment B of the Agenda Item Summary for the item, which provided an overview of the Metro Plan amendment review process and identified current authorities for zoning and land use administration inside city limits (city), between city limits and the urban growth boundary (UGB) (city administering jointly adopted code), between UGB and Metro Plan boundary (Lane County), and outside the Metro Plan boundaries (Lane County). She reviewed the map included in the attachment entitled *Boundary Relationships*.

Ms. Hansen described the two-phased approach proposed by Lane County, which would address the Springfield side of the map first and the Eugene side of the map following that. She shared maps showing the impacts of the phased approach.

Ms. Hansen reviewed highlights of the testimony received to date, which included concerns about drinking water source protection, consistency with the Metro Plan text, the lack of benefits to Eugene and Springfield, concerns about an unequal decision making process for the Eugene phase, and a desire for a more comprehensive approach to Metro Plan changes. She said the Lane County Planning Commission recommended the proposal be denied; the Springfield Planning Commission forwarded a recommendation of approval with a condition that its concerns about the drinking water protection issue be addressed through an intergovernmental agreement; and the Eugene Planning Commission recommended approval of the proposal.

Ms. Hansen shared a timeline for the Springfield phase, indicating that a public hearing was scheduled for early 2012 with separate deliberation and action to follow; the timeline for the Eugene phase was not established. City Attorney Emily Jerome added that if the three bodies failed to reach consensus, the issue would be referred to the Metropolitan Policy Committee; if that body could not reach agreement, the proposal would fail.

Councilors asked questions clarifying the information presented. Mayor Piercy solicited council information requests.

Mr. Poling determined from City Attorney Jerome that the council would have to consider the evidence in the record of the Joint Planning Commissions unless the three jurisdictions agreed to reopen the record. Mr. Poling asked that the council be provided with the minutes of the Joint Planning Commissions deliberation prior to the public hearing. Ms. Hansen agreed.

Mr. Brown requested any arguments from the County in support of the proposal as he hoped to see an explanation of why the two cities should give up decision-making authority for directly abutting land and why authority for decision-making would shrink from 19 people to 5 people. Ms. Hansen agreed, and directed Mr. Brown to the Lane County web site for the information available to date.

Mr. Zelenka asked if the Eugene Airport would be incorporated into the urban growth boundary (UGB). Ms. Gardner acknowledged the issue had been raised previously and staff was looking into the pros and cons of including the airport inside the UGB. He suggested that staff integrate that process into Envision Eugene.

Mr. Clark asked for information about the number of County residents living in the area between the UGB and Metro Plan boundary for both Eugene and Springfield. He also requested information about the percentage of Lane County Planning Commissioners appointed by previous boards as opposed to the percentage been appointed by the current board.

B. WORK SESSION:
Private Parking Lot Operators—Fines and Practices

The council was joined by Parking Manager Jeff Petry, who presented on the fines and practices of local private parking lot operators and responded to questions submitted by the council. Councilors asked questions clarifying the information presented.

Mayor Piercy solicited council comments and questions.

Ms. Ortiz expressed concern that private parking operators checked the licenses of vehicles in their lots to see if they had outstanding citations associated with past violations at another company property and towed the vehicles if they found a match. Mr. Petry said he spoke to a representative of Diamond Parking, who indicated to him that the company was not currently towing vehicles. He did not know when the company's policy had changed.

Mr. Clark determined from City Attorney Jerome that the City had the authority to regulate private lot operators' enforcement practices and the fines they assessed.

Mr. Brown suggested Eugene might want to take an approach similar to that used by the City of Portland regarding the violations assessed by private lot operators. Mr. Petry distinguished between a time limit

violation and a failure to pay violation; Eugene's time limit citation fine was \$16 and a failure to pay violation was \$40. The fees charged by private operators were generally higher.

Mr. Zelenka requested a fee schedule for City of Eugene violations and a fee schedule for private lot violations for the purposes of comparison. He also requested more information about the Portland model. Mr. Petry said he would provide the council with a link to the Portland program's Web page.

Responding to a question from Ms. Taylor, City Attorney Jerome said people using a private lot implicitly agreed to the terms and conditions of that use by parking in the lot. The citation issued by the operator was actually a bill; a private operator could send the individual receiving the bill to small claims court. Ms. Taylor wanted to protect people from what she believed was persecution related to their use of private lots and asked how people defended themselves when harassed by collection agencies employed by private operators. City Attorney Jerome acknowledged that such individuals might have to go to small claims court. City Manager Ruiz suggested that the situation was no different from any other business transaction; one was buying the right to park on a private lot and if one did not pay the fee, the lot operator could pursue payment.

Ms. Taylor continued to be opposed to private parties issuing citations and wanted the council to see options regarding what it could do to protect people from towing and being harassed by parking lot operators. She wanted options for doing something about predatory towing and private lot abuses.

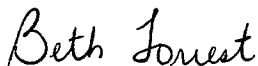
Ms. Ortiz wanted to see more standardization among the practices of private lot operators. She asked that the City involved the private lot operators in any such effort.

Mr. Clark questioned whether the City could institute an intervention that precluded the need for a resident to go to small claims court and requested a scope of work for that.

City Manager Ruiz said staff would send out the link on the Portland model, review the discussion, and determine if there was a path forward to share with the council.

Mayor Piercy adjourned the meeting at 1:26 p.m.

Respectfully submitted,



Beth Forrest
City Recorder

(Recorded by Kimberly Young)