

MINUTES

Eugene City Council
Council Chamber—City Hall
777 Pearl Street—Eugene, Oregon

November 14, 2011
7:30 p.m.

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

COUNCILORS ABSENT: George Poling.

Her Honor Mayor Kitty Piercy called the November 14, 2011, regular meeting of the Eugene City Council to order.

1. PLEDGE OF ALLEGIANCE

Mayor Piercy shared a reading from President Woodrow Wilson in commemoration of the First Armistice Day.

Councilor Farr dedicated the recital of the Pledge of Allegiance to his father-in-law, a veteran of World War II.

Councilor Zelenka noted his own service at the Air Force Academy. He thanked all veterans and all those currently serving for their service to the United States.

Councilors Zelenka and Farr led the council through the Pledge of Allegiance.

2. PUBLIC FORUM

Stan Taylor, 1285 McLean Boulevard, “We the People of Eugene,” asked the council to adopt a resolution prepared by his organization opposing the impact of corporate money on democracy. He reviewed the resolution. Mr. Taylor believed the mix of corporate money and elections resulted in attacks on local government sovereignty and its ability to regulate destructive corporate behavior.

Charlie Swanson, 2010 Fairmount Boulevard, “We the People of Eugene,” provided the petition mentioned by Mr. Taylor, signed by 5,000 people, to City Recorder Beth Forrest. Mr. Swanson noted widespread support for an amendment to the United States Constitution to abolish the concept of corporate personhood. Several cities had already passed or were contemplating resolutions advocating for such an amendment while others had passed ordinances declaring corporations did not have constitutional rights in their communities. He believed Eugene residents either supported the resolution or would support it if they knew more about the topic.

Eugene Wanderer, a homeless person living in the Whiteaker neighborhood, said it “brought him down” that some councilors were not supportive of Occupy Eugene because he believed the council and Occupy

Eugene were fighting for the same thing. He supported the resolution offered by We the People of Eugene.

Chris Calef, 865 East 32nd Avenue, Occupy Eugene, took issue with Councilor Farr's opposition to Occupy Eugene and the remarks Councilor Farr posted on his blog, Lane Forum, about the Occupy encampment. He thought any concerns about the impact of the encampment on the Willamette Greenway paled in comparison to the critical issues he believed that the Occupy movement brought to the public's view. He questioned the City's accounting of the costs attributed to Occupy Eugene. He objected that Councilor Farr had mentioned the needs of the homeless and hungry in his blog while he denied them the right to call Washington-Jefferson Park their own, which he considered hypocritical. He maintained that Occupy Eugene was providing services to the homeless that the City refused to provide.

Anya Dobrowolski, 2244 Alder Street, a member of the City's Bicycle and Pedestrian Advisory Committee (BPAC), encouraged the council to accept the Bicycle-Pedestrian Master Plan (BPMP) and incorporate it into the Transportation System Plan (TSP). She emphasized the relationship between good infrastructure for alternative modes and a sustainable community. She believed a better transportation system was directly related to the goals of the City's Climate and Energy Action Plan and the Envision Eugene planning effort.

Judy Horstmann, 1835 East 28th Avenue, expressed support for the BPMP. The plan would increase walking and bicycling through the creation of a safe, connected, convenient bicycle-pedestrian network. It was important to promote walking and bicycling so citizens could chose a lifestyle of active transportation. The proposed bicycle boulevards would attract families to cycling and the sidewalk projects and access ways would make it easier for pedestrians and transit users to get where they needed to go. Ms. Horstmann acknowledged the challenge of funding sidewalk construction and maintenance and encouraged the council to modify current funding sources or establish new funding sources to pay for BPMP projects.

David Gizara, 3550 West Amazon Drive, Apartment 7, a member of the BPAC, believed that bicycle and walking were legitimate transportation modes that needed to be treated as equal elements in the City's transportation funding mix. He spoke of the many benefits of increased bicycling and walking and suggested the BPMP would help the community weather future economic and ecological changes.

Zachary Vishanoff, Ward 3, believed the City should publicize and explain the proposed Moss Street vacation. He questioned the City's planning for bicycles and criticized the use of bike cycle tracks. He believed the BPAC should have held a hearing on the projects it had endorsed and whether they were successful. He advocated for toxic waste mitigation and historic preservation on the riverfront property owned by Eugene Water & Electric Board rather than planning for bicycle paths. He called for public hearings about whether the public wanted green condominiums for rich people on that site. He asked the council to end "bike pork" and investigate the impact of recent bicycle improvements he considered dangerous, such as the improvements on Alder Street.

Alley Valkyrie, Ward 1, believed that finding solutions to the problems of the homeless and disenfranchised should be a top priority of City government but the council had expressed concern while making no changes to the status quo. She said that was because councilors had never been homeless. She denied that homelessness was ever a choice that one made. She did not think councilors could justify opposition to the Occupy Eugene encampment by pointing to the availability of the car camping program because most homeless do not own cars. She wanted the council to educate itself about homelessness and challenged councilors to spend a night at the Eugene Mission so they could understand what it was like to "be stripped of your dignity, treated with a disrespect like you have never known, and to experience the

wounds to your pride that come with being at the mercy of an organization that prioritizes rules over humanity.” She cited the mission’s refusal to allow Thomas Egan to stay there in support of her criticism. She said after the councilors learned why so many people refused to stay at the mission she challenged them to stay at a City park to have that experience. Otherwise, councilors’ judgments about Occupy Eugene were suspect.

Randy Prince, 2990 Onyx Street, was happy to see the sidewalks downtown reopened. He acknowledged that sometimes sidewalk closures were necessary to accommodate construction but averred that other cities “got to great extents” to keep public sidewalks open in such instances. He hoped to see more sidewalk maintenance downtown and suggested design changes might also be in order. He advocated for newer technology for the downtown lighting fixtures. Mr. Prince supported the broadcasting of classical music downtown and suggested that local radio station KWAX be used as a source for programming.

Howard Bonnett, 1835 East 28th Avenue, provided written testimony regarding the BPMP to the council. He recalled his first week in Eugene in 1965, when he could not find a bicycle rack to park his bicycle at the University of Oregon without a considerable search. Since then much progress had been made in the community’s active transportation efforts. He commended the council for its earlier discussion about the BPMP at the work session and encouraged the council to accept the plan.

Sue Wolling, 108 High Street, said the projects in the BPMP were a key element in the implementation of Envision Eugene. She encouraged staff to review the performance measures in the plan to ensure they were aligned with the plan goals to increase alternate modes use. She suggested the City might need to invest in technology to better count alternate mode trips. Ms. Wolling also recommended another examination of the project priorities because in many cases the source of the project was not clear. She also advocated for development of criteria to guide the prioritization process. She agreed with testimony calling for dedicated project funding.

Dennis Cassady, PO Box 4028, Eugene, contrasted the higher fees and staffing levels of Eugene’s Rental Housing Program to Corvallis’s program. He believed that if the revenues collected in Eugene had not been sequestered they would have already been used by other City departments for purposes not related to the program. He questioned the accounting for the program, noting he had been billed by the program for two houses for which he did not even yet have an occupancy permit. He attended meetings of the department advisory committee (DAC) overseeing the program and found accounting discrepancies in the information presented to the DAC. Mr. Cassady said staff advertised the program extensively to students to attempt to get tenant involvement, but none showed interest. A former member of the DAC, Daniel Prince, told *The Register-Guard* that the program had come close to outliving its usefulness. Mr. Cassady recommended the program be ended and the excess funds returned to the landlords.

Scott Sanders, 4195 Berrywood Drive, asked the council to terminate the Rental Housing Code. He questioned what benefit the community gained from the program when weighed against its costs. The program was redundant of other government programs. Tenants could seek remedies through small claims courts or avoid poor landlords. In five years, the program had 150 complaints that led to City action at an average cost of \$11,600 per complaint. The majority of funds went to collect more funds. He believed the program should be ended for because it could not be justified on a cost-benefit basis.

Misha Seymour, 1313 Lincoln Street, #307, expressed concern about the music broadcast at Kesey Square. He suggested that the City could support local musicians at the site, which was one of the few public spaces available in Eugene. He said that similar tactics were being used around the country, and it was not right, because the public square belonged to the people, who would not stand for any more.

Eric Hall, 116 Highway 99, observed that the same staff responsible for Building Code violations were also responsible for overseeing the correction of Rental Housing Code violations. He said the sections of the Rental Housing Code were redundant of the Building Code with the exception of security. He believed that there were ways for tenants to address such violations other than through a code or by hiring a lawyer. He thought such tenants could still call the City for assistance as they could still have access to the same staff. He suggested the City could develop a land use provision to address security.

Dennis Chappa, 999 Lorane Highway, opposed the continuation of the Rental Housing Code and questioned how it could be considered a cost-effective program given the low number of incidents investigated and the high cost. He said there were already laws in place that allowed tenants to seek redress. He said the program reflected a lack of transparency in government because staff time was not being tracked and there was no way to know if the dedicated funds were being used appropriately. That did not instill trust in government.

Amanda Ellis, 346 East 16th Avenue, representing the Oregon Student Public Interest Research Group (OSPIRG) Protect Our Oceans Campaign advocated for a local ban on single-use plastic grocery bags because of the damage that such bags caused to animals, humans, and coastal economies. It was difficult to eliminate such pollution. She maintained that plastic bags were rarely recycled and never biodegraded.

Julia Reins, 1475 East 15th Avenue, representing ORPIRG's Protect Our Oceans Campaign, was also present to advocate for a local ban on plastic bags. Her organization had gathered many signatures of support for a local ban from students, residents, and small businesses and continued to gather signatures. She shared a copy of the five media hits her organization received and a list of businesses that supported the ban.

Dave Matthews, 3805 SE Cesar E. Chavez Boulevard, Portland, OSPIRG, also advocated for a local ban on plastic bags. He believed such bags were unnecessary as they were used for only a few minutes but lasted for many years. Fourteen communities had taken action to ban such bags. Bans were contemplated in Corvallis, Newport, Milwaukie, and Portland had passed such a ban. He believed such a ban was practical and simple and pointed out that since no one in Oregon made plastic bags no one would be hurt by the ban and ocean wildlife would be saved.

Pauline Hutson, 1025 Taylor Street, questioned the moral compasses of councilors who supported sending EmX down West 11th Avenue. She said they seemed to lack the normal human emotions of empathy and sympathy and seemed to be obsessed with sending EmX down West 11th Avenue in spite of opposition from the neighborhood. She asked how they could ignore the tragic consequences of their decision. People affected by the decision felt helpless. She speculated on the possibility of a hidden agenda. She asked if the project was about money or planners justifying their jobs. She asked if EmX was payback for failure of the West Eugene Parkway. She asked the council to reconsider and place humans first. She believed there were better options. She criticized Lane Transit District's plans to remove trees on West 11th Avenue.

Ashley Miller, 2675 Norkenzie Road, representing the Oregon League of Conservation Voters, also supported a ban on plastic bags. She believed a local ban was appropriate. She agreed with previous speakers about the harm from plastic bag pollution.

Mayor Piercy closed the Public Forum. She thanked everyone who attended to express their views and gave special recognition to those who spoke in support of the BPMP, those who supported the resolution

against corporate contributions to elections, and those who advocated for a plastic bag ban. She said they were all doing important community work.

Councilor Clark thanked the representatives of the Protect Our Oceans Campaign and said while he did not yet know his position on the topic he was interested in further discussion. He questioned why no one was talking about the materials from Japan that was heading toward the west coast of the United States as a result of the 2011 earthquake.

Councilor Ortiz also thanked those who testified. She determined from City Manager Jon Ruiz that the council would hold a public hearing on the Rental Housing Code on November 21 and action on the proposed extension of the code was on November 28. Councilor Ortiz understood the City was banking the revenues collected and suggested that the fee be reduced or the money be used to offset landlords' repair costs.

Councilor Ortiz observed that she was always challenged by comments about councilors' moral compasses or personal experiences. She said those commenting did not know the councilors, their origins, or their experiences. She believed the council had done a great deal to address homelessness, although she believed it could do more. She believed that councilors were all serving for the right reasons.

Speaking to those who challenged his sincerity in regard to the homeless, Councilor Farr said he had spent years with Food for Lane County and was instrumental in the formation of the Council Committee on Homelessness and Youth. He had worked on the issue of homelessness for years and suggested if there was hypocrisy displayed it was displayed by the person who did not do their research before calling someone else a hypocrite.

Councilor Zelenka announced that the public hearing on the Moss Street vacation was scheduled for November 21 and added that the hearing had been noticed for several weeks. Action was scheduled for December 12. Those dates could be found on the council's calendar.

Councilor Zelenka thanked those who spoke on behalf of the BPMP and agreed the council needed to find a way to fund it. He supported a plastic bag ban and planned to request a work session on the topic. He expressed support for the resolution put forth by We the People of Eugene.

3. CONSENT CALENDAR

- A. Approval of City Council Minutes**
 - October 10, 2011, Work Session**
 - October 10, 2011, Regular Meeting**
 - October 12, 2011, Work Session**
 - October 31, 2011, Special Meeting**
- B. Approval of Tentative Working Agenda**

Councilor Taylor, seconded by Councilor Brown, moved to approve the items on the Consent Calendar. Roll call vote: The motion passed unanimously, 7:0.

4. ACTION:
An Ordinance Concerning Dogs on Alder Street and Repealing Section 4.427 of the Eugene Code, 1971

City Manager Ruiz introduced an ordinance repealing an ordinance adopted in 1996 that banned dogs on Alder Street. He said Councilor Taylor requested the council reconsider the ban. He recalled the public hearing held on the ordinance during which no one spoke in favor of lifting the ban. He further recalled that it was suggested at that time the ban be extended to downtown; the ordinance before the council did not address that issue and the council would discuss the subject at a work session to be scheduled later. Lt. Doug Mozan of the Eugene Police Department was present to answer questions.

Councilor Taylor, seconded by Councilor Brown, moved to approve Council Bill 5053 concerning dogs on Alder Street and repealing Section 4.427 of the Eugene Code, 1971.

Councilor Taylor believed there were already laws in place to address the problems the ordinance was designed to address. She thought that those who supported the ordinance believed the absence of dogs made their businesses better when the real reason for their success was the presence of students and the support they received from the Eugene Police Department. She recalled that many female professors had opposed the ordinance in 1996 because they could not have their dogs with them in the area late at night to add to their safety. In addition, people with friends in the area could not visit those friends and take their dogs.

Councilor Zelenka did not support the motion. He noted that the area in question was in his ward and he had talked to many business owners and none expressed support for removing the ban. Many had contrasted the environment before and after the ban and attributed much of the change to the ban. It was a very small area and Councilor Zelenka did not think the City was punishing anyone by precluding dogs from being there.

Councilor Farr had served on the council when the ordinance was initially passed and he recalled that there had been considerable public testimony in support of the ordinance. He did not support the motion.

Councilor Clark had been a student at the University of Oregon before the ban was in place and recalled the atmosphere on East 13th Avenue at that time. He thought the ban made a difference in the area and believed that it might also make a difference if applied downtown. He did not support the motion.

Councilor Taylor reiterated that there were other ways to address the problems the ban was designed to address. She did not see why responsible dog owners should be punished for the actions of others. She did not think the council should consider only the views of the business owners as there were others using the area in question. She had frequently traveled the area prior to the ban without having a problem. Councilor Taylor suggested that nuisance dogs were generally unlicensed and additional enforcement of licensing laws could address the problems created by such dogs.

Roll call vote: The motion failed, 5:2; councilors Taylor and Brown voting no.

5. ACTION:
Appointment to Planning Commission

Councilor Taylor, seconded by Councilor Brown, moved to appoint John Jaworski to Position 5 on the Planning Commission for the unexpired term ending on June 30, 2014.

Councilor Clark spoke in support of Mr. Jaworski and reminded the council of Mr. Jaworski's role in leading the separation of the Cal Young Neighborhood Association into three associations.

Roll call vote: The motion passed unanimously, 7:0.

6. COMMITTEE REPORTS:
Housing Policy Board, Lane Regional Air Protection Agency, Metropolitan Wastewater Management Commission, Public Safety Coordinating Council (Juvenile)

Councilor Pryor reported that the Housing Policy Board (HPB) held two public hearings and a forum on Bascom Village and subsequently forwarded a positive recommendation to the council with the acknowledgment the council would require further discussion of some of the policy issues involved. He encouraged the council to review the materials submitted by the HPB prior to that discussion.

Councilor Clark asked the council to hold a public hearing on Bascom Village.

Councilor Ortiz reported that Director Merlin Hough of the Lane Regional Air Protection Agency (LRAPA) was serving on the State Air Advisory Board. Mr. Hough had also created a committee in Oakridge to oversee wood stove change outs. As result, 700 Oakridge residents had received new heating systems. Councilor Ortiz also reported that the Public Safety Coordinating Council's Juvenile Justice Committee heard a presentation on street gangs at its most recent meeting and discussed doing a community scan to assess the scope of the problem. She said the council also had a subcommittee working on gang prevention.

Councilor Brown reported that the Metropolitan Wastewater Management Commission continued to study the use of gray water. He said he had attended the recent National League of Cities convention in Phoenix and visited the nearby City of Peoria's wastewater treatment plant and learned that all its discharge was clean water placed directly back into the aquifer.

Mayor Piercy thanked City Manager Ruiz for his work on the Welcome Home Vet Build Project.

Mayor Piercy adjourned the meeting at 9 p.m.

Respectfully submitted,



Beth Forrest
City Recorder

(Recorded by Kimberly Young)