

MINUTES

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

September 19, 2011
7:30 p.m.

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

Her Honor Mayor Kitty Piercy called the September 19, 2011, public hearing of the Eugene City Council to order.

1. PUBLIC HEARING:

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

City Manager Jon Ruiz introduced the topic, reporting that the City Council adopted a ban on dogs in the commercial area near 13th Avenue and Alder Street in 1996. Dogs owned by people living in the area were exempted from the ban. An ordinance to lift the ban was the subject of the public hearing. Lieutenant Doug Mozan of the Eugene Police Department was present to answer questions.

Mayor Piercy opened the public hearing.

Sheila Daughtry, 762 East 13th Avenue, President of the University Business District Association, advocated for retention of the ordinance because it improved the safety of the area in question by reducing panhandling, graffiti, drug dealing, and drunkenness. She noted improved business vacancy rates and new development that occurred since adoption of the ban, which in combination with other creative solutions had provided a safer community environment. She no longer feared to walk down the street because of the ordinance and did not have to clean dog waste in front of her business. She asked the council to retain the ban.

Neva Becker, 920 Darlene Avenue, Springfield, said she worked in the area in question and described her past experience traveling through the area and encounters with aggressive panhandlers. She believed the ban had helped to create a safer and more comfortable environment and asked the council to retain the ban.

Jim Williams, 428 Mansfield Street, Springfield, General Manager of the University of Oregon Bookstore, suggested dogs were not appropriate for a congested commercial area. He spoke of the environment that existed before the ban, when aggressive panhandlers, many with large dogs, frequented the area. Their anti-social behavior caused a serious decline in business. He believed those problems would return if the ban was lifted and asked the council to retain the ban.

Dave Hauser, 1401 Willamette Street, representing the Eugene Area Chamber of Commerce, Downtown Eugene Inc., and University Business District Association, noted the remarkable turnaround the commercial district in question experienced since the imposition of the ban. While he believed no single

factor could be credited for the turnaround, the ban on dogs was an important piece of the solution. The ban eliminated unattended dogs in the right-of-way, dog waste, and intimidating dogs. He did not think that lifting the ban made sense. He suggested that the council consider extending the ban on dogs to certain areas of downtown with similar exemptions.

Jim Antonini, 1515 Calistoga Court, general manager of Atiyeh Brothers, agreed with the remarks of previous speakers. He did not want to return to the time before the ban on dogs and asked the council to retain it.

Pete Peterson, 866 East 13th Avenue, owner of the Red Rooster Barber Shop, spoke of the conflicts created by residents who walked their dogs on extra-long leashes and the intimidating behavior of aggressive dogs and expressed concern that lifting the ban could aggravate that problem in the area.

Zachary Vishanoff, Ward 3, supported lifting the ban on skateboards in the area in question and suggested that issue be separated from the issue of dogs as well as enforcement. He suggested the police substation in the area had more impact than the bans. He asked the council to address each issue separately because otherwise he believed the ordinance would be used for targeted law enforcement and some skateboarders would be found acceptable while others would not.

Mayor Piercy closed the public hearing and called on the council for questions or comments.

Councilor Clark asked Council Coordinator Beth Forrest to poll the council for its interest in holding a work session on extending the ban on dogs to downtown.

Councilor Ortiz believed there were no bad dogs, only bad dog owners.

Councilor Taylor suggested there were already laws to address the problems mentioned in testimony. There were ways other than a ban to address the problems created by irresponsible dog owners. She did not think that dogs were responsible for the problems the area experienced. She recalled that many people testified against the ordinance when it was first proposed and many were female professors who worked late at night and wanted to be able to have their dog with them, but could not walk through the area in question, sometimes sending them down less safe routes. In addition, residents of the area had friends who wished to visit at night and have their dogs with them for safety's sake but could not.

Councilor Zelenka recalled what the area was like in the mid-1990s and agreed with Mr. Hauser that no single thing had changed the area. However, he saw no reason to lift the ban because it worked and represented part of the solution. He was unsure about expanding the ban.

Councilor Brown expressed sympathy for the difficulties the University area businesses had experienced in the past and was glad conditions had improved. He wondered if the ordinance could be modified to accommodate visitors and people who worked at the UO at night as a compromise.

Councilor Farr asked that the council be provided with copies of the testimony the council received when it initially considered the ordinance.

Councilor Poling agreed with the remarks of Councilor Zelenka. He thanked the business owners in the district for "sticking it out" and suggested they were a vital factor in the success of the area. Councilor Poling preferred to retain the ordinance in its current form.

Councilor Pryor did not support ending the ban at this time and said some adjustments might be appropriate later. He supported holding a work session on how the tool or elements of the tool could be used downtown.

Mayor Piercy said she had heard no complaints about the application of the ordinance and determined from Lt. Mozan that residents had not complained about the ordinance. He indicated there had been very little enforcement and very high compliance with the ordinance in the area.

Councilor Taylor said many people were unaware of the ordinance and traveled through the area with their dogs without being stopped, which suggested to her that selective enforcement was occurring. She suggested a smoking ban on public streets might have a better result, and called for an ordinance instituting such a ban.

**2. PUBLIC HEARING:
An Ordinance Concerning Fire and EMS Response Fees to Out-of-Area Users and Adding
Section 2.610 to the Eugene Code, 1971**

City Manager Ruiz said the Fire Department requested that the council adopt the ordinance to provide the City with a mechanism to charge nonresidents fees for Fire and EMS responses. The proposal was consistent with fees imposed by other jurisdictions in Oregon and the United States.

Mayor Piercy opened the public hearing. There being no one present to speak on the item, she closed the public hearing.

Councilors asked Fire Chief Randy Groves a series of questions clarifying the details of the proposed fee.

Mayor Piercy asked staff if it could provide information on the number of people involved in local accidents who were from out of the area.

**3. PUBLIC HEARING:
Ward Redistricting Scenarios**

City Manager Ruiz said Eugene's ward boundaries must be adjusted to recognize growth and better provide for equal representation. The public hearing regarded two proposed ward district scenarios. He anticipated the council would take final action in October.

Mayor Piercy opened the public hearing.

Susan Tavakolian, 338 West 11th Avenue, represented the League of Women Voters of Lane County. She commended the City's public involvement process and staff's adherence to the recommended criteria and rationale for the changes reflected in the final scenarios. She said each scenario did a respectable job of meeting the criteria and the league had no recommendation about which to select.

Randy Prince, 2990 Onyx Street, Co-Chair of the Neighborhood Leaders Council (NLC), advocated on behalf of the NLC for coterminous ward and neighborhood association boundaries and noted the analysis he provided to the council in spreadsheet form. He suggested that co-terminus boundaries would allow for improved communication between councilors and residents. Mr. Prince called for a guideline that provided for the least number of councilors per neighborhood association.

Rick Crinklaw, 3748 Breezewood Avenue, Chair of the Local Government Affairs Council of the Eugene Area Chamber of Commerce, noted his organization's development of criteria for ward district boundaries, which was provided to the council earlier in the process. He endorsed Scenario 1 as aligning most closely with the chamber's criteria.

Mayor Piercy closed the public hearing and solicited council questions and comments.

Councilor Ortiz determined from Keli Osborn of the City Manager's Office that modifying the ward boundaries to include the Highway 99 corridor in Ward 7 and include the airport in Ward 6 would meet the population targets.

Councilor Zelenka requested that staff provide the council with a map showing the neighborhood association boundaries overlaid on the ward boundaries. He also noted his interest in modifying the boundaries of Ward 3 to address the problem of low voter turnout in that ward.

4. PUBLIC HEARING:

An Ordinance Concerning Multi-Unit Housing Property Tax Exemptions and Amending Sections 2.945 and 2.947 of the Eugene Code, 1971

City Manager Ruiz asked the council to hold a public hearing regarding an ordinance to consider a new sunset date for the Multi-Unit Property Tax Exemption (MUPTE) program in the Downtown Plan area.

Mayor Piercy opened the public hearing. There being no one present to speak on the item, she closed the public hearing. She determined that councilors had no questions or comments.

Mayor Piercy adjourned the meeting at 8:26 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)