MINUTES

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

June 27, 2011
5:30 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 June 27, 2011, work session of the Eugene City Council to order.

A. ITEMS AND COMMITTEE REPORTS

Ms. Taylor reported that the KLCC Garden Tour had been wonderful. The tour included Mayor Piercy's garden, which was a wonderful place to retreat and relax after a council meeting. She had attended the Lane Workforce Partnership board meeting, which was largely concerned with the budget.

Ms. Taylor recalled that several years ago the council adopted an ordinance prohibiting dogs on certain streets in the west campus area. At that time, several University of Oregon employees had objected because they wished to have their dogs for protection when they worked late at night but would not be able to walk home on those streets. She had opposed the ordinance then and continued to oppose it. She questioned if the public was even aware the ordinance existed.

> Ms. Taylor, seconded by Mr. Brown, moved to direct the City Manager to schedule a public hearing.
>
> Mr. Farr, seconded by Mr. Poling, moved to postpone the motion to the second meeting in July.

Mr. Farr suggested the council schedule a work session on the topic. After a brief discussion regarding the appropriate timing for the motion and recognition of the fact the motion merely moved the item forward to a public hearing, Mr. Farr withdrew his motion with the assent of Mr. Poling.

> The motion passed unanimously.

Mr. Clark recalled the council's recent discussion of his proposal that the Pledge of Allegiance be recited at council meetings. He said he had revised his original proposal by dropping the State of the City event from the meetings at which the pledge would be said based on input from the mayor and Mr. Zelenka.

> Mr. Clark, seconded by Mr. Poling, moved that the Eugene City Council begin its formal council meetings with a voluntary recitation of the Pledge of Allegiance at those council meetings closest to the following holidays: Memorial Day, Veterans Day, Flag Day, and the Fourth of July.

Mr. Clark recalled that he had initially wanted to observe the Pledge of Allegiance at all council meetings. He did not think he could get majority support for that proposal and was willing to compromise on what he had considered a reasonable proposal.

Mr. Zelenka arrived at the meeting.

> Mr. Farr, seconded by Mr. Clark, moved to amend the motion to read that the Eugene City Council begin its formal council meetings with a voluntary recitation of the Pledge of Allegiance at all regular council meetings as defined by the City Charter.

Mr. Clark said he seconded the motion because it reflected his original intent, but he acknowledged it was unlikely to pass.

> The amendment to the motion failed, 5:3; Mr. Poling, Mr. Clark, and Mr. Farr voting yes.

> Mr. Farr, seconded by Mr. Poling, moved to amend the motion with the following: "And that the United States Flag and Flag of the State of Oregon be displayed at all council meetings obtaining a council quorum as defined by the City Charter."

Mr. Clark indicated the input he received from Mayor Piercy and Mr. Zelenka was that the council did not have the authority to require anything at the State of the City because that agenda for that event was under the mayor's purview. He asked City Attorney Glenn Klein for input. City Attorney Klein indicated would have to get back to the council because he did not know the answer to the question. Mayor Piercy said it was her experience that the arrangements around the State of the City were within her purview.

Mr. Farr reworded his amendment as follows:

> Mr. Farr, seconded by Mr. Poling, moved to amend the motion with the following: "And that the United States Flag and Flag of the State of Oregon be displayed at all council meetings obtaining a council quorum with the exception of the State of the City address."

Mr. Brown suggested the discussion was moving away from council process to ceremonial minutiae, and he questioned if that was a good use of the council's time.

Mr. Pryor had no objection to displaying a flag in the council meeting room. However, he was unsure about tying that activity to a quorum. Mr. Farr suggested tying it to a voting meeting. Mr. Pryor questioned the meaning of that and asked City Attorney Klein for input. City Attorney Klein pointed out the council had authority to vote whenever it met. Mr. Farr restated the motion:

> Mr. Farr, seconded by Mr. Clark, moved to amend the motion to state that the US Flag and Flag of the State of Oregon would be displayed when the City Council met in the McNutt Room.

Mr. Zelenka did not think it was a bad idea to have a flag in the McNutt Room but did not support the amendment because he had an alternative proposal of his own.

> The amendment to the motion failed, 5:3; Mr. Poling, Mr. Clark, and Mr. Farr voting yes.

Ms. Ortiz appreciated Mr. Clark's attempt to offer the council a compromise.

Speaking to the proposal to be put forth by Mr. Zelenka, Ms. Ortiz suggested the proposal be modified by retaining the current starting time for meetings at 7:30 p.m. and allowing people to sign up to testify five minutes past the current cut-off. She also liked the idea of involving various community groups in the readings. She envisioned the ceremony would be an event that brought people together. Mr. Clark said he would be willing to modify his motion to include the participation of a group or groups in the celebration. Ms. Ortiz suggested that the proposal be modified to indicate the mayor may, rather than shall, invite a group or groups to participate. Mr. Clark agreed.

Mr. Brown appreciated Mr. Zelenka's attempts to modify what he considered a terrible idea. He said the proposal had not united the council; instead, he believed it had been divisive, as demonstrated by the e-mails the council was receiving.

Mr. Brown suggested that over time, the rationale for Mr. Clark's proposal had changed. At the process session he had learned that supposedly, Eugene really liked to celebrate weird things, like the Eugene Celebration, which he had previously thought was just a party for all of Eugene. Then he learned that that there were people who did not like to celebrate weird things, although none had ever appeared at a public forum or sent e-mails demanding that the City provide them with them with activities they liked and could participate in. He termed the rationale that somehow the proposal would satisfy those residents' needs as "fairly fantastic." Mr. Brown suggested that some of the people who lived in New Orleans did not like Mardi Gras. The whole notion that something was needed for the "non-weird" was strange to him. He did not see how the proposal would improve the operation of council meetings or help the council work on the community's problems.

Mr. Zelenka suggested that the original thought behind Mr. Clark's proposal was to celebrate the country and flag. As he considered the four holidays in question, it seemed odd to focus on the Pledge of Allegiance on the Fourth of July when that holiday celebrated the Declaration of Independence. He suggested that rather than recite the pledge at that time, the council have a reading from the Declaration of Independence or United States Constitution. He asked Mr. Clark if he was willing to accept that as a friendly amendment to the motion.

Mr. Clark declined to accept the proposal as a friendly amendment. He believed the proposal was quite different from his original proposal, which he already had compromised on. He said the rationale cited by Mr. Zelenka was not the reason for his proposal. He suggested that such readings could be incorporated to the ceremony over time but did not want to modify the motion.

> Mr. Zelenka, seconded by Mr. Brown, moved to amend the motion to indicate that at the council meeting closest to the Fourth of July holiday the ceremony shall instead include readings from the Declaration of Independence and United States Constitution.

Responding to a question from Ms. Ortiz, Mr. Zelenka said he did not object to doing both the pledge and a reading.

Mr. Clark said he had not made the proposal to celebrate the country, although that was a valid and good thing to do. He offered the proposal because there was, from his perspective, a large segment of the community who valued the pledge and found it to be a normal and healthy thing for the council to do. Such values were often met with hostility, leaving those residents feeling apart. He agreed there were residents of New Orleans who did not like Mardi Gras but when they lived there, they had to tolerate it. Mr. Clark recalled attending the Eugene Celebration Parade with his young children and being challenged to explain certain parade entries to them and had found it offensive he did not have a choice not to. However, he had to tolerate that because that was the community he lived in. Tolerating differences was an important part of that community. There were many people in the community who wanted to see the

council respect their values by observing the pledge at the beginning of meanings. He said to a certain degree, the matter had become an issue of tolerance for him. He was asking that those with a different set of values "have a seat at the table, too."

Mayor Piercy suggested that statements about differences in the community made it less likely the council found something to agree on. She hoped the council could find a positive way to support the different points of view around the table and produce something that did not denigrate anyone's position.

Ms. Taylor believed the council was wasting its time talking about the subject. The council was elected to do the City's business, and the Pledge of Allegiance was not part of that, nor was an extensive discussion of who was right or wrong. She asked if the council should read the Communist Manifesto if it had to do something to satisfy anyone. There were probably lots of things that people would like the council to read or say. She could possibly support the reading of the Declaration of Independence on the Fourth of July because many people were unaware of its contents and the reading might help educate them. She believed the council should forget about the subject.

Mr. Brown said that the council kept hearing about the people who wanted the council to say the Pledge of Allegiance but he wondered why the council only heard about them second-hand from Mr. Clark. He believed it was poor practice to base public policy on rumor, innuendo, and uncorroborated second-hand statements.

Mr. Zelenka restated the amendment as follows:

> Mr. Zelenka, seconded by Mr. Brown, moved to amend the motion to indicate that at the council meeting closest to the Fourth of July the ceremony will also include readings from the Declaration of Independence and United States Constitution.

The amendment was accepted by Mr. Clark and Mr. Poling as a friendly amendment to the motion with the modification suggested by Ms. Ortiz.

> The motion passed, 6:2; Ms. Taylor and Mr. Brown voting no.

Ms. Ortiz acknowledged the retirement of resident Wayne Watkins from the Bethel School Board. The council thanked Mr. Watkins for his service with a round of applause.

Because the scheduled end time for the agenda item had passed, Mayor Piercy moved the council to the next scheduled agenda item.

B. WORK SESSION: Ward Redistricting

The council was joined by Keli Osborn of the City Manager's Office and Jason Dedrick of the Planning Division. Ms. Osborn and Mr. Dedrick described the public outreach that occurred since the last council work session on the subject in April 2011. Mr. Dedrick called the council's attention to Attachment B, *Summary—Feedback on Ward Redistricting Criteria*, which included the public input gathered by staff. He briefly noted some of the feedback staff received.

Ms. Osborn indicated that the census block data being used by staff was available on request to anyone who wished to see it. She anticipated that after the council's adoption of criteria, staff would return in

late July with two or more redistricting scenarios that attempted to show different ways to meet the criteria. Staff would then seek public input on those scenarios.

Mr. Dedrick reviewed the manager's recommendation for the criteria proposed by staff to assist the council in the development of ward boundary scenarios:

- A population difference of three percent, plus or minus, among wards;
- Work with 2010 United States Census and do not assume potential growth;
- Develop scenarios without consideration of protecting incumbent elected officials;
- Develop scenarios that consider geographic and neighborhood features, and strive for relative compactness and contiguity, without rigid adherence to those characteristics; and
- Provide demographic information with scenarios to support consideration of potential impacts.

Councilors asked questions clarifying the information provided. Councilors were generally supportive of the proposed criteria with the exception of item 3, related to incumbency, suggesting it be modified as neither "protecting nor punishing" incumbents. Mr. Zelenka pointed out that Eugene Water & Electric Board commissioners were also affected by redistricting and recommended that redistricting occur with the goal of avoiding unnecessary disruption through what he characterized as "tweaks." Mr. Poling, Mr. Clark, Mayor Piercy, Mr. Farr, and Ms. Taylor expressed concurrence.

Mr. Brown expressed interest in seeing census data for the decades between 1980 and 1990 and 1990 and 2000, suggesting that might help the council identify any trends related to faster growth in wards 6 and 8 and allow it to make a modest adjustment to recognize that impact.

Mr. Poling emphasized the importance of completing the process by the time candidates must file. Ms. Ortiz wanted to ensure that neighborhoods of lower socio-economic status were not broken up.

> Ms. Taylor, seconded by Mr. Brown, moved to accept the City Manager's recommended criteria for developing ward scenario options, with the exception of bullet 3. The motion passed unanimously, 8:0.

Ms. Osborn determined that the council wished to see the alternative scenarios before they were presented to the public.

Mayor Piercy recognized the time remaining in the meeting and returned the council to Item A.

A. ITEMS AND COMMITTEE REPORTS

Mr. Farr also acknowledged the contributions of Wayne Watkins and said he would be missed.

Mayor Piercy noted the pending retirement of long-time School District 4J Superintendent of Schools George Russell and expressed appreciation for all his contributions.

Mr. Poling noted the pending retirement of Lane Transit District General Manager Mark Pangborn and further noted the pending retirements of Captain Steve Swenson and Lieutenant Mike Gilbert of the Eugene Police Department.

Mr. Poling announced that Richard Rowles was the new chair of the board of directors of Travel Lane County. The organization's annual photography contest had begun, and information could be found on its Web site. He noted that Travel Lane County also periodically sponsored Family Days, and information on those events was also on the Web site.

Ms. Ortiz said she had attended the recent National Association of Latino Elected and Appointed Officials in San Antonio, Texas, where participants heard from speakers that included Texas Governor Richard Perry, Secretary of the Interior Henry Cisneros.

Ms. Ortiz reported she had recently spoken to families from rural Oregon with children coming to the University of Oregon.

Ms. Ortiz reported that she had tabled with Mr. Farr at the "We Are Bethel" event and had the opportunity to speak to many residents. She also attended the recent Public Safety Coordinating Council meeting, where the main topic of discussion was public safety funding. She was subsequently pleased to learn that the Board of County Commissioners had reinstated funding for Sponsors. She regretted that she had to miss the "Celebrate Trainsong" neighborhood event.

Mr. Clark said he and Mr. Poling continued to meet with residents of the Cal Young neighborhood on reorganizing the existing neighborhood association into several smaller associations.

Mr. Pryor said the Housing Policy Board would meet on June 29 to review the applications for the next affordable housing project.

Mr. Brown reported that he participated in a recent clean-up at Civic Stadium. Much work had been done. School District 4J had provided a dump truck and participants completely filled it. Mr. Brown believed a few more such clean-ups would greatly improve the state of the grounds, particularly if participants could use power tools.

Ms. Taylor said the Lane Workforce Partnership would hold its annual awards lunch on August 25 at the Valley River Center. She encouraged councilors to attend.

Mr. Zelenka said he had attended the most recent Sustainability Commission meeting. The commission was developing its work plan and would soon hold the second part of a two-part retreat.

Mr. Farr thanked Human Rights and Equity Manager Raquel Wells for her outstanding performance.

Mayor Piercy reminded the council that the Jinju Sister City delegation would be in Eugene on July 10-13. She encouraged councilors to spend time with members of the delegation.

Mayor Piercy reported she had spoken to participants at the Eugene Police Assistance League summer camp and attended the kick-off event for the "Summer in the City" series.

Mr. Poling said he attended the Metro Class 14 recruit graduation for the Eugene-Springfield Fire Department on June 10. He reported that one of the graduating recruits, Jessie Bishop, had a father who currently worked for the department and his grandfather had retired from the department. Another graduate, Ryan Charbonneau, was the son of Sergeant Rich Charbonneau of the Springfield Police Department.

2. CONSENT CALENDAR

A. **Approval of City Council Minutes**
- May 18, 2011, Work Session
- May 23, 2011, Work Session
- May 23, 2011, Regular Meeting
- June 13, 2011, Regular Meeting
- June 16, 2011, Boards and Commissions Interviews

B. **Approval of Tentative Working Agenda**

C. **Adoption of Resolution 5034 Approving a Low-Income Rental housing Property Tax Exemption for the Property Located at 3057 Willakenzie Road, Eugene, Oregon (Metropolitan Affordable Housing, Corporation/Applicant**

D. **Adoption of Resolution 5035 Authorizing Suballocation or Transfer of Qualified Energy Conservation Bonds for Lane Community College**

Ms. Taylor, seconded by Mr. Brown, moved to approve the items on the Consent Calendar.

Mr. Zelenka pulled items C and D.

The motion, without items C and D, passed unanimously, 8:0.

Mr. Zelenka commended the Willakenzie Crossing project as being a particularly good project that should be recognized and celebrated.

Ms. Taylor, seconded by Mr. Brown, moved to approve item C. The motion passed unanimously, 8:0.

Mr. Zelenka believed that Item D represented another step toward getting the Sears "pit" filled and suggested that should also be celebrated.

Ms. Taylor, seconded by Mr. Brown, moved to approve item D. The motion passed unanimously, 8:0.

Mayor Piercy adjourned the meeting at 6:37 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)