MINUTES

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

May 9, 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 May 9, 2011, work session of the Eugene City Council to order.

A. WORK SESSION: Civic Stadium

Mr. Zelenka reminded the council of its April 13 work session on the topic and the April 25 public hearing at which 30 people testified in support of preserving and renovating Civic Stadium. He called attention to the Agenda Item Summary (AIS) for the item, prepared by himself and Mr. Brown with the assistance of the Save Civic Stadium (SCS) organization, which outlined the four options for City participation in that effort before the council:

1. *Join with SCS in a private-public partnership, revise its proposal, and present to the 4J School Board an option to enter into a lease, with an option to buy, the Civic Stadium property.*
2. *Join with SCS in a private-public partnership, revise its proposal, and present to the 4J School Board an option to purchase the Civic Stadium property using available park bonds.*
3. *Join with SCS in a private-public partnership, revise its proposal, and present to the 4J School Board two options to enter into a lease, with an option to buy, for the Civic Stadium property and to purchase the Civic Stadium property using available park bonds.*
4. *Take no action at this time.*

Mr. Zelenka outlined the parameters of the SCS proposal for a community and family sports complex at the present site of Civic Stadium, made possible by bringing professional soccer to Eugene. The first phase of the project included rehabilitation of the existing grandstand and the addition of a new grandstand, locker rooms, bathrooms, field, and scoreboard. Phase 2 included construction of an indoor field house, restaurant, service building and plaza/entry park. Mr. Zelenka envisioned that the renovation would be accomplished through a public-private partnership between the City and SCS.

Mr. Zelenka reported that consultation with City Attorney Glenn Klein indicated that while the Parks and Open Space bonds could be used to acquire the site for a park, they could not be used to redevelop the site for use by a professional soccer team. His intended motion eliminated the purchase option from further consideration. Instead, he proposed that the City lease the site.

Mr. Zelenka called the council's attention to the SCS Business Plan, included in the meeting packet as Attachment B to the staff AIS. He anticipated the professional soccer team would generate sufficient revenue to cover operating costs, stadium maintenance, and lease payments. Capital costs were addressed in two phases and identified in a table on 3 of the Brown/Zelenka AIS. He envisioned that either SCS or the City would become the lessee of the property and there would be a two-year lease agreement with

milestones to be negotiated with the school district. The City would be the guarantor for part of the lease payment. He suggested a lease amount of $170,000 escalating at three percent per year.

Mr. Zelenka briefly reviewed the changes that would be required to the SCS' response to 4J's Request for Proposals (RFP) for the Civic Stadium property.

Mr. Zelenka believed the proposal before the council was realistic and had a good chance of succeeding. He said it would require bold action on the part of the council to move the proposal forward, and recalled past council actions that represented bold steps that enhanced the community. He believed the proposal represented a similar opportunity. He pointed out that once the stadium was gone, it was gone forever.

Mr. Brown said the City took bold action in 1938 when it asked citizens to purchase the site for the back taxes owed on it. He recalled that action occurred at a time of high unemployment, but a large majority of voters supported the acquisition nonetheless. He noted that at the same time, the community voted money to acquire 260 acres on Spencer Butte, which served as the foundation for the park that existed today. Mr. Brown said the City Council had a chance to take a similarly bold action today.

Mr. Brown believed that Civic Stadium was centrally located and easy to reach, and liked that the repurposing proposal would preserve it as recreation space. He recalled the testimony the council received about the shortage of fields to accommodate field sports and suggested there would be few days of the year when the facility was not in use. Speaking to the source of funding, he suggested the potential that the City could use $100,000 in Community Development Block Grant (CDBG) funds.

Mr. Brown said the proposal would also facilitate economic development. He cited the experience of Portland, which remodeled Jeld-Wen Field (formerly PGE Park and originally Multnomah Stadium) at the cost of $37 million and subsequently rented it to Peregrine Sports, owner of the Portland Timbers, which paid half the costs of renovation and which would pay the City of Portland $1.4 million in rent and ticket taxes in 2011. That revenue went up about $100,000 annually. He said the proposal was a business deal for the City that was structured to repay the City its investment.

Mr. Brown thought the community had lost so much in regard to historic assets that it would be a mistake to develop the site with commercial and residential infill, particularly when it was initially intended for recreation.

City Manager Jon Ruiz noted his long-held concern about the potentially open-ended nature of the City's financial commitment to the project. He acknowledged the motion appeared to provide a more finite commitment.

Mr. Clark determined from Mr. Zelenka that it was unlikely that Phase 1 would be completed in the first two years of the lease. Mr. Clark expressed concern that the building would continue to deteriorate and the site could become an attractive nuisance. He also asked about the debt service and whether the nonprofit that operated the stadium would pay property taxes on the site. Mr. Zelenka referred Mr. Clark to the financing plan included with the AIS for information about debt service. He did not know about the property taxes. He did not believe leaving the site alone in its current condition was a problem because he assumed it would be in use at the end of two years. He speculated the other two responses to the RFP would also take some time to be implemented.

Mr. Brown suggested the possibility that Eugene's professional soccer team could be publicly owned, and cited the experience of Memphis, Tennessee, home of the Redbirds, a Triple A farm club of the Cardinals. The Redbirds were owned by a 501(c)(3) organization. The team gave a great deal back to the

community and its profits paid for team salaries and stadium maintenance. In addition, the team operated programs for local at-risk youth. He believed something similar could happen in Eugene.

Mayor Piercy observed that it was likely that the value of the Civic Stadium property would go up in time rather than down.

Mr. Poling noted that federal and State funding for social services was down and he anticipated local social service providers would look to the City for more money. He was concerned about committing $100,000 annually on the project given existing budget conditions. Speaking to the bold steps mentioned by Mr. Brown, Mr. Poling pointed out that the expenditures in question had all been approved by the voters and did not represent council decisions. Speaking to the potential use of CDBG funds, Mr. Poling anticipated a 15 percent reduction in that funding source and suggested those dollars would be harder to come by in the future.

Mr. Poling did not think proponents of the proposal had firm numbers to offer the council. He found it interesting that once the City entered the picture, a professional soccer team and developmental league football team were interested in the site. He asked if those entities were contributing financially to the project. He could not support the proposal and did not think the City should be involved in project. He said the future of the site was a school board decision. He wanted that decision to have a financial benefit to 4J and hoped that future development on the site increased the tax base.

Mr. Farr asked City Manager Ruiz about the source of the $100,000 annual contribution the City would be expected to make. City Manager Ruiz said while he had given the matter some thought he was not prepared to recommend a funding source at this time. Mr. Farr noted the large gaps that existed in funding for essential social services, which made him question how the City would come up with the funding in question. He was not interested in spending CDBG funds on the project.

Mr. Farr believed the decision facing the school district was a business decision. He agreed with Mayor Piercy that the value of the site would increase in time. It would not be less expensive to buy in two years. He believed the plan would become more difficult to achieve if the price went up. He understood that Phase 1 depended on fund raising, and he questioned how people would be enticed to give money if SCS did not hold the property.

Ms. Ortiz did not support using CDBG funds for the project. She asked if there was a "Plan B" if the SCS plan did not come to fruition. Mr. Zelenka indicated that if SCS did not meet the development milestones in the lease, the property would revert back to the school district.

Ms. Ortiz appreciated the work done by Mr. Zelenka and Mr. Brown to keep the SCS proposal alive but she was concerned about the cost. She had felt some lukewarm support for the proposal when she thought that the City could purchase the site with parks bonds. However, since those funds were not available, she could not support the proposal.

Mr. Pryor also appreciated the work done Mr. Zelenka, Mr. Brown, and SCS. He found the proposal intriguing. He believed the school board had to make a business decision based on what was reasonable and possible. He had to balance competing needs when considering his decision. With respect for the work that had been done, Mr. Pryor could not support the proposal, in part because of the money but also because he was unsure he would support the proposal if he was on the school board.

Ms. Taylor clarified that the library was not built with a bond issue.

Ms. Taylor said Civic Stadium was a rare historic structure that was part of the community's history and important to a lot of people. She supported preservation of the stadium. She commended the work done by Mr. Zelenka and Mr. Brown and believed the materials provided to the council demonstrated the proposal's viability. Ms. Taylor supported the use of CDBG funds to underwrite the proposal, pointing out they were intended to help under-privileged residents and a redeveloped stadium would serve many children now and into the future. The example set by the stadium's preservation would help teach them respect for history.

Mayor Piercy believed the council's concerns about the status of social service funding were well-taken but she suggested councilors also consider the issue of how the proposal would help build capital into the community to create a better economy for residents.

Mr. Zelenka cared deeply about social service funding and believed existing funding was woefully inadequate. However, he considered the proposal a human services program in that part of it was focused on programming for youth. He said that $100,000 per year was a modest amount.

Mr. Zelenka noted the letter of support the City received from resident John Jacqua in support of the proposal.

Mr. Zelenka reported he and Mr. Brown traveled to Portland to see the Portland Timbers play and he commended Jen-Weld Field, the team's home field, saying it was an amazing, well-done facility. There were 20,000 fans present to see the game, which he characterized as a European style soccer event. He said the team had captured the imagination of the Portland community.

Mr. Clark suggested the proposal was a "want versus need" situation. He recalled a communication the council received from residents living along Skyline Boulevard complaining about the condition of that road and asking what the City planned to do. He did not want to tell those residents the council would rather support the SCS proposal than fix their road. Mr. Clark said the council had to balance the community's wants and needs against available funding, and he did not find the proposal the wisest choice for the money.

While Mr. Brown acknowledged the final decision about the stadium would be made by the school district and there was no guarantee the SCS proposal would be selected, he thought the City's involvement gave the proposal a better chance of succeeding. He emphasized that once the stadium was gone, it would be gone forever. The community had a chance now to save a piece of its history. The stadium was unique, centrally located, and would be a fabulous recreation resource. He thought it would be sad not to save it.

Mr. Brown agreed with Mr. Zelenka's description of the Portland Timbers game and emphasized the high level of fan involvement. He also pointed out that the City of Portland was making money from the facility.

Mayor Piercy said that the proposed expenditure would be a serious commitment for the City. The issue was whether the expenditure was the right commitment. She believed one could make a case for the stadium's contributions to the community from an economic, social, and historic perspective.

Ms. Ortiz asked how easy it would be for City Manager Ruiz to come up with $100,000. City Manager Ruiz said it would not be easy. There would be a tradeoff, but he was unsure what it would be.

Ms. Ortiz was trying to reach an affirmative decision about the proposal but continued to be challenged by the money involved. She believed the positive things mentioned by proponents were true but she was

concerned about the City's ability to provide needed services to the community. When she thought about where she would direct another $100,000 she realized she would not put it toward the proposal. She wanted portable toilets for the homeless in Whiteaker and more places for homeless people to camp. Ms. Ortiz said she could have supported the proposal had the City been in better economic condition, but at this time she could not support the proposal.

Mr. Farr believed that economic stability was the best way to fund social services. However, Eugene did not have economic stability. He asked if the City was guaranteed the funding would be repaid and the time frame for repayment. City Attorney Klein said nothing in the proposed motion spoke to repayment of the City's funds. In the absence of personal guarantees from board members of SCS, he would not advise the council to expect the City to be paid back.

Mr. Farr contrasted the proposed expenditure to priorities such as portable toilets for homeless campers and said it would be easier for him to support the proposal if the City was going to be repaid. Speaking to statements the site was in the center of Eugene, he suggested that depended on where one lived.

Ms. Taylor believed the City would be negligent if it did not do what it could to preserve the historic structure. She thought future residents would be proud of the City Council for saving the stadium and would condemn it for letting it be demolished.

> Ms. Taylor, seconded by Mr. Brown, moved that the City Council commit $100,000 per year for two years to assist Save Civic Stadium (SCS) with lease payments to 4J, and should SCS get the lease from 4J, to direct the City Manager to work with SCS during the two-year term to: develop a financing plan and revised proposal for the redevelopment of Civic Stadium property, and to make a recommendation on how to fund the $100,000 for two years.

Mr. Zelenka thanked the council for considering the proposal and thanked staff for its efforts and analysis. He thought that all the councilors had made good points. He continued to support the proposal because he felt it would build community, spur economic development, preserve the stadium, and because of the social services element.

Mr. Poling expressed concern the council would not be able to agree on a source of funding for the project and suggested a funding source should already have been identified.

> The motion failed, 5:3; Ms. Taylor, Mr. Zelenka, and Mr. Brown voting yes.

B. WORK SESSION: Animal Control

City Manager's Office Division Manager Keli Osborn joined the council for the item. Ms. Osborn reported that the Accessibility Committee of the City's Human Rights Commission requested that the City Council revise the City Code to address impacts to service animals and their owners when the service animals were harmed. The request was generated by incidents where a service animal was injured by another dog. She introduced Mary Otten of the Accessibility Committee, who was present to answer questions.

Ms. Osborn emphasized the importance of the issue to the Human Rights Commission, which considered it a human rights issue.

Ms. Osborn called attention to the draft code language included in the meeting packet and recommended changes that would:

(1) Define "service animal";
(2) Expand the definition of animal abuse to include physical injury to a service animal;
(3) Require owners to notify the Lane County Health Officer not only for animals biting humans, but for animals biting service animals as well;
(4) Modify the code to change references to "handicapped person" to "person with a disability";
(5) Add violations and sanctions for potentially dangerous dogs for causing harm to service animals;
(6) Provide the Hearings Official the ability to restitution and training for potentially dangerous dogs; and
(7) Expand the exemption for dog licensing to include dogs qualifying as service animals.

Ms. Osborn reported that City staff was working with Springfield and Lane County Animal Services (LCAS) on other possible code change recommendations intended to ensure greater consistency between the codes of the three jurisdictions. She noted that staff had shared the recommendations outlined with Municipal Court Judge Wayne Allen and LCAS, and they were generally supportive.

Mayor Piercy called on the council for questions and comments.

Mr. Poling preferred to see the proposed sanction elevated to a higher degree. He said the code did not appear to require that the service animal be identifiable as such or that it have documentation on file with LCAS that identified it as a service animal and asked if that had been discussed. Ms. Osborn said no. She said staff had suggested a definition of service animal that was consistent with the Americans with Disabilities Act, which did not require such identification. She said staff would examine ways to achieve that goal without changing the definition. She said Ms. Otten had indicated in discussions with City and LCAS staff that she believed it would be rare for a service animal not to be identifiable. Ms. Otten pointed out that such animals were in public to perform a task for their owner, which made them more identifiable.

Mr. Clark believed the recommendations were sound and expressed support for moving forward.

Ms. Ortiz asked for more information about the licensing and training for service animals. Ms. Osborn said that people could not merely label an animal a service animal for any purpose. The training service animals received was extensive and the type of service animal was limited to specifically trained dogs and miniature horses. Ms. Otten added that service animals as well as their owners were trained to do particular tasks. She distinguished service animals from companion animals, which did not fall under the ADA definition. Ms. Otten was not aware of any organization that certified service animals.

Ms. Ortiz recalled an encounter with an individual who claimed a badly behaved pit bull was a service dog and asked what people could do in such cases. Ms. Otten said that one could legally ask a person with a service animal what task the animal was trained to do, and one had every right to ask the owner of unruly dog of any kind, including a service dog, to leave.

Responding to a question from Mr. Zelenka, Ms. Otten shared some of tasks service animals were trained to do. She confirmed that the cost of training a guide dog was very expensive, estimating it at $50,000. Mr. Zelenka believed that the cost involved justified the payment of restitution.

Responding to a question from Mr. Zelenka, Ms. Osborn said that Lane County and Springfield did not have similar code provisions as yet.

Mr. Pryor believed the changes were needed to recognize the special nature of service animals. He suggested that either documentation of training or direct observation could establish if an animal was a service animal. He thought the sanctions highlighted the severity of the offense. Mr. Pryor supported the recommendations as a step in the right direction.

Mr. Farr asked why animals trained to attack were not impounded. He suggested that their owners should be impounded as well.

> Ms. Taylor, seconded by Mr. Brown, moved to schedule a public hearing on the proposed animal code changes regarding service animals.

Ms. Taylor did not understand why all dogs that were attacked were not considered equally important. Such attacks were devastating emotionally and financially to those who suffered them. She was also concerned about creating adding new laws. She said that laws never seemed to be repealed. She recalled that the council passed a law in 1996 that no dog owner should permit a dog to be on certain streets near the University of Oregon campus, which she termed ridiculous. The law was still in place.

Ms. Osborn said if the revisions were the subject of a public hearing it was possible people could comment on the law cited by Ms. Taylor.

> The motion passed unanimously, 8:0.

III. COMMITTEE REPORTS AND ITEMS OF INTEREST

Ms. Taylor reported she had attended National Rail Day. She commended the speech given by Mayor Piercy at the event. She also commended the mayor's speech at the Million Moms March.

Ms. Taylor mentioned a water problem on Friendly Street that neighbors believed was caused by the street improvement project. She said the City had done nothing to address it, and if the City caused or exacerbated the problem, she thought it should do something about it.

Mr. Farr thanked Mayor Piercy for declaring May 7 to be Ernie Unger Appreciation Day. He also thanked the council for authorizing the action.

Mr. Poling reported that Travel Lane County's Executive Director Kari Westlund was recently honored as by the Governor's Tourism Council for her work. He noted that the organization's Gateway Venture Center was available for private functions.

Mr. Poling reported that May 19 was Public Works Day at the City's Roosevelt facility. He said the groundbreaking for Willakenzie Crossing was occurring later that same day.

Mayor Piercy was pleased that the City was resuming Public Works Day after a two-year hiatus.

Ms. Ortiz had attended the grand opening of the new Seneca biomass plant and toured the facility.

Mr. Clark reported that he, Ms. Taylor, and Mr. Poling had attended Mayor's Day in Salem on behalf of the mayor and spoke to the local delegation about the City's priorities. Those included Senate Bill 764, which would allow the City to establish alcohol impact areas. The bill was passed by the Senate and he believed it had a good chance of passage in the House of Representatives.

Mr. Clark determined from the council that it preferred to maintain the current process for Police Commission applications rather than defer any of it to the Police Commission.

Mr. Farr reported that Bethel School District's Budget Committee would hold a public hearing at the Bethel Community Center on May 11.

Ms. Taylor noted her membership on the National League of Cities' Human Development Steering Committee, which was studying Social Security with the goal of making recommendations on the topic to the league. She invited councilors with ideas on the subject to contact her.

Mayor Piercy reported that the Million Moms March held on May 8 was in honor of Officer Chris Kilcullen. She said there was also an "I" march with 400 students and their parents asking people to pay attention to global warming and climate change.

Mayor Piercy encouraged residents to visit Awbrey Park, which had been adopted by a group of volunteers who had worked hard to refurbish it. Mr. Clark added that the park was unique because it was surrounded by Spring Creek. He also noted the work of Peter Thurston and other residents who had worked to restore Spring Creek as it flowed through Santa Clara. The City's Neighborhood Matching Grants Program had supported that effort.

Mayor Piercy reported on a recent visit from citizens of El Salvador who visited Eugene seeking green practices to take home. She had attended the City Club of Salem to speak on rail. Mayor Piercy noted the recent retirement of Rich Linton from the University of Oregon.

Mayor Piercy announced that Eugene had been awarded $1.5 million in federal funding to complete preliminary work on a new siding to accommodate waiting passenger trains and a raised passenger platform at the train station. She said that the new Oregon expression was "Rapid Passenger Rail."

Mr. Zelenka announced a public meeting on May 26 at the Hilton Hotel to discuss the State's plan to reduce greenhouse gases, "Road Map 2020."

Mayor Piercy adjourned the meeting at 7:06 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)