

MINUTES

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

March 14, 2011
7:30 p.m.

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

COUNCILORS ABSENT: Betty Taylor.

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

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Deborah Frisch, 3503 West 11th Avenue, criticized the council for failure to put forward a restaurant tax to support schools. She suggested that it would provide more return because of a larger tax base, including nonresidents, it would have more compliance, it had lower administrative costs, and it was more likely to be approved by voters. A restaurant tax was discretionary while an income tax was not avoidable. She did not believe the council wanted the tax to succeed and asserted it was being indifferent to the civil rights of students and could be sued for violating those rights as a result.

Genie Harden, 85240 Chezem Road, owner of two Nigerian goats, said her research into the City's Food Security Resource Scoping Plan inspired her to advocate for urban goat keeping. She said that urban homesteading was not just a hobby or fun; she perceived it as a way to change the food production system to replace the current system. She asked the council to form a committee to oversee implementation of the Food Security Plan as soon as possible.

Robin Chappell, 4445 Fox Hollow Road, asked that the City allow goat keeping inside the city limits to support sustainable farming in and near Eugene.

Zoë Hoft, 29650 Fox Hollow Road, shared a letter she wrote to Mayor Piercy asking her to support goat keeping in Eugene and describing the virtues of goats. She suggested that goats were part of a sustainable community. Caring for goats taught her responsibility.

Christa Knittle, 1397 Garfield Street, hoped to purchase two Nigerian mini-goats in the future because they made good pets and because of their ability to produce milk for food and manure for the garden. They were affectionate, intelligent, trainable, and not destructive if properly housed. She suggested that goats be licensed like dogs.

Bill Bezuk, 501 Washington Street, owner of the store "Eugene Backyard Farmer," an urban farming supply store, spoke of the diversity of urban farmers. He said urban farmers did their research and he provided additional education through his store, which was essential to successful husbandry. Residents

loved their backyard farms and were beginning to ask him about other aspects about biodiversity, including goats. He suggested the percentage of residents who would actually purchase goats was quite small.

Christelle Munnely, 4445 Fox Hollow Road, introduced herself as a soap maker who used goat's milk in her manufacturing process and relied on local resources for her supply. She suggested that if the City allowed goats more residents would keep them and she would be able to pick up her raw materials locally on her bicycle. She could also keep her own goats.

Alexandra Rempel, 460 Mary Lane, advocated for the City to accommodate goats on smaller residential lots than were currently allowed. She noted that currently, the City allowed goats in R-1 zones on lots of more than one-half acre. She shared details of how several United States cities, including Seattle, Washington; Vancouver, Washington; Berkley, California; Charlottesville, Virginia; and Portland, Oregon regulated goat keeping inside their city limits and provided that information to the council.

Cam Fax, no address given, advocated for the City to allow goats on plots smaller than was currently allowed. He said that dogs made more noise than goats. He spoke of the efficiency of goats and the fact they provided milk. He pointed out that dogs produced nothing by way of food products, although he acknowledged some people ate them. He did not understand why the council did not allow goats in the city when it allowed dogs and cats in apartments.

Marshall Gause, 2520 Van Buren Street, also spoke in favor of changing the code to allow goats in the urban setting. He believed they were an important part of an urban ecosystem. Goats produced between one and eight pounds of milk daily and were easily trained. Current regulations precluded goat keeping on properties below a certain size, and he believed that was a matter of food justice. If the City changed the code, those who lived on smaller spaces and would benefit from goats could now own them. He said that many people were excited about the issue and had become involved in an effort to change the code. They had formed a group called *Eugene Urban Goats* and had collected more than 152 signatures of Eugene residents in support of changing the code to allow goats on normal sized urban lots. In the interim, he suggested the City freeze enforcement of the current code.

Sage Fox, no address given, asked the council to allow goats within the city limits because they produced milk and were an outstanding source of milk because one goat could produce one quart of milk per day. Two goats could produce enough milk for a family, which avoided packaging costs and eliminated the carbon emissions required for transporting milk. Goat's milk could come from the back yard and no fossil fuel was needed to transport it. He also believed that goat's milk from one's back yard was superior to commercially produced milk as one could control what was fed to the goats.

Katja Kohler, 2520 Van Buren Street, said she would like to devote part of her 8,000 square-foot lot to two small milking goats. She urged the council to either suspend enforcement of the current code or change it. Her children could not digest pasteurized milk but could drink the raw milk that would be supplied by the goats. She pointed out that in addition to milk production, goats consumed blackberries and weeds. Her site visits indicated that people who lived in Portland and Seattle and kept goats were satisfied with the regulations in those communities even those communities were more densely populated than Eugene. Her family was unable to afford sufficient land to meet current code requirements but she assured the council that her family would give its goats and chickens a better life than they would otherwise have.

Mary Wood, 1515 Agate Street, summarized the recommendations of a white paper from the Environmental Law Program at the University of Oregon on the subject of reforming local land use laws to allow micro livestock on urban homesteads and submitted copies of the paper to the council.

Cheryl Smith, 22705 Highway 36, Cheshire, publisher of “Ruminations,” a magazine celebrating the small goat, discussed her experience as the owner of miniature goats. She said that goats did not stink and their feces were pellets. She did not advocate for allowing non-neutered male goats inside the city limits. She reviewed the space requirements for goats, indicating 100 square feet could support two miniature goats. She clarified that pygmy goats were good pets but were not normally milking goats. Ms. Smith shared some of the requirements of goat keeping and described some of the benefits of keeping miniature goats, which could also be taught tricks and trained to walk on a leash.

Ron Crasilneck, 2123 Spring Terrace, representing the organization “Save Civic Stadium,” thanked the council for scheduling a work session on Civic Stadium and invited the council to visit the Web site “SaveCivicStadium.org.” He said his six-person organization was a group of community volunteers acting on behalf of thousands of people who had a personal connection to the stadium. He recalled the study commissioned by the City and Save Civic Stadium, which suggested the stadium could be revitalized into a community sports and entertainment hub. He conceded an investor group was unable to move that project forward. However, his organization had reconfigured the project to move forward on a nonprofit basis. He reported that the United States Soccer League wished to locate a team in Eugene. His organization was meeting with the management of the Portland Timbers soccer team to discuss potential areas of collaboration. Mr. Crasilneck said the existence of the stadium was in jeopardy because School District 4J had not forwarded his organization’s proposal for board consideration. He believed the district was viewing the property as a money-making opportunity rather than considering its highest and best use for the broader community.

Jonathan Brandt, 57 West 20th Avenue, also representing the organization “Save Civic Stadium,” said that his organization had a viable plan for the property that met stated City goals related to sustainability, neighborhood livability, historic preservation, economic development, and tourism. The plan was the highest and best use for property because it preserved the stadium, was more appropriate for the neighborhood, had more community-wide benefits, and was sufficiently flexible to accommodate partners such as the YMCA. He also believed that the stadium presented the opportunity to bring a professional soccer sports team to Eugene.

Jim Watson, 2411 Monroe Street, discussed Rickwood Field in Birmingham, Alabama as an example of a facility on which to model the future of Civic Stadium.

Alan Beck, 2692 Villa Way, Springfield, asked the council to indicate to the school district what its preference was in regard to Civic Stadium. He suggested that consideration should include historic preservation, neighborhood livability, economic development and jobs, and tourism.

Julia Serra, 515 Berntzen Drive, asked the council to allow residents to keep goats. She did not think goats would be more intrusive than dogs. She believed the keeping of goats supported Eugene’s sustainability goals and supported local food production. She wanted to know where her food came from. Ms. Serra did not want her money to support less-than-ethical farming practices and was also concerned about rising gas prices. She wanted her family to be self-sufficient. She reported that she had talked to her neighbors about the issue and none objected if she wished to keep goats.

Bob Machierione, 1995 Brewer Road, believed that goats might not be bad neighbors. He thanked the councilors for taking into consideration the information provided by his organization, Our Money Our

Transit, to make an informed decision. He said there were many people opposed to the route and he felt that the concerns of those people were minimized over the project review period. His organization, which was a grassroots organization, was gaining momentum and support in regard to the issue. He said that supporters of EmX had insinuated that his organization received outside funding but such organizations developed when people strongly believed in an issue.

Mr. Machierione did not think that the proposed EmX route was viable because LTD's own numbers indicated that the operating costs were too expensive. LTD did not have the money to operate the route. The agency had been using federal money for operating expenses for some time. LTD could not continue to spend at a deficit rate. He pointed out that LTD had faced a \$3 million funding gap and had reduced basic bus service by 20 percent. He did not think it made sense for LTD to spend \$1 million annually to operate in a 4-1/2 mile corridor given that the corridor had bus service already.

Mayor Piercy closed the Public Forum and thanked people for their remarks. She observed that she had once owned a goat, and recalled how inquisitive it was. She solicited council questions and comments.

Councilor Farr thanked those who testified for their information about goats.

Councilor Ortiz was willing to consider changes to the code to accommodate urban goat keeping.

Councilor Brown thanked all for testifying. He believed that the council could come up with a solution that allowed people to keep 2 or 3 goats. He thanked those who spoke on behalf of Civic Stadium, saying it would be tragic if the facility was torn down. He believed the City had a role to play in the property's disposition through its moral authority and suggested it could broker a compromise that saved the facility.

Councilor Zelenka supported a council work session on goats.

Responding to a question from Councilor Farr, City Attorney Glenn Klein indicated that the council could provide input about its ongoing support of the West Eugene EmX project to LTD as long as that occurred before LTD took final action on the project. Because the action the council took on March 9 was not formalized through a legal action, the council had the ability to amend its action at a future meeting.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes**
 - January 24, 2011, Regular Meeting**
 - February 14, 2011, Regular Meeting**
 - March 1, 2011, Boards and Commissions Interviews**
- B. Approval of Tentative Working Agenda**
- C. Ratification of Intergovernmental Relations Committee Minutes of February 23, 2011**
- D. Approval of Neighborhood Matching Grants for Fiscal Year 2011**
- E. Adoption of Resolution 5026 Authorizing the Issuance and Sale of Electric Utility System Revenue Bonds for the Purpose of Financing Improvements to the Electric Utility System in the Aggregate Principal Amount Not to Exceed Thirty-six Million Dollars (\$36,000,000)**
Authorizing the Issuance and Sale of Electric Utility Revenue Refunding Bonds in the Aggregate Principal Amount of Not to Exceed Forty-Six Million Eight Hundred Thousand Dollars (\$46,800,000) to Refund Series 1998A Taxable Bonds and Series 2001B Bonds; and Providing for Related Matters

F. Adoption of Resolution 5027 Authorizing the Issuance and Sale of Water Utility System Revenue Bonds for the Purpose of Financing Improvements to the Water Utility System in the Aggregate Principal Amount of Not to Exceed Twenty-Five Million Five Hundred Thousand Dollars (\$25,500,000); and Providing for Related Matters

Councilor Zelenka pulled item E and F.

Councilor Ortiz pulled Item D.

Councilor Brown, seconded by Councilor Poling, moved to approve the items on the Consent Calendar without items D, E, and F. Roll call vote: The motion passed unanimously, 7:0

At the request of Councilor Ortiz, Cindy Clark of the Planning and Development Department reviewed the list of projects being funded through the Neighborhood Matching Grants Program and provided a brief description of the program. Councilors asked questions clarifying the details of the listed projects.

Councilor Brown, seconded by Councilor Poling, moved to approve Item D. Roll call vote: The motion passed unanimously, 7:0

At the request of Councilor Zelenka, Financial Services Manager Cathy Bloom of the Eugene Water & Electric Board explained the purpose for the bonds and the projects the proceeds would be spent on. All projects listed were in the utility's five-year capital plan. Councilor Zelenka said he pulled the item because of the high costs involved. He did not think that such large expenditures should be included on the Consent Calendar because they merited more information and scrutiny.

City Attorney Klein asked the council to take separate action on the items because they regarded bond resolutions.

Councilor Brown, seconded by Councilor Poling, moved to adopt Resolution 5026. Roll call vote: The motion passed unanimously, 7:0

Councilor Brown, seconded by Councilor Poling, moved to adopt Resolution 5027. Roll call vote: The motion passed unanimously, 7:0

**3. ACTION:
Ratification of Unanimous Intergovernmental Relations Committee (IGR) Actions, and
Action on Non-Unanimous IGR Actions from March 3 and March 9, 2011**

Ms. Wilson reported on the details of House Bill 3184, which would expand the media in which public notices could be published to include radio, television, and online web sites managed by the Oregon Association of Broadcasters. She recalled that Councilor Taylor had voted against supporting the bill because she was concerned that some local governments could just choose to post legal notices online, leaving their residents without computers lacking important information. Councilor Clark had believed the bill simply expanded the options for local governments.

Councilor Brown, seconded by Councilor Poling, moved to ratify the IGR Committee's vote on House Bill 3184.

Councilor Brown indicated his agreement with Councilor Taylor.

Councilor Clark said he had agreed with the staff recommendation for support because of the cost to the City, the fact the websites being discussed were publicly available, and there were a number of small towns in Oregon without a newspaper. Those communities had no choice of a newspaper.

Responding to a question from Councilor Zelenka, Ms. Wilson reviewed the notice provisions in current law. She said the proposed bill would give public agencies the flexibility to determine the best way to get notice to the public. It did not prevent a community from putting notice in all available media; that was a local decision. She said that the notice in question could be placed on any web site managed by a member of the Oregon Association of Broadcasters, such as television web sites. The City could not host a legal notice on its Web site.

Councilor Zelenka expressed concern about the impact of the bill on the financial status of *The Register-Guard*. He acknowledged more and more people, particularly young people, got their information from the Web. He was somewhat torn, and for that reason would support the committee's recommendation.

Councilor Pryor suggested the bill would increase timely notice to more people. It took away the exclusive rights of newspapers to be the source of such notices. He agreed that increasingly, people turned to the Web for information and the change could give more people information about public events. While he did not want to hurt newspapers, he supported the staff and committee recommendation and believed it was appropriate to consider new technology in such cases and broaden notice to match the new age.

Councilor Poling agreed with the remarks of councilors Zelenka, Clark, and Pryor. He clarified that the committee's 2:1 recommendation was to monitor the bill.

Councilor Ortiz thought the City should look to the future and support the bill. She agreed people got their information in different ways. She wanted the City to continue to provide notice in the local newspaper even if the bill passed.

Councilor Clark, seconded by Councilor Ortiz, moved to substitute the motion with a motion to change the City's position on House Bill 3184 to Priority 3 Support.

Councilor Clark believed the bill spoke to the issue of local control by allowing each community to determine how to give public notice.

Councilor Zelenka believed the manner in which the legislature was structured would eliminate the requirement for newspaper notices. Ms. Wilson concurred that was possible. She did not think it was the intention of the bill's sponsors, however.

Councilor Clark and Councilor Ortiz declined a friendly amendment offered by Councilor Zelenka to support the bill if the bill's title was amended by substituting the following text "...and posted on website maintained by state association of stations or broadcasters."

Councilor Pryor appreciated Councilor Zelenka's remarks. He did not want to cripple newspapers but it was not the council's responsibility to support newspapers, and he hoped that they would be a large part of any communication strategy. The core element for him was flexibility, and he hoped those who

provided notice would recognize that different people use different mediums to get information. He believed good public notice would incorporate newspapers.

Councilor Zelenka believed that jurisdictions would cut notice in newspapers as soon as possible to save money.

Roll call vote: The substitute motion passed, 5:2; councilors Zelenka and Brown voting no.

Roll call vote: The amended motion passed unanimously, 5:2; councilors Zelenka and Brown voting no.

Councilor Brown, seconded by Councilor Poling, moved to ratify the IGR Committee's unanimous actions on bills and approval of staff recommendations in the March 3 and March 9, 2011, IGR Bill Reports for bills not pulled for discussion at those IGR meetings. Roll call vote: The motion passed unanimously, 7:0.

4. **ACTION:**
An Ordinance Adopting Hazardous Substance User Fees for the Fiscal Year Commencing July 1, 2011

Councilor Brown, seconded by Councilor Poling, moved to adopt Council Bill 5044 adopting hazardous substance user fees for the fiscal year commencing July 1, 2011.

Roll call vote: The motion passed, 6:1; Councilor Clark voting no.

3. **ACTION:**
Appointment to Sustainability Commission

Councilor Brown, seconded by Councilor Poling, moved to appoint Art Farley to Position 2 on the Sustainability Commission, filling the unexpired term of Mark Nystrom. Roll call vote; the motion passed unanimously, 7:0.

Mayor Piercy adjourned the meeting at 9:56 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)