MINUTES

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

February 28, 2011
7:30 p.m.

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

In the absence of Her Honor Mayor Kitty Piercy, Council President Betty Taylor called the February 28, 2011, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Councilor Taylor reviewed the rules of the Public Forum.

Zachary Vishanoff, no address given, notified the public of two hearings regarding the expansion of the University of Oregon's Casanova Complex scheduled on March 16, 2011, at 5 p.m. in the Sloat Room of the Atrium Building. He identified issues of concern related to the expansion proposal, which included impacts on the Willamette Greenway, Alton Baker Park, surrounding neighborhoods, and tailgating activities. He hoped someone appealed the any decisions that resulted from the hearings so the community "could have reasonable planning outcomes on our riverfront" as opposed to what he termed "letting the big bucks shred it apart and unilaterally redesign it."

Mr. Vishanoff provided the council with copies of an article from The Eugene Weekly entitled *Pat Kilkenny Invested in Courtside?* He asked Councilor Zelenka to think about his presentation to the City Club regarding the business of the arena and to comment.

Mark Callahan, 3621 Mahlon Avenue, indicated opposition to a resolution introduced by Councilor Brown that replaced an earlier council resolution referring an income tax for schools to the voters. He suggested that while it was stated the intent of the resolution was to preclude low-income residents making less than $22,000 from being subject to the tax, he believed it was Councilor Brown's strategy to create the exclusion to gain the support of the student voters in his ward who would not have to pay the tax. He believed the lack of an opportunity for public comment for the replacement resolution suggested the council was "trying to pull a fast one on the citizens of Eugene." He said the replacement resolution expanded the list of those who would be able to vote for the tax but would not be required to pay it, such as Mayor Piercy.

Mr. Callahan recommended that government address the cause of the schools' budget shortfall, which was PERS, rather than reacting to the symptoms of the problem with a new income tax. He said that the temporary gas tax that was later made permanent made Eugene citizens wary of additional "temporary" taxes. He predicted that residents would not support the proposed tax to continue the current system.

John Dotson, 2447 Canterbury Street, said the public had the right to more clarity about the foundations for the decision about the West Eugene EmX route before more work occurred. Mr. Dotson asked if

federal money was acquired and spent before the public was advised of the selected route and if so, would those moneys need to be returned if the route was not built. He questioned whether there was a potential development on West 11th Avenue that would benefit from the system to a greater degree than other businesses who would be impacted by the route. He asked if Eugene property owners potentially affected by the system understood all of the system's ramifications. He believed there were more questions about the system than answers. He believed that in difficult economic times, such expenditures must be more clearly explained than in the past.

Charles Moss, 4255 Berrywood Drive, recalled his involvement in the search for land for a new community park in Santa Clara and said when he asked about the possible use of eminent domain for such a purpose he was told by City staff that the City did not use eminent domain. He reported he had recently asked Councilor Farr if Lane Transit District (LTD) planned to use eminent domain to acquire the land it needed for the proposed route in West Eugene. Councilor Farr had responded that no one had mentioned eminent domain and no councilors had raised the issue. Mr. Moss hoped the question was asked soon. He suggested that the lack of such questions implied the answer was already known. He said if the Eugene council voted for the project and LTD used eminent domain, the council would, in effect, be approving the use of eminent domain against its citizens and business owners. Mr. Moss concluded by asking how a government could compensate a person for a business that no longer existed once it had taken that person's property.

Kim Sawyer, 2170 Greenview Street, owner of a business on West 11th Avenue, recalled that LTD had used taxpayer money to print an advertisement with the names of 156 people in support of EmX. Mr. Sawyer reported that he had placed a petition opposing the proposed EmX route in his business and more than 200 people signed it without being asked at no cost to him or the City. He said the council needed to listen to its constituents, and business owners were also constituents and they voted. He asked the council to say no to the EmX project at this time. He also asked the council to consider a process similar to the "Envision Utah," which included a public vote. He suggested that LTD employ smaller, more fuel-efficient buses on West 11th Avenue that traveled more frequently when needed and less often when they were not. He also advocated for timed lights and bus turnouts on West 11th Avenue.

Bob Macherione, 1994 Brewer Street, believed that Mayor Piercy was closed to input about LTD's plans for EmX in West Eugene. He responded to what he termed "misinformation" provided to the council by LTD. He said that LTD had stated that fuel was only five percent of the anticipated budget, but provided the route opponents with information that indicated operating costs per mile were projected at $1.69, and 53 cents of that was fuel and calculated at a time of lower fuel prices. He said at the last board meeting, LTD Finance Director Diane Helleckson had reported to the board that LTD had to recalculate fuel prices but LTD continued to deny that fuel prices were a factor.

Speaking to claims that LTD would reduce congestion on West 11th Avenue, Mr. Macherione said the mitigation proposed by LTD included running 60-foot EmX vehicles in mixed traffic from Garfield to Seneca streets. He pointed out that was half of the most congested part of the route that LTD was supposed to be solving the congestion problem for. He questioned how the congestion problem was going to be solved by an expensive system with buses that traveled in the exact same manner as current buses. He suggested to Councilor Zelenka that his comments about the need to secure additional right-of-way for future light rail indicated he lacked respect for people's properties rights and he predicted property owners would fight "foot by foot and yard by yard" against that prospect.

J. C. Unger, 2130 West 19th Place, offered the council an analogy that likened LTD to a cheating boy playing hide and seek at a party who broke an expensive object but whose parents did not have the money to pay for it. He said businesses were not "picking a fight" with LTD but rather were defending their rights. He asked why the council would use its power to benefit only three percent of residents while

ignoring the rights of others. He suggested the council was acting on behalf of special interests. Mr. Unger said that even if fuel prices tripled, most residents would still not ride EmX but would carpool with neighbors to destinations such as Costco and the unemployment line.

Brian Weaver, 1365 Grant Street, recalled that Councilor Zelenka had once commented that "all of sudden" people were transit experts. He did not think that was the case. He was not an expert nor was he an LTD puppet. He was not going to be taken in by a "slick salesman who kept changing his stories." Mr. Weaver did not think the Franklin EmX route could be compared with the proposed West Eugene route because the route traveled down the middle of Franklin Boulevard and the road did not need to be widened, and there were population concentrations at either route terminus. West 11th Avenue did not have similar characteristics.

Mr. Weaver asked if the council was voting on the mitigation drawings or the concept drawings and if it was aware of the difference. He said that LTD submitted the concept drawings to the Federal Transit Agency, and he anticipated that approach would require the use of eminent domain given that the alternative was a system that resembled what was in place today. He said Mayor Piercy had indicated to him that LTD had a survey proving public support for the proposed route, but the survey was on LTD's Facebook page and he questioned its accuracy. He distributed copies of the survey.

Philip Marvin, 2241 Fairmount Boulevard, opposed the West 11th Avenue EmX route. He owned property on West 11th Avenue and said the existing bus system was more than adequate. He believed it was irresponsible for LTD to accept federal money for the project when it was not needed. He also owned property in Glenwood that the EmX system ran past and the system had not helped his business at that location at all.

Marjorie Scott, 1642 West 6th Avenue, said in the past, LTD had relied on large grants to balance its operating budget. She believed that those days were over because of the economy and reductions in federal spending. She suggested that untimely expenditures at LTD could collapse the whole system. Ms. Scott believed the council should be sure the majority of citizens wanted the system before it voted on the route. She believed there were other more suitable routes and they should be investigated. She said that LTD's estimates for future expenses varied widely. Ms. Scott called for an independent audit of the project. She questioned whether LTD's estimates included the costs of relocating utilities, traffic control, and business signage. She asked who would pay for costs overruns. She asked the council to do more research before it voted.

Sue Scott, 1642 West 6th Avenue, read a letter on behalf of Casey Dressler, owner of the Springfield Dry Cleaners. The letter was critical of LTD for failure to communicate with property owners about the dedicated bus lane proposed to be located along Pioneer Parkway, detailed Ms. Dressler's fight to retain parking on Pioneer Parkway, and described the negative impacts experienced by the business during construction of the route.

Pauline Hutson, 1025 Taylor Street, continued to read Ms. Dressler's letter regarding the negative experiences her business went through during the construction phase of the Gateway EmX project, including lost sales. Ms. Dressler's letter stated that LTD had been unresponsive to those concerns. She went on to state that two businesses near her had closed because of the project and that 113 buses traveled by her business daily. Because of the proximity and number of buses, customers were reluctant to use the parking spaces on Pioneer Parkway. Ms. Dressler stated that LTD had assured her that the route would bring her more business but that never occurred. She supported bus transit but she did not support EmX.

George Cole, 2760 West 11th Avenue, defended residents who supported a no build position for the proposed West Eugene EmX route. They asked that government listen to them and give them value for

the money it was spending. He said none of the opponents were experts on transportation and did not pretend to be, but all of them had contacted and communicated with experts. Many people retired from government thought the project was a bad one. Mr. Cole said Mayor Piercy did not like strip malls such as those along West 11th Avenue but such malls were essential to some businesses.

Mr. Cole said he had learned a $160,000 lesson from LTD because it threatened him with eminent domain. He did not trust LTD. He said when LTD referred to mitigating with businesses it was only trying to delay the process. Mr. Cole predicted that as Councilor Zelenka had suggested, it was only a matter of time before LTD came after additional right-of-way on West 11th Avenue.

Rhiannon Springall, 1475 East 15th Avenue, a University of Oregon student, supported the West Eugene EmX route extension because it would make West Eugene more accessible to the rest of Eugene, including students living in the vicinity of the University. She believed EmX was an investment in the community's future, and suggested it would be wise to prepare for EmX now when congestion was less than it would be in the future. She noted LTD's statement that it would work to minimize the impacts of construction. Ms. Springall urged the council to look at the "big picture" and get a head start on developing a more accessible, more efficient community.

Charles Hibberd, 2663 Dover Street, a business owner on West 11th Avenue, opposed the proposed West Eugene EmX route. He suggested that if three percent of the predicted 30,000 new residents anticipated in the next 20 years arrived tomorrow and rode a bus, LTD would not notice a difference because that three percent totaled only 1,600 people. Mr. Hibberd suggested the EmX service was unneeded because the current system was underused. He recommended that LTD reroute its current buses for more effective service.

Mr. Hibberd cited some of the nationally known products made by companies located in West Eugene, and questioned their need for EmX service. They were industrial companies with few employees. Mr. Hibberd suggested that they would be negatively affected by an EmX route because it would disrupt the trucks that served those businesses.

Wendy Butler Boyesen, 1265 City View Street, suggested that EmX would streamline traffic on West 11th Avenue. She averred that businesses in West Eugene did not rely on West 11th Avenue for truck deliveries and instead used other routes, such as 6th and 7th avenues and Highway 99. Ms. Boyesen said that eminent domain was the last resort for LTD. She maintained that LTD had stated from the beginning of the project that the conceptual drawings were only ten percent of the final drawings, and there would be mitigations and changes.

Ms. Boyesen reported she spoke to two businesses owners on West 11th Avenue who commended their interaction with LTD staff.

Ms. Boyesen noted the many people who used the bus system, particularly when gas prices went up. She then shared a story about Mall 205's refusal to allow buses to enter its parking area and suggested that was the reason that the mall was not doing well. Ms. Boyesen praised LTD for having a balanced budget and for adding buses with federal stimulus money. She maintained the current bus system along West 11th Avenue was inadequate and she frequently had to ride buses with standing room only.

William Moskal, 1166 Oak Street, agreed that bus ridership went up when gas prices went up. However, he expressed concern about the possible use of eminent domain, which made possible the development of the Chicago Skyway Bridge, which he termed a "big white elephant" that turned its part of Chicago into a ghetto. He did not think that EmX was needed in West Eugene. He observed that he had just been at the Service Station and questioned the community's need for $1 million buses.

David Gizara, 3550 West Amazon Drive, Apartment 7, submitted and reviewed six talking points regarding the merits of bicycling and walking that were developed by the City's Bicycle and Pedestrian Advisory Committee (BPAC), which advised City Planning staff. He advised the council that the committee supported the West Eugene EmX extension and favored the West 11th/13th Avenue option. He asked the council to consider expanding the committee's charge so it served directly at the council's pleasure.

Councilor Taylor closed the Public Forum and called on the council for questions and comments.

Councilor Clark welcomed Boy Scout Troop 61 to the meeting.

Councilor Clark asked staff to identify which of the properties along West 11th and West 13th Avenue affected by the route would require property acquisition either through negotiation and purchase or through eminent domain. He asked that the information be specific as to whether the acquisition was full and partial and what percentage of the property in question the acquisition represented.

Councilor Clark requested information about the process, timing, and cost involved in referring the council decision about the West Eugene EmX alignment to the public for a vote.

Councilor Brown responded to Mr. Callahan's testimony, saying he was not thinking about students when he offered the resolution as much as he had been thinking about residents who lived below the poverty line and his desire to avoid impacting them negatively. For that reason, he had offered the council a resolution that he believed was more balanced, progressive, and did not overly burden those at the bottom of the economic scale. He pointed out that five councilors had agreed to support the resolution, and the public would have the final say.

Speaking to the Boy Scouts present, Councilor Ortiz said it was exciting when young people attended a council meeting because of their interest in public service and government. She said the Public Forum was an opportunity for the council to hear the public's concerns and stories, which were generally quite varied and which she found both interesting and surprising.

City Manager Ruiz clarified that the City's population was projected to grow by 34,000 people in the next 20 years.

Councilor Taylor welcomed the Boy Scouts and expressed appreciation for Mr. Gizara's remarks.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- **May 24, 2010, Work Session**
- **June 28, 2010, Regular Meeting**
- **June 30, 2010, Work Session**
- **July 12, 2010, Work Session**
- **November 22, 2010, Joint Meeting with Eugene Planning Commission**
- **December 13, 2010, Work Session**
- **December 15, 2010, Work Session**
- **January 4, 2011, State of the City**
- **January 11, 2011, Work Session**
- **January 11, 2011, Regular Meeting**
- **January 12, 2011, Work Session**

- **January 11, 2011, Regular Meeting**
- **January 12, 2011, Work Session**
- **January 19, 2011, Work Session**
- **January 24, 2011, Work Session**

B. **Approval of Tentative Working Agenda**

C. **Ratification of Intergovernmental Relations Committee Minutes**

D. **An Amendment of Resolution 4999 Approving a Low-Income Rental Housing Property Tax Exemption for the Property Located at 2984, 2986, 2988 Oak Street, Eugene, Oregon (ShelterCare/Applicant)**

Councilor Brown, seconded by Councilor Poling, moved to approve the items on the Consent Calendar as amended on February 25, 2011. Roll call vote: The motion passed unanimously, 8:0

3. **ACTION:**
Fiscal Year 2012-2017 Capital Improvement Program

Councilor Brown, seconded by Councilor Poling, moved to adopt the FY12-17 Capital Improvement Program as recommended by the Budget Committee and City staff.

Responding to a question from Councilor Clark, Budget Management Analyst Pavel Gubanikhin said that approval of the document did not create budget authority for any of the listed projects. Councilor Clark asked when the council would consider funding for Creekside Park. City Manager Jon Ruiz recalled that the Budget Committee had appropriated $300,000 in a Supplemental Budget for the park project. City Engineer Mark Schoening said the second half of the funding was expected to be included in the first Supplemental Budget for Fiscal Year 2012, and he anticipated that the project would be built in summer 2012.

Roll call vote: The motion passed unanimously, 8:0.

4. **ACTION:**
An Ordinance Providing for Withdrawal of Annexed Properties from the Lane Rural Fire District, the River Road Park & Recreation District, and the River Road Water District

Councilor Brown, seconded by Councilor Poling, moved that the council adopt Council Bill 5043 withdrawing territories from the Lane Rural Fire District, the River Road Park & Recreation District, and the River Road Water District.

Responding to a question from Councilor Clark, City Manager Ruiz said he would check with Library, Recreation, and Cultural Services Director Renee Grube as to whether she had scheduled discussions with representatives of the River Road Park & Recreation District.

Councilor Clark indicated he would oppose the motion in deference to the testimony offered by the representative of the district. Councilor Ortiz recalled that Director Grube had met several times with the district over the past three years to discuss several issues and asked what outcome Councilor Clark was seeking from such discussions.

Roll call vote: The motion passed, 7:1; Councilor Clark voting no.

5. **ACTION:**
Ratification of Unanimous IGR Actions and Action on Non-Unanimous IGR Actions from January 26, February 2, and February 9, February 16, and February 23, 2011

Intergovernmental Relations Director Brenda Wilson was present for the item via speakerphone.

Councilor Brown, seconded by Councilor Poling, moved to ratify the Council Committee on Intergovernmental Relations' (CCIGR) unanimous actions on bills and approval of staff recommendations in the January 26, February 2, February 9, February 16, and February 23, 2011, IGR Bill Reports for bills not pulled for discussion at CCIGR meetings.

Councilor Farr expressed discomfort with the process as he was not familiar with all the bills in question. He asked if support for the motion committed him to agreeing with the legislation being considered. City Attorney Glenn Klein said a vote to approve the motion was a vote that the City's position on a bill would be consistent with the position taken by the CCIGR. He said that Councilor Farr could state his disagreement with the positions taken and he was not precluded from sharing his position on a bill with a member of State legislature if he was clear that he was not speaking for the City.

Councilor Farr asked how the legislature responded to the City taking a position on so many bills. Adam Walch of the City's Intergovernmental Relations Office in Salem responded that the CCIGR attempted to focus the City's lobbying efforts on legislation that affected the City's budget, operations, and other interests of the City of Eugene.

Responding to a question from Councilor Clark, City Attorney Klein clarified that it was not illegal for councilors to oppose adopted council policy and referred Councilor Clark to Section 9.02 from the council's operating agreements, which confirmed his earlier statements to Councilor Farr.

Roll call vote; the motion passed unanimously, 8:0.

The council then discussed the bills that had not received unanimous IGR support.

Senate Bill 0186

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Priority 3 Support for Senate Bill 0186.

Councilor Zelenka, seconded by Ms. Ortiz, moved to amend the motion to change the City's position on Senate Bill 0186 to Neutral. Roll call vote: The amendment to the motion passed, 6:2; councilors Clark and Farr voting no.

Roll call vote: The motion as amended passed, 5:3; councilors Poling, Clark, and Farr voting no.

House Bill 2181

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Priority 2 Support for House Bill 2181.

Councilor Zelenka, seconded by Councilor Ortiz, moved to amend the motion to change the City's position on House Bill 2181 to Priority 2 Oppose.

Responding to a question from Councilor Clark, Ms. Wilson explained that staff had recommended the City take a position of Priority 2 Oppose on the bill because it provided for attorney fees to be awarded in any land use appeal where an applicant prevailed. Many organizations, including the League of Women Voters and 1,000 Friends of Oregon, opposed the bill because of concerns it would deter people from appealing land use decisions. Ms. Wilson said that House Bill 2181 and House Bill 2182 were components of a larger discussion of land use taking place in the legislature. She did not think the bill would pass as drafted.

Councilor Clark, seconded by Councilor Poling, moved to amend the amendment to change the City's position on House Bill 2181 to Monitor.

Councilor Ortiz did not support the motion. At her request, Mr. Walch described the distinctions between the priority positions the City took on legislation and the amount of time that staff spent lobbying for bills depending on the priority assigned. Councilor Ortiz preferred the original staff recommendation for House Bill 2181, Priority 2 Oppose.

Councilor Clark noted the staff recommendation for House Bill 2182 had been for a Neutral position and he preferred to take the same position for House Bill 2181 while legislative discussions occurred.

Councilor Pryor indicated he could support either a Monitor or Neutral position with the caveat that he wanted the City to be able to act when more was known about the outcome of the legislative discussion.

Responding to a question from Councilor Brown, Ms. Wilson said that the Land Use Board of Appeals already had the ability to declare an appeal frivolous. Councilor Brown perceived the bill as an attack on the land use system and indicated support for Councilor Zelenka's amendment.

Councilor Zelenka believed the bill would have an intimidating effect and could eliminate all appeals.

Roll call vote: The amendment to the amendment failed, 4:4; councilors Poling, Pryor, Clark, and Farr voting yes, and councilors Taylor, Ortiz, Pryor, and Brown voting no.

Roll call vote: The amendment to the motion passed, 5:3; councilors Poling, Clark, and Farr voting no.

Roll call vote: The main motion as amended passed, 5:3; councilors Poling, Clark, and Farr voting no.

House Bill 2182

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Priority 3 Support for House Bill 2182.

Councilor Zelenka, seconded by Councilor Ortiz, moved to amend the motion to change the City's position on House Bill 2182 to Neutral. Roll call vote: The motion passed, 5:3; councilors Poling, Clark, and Farr voting no.

Roll call vote: The main motion as amended passed, 5:3; councilors Poling, Clark, and Farr voting no.

Senate Bill 0542

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Priority 3 Oppose for Senate Bill 0542.

Responding to a question from Councilor Ortiz, Ms. Wilson explained that the League of Oregon Cities was attempting to remove the restrictions in the use of transient room tax funds to allow more flexibility in their use as long as the use was still related to tourism. The bill would allow the tax revenues to be used by local governments to maintain roads that serve tourist destinations.

Councilor Poling explained that he proposed to change the staff recommendation for Priority 2 Support because the definition of tourism-related facilities was vague. He believed that under the definition, Interstate 5 could be considered such a facility. The loss of the transient room tax funding would be detrimental to the promotion of tourism. It was unclear how the bill would affect the funding for organizations such as Travel Lane County.

Councilor Clark agreed with Councilor Poling's position, although he was generally supportive of increasing local control. He was concerned about the potential loss of funds used for marketing tourism and he did not think that such funding should be eliminated in difficult economic times. He suggested that one unanticipated outcome of the passage of the bill could be that the City lost State Road Fund moneys.

Councilor Zelenka also found the definitions vague and questioned how one defined a road that served a tourist destination.

Ms. Wilson agreed with Mr. Poling that the definitions in the bill were very broad.

Councilor Taylor moved to amend the motion to change the City's position on the bill to Priority 2 Support. The motion died for lack of a second.

Roll call vote; the motion passed, 6:2; councilors Taylor and Farr voting no.

House Bill 2231

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Monitor for House Bill 2331.

Councilor Zelenka, seconded by Councilor Taylor, moved to amend the motion to change the City's position on House Bill 2231 to Priority 1 Support.

Councilor Clark said that in general, those who smoked were low-income. The City worked to change the school income tax referral to avoid affecting the low-income, and the bill in question would increase taxes on the same group. He did not support the motion.

Responding to a question from Councilor Brown about the anticipated increase, Mr. Walsh said it would increase five cents. Councilor Brown asked what the tax was used for. Mr. Walsh reviewed the allocation split for the revenue realized by the tax. He also noted that the bill required three-fifths approval by both legislative houses.

Councilor Ortiz asked if the bill was likely to pass. Ms. Wilson said it was possible. The State was struggling to raise extra revenue. No matter the position the City took, staff planned to watch the bill closely to ensure that the City's share of the revenue was not reduced.

Councilor Pryor pointed out that people smoked because they chose to, not because they had to. However, he acknowledged Ms. Wilson's remarks about the bill's impact on the City's bottom line, so he was willing to support the CCIGR's position.

Roll call vote: The amendment to the motion failed, 4:4; councilors Poling, Clark, Pryor, and Farr voting no, and councilors Taylor, Ortiz, Zelenka, and Brown voting yes.

Roll call vote: The main motion failed, 4:4; councilors Poling, Clark, Pryor, and Farr voting yes, and councilors Taylor, Ortiz, Zelenka, and Brown voting no.

City Attorney Klein indicated that as a result of the tie, the City would have no position on House Bill 2231.

House Bill 2352

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Monitor for House Bill 2352.

Councilor Zelenka, seconded by Councilor Ortiz, moved to amend the motion to change the City's position on the bill to Priority 3 Oppose.

Ms. Wilson said staff originally recommended a position of Priority 3 oppose because as drafted, the bill required local governments to keep a rolling supply of industrial land and they would be required to mitigate lost acreage immediately. The land in question must also be shovel-ready within a year, which was very challenging to accomplish. Ms. Wilson said the issues it addressed were very complex but the bill itself was very simple and she believed it was unworkable. She thought the concept behind the bill would be addressed through other bills. She recommended the City monitor the bill and see how it fit in to the legislature's land use discussion.

Councilor Clark believed that the approach embodied in the legislation was similar to the goal the City was trying to accomplish in the Envision Eugene process, that of a ready-to-go inventory of industrial lands.

Councilor Zelenka disagreed with Councilor Clark. He pointed out the bill called for any lost industrial land lost to development to be immediately replaced by more industrial land no matter the jurisdiction's total land supply. It would "set in stone" the amount of industrial land.

Roll call vote: The amendment to the motion failed, 4:4; councilors Taylor, Ortiz, Zelenka, and Brown voting yes, and councilors Poling, Pryor, Clark, and Farr voting no.

Roll call vote: The motion failed, 3:5; councilors Poling, Pryor, and Clark voting yes.

Mr. Klein noted that as the result of the motion, the council would not have a position on House Bill 2352.

House Bill 2609

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Monitor for House Bill 2609.

Councilor Zelenka asked what "shovel ready" meant. Ms. Wilson defined shovel ready as lands that were ready for construction one year from the date of building application or a request for the extension of urban services. City staff did not believe the City had the resources to make such lands shovel-ready in one year. Councilor Zelenka believed the bill was unrealistic and indicated opposition to the motion.

Councilor Clark suggested the bill was a vehicle to achieve the City's goal of a more frequent analysis of the land supply. He said he tended to support the bill but because of the uncertainty of the outcome of the ongoing legislative discussion had agreed to a position of Monitor.

Councilor Ortiz noted the staff suggestion that the bill would restrict the City's ability to make local decisions about how best to monitor and adjust its strategies, and indicated opposition to the motion.

Councilor Zelenka noted that staff also indicated that the financial impact of the bill could be significant and could lead to regular expansion of the urban growth boundary as well as shift the City's efforts away from brownfield redevelopment opportunities.

Councilor Zelenka, seconded by Councilor Taylor, moved to amend the motion to change the City's position on House Bill 2609 to Priority 2 Oppose. Roll call vote: The amendment failed, 4:4, councilors Taylor, Ortiz, Zelenka, and Brown voting yes, and councilors Poling, Pryor, Clark, and Farr voting no.

Roll call vote: The main motion as amended failed, 5:2; councilors Poling, Clark, and Pryor voting yes.

As a result of the motion, the council took no position on House Bill 2609.

House Bill 2518

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation for a Neutral position on House Bill 2518.

Councilor Zelenka, seconded by Councilor Taylor, moved to amend the motion to change the City's position on House Bill 2518 to Priority 2 Support.

Responding to a question from Councilor Zelenka, Ms. Wilson confirmed that the City's position related to preemption of local government had existed for some time. The bill would lift an existing preemption and give the City more local control.

Councilor Clark did not support new taxes in a challenging economy but he acknowledged local control was an important issue for the City. For that reason, he had supported a position of Neutral in an attempt to find a middle ground. He speculated that the Oregon Realtors Association might oppose any efforts to establish a transfer tax, leading to a contentious community fight. For that reason, he supported a Neutral position as a middle ground.

Councilor Zelenka pointed out that bill did not create or impose a new tax; it merely gave the City the ability to impose such a tax. Ms. Wilson concurred.

Councilor Taylor recalled the City's previous attempts to impose such a tax. She concurred with the remarks of Councilor Zelenka.

Councilor Poling said he supported local control but he was concerned that the bill would allow this or a future council to impose such a tax, and he did not support that. He believed a neutral position was best.

Roll call vote: The amendment to the motion failed, 5:3; councilors Taylor, Zelenka, and Brown voting yes.

Roll call vote: The motion passed, 6:2; councilors Farr and Taylor voting no.

House Bill 2563

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Priority 3 Oppose for House Bill 2563.

Responding to a question from Councilor Clark, Ms. Wilson clarified the proposed bill did not affect the text of a bill sponsored by Representative Val Hoyle that was passed in the special session of 2010 with the City's support. Councilor Clark said he had recommended the Priority 3 Oppose position for the bill because of concerns about its impact on the 2010 legislation, which addressed property tax exemptions for low-income residents living in mobile homes. He did not want to see those exemptions ended. Ms. Wilson did not know if the bill impacted those exemptions and recommended the council support the bill and seek amendments if it did.

Councilor Zelenka, seconded by Councilor Ortiz, moved to amend the motion to change the City's position on House Bill 2563 to Priority 2 Support provided it did not impact Representative Hoyle's previous language supported by the City. Roll call vote; the amendment to the motion passed, 5:3; councilors Poling, Clark, and Farr voting no.

Roll call vote; the amended motion passed, 5:3; councilors Clark, Farr, and Poling voting no.

House Bill 2370

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Priority 2 Support for House Bill 2370.

Ms. Wilson recalled that Councilor Poling had opposed the bill out of concerns about its impact on the City's ability to dispose of its own property. Councilor Clark determined from Ms. Wilson that the bill gave ODOT 30 days to inform the City whether it was interested in buying the property. The bill did not give ODOT a special price for the land. Representative Nancy Nathanson proposed the bill to facilitate the acquisition of right-of-way that was essential to rail expansion.

Roll call vote: The motion passed unanimously, 8:0.

House Bill 3146

Councilor Brown, seconded by Councilor Poling, moved to adopt the CCIGR recommendation of Priority 3 Support for House Bill 3146.

Councilor Brown asked who sponsored the bill and why staff had opposed it. Ms. Wilson indicated that the bill was proposed by Representative Kim Thatcher at the request of a constituent. She said that in general, local governments seeking condemnation secured an appraisal to determine the value of a property, rather than relying on real market value, which would not typically reflect the actual value of a property. For that reason, staff had opposed the bill.

Councilor Clark recalled his concern about the bill had been about what represented just compensation and real market value in a time of dramatically changing land values. There was a difference between the value people paid taxes on and the market value of the property. He believed there was an issue of justice involved when people were forced to give up their property. He was also concerned about how the bill would affect discussions of property condemnation for an EmX route on West 11th Avenue

Councilor Zelenka pointed out that LTD had not condemned any property for the first two phases of EmX. He suggested that any condemnation that occurred on West 11th Avenue would be because property owners refused to sell, terming that a "self-fulfilling prophecy." He further pointed out that the bill used the term "real market value," which was a term used by the County Assessor but which did not reflect actual market value. In a condemnation suit, government would pay the market value of the property, not the assessed market value on the assessor's books.

> Councilor Zelenka, seconded by Councilor Taylor, moved to amend the motion to change the City's position on House Bill 3146 to Priority 3 Oppose.

Councilor Clark clarified that his concern was that people whose property was condemned would receive less than the value they had been paying taxes on, which he thought was adding insult to injury.

Councilor Zelenka suggested to Councilor Clark that it was not always the case that a property's real market value was higher than the current market value; the real market value was simply the value the assessor had on the books, and that value could be ten years old. The market value could be substantially higher. He interpreted the bill as allowing the market to work and set the value of a property, as opposed to a bureaucrat setting that value.

> Roll call vote: The amendment to the motion passed, 5:3; councilors Poling, Clark, and Farr voting no.
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> Roll call vote: The amended motion passed, 5:3; councilors Poling, Clark, and Farr voting no.

Councilor Taylor adjourned the meeting at 9:52 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)