MINUTES

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

February 22, 2011
7:30 p.m.

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

Her Honor Mayor Kitty Piercy called the February 22, 2011, public hearing of the Eugene City Council to order.

1. PUBLIC HEARING: Fiscal Year 201-2-2107 Draft Capital Improvement Program

City Manager Jon Ruiz introduced the item. He said the Capital Improvement Program (CIP) was a planning document that forecast the City's capital needs over a six-year period based on various City-adopted long-range planning documents. The Budget Committee recommended approval of the CIP to the City Council on February 2, 2011.

Mayor Piercy opened the public hearing.

John Barofsky, 2010 Hubbard Lane, advocated for adequate funding for maintenance for City parks, buildings, and roads whenever possible. He generally supported the draft CIP and believed it would be an excellent planning document for the future. Mr. Barofsky referred to the automatic car wash at the airport and suggested that the City could hire four people for $60,000 annually for more than eleven years for the cost involved.

There being no other requests to speak, Mayor Piercy closed the public hearing.

2. PUBLIC HEARING: An Ordinance Providing for Withdrawal of Annexed Properties from the Lane Rural Fire District, the River Road Parks and Recreation District, and the River Road Water District

City Manager Ruiz introduced the item, which was an ordinance to withdraw annexed properties from special districts. Action was scheduled for February 28, 2011.

Mayor Piercy opened the public hearing.

Dale Vergault, 4670 Scenic Drive, Superintendent of the River Road Parks and Recreation District, opposed the withdrawal of territory from the district. He asked the City to begin discussion with the special districts of the formation of an urban services agreement between the two entities as required by Oregon Revised Statutes ORS 195.065. The continued erosion of the district's tax base through piecemeal annexations was doing irreparable harm to the district. He looked forward to those discussions.

Mayor Piercy closed the public hearing.

Ms. Ortiz determined the location of the properties in question from Bill Almquist of the Planning Division. Mr. Almquist also provided brief background on the annexation requests that had impelled the withdrawal applications and noted the special districts involved in each request.

Responding to a question from Ms. Ortiz, Mr. Almquist confirmed that the annexations in question were voluntary annexations.

Responding to a question from Mr. Clark, City Manager Ruiz indicated lead staff for discussions with the districts would be identified that week and a meeting would be scheduled soon. Mr. Clark asked to be notified of meetings.

3. PUBLIC HEARING: An Ordinance Adopting Hazardous Substance User Fees for the Fiscal Year Commencing July 1, 2011

City Manager Ruiz introduced the topic, noting that the City's Toxics Right-to-Know Program was funded through fees assessed to the businesses who reported. The purpose of the hearing was to hear testimony about those fees.

Mayor Piercy opened the public hearing.

Joann Ernst, 1295 Buck Street, spoke of the merits of the City's Toxics Right-to-Know Program. She provided a report based on the data developed by the Oregon Toxics Alliance to the council and said it indicated the majority of toxic air emissions in the community occurred in the west Eugene area. She emphasized the negative impact of toxics on residents, particularly the young, the elderly, and those afflicted by asthma. She asked the council to continue its support for the program, and expressed support for the recommended fee structure.

Lisa Arkin, 1192 Lawrence Street, representing the Oregon Toxics Alliance, emphasized the impact of toxic air emissions on west Eugene in comparison to the remainder of the community. She noted the many students with asthma in the Bethel School District in west Eugene. A door-to-door survey conducted by her organization suggested that 30 percent of households had someone with asthma symptoms. She said it was important to know conditions as the City planned for the future, and the program provided information about those conditions. Ms. Arkin recommended that emitting businesses be required to have an emergency preparedness plan, and that all industries within the urban growth boundary be required to report.

Mayor Piercy closed the public hearing.

Councilor Ortiz believed the Oregon Toxics Alliance and Lane Regional Air Protection Agency complemented one another. She noted that many of the businesses that reported to the program were in the area she represented.

Councilor Clark emphasized his support for residents' right to know and noted that Section 2.2 of the charter language establishing the program exempted all public agencies, including educational

institutions. He requested a memorandum estimating the amount of reportable emissions released by public agencies in Eugene.

Councilor Farr commended Ms. Arkin's recent presentation to the Active Bethel Citizens.

Councilor Ortiz asked Fire and Emergency Medical Services Department if all companies must have emergency plans or lists of chemicals that employees could be exposed to. Deputy Chief Mark Walker reported that emergency plans for businesses depended on the size of the business. He indicated he could provide information about that. Councilor Ortiz was interested in that information. He said that MSDS sheets were under the purview of the Occupational Safety and Health Administration, and he could also provide that information.

Councilor Zelenka arrived.

4. ACTION:
City Income Tax for Local Schools

> Councilor Brown, seconded by Councilor Taylor, moved to adopt Resolution 5024, in order to amend Resolution 5023, which referred a temporary local income tax ballot measure to the voters.

Councilor Brown proposed the resolution as a more fair, rational, and progressive tax that exempted the low-income. He thought the resolution better fit the intent of the proponents of the tax. Those with low incomes would not pay the tax.

Responding to a question from Councilor Clark, City Attorney Glenn Klein explained that the council could amend the resolution and still affect the text of the ballot title if that action occurred that night.

While Councilor Clark did not support the proposed tax because he found it fundamentally unfair, his vote to adopt the resolution was to allow residents to vote on the proposal. However, he had received a great deal of input from constituents who opposed his vote. He did not think he could support the motion.

Councilor Poling recalled his past opposition to putting a ballot measure out in May. He was opposed to the ballot measure itself. Regarding the motion, he found it unfair and felt it clouded the issue. A flat rate was a better approach. He believed if someone earned a dollar, they should contribute to the tax if it passed.

Responding to questions from Councilor Clark, City Attorney Klein acknowledged it was possible that the City would have to set up a tax collections unit, but the first choice would be to contract with the City of Portland or the State of Oregon. Regarding how the tax would be collected, City Attorney Klein said he was unsure how the City of Portland collected its tax. It was possible that employers could do withholding, but the City could not require employers outside the City to do so. He concurred with a statement by Councilor Clark that some residents would have to write a check to the City. Councilor Clark asked the cost of collecting the tax. City Attorney Klein anticipated that information would be available by the time a public hearing occurred on the ordinance.

Councilor Clark determined from Ms. Cutsogeorge that the estimates from the new approach incorporated tax avoidance.

Councilor Clark said he learned at the Eugene Area Chamber of Commerce's Economic Summit that Oregon had the highest rate of income tax in the country. If the tax passed, Eugene would be the only city in Oregon with an income tax, giving it the distinction of being the city with highest income tax rates in the United States. He did not want that distinction.

Councilor Zelenka did not think that Oregon's income tax made it a high tax state. Because of a lack of a sales tax, Oregon was right in the middle of the states in regard to the tax burden placed on residents. The State's other taxes had to "make up" for the lack of a sales tax.

Councilor Zelenka pointed out that such a new had been imposed in Portland and a mechanism existed to collect it. He liked the motion and planned to support it.

Councilor Farr believed unanswered questions remained about how the tax would be collected. He had raised the same questions the previous week and continued to be concerned about that issue. He also continued to believe November would have been a better time to place the proposal on the ballot because it would have provided time for such questions to be answered.

Councilor Farr also continued to be concerned that the City had to pay the costs of placing the measure on the May ballot. He did not think the City had a way to pass those costs along.

Councilor Farr favored exempting people with incomes below the poverty line from the tax. He did not think that income taxes were a sustainable way to fund services. People below the poverty line were having difficulty putting food on their tables and he was challenged to ask them to pay more in taxes. For that reason, Councilor Farr said he would support the motion. He continued to dislike the taxing mechanism involved.

Mayor Piercy said everyone cared about the schools and the future of children. The income tax was suggested because many residents had asked the council to help. She did not see it as a solution to the school funding issue but rather as a bridge to a State solution. She appreciated Councilor Brown's attempt to make the tax more progressive.

Regarding the taxing mechanism, Mayor Piercy said the City had a report from an economist who believed that the tax was positive overall. In regard to timing, she recalled that the school districts supported a May 2011 election date as being more helpful.

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

2. PUBLIC HEARING: Envision Eugene

City Manager Ruiz introduced the item, reminding the council that Envision Eugene was a planning process intended to guide the development of the community's future. The hearing was an opportunity to hear public reaction to the proposal published February 2, 2011. The council would hold a second public hearing later in the spring.

Mayor Piercy opened the public hearing.

Elaine Zablocki, 3470 Ferry Street, supported the concept of a denser core to reduce travel times in the community. She endorsed the concepts of 20-minute neighborhoods, transition zones, the use of

incentives, mixed use developments, additional multi-family housing, and a lower percentage of single-family homes in the housing mix. She maintained that if the City implemented those things, Eugene could absorb its expected population growth without the need to expand the urban growth boundary (UGB). She said the City should not believe previous development trends would continue and called for more visionary thinking.

Mark Robinowitz, PO Box 51222, representing SustainEugene.org, believed the process lacked appropriate technical expertise in the field of energy volatility and suggested that planning which depended on erroneous assumptions would be wrong. He advocated for consideration of peak oil in the process and suggested that discussion of electric cars was a distraction. Mr. Robinowitz maintained that the planet had reached its growth limits and the current economic system could no longer continue.

Jan Wostmann, 2645 Riverview Avenue, addressed the pillar regarding protection and enhancement of neighborhood livability. He emphasized the importance of completing the strategy calling for development of compatibility infill standards. He also urged the council to consider the location of high-density residential development as it related to the opportunity siting process. Mr. Wostmann said it mattered where high-density residential development occurred in an urban setting, and he believed it should be located in the inner city along major transportation corridors. He wanted the City to avoid a situation where high-density residential was allowed anywhere in community because he did not think that was supported by most residents.

Paul Conte, 1461 West 10th Avenue, distributed and reviewed his written testimony, which spoke to the difficulty that the Jefferson-Westside Neighbors faced in providing input into the Envision Eugene process because of the length of Community Resource Group meetings and the lack of detailed maps and analyses to respond to. He urged the council to establish a schedule and deliverables for which the City Manager was responsible. He emphasized the importance of opportunity siting to his neighborhood organization and indicated it was not waiting for the process to discuss potential opportunity sites with St. Vincent de Paul.

Tim Schinaberger, 2338 Agate Street, supported the City's attempts to protect neighborhoods through the Envision Eugene process but was concerned about the lack of detailed maps. He asked that before the council made any decisions regarding residential land, it direct staff to produce maps inside and outside of the UGB that showed the areas that the manager recommended for increased density as well as details about how many more people would be able to live in those areas over the next 20 years. He also wanted to know what steps the City could take to implement design standards that ensured that density did not negatively affect neighborhoods. He suggested that if the City did not add land now, it would not be easy to add in the future.

Kayla Schott Bresler, 380 West 8th Avenue, #4, representing the Lane Coalition for Healthy Active Youth, endorsed City activities and facilities that promoted physical activities. Her organization supported 20-minute neighborhoods and greater access to nutritious foods. She asked the council to take actions that limited the ability of fast food outlets and convenience stores to locate in Eugene and pass options that limited their ability to market their goods to residents.

Carlis Nixon, 1556 Wilson Court, expressed concern that it was difficult to comment on the process because it was so large and general. She noted a recommendation to "appropriately reduce constraint for industrial development" and asked "appropriately as judged by whom" and if it would include air and pollution controls. She urged the council to continue and intensify work on the infill compatibility process to ensure neighborhood livability.

Josef Siekiel-Zdzienicki, 1025 Taylor Street, noted his support for the Toxics Right-to-Know Program. He then called for discussion of the feasibility of acquiring the right-of-way needed for EmX on transportation corridors. He did not think all the corridors could physically accommodate the EmX system. They could accommodate a more flexible transit system that did not require dedicated lanes.

Mr. Siekiel-Zdzienicki questioned how many of the Community Resource Group members lived on major transportation corridors and how they were affected by the vision. He asked how those visions affected their livelihood. He asked if the constituency most affected by those visions were represented on Community Resource Group.

Mr. Siekiel-Zdzienicki said that infill worked on a site-by-site basis.

Eugene Drix, 307-1/2 High Street, asked the council to keep established neighborhoods in mind. He supported an income tax for the schools.

Ed McMahon, 1233 Hilo Drive, executive director of the Lane County Homebuilders, commended the Envision Eugene process and the work of City staff. He expressed hope that the council could convey the intent of the Community Resource Group to residents, emphasizing that the group had the community at heart.

Tom Halferty, 4510 Manzanita Street, shared copies of a three page document, entitled A Eugene Vision, which represented his own vision for the community. He recommended an urban land trust be established for properties inside the urban growth boundary.

Mayor Piercy adjourned the work session at 8:15 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)