

MINUTES

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

November 8, 2010
7:30 p.m.

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

COUNCILORS ABSENT: Jennifer Solomon.

Her Honor Mayor Kitty Piercy called the November 8, 2010, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Carlis Nixon, 1556 Wilson Court, believed it was important to distinguish between bus rapid transit systems and Lane Transit District's proposed EmX system. She questioned how the two systems could be compared. The EmX system had reduced stops and expensive lane reconfigurations; bus rapid transit did not involve expensive construction and did not have reduced stops. Ms. Nixon asked the council to direct LTD to analyze an enhanced system with reduced stops and to determine the costs of providing more stops. She said unlike other communities with which she was familiar, there was no provision for parallel service on EmX routes with reduced stops.

Drix, a resident of the West University Neighborhood (WUN), spoke of the transitory nature of students living in his neighborhood and the challenge of working with a student population. He reported that the WUN had a new neighborhood organization chair person as well as many new neighbors. He commended the Eugene Police Department and noted the recent celebration recognizing Officer Randy Ellis' 40 years of service. He said Officer Ellis was connected and committed to the neighborhood. Drix noted that Veterans Day was approaching and expressed appreciation for the country's veterans. He repeated the five words he offered to every veteran, reporting that he always found them to be acceptable: "Thank you for your service."

Roy Benson, 570 Filmore Street, owned a business on West 11th Avenue and was opposed to the proposed EmX system. He recalled that Councilor Poling had reacted in a sensitive manner to a suggestion offered in testimony at a recent Public Forum that the EmX system would result in the rezoning of property along West 11th Avenue. He said the week after he read Councilor Poling's reply to George Cole's e-mailed apology, the newspaper printed an article about a piece of property on the road that would need to be rezoned. He wondered if Councilor Poling's reaction was because he knew that. He also recalled Councilor Ortiz's remarks about modeling the Eugene system after the system in Bogotá, Columbia, and said he had done further research and learned that Bogotá had 8.5 million people. He did not think Eugene was anything at all like Bogotá.

Irving Weiner, 88500 Greenhill Road, suggested it was ironic that the small businesses that funded LTD did not have their concerns heard. Instead, the City and LTD were turning a deaf ear. He said West 11th Avenue was a major car route that reached from eastern Oregon to the coast, which was why he located his business there. Businesses on West 11th Avenue were there for the sake of the pass-by traffic. Mr. Weiner said it was hard for small businesses to stay competitive because of the Internet and large corporations who could afford to buy things in volume and sell them for much less. Local companies were able to stay in business because of good service and handy patron parking. Mr. Weiner said now LTD planned to take his parking spaces. While LTD said it would pay for them, he found its approach arrogant. LTD might consider his parking spaces just square footage but his parking places had an actual value for his business, and that was what LTD proposed to take away.

Mr. Weiner believed that running EmX on West 11th Avenue would represent *de facto* rezoning. EmX construction would drive people away and by the time the system was built they would have changed their shopping patterns and the businesses now on West 11th Avenue would be gone.

Bob Johnson, West 26th Avenue, opposed the proposed West Eugene EmX route. He said letters to the editor suggested that those in opposition to EmX were opposed to public transit, but that was not the case. He supported buses but he did not support EmX. Mr. Johnson did not think that EmX was the right approach. He thought EmX failed to meet the economic element of the triple bottom line (TBL). After examining the project's impact on small businesses, he understood why people were so opposed to it. Mr. Johnson was concerned about placing EmX vehicles in dedicated lanes and suggested LTD consider a more nimble and flexible public transportation system that could respond to changes was more rapidly.

Wendy Butler Boyson, 1265 City View, expressed support for the proposed West Eugene EmX route. Speaking to the West 11th Avenue business owners, Ms. Butler Boyson informed them that they did not need cars to maintain their business, they needed people. She and other bus riders were consumers too, and if they spent their money it would be at some place they could reach using transit. Ms. Butler Boyson did not think that EmX had harmed businesses on Franklin Boulevard and said LTD could make swift changes in response to any concerns that arose. She was encouraged by the system's flexibility. She said the EmX buses were easier for her disabled husband to manage and she looked forward to its expansion to West 11th Avenue. Speaking to Ms. Nixon's testimony about a parallel system, she suggested more frequent headways were the tradeoff for reduced stops.

Robert Rubin, 2836 West 11th Avenue, said the project was the beginning of a multi-year siege on West 11th Avenue business owners. He termed EmX a flawed vision from 20 years ago. He did not think that West 11th Avenue could be compared to Franklin Boulevard. He believed the proposed solution solved nothing. He said the park and ride facility at Fred Meyer on Seneca Road was underused and had been since it was built.

Mr. Rubin pointed out that West 11th Avenue was dominated by auto-related businesses and stores that sold large items that could not be carried on a bus. He questioned whether EmX on West 11th Avenue would eliminate any automobile traffic. He said LTD's plans called for fewer bus stops farther apart, which did not benefit riders. He said that LTD had budget problems and planned to reduce services further 20-25 percent over the next three years. The West Eugene EmX route was projected to cost \$1 million to operate in the first year. The State would have to contribute \$25 million or more. He was offended that LTD was spending money on buttons advocating for the EmX system. He said the alternatives analysis contained flawed data designed to influence people to think that the West 11th/West 13th alternative was better than the no build option.

Ted Sweeney, a University of Oregon student, spoke in support of the proposed West Eugene EmX. He said that students used the EmX system heavily and he believed they would use it to reach West 11th Avenue. He emphasized the importance of EmX to those going to and leaving the University of Oregon campus. He asked the council to support the project and the federal funding it would bring into the community.

Brent Woodrich, 2700 West 11th Avenue, expressed concern about the cost of the proposed EmX system. He noted the budget challenges facing local schools and questioned how Eugene could contemplate spending \$20 million on the proposed West Eugene EmX route when those shortfalls existed. He suggested that instead the council should be considering the community's less fortunate. He did not think that West 11th Avenue was the appropriate route for EmX and suggested it should be located on West 18th Avenue where there was more dense residential development.

Don Peck, 2911 West 11th Avenue, did not think the need for the EmX system had been demonstrated. He had noticed articulated buses on River Road in the pull outs and asked why LTD had to add lanes on each side of the street when that sort of system worked as well. He did not find the potential of federal money to be a reason for the system. He did not oppose the bus system, but he opposed the EmX system.

Eric Gunderson, 72 West Broadway, supported the proposed EmX route because he believed it was good for business, good public policy, and part of the solution to the community's future transportation needs. He noted the more diverse modal split in Portland and asserted that community had reduced its vehicle miles traveled by 25 percent as a result. He further asserted that younger people sought to live in walkable, dense communities with homes near transit. They had a different vision about what communities should look like in the future. Mr. Gunderson further maintained that EmX would reduce Eugene's dependence on foreign oil. He said that transit brings customers to businesses. He asserted that "transit likes business" and said a speaker discussing transit orient development at a recent conference maintained that real property values near transit lines held steady in the recession. Mr. Gunderson said that new development followed transit.

Larry Banks, 72 West Broadway, supported the West Eugene EmX route because he found the status quo unacceptable. He went on to assert that the community overwhelmingly valued public transportation, transit-oriented development, livability, and reasoned long-range planning. He believed those were core values shared by both the business community and all Eugene residents. He said the proposed EmX route would support the needs of the future. Mr. Banks said that EmX was easier for people to use and it got cars off the road. He said the current infrastructure was insufficient to support the desired redevelopment of West 11th Avenue, and EmX contributed to changing that.

Fran Corno, 497 Oakway Road, said that decisions were being made without input from the people who paid for LTD. Decisions were made on citizens' behalf by a non-elected board with taxing authority and the power of eminent domain. Federal grant moneys would not cover the project cost. She questioned how LTD would support the system once in place. Ms. Corno questioned the destination of the route. She expressed concern that regular bus service was being cut. She asked what EmX had done for downtown and if it had brought business to downtown.

Ms. Corno pointed out that the Franklin EmX route served the University of Oregon and linked two towns. She did not think ridership on that route could be compared to a route on West 11th Avenue. She asked if additional lanes and left turns that crossed three rather than two lanes of traffic made travel on West 11th Avenue easier or safer. She said that undergrounding utilities would improve the appearance of

the road and ease the way for pedestrians and bicycles, but because that was not covered by the grant so utilities instead would be moved. She did not think that was an improvement. She asked what kind of climate the council was trying to create for Eugene. She asked if 60-foot buses in a town of Eugene's size was the answer. She said the council needed to create an atmosphere where people could live and work.

Duncan Rhodes reported that a recent meeting of the Whiteaker Community Council, two women in attendance reported that they had been attacked on the bicycle path. As a result of the attack, one of the women dropped her plans to work at Valley River Center. Mr. Rhodes suggested that the City arrange for free self defense classes for women and that it install more lighting and emergency call boxes along the bicycle path.

Kimberly Gladen, 361 West Broadway, #4, discussed conditions downtown. She thanked the council for creating free downtown parking. Ms. Gladen spoke to the amount of drug trafficking downtown. She reported that there were many teens partying late at night downtown, which both left a mess and attracted drug dealers. Ms. Gladen suggested that Eugene was a jumping off point for child pornography activity in Portland. She said part of the lure was the lawlessness that existed downtown, which she believed was out of control. Word about conditions went out on the Internet, attracting even more people to downtown. Ms. Gladen said downtown needed its police patrol back. She suggested that the City needed to invest equally in drug and alcohol rehabilitation, clean-up downtown, and policing. She urged the council and staff to visit downtown and view conditions there.

Bob Macherione, 288 West 6th Avenue, shared his copy of the West Eugene EmX alternatives analysis, which he likened it to a sales brochure aimed at a banking institute. He said that many of the numbers were unaudited and appeared to be pulled out of thin air. They were optimistic at best and intended to convince the federal government and City Council of the project's merit. Nothing in the document spoke to how the system would be paid for. Mr. Macherione said most optimistic numbers indicated that instead of a trip costing \$2.89, trips would cost \$2.85, saving four cents. He did not think that was good enough to justify the impact the system would have. The alternatives analysis indicated that LTD planned to send a bus with a capacity of 91 passengers down West 11th Avenue 87 times a day to pick up 900 passengers, for a total of 8.7 people per bus.

Pauline Hutson, 1025 Taylor Street, said the disaster that West 11th Avenue would become if the proposed route was chosen did not have to happen if LTD selected the 6th and 7th avenue alternative. That route required only a restructured lane and traveled to northwest Bethel, which was the only area in the community with the capacity to accommodate the large-scale housing and business development that was essential to LTD's long-term health. She saw no similar ridership opportunities on West 11th Avenue. Ms. Hutson did not oppose public transit, but she believed it needed to be in the right place. She opposed a system that required the destruction of homes and businesses. She asked the council to consider who it represented. She said it represented the working people who were having neighborhood bus services cut drastically to accommodate an exclusive bus line.

Joseph Siekiel-Zdzienicki, 1025 Taylor Street, agreed with Ms. Gladden's remarks about downtown. He recalled Councilor Poling's remarks admonishing those who expressed concern the route would be a precursor to rezoning. He considered transportation planning to be a zoning plan and easements and public rights-of-way to be zoning tools. Transportation planning predominated over land use planning.

Mr. Siekiel-Zdzienicki recalled the West Eugene Collaborative's discussion of mixed use on multi-use boulevards and its identification of West 11th Avenue as such a boulevard, and pointed out to Councilor Poling that it would require rezoning to apply the mixed use zone. He further pointed out that the

Envision Eugene process included discussion of increased densification and mixed use, which were also zoning tools. He referred to the LTD Purpose and Need Statement, which identified West 11th Avenue as a corridor for residential, commercial, retail, and industrial development. He said that he and George Cole were not the first ones to discuss the rezoning of West 11th Avenue.

Mr. Siekiel-Zdzienicki said the technical reports for the alternatives analysis were not being released until mid-January. He asked how much time that gave the council and community to review them for accuracy. He pointed out there was another federal funding cycle in two years and the council did not have to act now.

Paul Nicholson, 1855 East 28th Avenue, was skeptical that those making the final decision on the West Eugene EmX route had scrutinized the background materials to the same degree as Mr. Macherione. He believed that LTD could provide high-quality bus service on West 11th Avenue. He found the proposed EmX route to be a “bunch of constituent parts” glued together. Mr. Nicholson said that one had ever independently examined the system’s effectiveness or efficiency. Instead, LTD’s approach was “now we’ve got the money, now we’re going to build the thing,” and Mr. Nicholson said the process should be the other way around. He believed that the community should have reached consensus on a plan; instead, LTD was presenting those whose lives were going to be disrupted with a specific building program. He said that many other alternatives existed and none had been given an independent examination. He recommended that the council establish a definition for success before approving the project.

Drew Serres, 1673 Olive Alley, a University of Oregon student, regretted the lack of constructive dialogue about the proposed West Eugene EmX route. He suggested if people took time to talk, they could find common ground and solutions. He announced that the University of Oregon’s “Climate Justice League” would hold a community dialogue on November 29 at 7:30 p.m. at the University of Oregon campus and invited all present to attend.

John Evans, 3500 East 17th Avenue, represented LTD. He announced a Transportation forum at the Eugene Hilton at 7:30 a.m. on November 9. Speaking to the benefits of the EmX service in West Eugene and the reasons that LTD was looking at it, Mr. Evans explained that the community had been trying to link land use and transportation for many years, and as a result the board and City Council selected West Eugene as the location for the next route extension. Mr. Evans said that EmX was the solution to the congestion problems that existed on West 11th Avenue. West 11th Avenue was identified as one of the 40 worst choke points in the state. The road was at capacity now. Adding a bus lane on a portion of the route could both accommodate existing businesses but could also bring in more people than adding an additional lane would. Mr. Evans reported that there was no local match required for project construction.

Mr. Evans announced the next open house on November 9 at the Eugene Faith Center from 10 a.m. to 2 p.m.

Larry Sweet represented the owners of three shopping centers on West 11th Avenue. He asked if the growth anticipated ten years ago in west Eugene had been realized. He questioned why LTD would want to add to its operating costs at this time. He said that there were seven to ten businesses that he was aware of that could not stand to go through two years of construction. They would be gone. He did not think that now was the right time for the project.

Joshua Keim, 55 West Broadway, discussed the issue of homelessness in the downtown core and the council’s failure to find a remedy. He reported that he had received a notice of civil penalty for the trash and debris that accumulated on his doorstep in the amount of \$400 per day. He had to pay a \$250 fee to

appeal the penalty. Mr. Keim issued a "Notice of Failure" to the City Council. He said he had been sweeping his own and his neighbors' sidewalk every ten for the last ten years and found it upsetting to have to do so. He encountered feces, spray painting, and vandalism in downtown. He said the bar scene downtown contributed to the overall chaos of the area. He asked the City to stop "passing the buck to local business owners" and to pick up the trash.

Charles Hibberd, 5555 West 11th Avenue, said that LTD indicated that it was building the EmX system to accommodate the 30,000 it expected to move to Eugene-Springfield in the next 30 years. He suggested that if ten percent of those people used the bus, LTD would have 3,000 more riders at a cost of \$83,333 per rider. He questioned the population forecasts used by LTD. Mr. Hibberd commended the existing bus service and suggested that population growth would increase ridership on the existing system.

Mayor Piercy closed the Public Forum.

Mayor Piercy thanked Drix for his comments about Veterans Day and thanked the community's veterans for their service to their country. She also thanked all those who spoke, in particular the University of Oregon students for offering a forum for community dialogue.

Councilor Clark thanked all those who spoke for what he considered exceptionally productive testimony. He continued to be concerned about the proposed West Eugene EmX route and was leaning toward the "no build" option because of the route's disproportionate impact on businesses. Councilor Clark was also troubled by the potential that an unelected body such as the LTD Board of Directors could authorize condemnation of private property, as well as by the lack of sustainable funding for system operations.

Councilor Clark tended to prefer the 6th/7th avenue option if the system was to be built because of Ms. Butler Boyson's comments that one did not need to have a car to be a consumer. He understood that businesses on West 11th Avenue needed consumers, but most were coming in cars and would be for some time. He suggested the value of such a system was to move employees rather than consumers. Councilor Clark said that West 11th Avenue was currently configured as a retail corridor, and if the City was to build more areas for jobs, that should be part of its considerations.

For those who spoke to the issue of zoning, Councilor Clark said that Eugene was planning transportation corridors that would be well-served by transit and dominated by three- and four-story buildings. He suggested that the question to be answered was whether West 11th Avenue was an appropriate transit corridor.

Councilor Poling thanked Drix for his service to his country.

Councilor Poling was unsure what property Mr. Benson was referring to in his remarks. He clarified his earlier comments about rezoning, which was a response to whether the question of the route was a rezoning issue. That put a spin on the subject by suggesting the City was piggybacking on the project in a back door manner to do major rezoning on West 11th Avenue. Councilor Poling said the question for him was whether the route would be built and where. He took things one issue at a time.

Councilor Ortiz thanked those who spoke. Regarding downtown, she thanked Ms. Gladen for her remarks. She clarified that the City always had two officers downtown but during the summer months the officers that had been working in the schools were deployed downtown. She anticipated that in another year there will be more officers dedicated to downtown.

Councilor Ortiz thanked Mr. Keim for his remarks. She said she did not think the City failed the homeless. The City put a lot of money into the Human Services Commission and from other sources. She said the City's work was definitely not done.

Councilor Clark spoke to Mr. Nicholson's remarks, saying he agreed with him that the council needed to have a definition of success for EmX in west Eugene and an idea of the best outcome. He said there were competing visions for West 11th Avenue. He thought the question was a good one to keep in the forefront of the discussion.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- May 26, 2010, Work Session

- July 12, 2010, City Council Meeting

- October 18, 2010, Boards, Commissions, and Committees Interviews

- October 18, 2010, Public Hearing

B. Approval of Tentative Working Agenda

C. Appointment to Police Commission

D. Appointment to Human Rights Commission

Councilor Clark, seconded by Councilor Taylor, moved to approve the Consent Calendar.

Councilor Ortiz pulled items C and D.

Roll call vote: The motion to approve the Consent Calendar, with the exception of items C and D, passed unanimously, 7:0.

Speaking to Item C, Councilor Ortiz said she wished to substitute James Manning in place of Bob Walker for the Police Commission.

Councilor Ortiz, seconded by Councilor Clark, moved to amend the motion by substituting James Manning in place of Bob Walker for membership on the Police Commission.

Councilor Ortiz believed the process the council used to fill positions on boards and commissions needed work. She thought the interview process was intimidating and it was hard for some people to shine.

Councilor Clark noted that Mr. Manning was from Ward 6, which was currently underrepresented on City boards and commissions.

Roll call vote: The amendment to the motion passed, 4:3; councilors Taylor, Pryor, and Zelenka voting no.

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

Councilor Ortiz, seconded by Councilor Clark, moved to amend the motion by substituting Martha Fish for the name of James Manning to fill Position 2 on the Human Rights Commission. Roll call vote: The amendment to the motion passed, 6:1; Councilor Taylor voting no.

Roll call vote: The main motion passed unanimously, 7:0.

3. ACTION:

Approval of Funding for Affordable Housing Energy Improvement Projects

Stephanie Jennings of the Planning and Development Department was present to answer questions.

Councilor Clark, seconded by Councilor Taylor, moved to approve the use of \$160,000 in EECGB funding for three projects: 1) \$73,750 for installation of a ductless heat system at Oakwood Manor; 2) \$71,577 for installation of a solar water preheat system at Ross Lane Apartments; and 3) \$14,673 for installation of energy-efficient windows at 29th Place.

Roll call vote: The motion passed unanimously, 7:0.

4. ACTION:

Adoption of an Ordinance Concerning Citation Authority of University of Oregon Department of Public Safety and Amending Section 4.035 of the Eugene Code, 1971

Eugene Police Department Captain Chuck Tilby was present to answer questions about the item.

Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5036, an ordinance concerning citation authority of University of Oregon Department of Public Safety.

Councilor Brown said that it appeared the only change was that officers would not have to witness a crime if they had probable cause, and hoped that the department had sufficient training on the subject.

Roll call vote: The motion passed unanimously, 7:0.

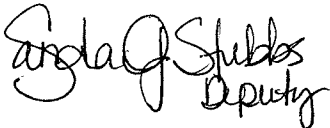
5. EXECUTIVE SESSION

Pursuant to Oregon Revised Statute 192.660(2)(h)

The Eugene City Council met in executive session.

Mayor Piercy adjourned the meeting of the Eugene City Council at 9:22 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Beth Forrest", with the word "Deputy" written below it.

Beth Forrest
City Recorder

(Recorded by Kimberly Young)