

MINUTES

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

October 25, 2010
7:30 p.m.

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

Her Honor Mayor Kitty Piercy called the October 25, 2010, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Boyd Iverson, 1872 Willamette Street, discussed the EmX project proposed by Lane Transit District (LTD) in West Eugene. He supported mass transit for those who needed it and thought a mass transit vision was a good thing. However, he believed that the West Eugene EmX route was less a vision and more of an agenda. He did not agree with the conclusion that traffic was a bad thing. He said that the businesses on 7th and 6th avenues existed because of the traffic that went past their locations and would not be in business otherwise. Mr. Iverson said for a business to be successful, it must have customers, high visibility, ease of access, and adequate parking. Limiting those factors meant that consumer-based businesses would fail. The proposed EmX system affected those businesses negatively. He did not consider the streets involved to be bad, although he acknowledged they were busy. He had seen nothing that suggested here was too much traffic on West 11th Avenue, which continued to function adequately. He believed that if LTD's proposal went forward, it would kill jobs and businesses.

Robert Rubin, 2836 West 11th Avenue, represented a family that owned property on West 11th Avenue. He acknowledged it was hard to turn down funds for a project but when the project was not in balance with the costs it made it easier. He said that West 11th Avenue had good bus service. It was not Franklin Boulevard, and there was no destination for the EmX route. He asked what problem LTD was trying to solve. He pointed out that LTD had a budget problem and planned to cut services. Mr. Rubin said the proposed service had fewer stops farther apart and it would be more inconvenient for riders. He noted the evolution of Aqua Serena, a business on West 11th Avenue, and said it was a multi-generational family business that could be lost because of the project. He did not think the project served the greater good of the community and said if the federal money had not been available the project would not even be under discussion.

Jim Thomas, 2296 Corinthian Street, representing the Eugene Faith Center, supported the EmX route as visionary for the community. He said that LTD had worked with the church on the route plans that would affect West 13th Avenue and as a result the church had lost curb cuts and access but LTD staff had identified other visionary ways to access the church. He thought the existing system worked well. He was proud of the City and said its future appearance was important to him.

Laurel Hayles, 1264 Delores Court, a bus commuter, had concerns about the proposed West Eugene EmX route. She said the project would require cuts to LTD bus service but a feeder bus route system was needed to get people to the line. LTD already was cutting and merging routes and buses were running with standing room only. People in wheel chairs could not get on to the bus, and things would only get worse if EmX was implemented. She said if LTD could not afford the bus system now in place, she questioned how it could operate the EmX system in the long-term. Ms. Hayles believed that until that question was addressed, no feasible system could be evaluated or implemented. Until that occurred, she was very opposed to the project and wanted LTD to look at alternatives that worked with the existing system. She said an EmX route on West 11th Avenue was not a viable option. She pointed out that if businesses along the road shut down it would affect LTD's payroll tax revenues.

Kim Sawyer, 2170 Greenview Street, said he owned a business on West 11th Avenue that would survive the construction of an EmX route but he was aware of other businesses that would not. He said that many of the project's opponents favored good public transportation, which they believed was in place now. He thought it was fiscally irresponsible for LTD to spend money on the project and questioned how LTD could operate an EmX vehicle six times an hour when it could not serve West 11th Avenue four times an hour now. He asked the council to be fiscally responsible and reject the federal money available for the project so it could be applied to the national deficit instead.

Roy Benson, 570 Fillmore Street, said he owned a business on West 6th Avenue. He was not anti-transit but supported the remarks of others speaking against the system. He said that hundreds of pieces of property were affected by the proposed route and he believed the extensive use of eminent domain that he envisioned necessary to realize the route to be an abuse of power. He asked the council to do the fiscally responsible thing and reject the route.

Brent Woodrich, 2700 West 11th Avenue, said that during his lifetime West 11th Avenue had been an industrial park that one went to for lumber and similar goods. He did not envision that anyone would use EmX to go to the grocery store or to pick up lumber. He felt the community was in a situation where everyone had to tighten their belts and pointed out that businesses had trouble making ends meet over the last five years. He suggested the City consider such a project in better economic times and not at a time when schools were having fund raisers. He understood that EmX was important and thought it was needed in other parts of town and should serve residential areas to get people to other parts of the community.

Bob Machione, 288 West 6th Avenue, thanked councilors Ortiz and Pryor for meeting with West Eugene businesses regarding their concerns about EmX. He expressed concern that LTD staff kept accusing West Eugene business owners of putting out misinformation. They were not, and he took exception to the accusation. He said that LTD was not explaining to business owners how it would operate the system if it were implemented. He said that LTD was facing budgetary shortfalls now and was cutting routes to implement EmX. The LTD Board of Directors did not appear to be aware the Gateway route would cost more than \$1 million annually to operate. They insisted there was no increased cost from EmX, which Mr. Machione asserted was misinformation.

Mr. Machione said the Transit Cooperative Research Program Report 90 listed 26 case studies for bus rapid transit (BRT) and all the communities listed had far more people than Eugene-Springfield. In many cases, the communities involved were major destinations. He asked who would run the system, and who would pay for it. No urban basis to support the system, which he termed it a pipe dream. He said that LTD did not have the funds to run the current bus service and would cut services again in the next year. He anticipated that with operating costs at \$1 million per route, LTD would soon run out of money.

Eli Meyer, 2542 Elysium Avenue, favored the EmX expansion. He perceived only benefits. He said LTD's data indicated that on a per rider basis, the EmX system was cheaper to operate than regular bus service. He said he had seen rapid transit corridors "build up business" and increase property values over the mid- and long-term, and averred there was considerable data "out there" showing those impacts. He rarely drove and took the bus or biked everywhere he went. He wanted to patronize businesses on West 11th Avenue but did not do so because of traffic and because the road was difficult to cycle.

Brook Edwards, 2542 Elysium Avenue, also supported the EmX extension. She did not know if there was concrete evidence supporting the points of those in opposition as it regarded to hurting businesses. She averred that instead, people avoided West 11th Avenue because of the traffic problems that existed there and "a lot of people I talk to" agreed that traffic was a problem and could be helped by EmX. She suggested that congestion on the road could be eased if more frequent bus service was available. She also thought the system was a key to Eugene's long-term sustainability and did not think the system would work well if implemented on a piece-meal basis.

Elise Downing, 1461 Mill Street, #2, a University of Oregon student, averred that a high functioning and accessible transit system could change the culture of a city, solve road congestion, and reduce CO2 emissions. She said the project allowed LTD to cut routes and costs while maintaining service to West Eugene. It was a step needed to change the car culture of American cities.

Kimberly Gladen, 361 West Broadway, #4, discussed her experiences over the course of the last two weeks traveling through downtown, where she had multiple encounters with drug dealers and panhandlers. She spoke of the difficulty the elderly and vulnerable had in traveling through downtown to reach vital services. She said conditions did not help business, which continued to leave downtown. Ms. Gladen named four businesses that recently left downtown. She asked how the City Council expected downtown to work without the presence of police.

Rachel Lytton, 1943 Onyx Street, #3, a University of Oregon student, noted her long-time use of alternative modes of travel. She supported the EmX system and said it made her life as a student easier. She hardly ever traveled to West 11th Avenue because of the sporadic bus service and she wanted to see EmX expanded down the street. However, she was concerned about the potential that wetlands might be affected by construction of the route, as well as concerned about some trees she believed were historically important to Eugene. She called for more information on those topics.

Andy Vobora, 1370 Vine Court, Junction City, LTD, provided information to demonstrate that the hybrid buses proposed for use along the West Eugene EmX route were "green." He said to suggest otherwise was to ignore the bus characteristics that created the differences. He compared the EmX vehicle to the district's 60-foot hybrid electric buses and anticipated fuel efficiency gains of 17 percent and fewer emissions. Operating costs would be reduced as more hybrid buses were added to the fleet. He cited reduced brake wear, increased oil life, and the potential of decreased transmission and engine wear as other benefits.

Joseph Siekiel-Zdzienicki, 1025 Taylor Street, suggested the West Eugene Collaborative, when developing its vision, failed to communicate with any business owners or residents to learn their historic perspective about West 11th Avenue or their plans for the future. The collaborative produced a grand vision without any input from the people affected. He said that LTD was doing the same thing. Rather than talking to residents and property owners, LTD developed a solution and did not explain the reason for the solution. Many of the business owners present who were opposed to the West Eugene EmX route

were never contacted about the work of the collaborative and were not even aware of it, but it developed a plan to redevelop the entire area and possibly displace businesses. He asked why no contact was made, and suggested the process was backward. He said if those businesses were to be displaced, where were they supposed to go? Where were the car-oriented businesses going to be? Where did the City want furniture stores, body repair shops, and home improvement centers? That issue had not been raised, and yet the City was discussing rezoning in its vision.

Charles Hibberd, 5555 West 11th Avenue, a business owner on West 11th Avenue, said governments were pleading poverty but now LTD wanted to spend \$100 million on the West EmX system. He said there was no residential population living within walking distance of West 11th Avenue. All other development was industrial. He said that people argued that the system was necessary for the future of children, but he saw no future for his children if government was going to spend money unnecessarily. Mr. Hibberd said that that people expressed support at the forum for bus service but they were not willing to pay the price. Instead, business owners paid the price through employee taxes. People suggested that EmX was more convenient, but he questioned how that could be true if there were fewer stops and people had to walk farther to reach them. Mr. Hibberd pointed out that federal money was also taxpayer money.

Theresa Bishow, 2911 Tennyson Avenue, Suite 400, representing Arlie & Company, spoke to a recent editorial in the *The Register-Guard* cautioning against purchase of Arlie-owned property near Lane Community College and suggesting that because of the company's Chapter 11 reorganization, the City had leverage to ask a lower acting price. She said that was not true; once the company filed for bankruptcy, it could only sell land with the approval of a federal judge. Ms. Bishow said that City staff prepared a letter of intent to purchase 315 acres at a discounted price, and parties affected by the bankruptcy and general public were given the right to tour the property and object to the sale. No objections were filed to sale in the 30-day comment period. She said the price of the land was already fifty percent below the appraised value and she said lowering the price would trigger another comment period and she believed the banks would object to a lower price. Ms. Bishow agreed with the editorial's conclusion that the agreement was the City's best hope of receiving the promised \$600,000 donation from Arlie & Company.

Speaking to the City's naming guidelines, Ms. Bishow pointed out the guidelines gave staff the ability to refer such decisions to the council, which is the course it choose. The decision met the intent of the guidelines.

Nick Garcia, 3725 Kincaid Street, a University of Oregon student, supported EmX extension. He thought it was critical for Eugene to invest heavily in public transit to remain a thriving community. He did not think that Eugene could meet its greenhouse gas reduction targets without the EmX system. Mr. Garcia agreed with concerns about operating costs and suggested that the City impose a gas tax increase or a vehicle miles traveled tax to both decrease the incentive to drive and increase the incentive for people to take transit.

Speaking to points raised against EmX, Mr. Garcia agreed that traffic in the form of people moving through an area was good, and he believed the EmX system would serve that function. He asked for "hard data" about fears that the system would kill businesses, and averred that data from other communities would show they were good for business. Speaking to arguments that Eugene already had good public transportation, he suggested the fact that at least 80 percent of people drove for most of their trips demonstrated that Eugene did not have good public transportation. Mr. Garcia averred that if Eugene had good public transportation, the majority of the population would use it. He did not think the status quo was the fiscally responsible option and noted the external costs related to the automobile.

Pat Farr, 1929 Praslin Street, said that many people in the community were hungry and homeless. He spoke of the work of Food for Lane County and its contribution toward alleviating hunger and said that homeless people did not have the same organized structure supporting them. He said a new group, the Eugene Shelter Coalition, was meeting around the topic, and its emphasis was on community education about the programs now available and on ensuring access to those services.

Annette Woodmark, 86378 Sanford Road, expressed support for the West Eugene EmX project. She avoided West 11th Avenue because of the congestion and instead used the park and ride on West 18th Avenue to reach the college. She had used transit frequently when she lived in San Francisco at less cost than driving and averred that Los Angeles was in gridlock because of a conspiracy on the part of auto manufacturers and oil companies to destroy mass transit in that community. Ms. Woodmark observed that many of those who objected to the West EmX extension were business owners who “profited from the automobile.” She said that the current bus made frequent stops and interfered with traffic flow, in contrast to the proposed EmX system, which would have its own designated traffic lane. It would bring new customers to the area, particularly when high-speed rail between Eugene and Portland was built. She advocated for the “same kind of modern transit” that other metropolitan areas had benefited from for decades.

George Cole, 2760 West 11th Avenue, owner of a business on West 11th Avenue, opposed the proposed West Eugene EmX extension. He suggested the community was facing an ideological divide. He believed there was good reason to not build the system at this time. Mr. Cole asked if Eugene had to have earned dollars to have appropriated dollars. If that was true, he asked if appropriated dollars could succeed without earning dollars. Mr. Cole questioned why people had such a negative view of West 11th Avenue. People criticized the street for being ugly and averred it needed to be beautiful. He also questioned the proposition that development would follow the EmX line. Mr. Cole wanted to know if the EmX route was about rezoning. If so, where were businesses such as those on West 11th Avenue intended to locate. He asked if the council was going to appropriate money for another bridge and create an exclusion zone around West 11th Avenue with a bridge to reach the river where other services had gone because they were regulated and taxed out of town.

Brianna Orr, 1790 Alder Street, a University of Oregon student, asked the council to support the community with diverse transportation options in keeping with the diversity of the community. She acknowledged many people wanted to drive and would continue to do so along West 11th Avenue. She said LTD was not closing down West 11th Avenue but merely creating another transportation option. Ms. Orr said that bus rapid transit carried more people than regular buses and provided more consistent time schedule, attracting more riders. It was more cost-effective than LTD buses and with a constrained budget, it was necessary for LTD to invest in cost-effective transit. She pointed out that if Eugene did not take the money from the federal government, another community would. She emphasized the importance of transit to students.

Pam Jongeward, 1574 Coburg Road, #877, was concerned about the impact of the West Eugene EmX route on properties her family owned in West 11th Avenue, one of which was directly affected by LTD’s construction plans. She was also concerned about the impact of LTD’s plans on her tenants, reporting that because of economic conditions she had already lost long-term tenants and was concerned about losing more. She pointed out the area was heavily dominated by auto-oriented industries and suggested there had to be a better way to serve the community. She envisioned that the cost would be a huge amount of money all would be obliged to pay.

Drew Serres, 1673 Olive Alley, a University of Oregon student, expressed his support for the proposed West Eugene EmX system. He said many people did not have access to cars or the ability to drive one. Mr. Serres asserted that if LTD did not respond to pressing transportation concerns on West 11th Avenue, the City would be putting West Eugene at risk. Costs for building would rise if decisions were put off to the future. He maintained the community had the chance to save millions if it built now instead of waiting.

Tom Schwetz, LTD Planning and Development Director, 3500 East 17th Avenue, said the Public Forum was becoming an important part of the community conversation about the West Eugene EmX extension. He said council work sessions allowed for more detail and interaction with the council but they were infrequent and not part of the community conversation as it happened. For that reason, LTD staff was present to answer questions and to provide information on issues it heard mentioned with the hope that its efforts will deepen the community's understanding of the topic. He announced the alternatives analysis report for the route had been released by the Federal Transit Administration and would be available by October 28. LTD was scheduling a series of public workshops to help familiarize the community with the report and had prepared a shorter executive summary of the analysis. He suggested the council should support the project because the community needed to be proactive in planning for the future; because it needed to continue to be innovative in addressing climate change, congestion, and air quality, and because the community deserved high-quality transit for those who chose transit and for those who relied on it.

Larry Reed, 4251 Scenic Drive, thanked the council and City Manager Jon Ruiz for the Envision Eugene process. He spoke of past planning efforts that initially met resistance but went on to success. He said the City must plan to accommodate future growth. He believed proper planning would allow Eugene to accommodate the population growth that would happen. He encouraged residents to take part in the process and help the City plan for future infrastructure and land use needs.

Mayor Piercy closed the Public Forum and called on the council for questions and comments.

Councilor Brown thanked those who spoke during the forum. He thought the business people on West 11th, 6th, and 7th avenues had made some good arguments and offered thoughtful criticisms. He was not convinced yet of the need for the West Eugene EmX Extension project and suggested that other transit improvements might be sufficient. However, Councilor Brown was trying to keep an open mind. He looked forward to the release of the analysis. He suggested that Mr. Schwetz and Mr. Vobora provide the council with the complete document, and advised them to distribute the summaries as widely as possible.

Councilor Brown said he had been doing some research on transit-oriented development and found that transit-oriented development and bus rapid transit were not the same thing; one could have transit-oriented development without bus rapid transit. He thought there was a way to make transit improvements without bus rapid transit.

Mayor Piercy also thanked those who spoke. She recalled that the community had started down the road of a bus rapid transit system ten years earlier. Mayor Piercy said that many of those who attended the "Railvolution" Conference in Portland had visited Eugene to view EmX. She termed it an innovative, long-term, forward thinking project that the community had already said it supported. Mayor Piercy said it was part of a full transportation system that included cars, bicycles, good pedestrian movement, transit, and rail. She wanted the transit system and cared deeply about the businesses that would be affected.

Councilor Ortiz thanked those who spoke. She suggested that a bus rapid transit system such as the proposed EmX system was cheaper than light rail or trolleys. She emphasized the need for investment in

public transportation. Councilor Ortiz reported that she recently met the mayor of Bogota, Columbia, which employed such a system very effectively. While she acknowledged that Eugene was not on the scale of Cleveland, she had been impressed by the Cleveland system in the 48 hours she had spent in that community. She said that many stakeholders had been involved and their issues were addressed. She perceived the value of the system and believed it contributed to that community's quality of life. She suggested that in the context of the "whole picture," a Eugene EmX system made sense. Councilor Ortiz pledged her personal support to helping business to remain viable if West 11th Avenue was chosen as the route.

Mr. Poling addressed comments made in testimony. He emphasized his belief that EmX was not a zoning issue. It was a build or no-build issue, and he wanted people to stop talking about rezoning. Councilor Poling said he had never described West 11th Avenue as a strip mall or ugly and urged those who accused the council of doing so to point to the person who made the comment and when it was made. He looked forward to the analysis and was keeping an open mind. Councilor Poling pointed out he was on the advisory group for the Coburg EmX route and had wanted that project to work, but had to vote against it in the end.

Councilor Taylor believed strongly in transit but did not think the issue was transit or no-transit. She believed in buses and was not convinced bus rapid transit was the solution. She said the community needed connecting bus routes and all should be able to reach a bus. She thought the extension should go down West 6th and 7th avenues but had not decided how she would vote. She acknowledged the potential that LTD could receive federal money for construction costs and wished that LTD could request federal money to expand bus service. She suggested it was an economic development issues. Poor people needed buses to reach work and services and if they did not have buses they were handicapped. Councilor Taylor emphasized her interest in ensuring that transit was available to everyone.

Mayor Piercy said the council had lobbied for operations dollars but the federal government does not provide that money.

Councilor Clark thanked those who spoke. He wanted to support the West Eugene EmX route but was troubled by its impact on businesses and an over-burdensome effect on individual businesses. He agreed with Councilor Ortiz that the council needed to consider the big picture but it was also charged to protect the rights of individuals. He suggested that individual property owners would be affected disproportionately for a service that will benefit the entire community. He did not think that that LTD should make those business owners pay for that shared benefit. He hoped to keep an open mind and be better educated on the subject.

Speaking to Councilor Polings's remarks objecting to statements about zoning, Councilor Brown pointed out that the subject of rezoning along West 11th Avenue had been discussed in the context of the Envision Eugene process by the Community Resource Group. He offered to share the group's comments with Councilor Poling.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- June 16, 2010, Work Session
- July 26, 2010, Council Meeting
- August 9, 2010, Work Session
- August 9, 2010, Council Meeting

B. Approval of Tentative Working Agenda

Councilor Clark, seconded by Councilor Taylor, moved to approve the items on the Consent Calendar. Roll call vote: The motion passed unanimously, 8:0.

3. ACTION: An Ordinance Concerning Personal Property Sales and Amending Section 2.835 of the Eugene Code

City Manager Ruiz reviewed the action being requested of the council. He reported that the amendment would update the Eugene Code and would reflect changes to the Oregon Revised Statute.

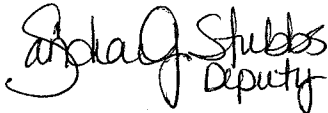
Councilor Clark, seconded by Councilor Taylor, moved to approve Council Bill 5035, an ordinance amending Section 2.835 Personal Property Sale Procedures of the Eugene Code, 1971.

Councilor Brown did not object to reducing the number of newspaper advertisements but questioned if it was possible to post the advertisements on a consistent date instead for the benefit of those who might seek them. Sgt. Chuck Tilby responded that was a possibility and promised to look into it. He noted that the Eugene Police Department got few responses from the newspaper advertisements. The department also posted in three different locations around the city as well. That posting occurred after 60 days of doing due diligence in attempting to locate the owner of a personal piece of property.

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

Mayor Piercy adjourned the meeting of the Eugene City Council at 8:58 p.m.

Respectfully submitted,

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

Beth Forrest
City Recorder

(Recorded by Kimberly Young)