MINUTES

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

September 27, 2010
7:30 p.m.

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

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

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Mary Salinas, General Delivery, Eugene, explained to Councilor Andrea Ortiz that she had been unable to stay at previous meetings to hear councilors' responses to her remarks because she was a bus rider and buses were difficult to find after 8 p.m. She said she represented the homeless. She reported she had attended the earlier council work session on animal services. She shared an anecdote suggesting that animal protection laws were used to protect young girls before child protection laws were in place. Ms. Salinas said she did not see sick and starving animals on the streets but she did see sick and starving humans. She suggested it was easier for people to help animals than humans.

Bruce Flickel, 302 Archie Street, recalled the City's intervention five years previously to protect owners of manufactured homes facing expulsion from Hidden Meadows subdivision. He said that the owners of Hidden Meadows were taking actions to circumvent its previous agreements. Those actions included letters falsely claiming maintenance failures with threats of eviction, drive-by inspections falsely generating claims of homeowner maintenance failure existing on areas of the property not viewable from the street, and collusion with a hostile neighbor who made baseless complaints about violations that actually existed on that person's own yard and had been ignored by management. Mr. Flickel cited barking dogs, odor from feces, and trespass as examples of those violations. Threats and actions from Hidden Meadows management caused him to fear the threat of eviction and to call for City intervention.

Robert Ruben, PO Box 21, Waldport, shared a news report from the future that the City of Eugene had decided to refuse federal money for the extension of the EmX system on West 11th Avenue because it was not appropriate on West 11th Avenue. The City found the disadvantages of the system to property owners and taxpayers outweighed the benefits and the route could result in business closures, and excellent bus service already existed in the area.

Irving Weiner, 88500 Greenhill Road, believed that Lane Transit District (LTD) had lost its way and was more interested in enriching itself than in moving the population it was intended to serve. He thought EmX might have made sense to move students from Springfield to the UO campus, but it made no sense on West 11th Avenue. Mr. Weiner said he moved his business to West 11th Avenue because of the auto

traffic. West 11th Avenue property owners were in opposition to the extension of the route down West 11th Avenue because EmX was the wrong type of transportation for West 11th Avenue.

Mr. Weiner said he had first heard of the project in an article in *The Register-Guard* that spoke of a "European-style" boulevard running down West 11th Avenue. He next heard from two LTD employees who visited his business and told him LTD intended to appropriate his property, even though no plan had been accepted. He described his commercial neighbors, many of which were auto-oriented, and said none of them were reached by their customers on bus.

Mr. Weiner said West 11th Avenue property owners had no input into the system design. He hoped the council reconsidered the plan and did something reasonable that provided transportation but did not ruin the West 11th Avenue business district.

Jack Radey, 2230 Garfield Street, acknowledged that EmX appeared to be a good opportunity for Eugene to get some free federal money to do a project. However, he thought that West 11th Avenue was a poor choice for the EmX extension. Mr. Radey said he first became aware of the project when LTD was contemplating running the route down Amazon Creek and staff presented that option to his neighborhood association. He said that at that time, it struck him that LTD was trying to "sell" the association something. He had wondered who would pay for the service at a time when LTD was cutting back on bus service. LTD seemed not to have factored that into its considerations.

Mr. Radey acknowledged the potential benefits of such a project to some people but said the rest of the community would have less actual bus service as a result of EmX. He believed a bus system worked well when there were lots of small buses going lots of places frequently as opposed to a few buses going a few places. Such a plan looked good on someone's resume but did not serve most residents. He did not think the plan was sufficiently thought-out. Mr. Radey said that statistics were waved in front of the neighborhood but the ridership numbers seemed to move all over the place and the statistics appeared to have been watered. He termed the information a "sell job."

Bob Macherione, 288 West 6th Avenue, said he had hired someone that day, which was good news. He attempted to provide the living wage jobs that the council liked to talk about and had been doing so for 28 years. Mr. Macherione believed the private sector had given a great deal to Eugene and had not received much in return. He had invested a lot in the community in his 28 years in business and so had the other business owners present, who took risks daily, invested in jobs, and helped provide a better future for the community. Mr. Macherione suggested that councilors talk at each council meeting about what it could do for the private sector and small employers living in Eugene today. He thought that the interests of small business owners outweighed the interests of larger companies that came to the community and only stayed a short while. He did not think local business owners were asking for much. They were not asking for money. They were willing to support most of Eugene's causes and asked only that the council not give their property away to LTD.

Kim Sawyer, 2170 Greenview Street, owned a business on West 11th Avenue. He said West 11th Avenue already had good bus service. Several of his employees used the bus service and on occasion a customer took the bus. However, he believed if the EmX project went forward the two years of construction necessary to complete the route would force many companies out of business, and many would have to lay off employees. He anticipated he would lose three or four more employees and would likely close when the construction reached the front of his business. Mr. Sawyer anticipated the EmX service that replaced the current service would not be as good as the current service. It would not be an express bus because of

the congestion and curb cuts that existed on West 11th Avenue. It would be dangerous and it would not be effective as a public transit system.

Mr. Sawyer said that all the businesses in opposition to the EmX extension were independent businesses operated by generally smart people who had looked at the project plan before they put up signs in opposition to the project. He had looked at the plan and decided it was the wrong plan for his neighborhood. Then he put up a sign of opposition. He believed that West 11th Avenue and Eugene deserved better than the project.

Michael Simpson, 945 West 7th Avenue, Head Supervisor at Looking Glass/New Roads School, discussed jobless rates among Oregon teenagers, which were very high. He said Oregon youth were missing out on critical skills and work experience and some were even missing out on the chance to fail. For that reason, Looking Glass/New Roads created a summer jobs program for youth. He described the program and some of its offerings. He said participating youth gained a feeling of self-worth and responsibility. He said Looking Glass was looking for funding sources to sustain the program, which hired out youth to do landscaping project around the community in conjunction with public agencies.

Matthew Davenport, 945 West 7th Avenue, a participant in the Looking Glass/New Roads School Summer Jobs Program, described his positive experience in the program. He termed it an awesome program that had helped him a great deal. He was homeless and trying to get off the streets. He thought the program would also help many other local homeless youth to find steady work and get off the streets.

Carlis Nixon, 1556 Wilson Court, identified herself as a bus rider in support of public rapid transit and anything that helped decrease the community's dependence on cars. However, not all public transit was a good thing and the West Eugene EmX route was not a good thing. Ms. Nixon believed the route was a waste of tax dollars. She said it was not necessary to have such a system to gain time and said express buses could accomplish many of the same goals while preventing community destruction. She had many questions about LTD's statistics and whether EmX actually produced a gain in speed. She said LTD did not release its base data.

Ms. Nixon questioned where the West Eugene EmX route would go since it appeared to be going to wetlands that the community preferred not to see developed and to a Wal-Mart store to which people took their cars. She believed the community needed parallel bus routes traveling west and said as a rider she preferred bus routes within comfortable walking distance. She understood that the Springfield to Eugene EmX route was to be supported by feeder routes, but those were not in place and feeder routes had been deleted to help support the EmX route.

Ms. Nixon said the last West Eugene EmX Extension Corridor Steering Committee meeting included a discussion of alternatives, including an alternative that improved an existing route. LTD staff indicated that such improvements were unlikely to be eligible for federal funding, but Ms. Nixon suggested that implied the project could be eligible and that LTD had not yet asked if it was. She suggested the community negotiate for what it wanted and needed and not waste money on the proposed route.

Brent Woodrich, 2700 West 11th Avenue, did not support the extension of EmX to West 11th Avenue. He called for more and smaller buses instead. He said many people lost their bus service and had to walk further to reach a bus or get a ride from someone else, which was inconvenient. Mr. Woodrich, a lifelong resident, pointed out that West 11th Avenue had always been the industrial heart of Eugene. He questioned plans to "revitalize" the area by putting in apartment houses and condominiums. He pointed out the area in question contained many auto-oriented businesses and one needed a car to reach the area. Mr.

Woodrich suggested that rather than build an EmX route to get people to Wal-Mart ten minutes quicker for $200 million, the City should lobby for improvements to the Beltline instead. He believed that those who used the bus were largely the young and the elderly, who had more time to ride the bus. He said that those who had cars had them because they needed to get somewhere.

George Cole, 2760 West 11th Avenue, owned property on both 7th and 8th avenues. He said those opposed to the EmX project were for public transit but wanted smaller buses and better routes that served the people who needed them. He said he had previously been "gored" by LTD for $160,000. LTD had intended to use his property for a park and ride but the lot they decided on was Fred Meyer's lot now. He had checked the lot weekly since discussion of the West EmX route began. The 42-space lot averaged three to six cars daily, although that day there had been nine cars. That property was off the tax rolls and was not achieving what it was intended to achieve. That made him question LTD's projections that EmX would bring enhanced business to the area. He asked for an example of that, adding he found none in downtown.

Don Peck, 2911 West 11th Avenue, noted an article in *The Register-Guard* indicated the cost of the EmX extension would be $105 million, and he heard figures up to $140 million. He said that LTD had not stated a need for the expansion. He discussed the impact of the project on private investment, saying the project would leave six inches between the sidewalk and his building. He said that LTD staff had indicated there would be five feet, but he could see where it would come from. Mr. Peck said his property was identified as the site of an EmX station, and the station's northern line would be within a foot of his building. He would lose five parking spaces. Mr. Peck also thought the building would be more susceptible to vandalism with closer proximity to the sidewalk.

Mr. Peck spoke to the need for the system, saying he had never seen more than three or four people on the buses during off peak hours and most times they seemed empty. In the absence of a proven need for the project, he asked why it should be done, or if the rationale was the availability of federal money. If that was the case, he thought it a poor reason to support the project.

Kimberly Gladen, 361 West Broadway, #4, said she heard people say there were no garage cans or toilets downtown and she disagreed. She noted the existence of both garbage cans and public toilets in downtown. The cans were sometimes full and she suggested the City empty certain cans twice daily. She suggested that the garage cans be repainted in brighter colors to make them more visible to the public. She also suggested the City paint a green "T" on buildings with bathrooms to identify the location of toilets. She also suggested the City consider installing a map on the wall next to toilets identifying the location of other toilets downtown and the hours they were open. The City could also arrange for people to receive texts when bathrooms or garbage cans were nearby. Ms. Gladen further recommended elderly ladies be hired to tell drinkers to urinate in the drinking establishment they were patronizing before they departed.

John Brown, 500 East 4th Avenue, chair of the Eugene Water & Electric Board (EWEB), said he planned to attend Public Forums regularly to update the council on EWEB business. He said that each EWEB commissioner was available to the council on a 24/7 basis. He provided an update, announcing the Roosevelt Operations Center Open House on October 16. Mr. Brown also announced upcoming rate increases for water and electricity that he attributed to the need for repair aging infrastructure, poor snowpack, and Bonneville Power Administration rate increases. He said that EWEB was also considering a secondary source of water. Mr. Brown concluded by reporting Lane County considering ordinances related to water quality protection and septic tanks in the McKenzie corridor.

Mayor Piercy closed the Public Forum. She expressed appreciation for the tone of the comments offered the council. She said she would work to get people the answers they wanted.

Speaking to those who offered testimony on the proposed West Eugene EmX route, Mayor Piercy said that LTD was following council direction in pursuing the extension. The council was committed to full build-out of the EmX system. LTD believed the preferred alternative was the best alternative. Mayor Piercy assured those who spoke that the council valued the businesses on West 11th Avenue and the council had worked on strategies to be more helpful to local businesses. She also expressed appreciation for Ms. Gladen's remarks and the update provided by Commissioner Brown.

Councilor Pryor also expressed appreciation for the comments of the public. He asked for more information about the situation at the Hidden Meadows manufactured home park. He thanked Commissioner Brown for the update and said when he had served on the McKenzie Watershed Council he had been impressed by EWEB's water quality monitoring efforts on the McKenzie River and its tributaries. He was happy the utility was working with Lane County on the ordinances mentioned by Commissioner Brown.

Councilor Pryor reported he was meeting with members of the LTD board to discuss the concerns expressed by West 11th Avenue property owners, who were seeking answers to their questions. He asked for a copy of the plan mentioned by Mr. Sawyer so he could review it with LTD.

Councilor Clark also expressed appreciation for the public testimony and in particular thanked the business owners on West 11th Avenue. He was tentatively leaning toward the no-build option because the impact on the West 11th Avenue option on businesses would be far too burdensome. He also philosophically objected to the fact that an unelected LTD board of directors could condemn property, and he had yet to be persuaded the costs of LTD's operations would decrease dramatically after construction. If he could be shown differently, Councilor Clark said he would be interested in further discussion.

Councilor Clark thanked Ms. Gladen for her comments and agreed that bathrooms were everywhere downtown if one looked for them.

Speaking to the remarks of Commissioner Brown, Councilor Clark said that water and electric rates would go up this year, impacting the City budget, and he would be seeking an estimate of the impact of those increases on the current and future City budgets.

Councilor Taylor said she was very sympathetic to the business owners on West 11th Avenue and thought they brought up several good points. She said the council had voted for a route in West Eugene but the vote had not been a unanimous vote, and merely because the council voted in the past did not mean it could not change its mind, particularly since the council's composition had changed since that vote.

Councilor Taylor expressed appreciation to Commissioner Brown for his update, although she did not welcome the news of additional rate increases. She questioned how many residents were in danger of becoming homeless because of increased utility rates. She was also concerned about residents who had taken in family members and friends during the time of economic crisis, sending their rates even higher. She thought that was something all people should be concerned about.

Councilor Ortiz thanked Ms. Gladen for her comments and agreed there were amenities downtown that people needed to take advantage of.

Councilor Ortiz reported she had met with opponents to the West Eugene EmX route and understood they had concerns. She was happy to hear Councilor Pryor was working to arrange a meeting between those individuals and LTD's General Manager Mark Pangborn.

2. **CONSENT CALENDAR**

A. Approval of City Council Minutes
- May 19, 2010, Work Session
- May 19, 2010, Regular Meeting
B. Approval of Tentative Working Agenda
C. Appointments to Historic Review Board

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

3. **ACTION:**

Murray Hill Land Transfer

City Manager Jon Ruiz reported that the land transfer in question was a relatively small land exchange between the City and a property owner living adjacent to the Ridgeline Park. He said Eugene Code Section 2.872 outlined the processes that applied in this case and made it clear the exchange was not subject to any other requirements. The Agenda Item Summary and supportive documents sufficed as a presentation to the council and the transaction description it could authorize the City Manager to act upon.

Neil Björklund, Parks and Open Space Planning Manager, was present to answer questions.

Councilor Clark, seconded by Councilor Taylor, moved to authorize the City Manager to proceed with an exchange of land between Gordon Dorn and the City as described above, and as shown on the attached map. Roll call vote: The motion passed unanimously, 8:0.

4. **ACTION:**
Bethel Community Park Transfer

City Manager Jon Ruiz reported that the land transfer in question was a transfer of property with School District 52 adjacent to Bethel Community Park in accordance with a prior governmental agreement. He said Eugene Code Section 2.872 outlined the processes that applied in this case and made it clear the exchange was not subject to any other requirements. The Agenda Item Summary and supportive documents sufficed as a presentation to the council and based upon the transaction description it could authorize the City Manager to act. Mr. Björklund was present to answer questions.

Councilor Clark, seconded by Councilor Taylor, moved to authorize the City Manager to transfer to the Bethel School District all property rights in parcels 1 and 3 as shown on Attachment A in exchange for Bethel's transfer to the City of all property rights to parcel 2 as shown on Attachment A.

Responding to a question from Councilor Ortiz clarifying the nature of the exchange, Mr. Björklund explained the City had jointly owned the property with the school district since the late 1990s, and the action would separate the land into different ownerships.

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

5. **ACTION:**
An Ordinance Adopting an Updated Eugene Airport Master Plan, a Refinement Plan of the Eugene-Springfield Metropolitan General Area Plan (Metro Plan); Adopting a Severability Clause; and Providing an Effective Date

City Manager Ruiz introduced the item. He asked the council to approve an ordinance updating the Eugene Airport Master Plan. He recalled the public hearing held before the joint elected officials on September 14, and said that staff had prepared findings that addressed energy conservation efforts at the airport in more detail as well as a memorandum following up to questions raised by the City Councilors and Board of County Commissioners. He anticipated board action the following day.

Councilor Poling said he was advised by the City Attorney that his employment did not create a conflict of interest, and he could be impartial in the matter at hand.

Councilor Clark, seconded by Councilor Taylor, moved to close the record and approve the ordinance adopting the updated Eugene Airport Master Plan, as a refinement to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).

Councilor Zelenka thanked staff for its responsiveness to his request for better information about the plan's relationship to State Goal 13, *Energy Conservation*, by listing what was occurring at the airport in that regard. He thought staff raised the bar in the findings as to how to respond to the goal and hoped that future analyses of the subject would be as good.

Councilor Brown also thanked City staff for answering the council's questions about energy conservation and parking, and LTD staff for its response to questions regarding bus service to the airport.

Councilor Brown said the findings lacked discussion of the seismic issues he raised at the public hearing. Senior Planner Gabe Flock said staff had not received direction to revise the findings as it regarded that subject.

While he thought the plan was a good one overall, Councilor Brown did not think he could support the plan because he did not think it met State Goal 7, *Areas Subject to Natural Hazard.* There was a known seismic risk that staff was not addressing, and the threat mentioned was not of the type the community was likely to experience because Eugene was in an earthquake subduction zone. He believed that subject should have been addressed in the findings.

Speaking to Councilor Brown's concerns, City Manager Ruiz pointed out the plan addressed new facilities to be built, and as those were built they would be constructed to current seismic standards. The plan did not contemplate the rehabilitation of existing structures. City Attorney Kathryn Brotherton concurred, saying that Goal 7 was about ensuring that regulations were in place to ensure that development was safe; it was not focused on rehabilitation of existing buildings.

Councilor Brown expressed concern about the seismic stability of the main terminal building, and said the federal government had programs to pay for earthquake assessments and he thought that possibility deserved further exploration.

Councilor Zelenka said if Councilor Brown wished to offer the council a motion requesting a memorandum about earthquake standards and earthquake safety related to existing buildings, he would second it.

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

6. ACTION:
Adoption of City Naming Policy

City Manager Ruiz introduced the topic, asking the council to adopt a City naming policy intended to guide the naming of City owned facilities in a fair and consistent manner and to assist in the selection of names. He indicated the policy before the council included all changes requested by the council at its May 19 work session on the topic.

Councilor Clark, seconded by Councilor Taylor, moved to adopt the City of Eugene's Naming Policy.

Councilor Pryor expressed concern about the seeming contradiction between the policy's introductory paragraph, which referred to naming a feature after a deceased individual, and a later sentence that referred to naming something for a living person. He feared that the introductory paragraph could be overly restrictive. Mayor and Council Support Manager Beth Forrest pointed out the use of the word "may" in that paragraph. Councilor Pryor said if "may" was considered sufficient, he had no objections.

Councilor Taylor thought the policy was well-done but questioned the need for it. She thought the council needed a policy against renaming anything. Ms. Forrest reviewed the criteria for renaming a feature or facility.

Councilor Taylor, seconded by Councilor Brown, moved to amend the motion to read that the council will do no renaming.

Councilor Pryor did not support the amendment. He recalled a situation at a school where a stage had been named after a music teacher then later it was determined the teacher abused children. At that time, it was decided to rename the facility because of the person's criminal record. The amendment would preclude that. Although he did not want to sell names to the highest bidder, Councilor Pryor suggested there may be a circumstance where one might want to rename a facility or feature.

Councilor Zelenka referred to Section II of the policy, which specifically precluded the renaming of a space or facility previously dedicated in honor of an individual "unless the individual no longer represented a lasting legacy to the mission of the City of Eugene or the community it served." The policy also referred to renaming City facilities and streets, a process which was already codified. He asked if changing the provision meant the City Council would have to change the code. Ms. Forrest said the naming policy was intended to work with the existing City street naming policy, and she acknowledged the renaming of a street would call for a more robust public process given the financial and social implications of such an action.

Mr. Zelenka did not support the amendment.

Councilor Ortiz was glad the council had the ability to rename streets. She pointed out that over time, the face of the community changed, demographics changed, and the things that were important to people changed. She said the policy provided the council with another tool for inclusivity. Not all residents could give the City money and be acknowledged for it, but residents made large contributions that the City might wish to acknowledge in the future when the opportunity arose.

Responding to the question from Councilor Zelenka about whether the council would have to change the code if it passed the amendment, City Attorney Kathryn Brotherton said yes.

Roll call vote: The amendment to the motion failed, 7:1; Councilor Taylor voting yes.

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

Mayor Piercy adjourned the meeting of the Eugene City Council at 8:43 p.m.

Respectfully submitted,

Sandra J. Stubbs
Deputy

Beth Forrest
City Recorder

(Recorded by Kimberly Young)