

MINUTES

Eugene City Council
McNutt Room—Eugene City Hall
777 Pearl Street—Eugene, Oregon

June 16, 2010
Noon

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

Her Honor Mayor Kitty Piercy called the Eugene City Council work session to order.

A. WORK SESSION:
Envision Eugene -- Project Approach

City Manager Jon Ruiz recapped the process to-date, which had arisen from the Eugene Comprehensive Lands Assessment (ECLA). He stated that the consultant Bob Chadwick and Planning Division Director Lisa Gardner and her team had been spending time talking to people in the community. He said they were seeking to come to an agreement about the Urban Growth Boundary (UGB) and how the community should grow. He thought the council would potentially have some half-day meetings and possibly a joint meeting with the Planning Commission. He noted that this process would be labor intensive for the Planning Division and they would not be able to add anything new to their work plan at this time.

Ms. Gardner recalled that they had discussed public involvement, the scope, and the timeline during the last work session on the topic. She related that one suggestion that had come from the council was that they look into televising Planning Commission meetings. She said they would begin doing so on June 28, holding the meetings in the McNutt Room. She recounted the workshop held from June 2 through June 4, which involved over 50 people of diverse interests. She stated that they had used Chadwick techniques, with both large and smaller group break-outs. She said they spent a lot of time challenging the stereotypes that people in the community had about one another. She applauded the Chadwick techniques. She felt they had created synergy and movement that for her was both "tangible and exciting."

Mayor Piercy had come to the process with what she termed a "healthy dose of skepticism." She had found the work to be serious and saw the value in having people become engaged in the process. She was impressed with the confrontational exercises that they had engaged in, which she stressed had been voluntary.

Mr. Clark said the people who attended the workshop had been some of the leading voices in typical conflicts in the community. He thought the exercises had led people to listen to one another and had encouraged trust among people. He had seen two people who tended to disagree on a lot of things and at the end of the workshop they agreed on about 80 to 85 percent of the decisions that needed to be made. He felt the process had been very worthwhile.

Mr. Poling arrived.

Mr. Zelenka had attended the beginning of the workshop. He was impressed by the number of people and their openness. He said they had built trust and created a basis for dialogue. The number of people in attendance had demonstrated to him how much the community really cared.

Ms. Ortiz had also not been able to attend all three days, but had attended the first day. She agreed that it had been a good exercise, though the cost for the consultant gave her pause. She observed that she had been the only person of color present on the day she was there. She also had not seen anyone present who could not afford to take time off work to be there. She had heard Mr. Chadwick remark that the people who were interested and counted were there and she took offense at this. She averred that there were a number of people in the community who could not afford to participate in this type of process. She was looking forward to receiving the information from the workshop. She did believe that any time people could spend time talking with one another, they could not go too far wrong.

Mr. Pryor felt that Ms. Ortiz had a valid point. He commented that finding out how to reach everyone they wanted to reach had plagued researchers "forever." For him what was significant was whether the future would be like a car where the driver would take hands off the wheel and it would just go where it would go or they would put their hands on the wheel and steer it. He was concerned that people were trying to take the future in two different directions and this could lead to the wrong result and each side blaming the other for it. He said everyone needed to work together and the workshop was one way to gain this kind of unity. He averred that Mr. Chadwick had done a good job with the people who had been at the workshop, but they needed to be able to explain to the rest of the population why the community should be deliberate about its planning for growth and the future so there was more consensus.

Mayor Piercy remarked that this was an iterative process because there would be people who had been "on part of the journey and had not been with it all along."

Ms. Gardner said they wanted to leverage the synergy from the workshop. She related that the people who were present had come away with their stereotypes about certain people dispelled and some had even indicated that they would actively work to refute those stereotypes. She averred that there had been considerable knowledge, expertise, and leadership at the workshop. She commented that at the end of the workshop there had been stated commitments by participants to being part of the solution and to working toward the best outcomes. She stated that staff thought the summer would provide a good opportunity to work intensively with the group and subsets of the group. She said they might need to expand the group for representation and invited the councilors to provide recommendations.

Carolyn Weiss, planning staff, related that the community group was excited to work together and had shown a commitment to the project. She said staff believed that over the next few months they could work with this group to refine the data and hone in on a draft scenario for how Eugene might grow in the future. She stated that this was good timing as they could start back-up with public workshops and broader community engagement to garner feedback on the work that had been done over the summer. She reviewed three elements of the approach they were taking: community consensus, technical analysis, and continued work with the consultant Eco-Northwest. She acknowledged the concern expressed at the table that they might pinpoint a certain time 20 years from the present and believe that would be where the community would end up. She called this the "jaws of uncertainty discussion." She explained that staff had been in conversation with the State about how much flexibility they could build into the plan. She said if this approach did not move the process forward, they could revert to a more conventional approach. She added that they wanted to include regional partners, such as the county, in the process and they believed this would lead to an expedited adoption process once they had reached that point.

Mayor Piercy understood that they had joint meetings with the Planning Commission and members of the Sustainability and Human Rights commissions participating, but she wanted to ensure that they were utilizing them as commissions to make use of what they could do to help move the process along. She knew that 1,000 Friends of Oregon was becoming more "active in this area" and had participated in the Portland planning process. She thought it might be better to "invite them in early" as full participants and encouraged

them to get 1,000 Friends of Oregon "into play."

In response to a question from Mr. Zelenka, Ms. Gardner thought they would probably spend the next couple of months figuring out what they knew. She said in September they would revisit it and the work plan would be revised based on the progress made over the summer. She felt that ultimately they would need to answer the 13 questions that were posed at the outset of the process.

Ms. Weiss said they were legally required to address items one through five. She related that it was staff's belief that the remaining items would be brought up through the community group process.

Mr. Clark recommended that they check in with the Lane County commissioners "early and often." He said he did not want to engage in this process and have it "run off the rails" at its culmination. He favored the idea of building a process that would allow them to check back in after the February timeline goal. He thought they could end up leading the state in a new process that would allow for more intelligent, and less conflict-oriented, planning. He related his concern that the worst outcome would be that they would end up adding tasks that were mandatory that would then "blow" the agreed to timeline. He believed it to be critically important because some of the products of work would be related to the budgetary challenges that lay ahead for the County. He pointed out that the County stood to lose nearly half of its General Fund in the next couple of years. He underscored the need to have a plan in place for how they would help the local economy.

Ms. Solomon asked what would happen if the group could not reach consensus on items 6 through 13. Ms. Weiss responded that consensus was listed as a best outcome but was not mandatory.

Ms. Solomon asked if the whole process would come to a stop if the group could not reach consensus on an item in order to conduct further review and gain more data. She was concerned that it could end up being extended, and then extended again, because they were "building in more opportunities to slow the process down." She also expressed concern that this process could become like the citizen process that had come into play for Crest Drive. She felt the council had abdicated its authority in that case. She hoped that the council would not give up its responsibility and allow the group to dictate the results. Ms. Gardner replied that this had been expressed up front by Mr. Chadwick. She related that he had let the people know that they were not the decision-makers; the decision-makers were the elected officials.

Ms. Solomon asked what would happen if 1,000 Friends of Oregon, as an example, participated in the process and then in the end litigated. She asked if there was a way to prevent that and acknowledged that no one could really stop someone from litigating. Mr. Ruiz responded that involving people in the conversation would hopefully help them not feel the need to litigate.

Mr. Brown asked to see a more technical analysis of all that they should know. He acknowledged that the group that met for the workshop had been an elite group, but that the elected officials would make the final decision.

Ms. Taylor asked who city staff was speaking to at the state level. Ms. Weiss replied that they were in contact with the Department of Land Conservation and Development (DLCD). She said Ed Moore was the regional DLCD representative.

Ms. Taylor did not know why they should have to bring in "some guru from some other place" to facilitate a meeting when they had people on staff who were probably as qualified to facilitate. She recalled the roads management policy process, which she had participated in, and asked what had happened with it. She thought the policies addressed the concerns that they were dealing with. Ms. Gardner responded that the road management policies were valid and were reflected in the guiding principles.

Mr. Clark shared a graph of the Save Rural Schools Act county timber payments. He pointed out that the General Fund for the county would lose about \$30 million over the next two years. He said the General Fund comprised about \$75 million and of this, approximately three-quarters paid for the Lane County Sheriff's Office and the county jail. He did not believe the act would be reauthorized at the federal level nor did he think the state would come to the county's rescue. He thought there would come a time in the next couple of years where, at a city level, they might face some of the questions on how those services could be continued. He thought that making sure the work they were discussing happened in a timely way was important so that the City could begin to think about what would happen if there were some fundamental large changes at the county level.

Ms. Taylor commented that when advisory committees submitted a large body of work, they expected the City to adopt it.

**B. WORK SESSION:
City Council Process Session**

Keli Osborn, manager of the City Manager's Office, joined the council at the table. She said the first item on the list in the Agenda Item Summary (AIS) was a desire for more detailed committee reports.

Mr. Zelenka had suggested this. He explained that the council used to have committees talk to them at greater length, but now the council just received reports.

Ms. Ortiz thought this was a good idea. She said it was hard to share what they were doing in committees during a three-minute comment period at the beginning of a work session. She related that she wanted the council to know what was going on with the Lane Regional Air Protection Agency (LRAPA), for which she served as the council representative. She also wanted to hear more reports on the work of the Human Rights Commission (HRC) and the Human Services Commission (HSC). She suggested that they add five minutes to the work session every other week.

Mayor Piercy remarked that the council did not have the opportunity to give direction to committees very often.

Mr. Pryor liked the idea. He thought it would be good to have a more well-fleshed-out understanding of what was happening on the committees. He said they needed to figure out the mechanism to do it. He felt that if there was really nothing to report, they should not give reports just to give reports.

Mr. Clark thought the structure in place was fairly effective. He said if they added some amount of time to the *Items* section of the agenda, it would provide opportunities for such reports. He could see the value in select circumstances, where checking in with the body would be valuable to the committee.

Ms. Taylor thought it might be valuable to have representatives of outside groups, such as the Lane Workforce Partnership, come before the council and provide reports.

Mr. Zelenka said his suggestion for more time for committee reports would serve two purposes: to inform the rest of the council what was going on in the committees and to provide the opportunity to discuss the more substantive issues.

Ms. Ortiz commented that she would like earlier access to rising issues.

Mayor Piercy thought it would provide the opportunity to convey the things that the council was most concerned about and ask that the bodies consider them. Councilors requested that staff consider the discussion and return with one or more options.

Ms. Osborn moved on to the next item, which had to do with postponing an action at a councilor's request. This discussion had been requested by Mr. Pryor and Mr. Zelenka.

Mr. Pryor wanted to avoid confusion. He thought some felt the tradition was one thing and others felt the tradition was something else. He was interested in moving the business of the City forward. The question for him was to what degree a councilor being able to attend a meeting, or not, should be able to slow down the business of the City. He did not feel that it was in the best interest of City business to not allow councilors to choose to not attend a meeting and to hold up a decision point as a result.

Mr. Zelenka did not think it served the councilors well to second guess why a councilor was not at a meeting. He thought they should grant these requests so long as they were not being made to stall a decision.

Ms. Ortiz thought that if they were doing council business and it might need to be postponed, they should know in a reasonable amount of time if they were not going to be able to be present. She said if a situation arose, such as a family emergency, then a postponement on a shorter notice should be allowed.

Mayor Piercy suggested that they have a form to request a postponement. She thought that this would mean that councilors would get a formal response and would leave no room for guessing.

Ms. Taylor averred that it was just courteous to postpone a vote if a councilor could not be there. She discussed some of the challenges that councilors faced when trying to call in and participate, ranging from equipment problems to time zone changes.

Mr. Poling recalled past discourtesy in some denials of postponements. He felt they had moved beyond that. He said if a councilor was sent to a training, or something along those lines, it should mean an automatic postponement of decision points. He observed that agendas were sometimes a moving target and a councilor could not be certain in advance of what would be covered during a planned trip. This was of some concern to him, especially, since his annual trip in the fall was to a place where there was no cell service.

Mr. Pryor had been interested in having a conversation about this item and arriving at some clarity about it. He agreed that they could not guess intent. He only wanted to eliminate the potential for abuse; he did not want someone to be able to "pop" something on an agenda for a vote because they knew that the people who would vote against it were not present. He wanted to be able to allow people to travel and to be able to postpone votes if they needed to.

Mayor Piercy pointed out that there were legal parameters regarding the councilors' rights.

Mr. Zelenka felt that postponements should be granted unless an action was time sensitive. He agreed with the Mayor that they should have a little more formalized process.

Mr. Clark concurred. He did not want to bind the hands of a future council. He preferred to operate from a process that did not question someone's intent. He thought they should agree that no one would bring up something for action until the full body had the capacity to deliberate on it.

Mr. Poling agreed with Mr. Zelenka regarding items that were time sensitive and also that things that arose from real emergencies in the City should not be postponed.

In response to a question from Mr. Poling, City Attorney Glenn Klein clarified that someone who had voted on the prevailing side could make a motion to reconsider the vote at the next meeting and, if the council agreed, and someone was absent, this could be tabled until everyone was present.

Mayor Piercy commented that occasionally there were several meetings in a row at a councilor was absent. She felt that this could hold up things that they were trying to move through sequentially.

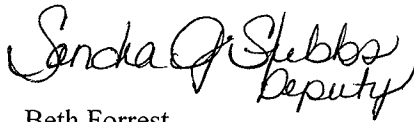
Ms. Solomon ascertained that the next item for discussion, regarding a process for handling constituent correspondence and complaints and issues, was both for a proposal and for discussion of the current process.

Ms. Solomon commented that when City staff followed up on constituent input, they should also follow up with the councilors.

C. Welcome Reception for Eugene Water & Electric Board General Manager Roger Gray

Mayor Piercy adjourned the work session at 1:29 p.m. and everyone recessed for the reception.

Respectfully submitted,

A handwritten signature in black ink that reads "Sandra J. Stubbs" with "Deputy" written below it in a smaller, cursive script.

Beth Forrest
City Recorder

(Recorded by Ruth Atcherson)