

# MINUTES

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

May 24, 2010  
7:30 p.m.

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

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

## 1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

**Craig Smith**, 2611 Suncrest Street, chair of the School District 4J Board, stated that the board had considered concurrence on the Urban Renewal action and the focus of this consideration was the financial impact on the school district. He related that County Assessor Anette Spickard had analyzed the issue and determined that if the urban renewal district was not renewed, the school district would experience a loss of \$174,000 in revenue. In addition, he said the City had proposed an Intergovernmental Agreement (IGA) that would ensure that the urban renewal district would be cost-neutral to the school district. He conveyed the school board's unanimous concurrence.

**Joseph Newton**, 107 Cross Place, alleged that 25 young homeless people were evicted from the shelter they had been using because it was deemed by the fire marshal to be inadequate for sleeping. He commented that it was not legal to sleep in the streets of Eugene. He said as a strong supporter of urban renewal and community policing, he did not believe they could continue moving a population of people from one place to another hoping that they would just disappear. He declared that the "hundreds of" homeless children of Eugene were citizens of the community. He felt that if they were looking at comprehensive solutions for the downtown, they should also look for comprehensive solutions for their needs and bring services to them. He averred that displaced people have come to the downtown core since the city began and this was where the services were needed. He wanted a homeless shelter for youth to be located in the downtown area.

**Shane MacRhodes**, 1920 Garfield Street, stated that he was a third-generation Eugenean and that he lived in Ward 1. He was an avid cyclist and a representative of the Bicycle Pedestrian Advisory Committee and the program manager for the Safe Routes to Schools (SRS) program. He also had chickens. He wanted to encourage the City Council to both open the Ribbon Trail to mountain bikers and to also allow a greater number of backyard chickens in the City of Eugene. He added, regarding the latter, that two was not a sustainable number for families who wanted to raise chickens for food. He noted that his small daughter loved having the chickens. He also wanted his daughter to be able to explore the City both in the City and on the trails.

**Ron Burley**, 1670 Leatherwood Drive, vice chair of the Human Rights Commission (HRC), said he had been excited by the opportunity to promote tolerance and equality in the community that the appointment to the commission had provided him. He shared that his "hope [had] been dimmed a bit." He related that on the previous Tuesday his colleagues on the HRC had voted to dismiss him. He said the alleged infraction was that his "aggressive online discussion" had violated his responsibilities as a member of the HRC. He stated that though this was a "big deal" it had not been placed on the agenda for the meeting and no notice had been provided to him.

regarding the action. He had not been able to defend himself as he had been home with a sick child. He believed that the HRC should be a watchdog for all, colorblind, tolerant, and gender neutral. He averred that if they could not promote fairness and equality in their own ranks, then they could not ask the same of anyone else. He asked that the council, when presented with his dismissal, return it to the HRC with the directive that he be provided a fair hearing. He thanked them for the opportunity to serve.

**Charles Biggs**, 540 Antelope Way, supported reevaluating the nuisance ordinance in regard to chickens. He thought the number of chickens should not be at issue. He felt that chickens naturally wanted to live in a flock. He said they should take other criteria into consideration, such as the space available to raise the chickens.

**Paul Nicholson**, 1855 East 28<sup>th</sup> Avenue, wanted to speak on behalf of the mountain bike issue. He did not want it to be an issue that pitted pedestrians against cyclists. He felt that the pedestrians had a right to feel secure, but given the vast amount of transportation done by bicycle in the City and the close connection to the 30th Avenue and Lane Community College that the Ribbon Trail would provide, the City should invest the money to make the modifications necessary to make the trails safe and inviting for both.

**Mary Salinas**, General Delivery, Eugene, 97401, submitted her testimony in writing. She said she was a spokesperson for the homeless. She echoed Mr. Newton's testimony. She observed that public safety and urban planning were always at the top of the list of things to consider in processes, such as in the Envision Eugene process. She never heard any mention of homeless people and would like them to be considered in such planning processes. She had read of plans to give St. Vincent DePaul money for "wet beds" and a plan in Springfield to raise \$100,000 to give to St. Vincent DePaul to "whip [them] into shape." She declared that the past had proven that the Catholics could not help them. She said no one who wanted to whip them into shape, get them back on their feet to get jobs would succeed. She averred that they were sick, dying, and disabled. She urged them to remember homeless people in all of the City's plans.

**Bill Bezuk**, 501 Washington Street, owner of the Eugene Backyard Farmer, an urban farming store, shared that he had left a good job with good pay and benefits to "pursue the American dream." He believed in his business plan and in the City of Eugene. He said more chickens would equal more success for him. He related that there was a certain mystique surrounding chicken farming. He stated that he had a working henhouse on the premises and invited the councilors to visit the store so that he could help them learn about the subject.

**Eric Shamay**, 2325 Adams Street, said he was a graduate student in chemistry and a homeowner. He had been raising chickens for two years. He thought two chickens was a bad number. He related that many stores would not sell only two chicks. He had done a lot of research on line when he decided to raise chickens. He noted that all of the web pages indicated that three chickens was the minimum number, but he thought it should be higher. He had chosen to live in Eugene over several other cities because it seemed to be a progressive place, especially in regard to food security and personal liberties. He suggested to the council that they needed to suspend enforcement on the two-chicken minimum. He hoped that they would revise the code so that it would match the codes of other cities that allowed more chickens.

**Anand Keathley**, 389 North Polk Street, Ward 7, submitted his testimony in writing. He encouraged them to support the Lane Community College (LCC) energy center and the improvements to the Farmers Market. As the vice-chair of the Whiteaker Community Council he conveyed their unanimous vote to request that the council extend the time of the Envision Eugene process so that it could include the results from the Climate and Energy Action Plan. He had brought drawings that showed how more housing could be developed without disrupting urban agriculture. He averred that they needed to find ways to do more with less. He wanted to find a more creative and sustainable way to develop Eugene.

**Katherine Lieberknecht**, 1865 Villard Street, Ward 3, member of the Neighborhood Leadership Council (NLC) Committee for Sustainability, reiterated the request to extend the timeline for Envision Eugene so that the council could incorporate the recommendations of the Eugene Climate and Energy Action Plan. She said the recently released draft of the plan contained recommendations about planning for a future with reduced fossil fuel availability that focused on areas such as natural resource protection, local agriculture, land use, neighborhood design, and transportation.

**Irving Weiner**, 88500 Greenhill Road, owner of Aqua Serene, was concerned that Lane Transit District was going to take part of the garden center behind the business through eminent domain should the option to run the new EmX route along Amazon Canal be chosen. He was concerned that this option would take half of his business away, which would cause him to lay off employees and possibly consider retirement. He had looked at the issue because initially he thought what could be wrong with mass transportation. As he looked further into it he felt that given that the buses ran on diesel fuel and that because the fossil fuel supply was waning and the Gulf of Mexico spill was so costly, the prices would rise significantly and the buses would be expensive to operate. He wondered why they would not consider electric buses. He predicted that by the time the bus would be "up and running" the diesel bus would be obsolete. He thought they could do a better job with a smaller bus. He added his observation that the buses that went down West 11th Avenue were never more than half full.

**Brent Woodrich**, 2700 West 11<sup>th</sup> Avenue, owner of Auto Craft, stated that the Amazon option for the EmX route would affect the back side of his building and the West 11th Avenue option would affect the front side of the building. He related that the dirt along Amazon Canal was soft and he questioned whether it could be bolstered to the point of being able to support large vehicle traffic. He said if the West 11th Avenue option was selected more businesses than just his would have to close. He would not be able to handle the volume of cars that he was currently handling and if this was the case, he would have to lay people off.

**Lisa Anderson**, 1230 Arthur Street, also wished to testify about the potential EmX routes. She said if the Amazon route was chosen it would "decimate" her neighborhood. She provided the council with maps of the area. She described the tranquility of the area. She remarked that one would not find people driving in her neighborhood unless they lived there or were lost. She had spoken with most of her neighbors and many thought they would move if the EmX line went through their neighborhood. She considered her neighborhood to be unique. She said part of the council's job was to help preserve neighborhoods and asked that they consider taking a walk through her neighborhood. She noted that Councilor Solomon had done so.

**Marshall Gause**, 2520 Van Buren Street, requested that the City suspend enforcement of Eugene Code 9.525, which specified the two-chicken limit. He had looked at the City's web site and found the Eugene Food Security Scoping and Resource Plan, which recommended keeping eight hens for a family of four. He related that his family had five hens and had received a letter from the City that required them to reduce their flock to two hens or they would face a \$450 fine for each day they were in violation. He stated that they used their chickens for meat, eggs, and they were a big source of compost for them. He said the hens mowed their grass, kept their weeds down, and ate bugs. He noted that they had found a foster home for three of their hens. He commended the enforcement officer, Donna Nowakowski, who had been very "conscientious and helpful." He related that she had talked to the neighbor who had complained and had inspected the chicken coop and determined that it was clean and not odiferous. He said she had decided to suspend enforcement, so the flock had been returned. He asked the people who were present who were in support of suspension of the policy to raise their hands and many people did so.

**Ron Doerr**, 3012 and 3082 West 11<sup>th</sup> Avenue, Ward 8, stated that his family owned a business at the addresses listed. He said if the EmX was routed along 11th Avenue it would be devastating to his business; it would cut off a large part of the footprint. He stated that LTD had indicated that it could help relocate the business, but he questioned how this could be successfully undertaken given that the business had been in its current location since

1957. He had also observed that the buses were not full. He echoed concerns expressed that the buses would be obsolete before the system could be put into place.

**Robin Scott**, 2365 Polk Street, Ward 1, related that she kept chickens. She had started the Friendly Neighbors Farmers Group, which now numbered 335 members. She estimated that a third of the members had backyard chickens and the majority of those were in violation of the two-chicken rule. She said one of their annual activities had been the Friendly Neighborhood Tour de Coop, a tour of backyard chicken coops. She noted that they had held the tour in April and more than 200 people had attended it. She believed the swell in interest in backyard chickens was due to the need for economic self-sufficiency; due to economic conditions and the recession many were stretching budgets by supplementing their pantries with backyard gardens and chickens. She said like many neighborhoods, the Friendly Area Neighbors face food security concerns. She related that approximately half of the public school attendees qualified for the free or reduced-cost lunch program. She cited 2009, Lane County Foods Assessment findings, which included that one in five families in Lane County relied on Food for Lane County for food assistance and almost one-third of Lane County's children had eaten from an emergency food box. She asked that the limit on backyard chickens be suspended until the council could consider recommendations from the new Eugene Food Security Scoping and Resource Plan.

**James Lewandoski**, 1353 Arthur Street, wished to speak about the potential EmX route option along the Amazon Canal. He asked that they please not urbanize the bicycle path. He believed if this option went forward the City would later regret it. He said in order to get to the bike path, one had to ride through a neighborhood that was quiet and pedestrian-based. He lived in the area and noted that one neighbor had lived there for 34 years. He underscored that the quiet, which would be destroyed by an EmX route, was the main reason people resided there.

**George F. Cole**, 2760 West 11<sup>th</sup> Avenue, Ward 8, noted that he was a lifelong resident of Eugene. He stated that Cole's Furniture had been a family business at the 11th Avenue location for over 45 years. He averred that the LTD buses caused a lot of damage to the roads and questioned who had to pay for the damages. He cited other streets that he believed were damaged by the buses. He was concerned about the potential extension of an EmX route to the west, both for the damage he believed it would cause his business and the damage to area residents. He asserted that his family and business had "already been gored" by LTD with the City's cooperation for \$160,000, for a Park and Ride Station. He related that an LTD board member had commented at a meeting that the property could be resold if a Park and Ride Station was not successful. He did not think LTD should be in the business of property management and development. He noted that he had seen four cars at the Park and Ride Station earlier in the afternoon.

**Steve Mertz**, 1761 Lawrence Street, said he was a city resident, outdoor enthusiast, and the owner of the Laughing Planet Café. He opposed the decision to block bicycles from the Ribbon Trail. He had formed an advocacy group to politically organize the mountain bike community of Eugene. He asked the members who were present to stand and they did. He had heard the opinion voiced from other mountain bikers that there needed to be more trails closer to town and trails that were more accessible to the younger generation of mountain bikers. He agreed with this. He believed that the Ribbon Trail was a place that would get youngsters excited about being out in the woods-- it did not have a lot of hills. He said it was also the only trail connection to the Ridgeline Trail system, which did allow mountain bikes. He related that it was their belief that the decision to ban bicycles had come down to 300 feet of gravel road and 300 feet of single-track trail in Hendricks Park, a park where no bicycles were allowed off-road. He explained that, to them, this was one-twentieth of the trail and unacceptable. He expressed their willingness to discuss this with anyone who was opposed to their efforts and to explain why opening the Ribbon Trail to them was a good idea. He conveyed their request for the City Council to bring changes to the Hendricks Park Master Plan to allow bicycle access to that one portion of the Ribbon Trail. They also requested that the council direct the Parks and Open Space Planning Manager to expedite the review of the Ribbon Trail as part of a system-wide trails review in order to promote more bicycle access to the Ridgeline Trail system.

**Alan C. Bennett**, 85761 Allbritain Lane, stated that he lived near the Mount Baldy trailhead. He had been a member of the Disciples of Dirt Mountain Bike Club for 17 years. He noted that he had helped build the first section of the Baldy Trail to Spring Boulevard in the mid-1990s. He considered himself to be a passionate mountain biker. He was also a runner and ran on the Ridgeline Trail more than he rode his bicycle because only three miles of trail were accessible to mountain bikes. He preferred to ride 15 to 20 miles and to get to a trail of that length one had to drive toward Oakridge, a minimum of 40 minutes. He would rather not spend the time and gas to do so. If there were more trails locally he would not burn as much fossil fuel and he would also spend more money on post-ride activities such as dining out in Eugene. He said the Ribbon Trail would expand the local network, though not by a great amount, and it would tie to the future Arlie property expansion of the Ridgeline Trail system, Moon Mountain, and other trails and would fulfill the council-endorsed Ridgeline Open Space Vision and Action Plan. He believed that opening the Ribbon Trail would make the "all important connection" between the river and the Ridgeline without driving and without having to ride on streets. He had run the Ribbon Trail on the previous day and observed many features, including good sightlines that would make it a "perfect shared-use trail." He stressed that mountain biking was a clean mode of recreation and transportation; it should be encouraged, not discouraged.

**Paul Timm**, 2995 Maranta Street, supported having a true multi-use trail system benefiting the metro area. He quoted language from the Ridgeline Area Open Space and Vision Plan, in the Comprehensive Plan highlight Section B, which emphasized the need for a more inter-connected and accessible park system. He opined that the area was a "wonderful place," with lots of green and open space, and interesting topography. He believed that there was an enormous potential for lots of parks, but there were few connectors. He noted that the plan he cited included a route that extended from the Mt. Pisgah area all the way to Fern Ridge Reservoir. He said that within the plan there were 18 connector trails that were specifically described that would facilitate users to get from neighborhoods to trails. He cited another direct quote which indicated a focus on expansion of opportunities for mountain bikers. He declared that the infrastructure for bicycles on the street ranked high nationally, but the off-road opportunities barely existed.

**Paul Adkins**, 180 North Polk Street, stated that he had four young children. He said he was financially challenged and they had gotten rid of their car. He also noted that his family raised chickens and had a big garden. He wanted to emphasize the value of the Ribbon Trail to biking. He saw it as a critical and key connection for human-powered transportation. He felt that it did a great job of safely bridging the gap between the town and the Ridgeline Trail. He pointed out that allowing bike travel on the Ribbon Trail would get bicycles off 30th Avenue, which posed hazards due to the cars travelling at high speeds. He and his family wanted to go mountain biking but did not have a way to get to the mountain biking trails. He averred that millions of dollars were going out of the state for gasoline and if everyone went car-free this money would remain within the state. He considered safety to be a big issue and noted that he was a bicycle safety instructor. He saw opening the trail as a symbolic project with a high return; it would help to reduce childhood obesity and give people a way to relieve stress without having to leave the community.

**John Herberg**, 2940 Alder Street, Ward 2, urged the council to do what they could to reverse the decision to ban bicyclists from the Ribbon Trail. He felt limiting the trail to only hiking would exclude a lot of people from using it. He echoed concerns about childhood obesity. He believed that a good way to change this was to get kids outdoors. He related that studies indicated that youth that spent time outdoors were in better physical and mental health. He likened excluding young people from biking on the Ribbon Trail to excluding them from better health. He explained that he was the lead organizer for a mountain bike group for youth. He said over the past few years they had taken a number of youth to the mountain bike trails by Oakridge. He acknowledged that hiking and backpacking were great experiences, but youth were interested in faster activities in his experience.

**Matt Denberg**, 2032 Kimberly Drive, Ward 2, said he lived one-quarter mile south of the Ribbon Trail. He said the Parks and Open Space staff had indicated safety and maintenance were reasons for closing the trail to cyclists. He averred that they had no data and had merely said anecdotally that there had been a couple of complaints over the years; there had been no collisions of which they were aware. He said a study conducted in 2002, in a New Zealand national park, had found that perceptions improved between hikers and bikers with exposure. He believed that if everyone would be respectful and polite there would be no problems. Regarding trail impacts, he had seen studies that showed that there was no difference between hikers and bikers. He asked the council to reopen the Ribbon Trail to mountain bikers.

**Carol Berg-Caldwell**, 2510 Augusta Street, read a poem protesting the recent addition of signs painted on the sidewalk that prohibited loitering in certain areas around the downtown transit station. She felt that young people were being targeted.

**Santiago Gause**, 2520 Van Buren Street, said he was the "happy owner" of five hens and twelve pullets. He believed that the Eugene code restricting the number of chickens was unfair. He thought everyone should be allowed to add a number of chickens to their backyard. He cited the benefits of having chickens, such as the manure which contained good minerals such as nitrogen, potassium, and phosphorous and was more nutritious for gardens than horse or steer manure. He said it also increased the moisture-retaining qualities of soil. He considered raising chickens to be a good life lesson for children. He felt that chickens provided a good food source, but were also "loving and sweet companions." He said because of his brother's allergies they could not have cats or dogs. He enjoyed raising chickens with his family. He stated that raising their own meat meant they did not have to drive to the supermarket to buy it. He noted that Tyson brand chickens were raised on factory farms. He declared that eating his chickens' eggs and meat kept him and his family "strong and healthy" and "strong and healthy citizens equals one big happy healthy family." In closing, he wished the mountain bikers good luck.

**David Burham**, 1310 Arthur Street, echoed opposition to the Amazon Canal route option for the EmX. He reiterated that their neighborhood was bucolic. He noted that he was a violin teacher and a member of the Eugene Symphony and had been for 27 years, as well as playing for the Sugar Beets and making electric instruments for customers all over the world. He said his work happened in his house. A bus route by his house would be the last thing he would want in the neighborhood. He pointed out that there were seven bus stops within a half-mile of the area. He noted that routes were currently being cut because of revenue shortfalls. He declared that to spend between \$120 to \$135 million, with 20 percent local money, for an entirely new bus route which would "destroy the bike path, destroy the creek, and at the end of that time change what [they] had now," would go against the open space plan.

**Ilona Koleszar**, 871 West 11<sup>th</sup> Avenue, Ward 1, testified on behalf of Residents for Responsible Rapid Transit (3RT). She also sat on the West Eugene EmX Corridor Committee for LTD. She considered the 13th Avenue and Garfield Street neighborhood an "intimate enclave" of modest homes with a healthy mix of renters and owners. It was unfathomable to her that any bus would go through there. She urged the council to "push away" from the Amazon and West 11th Avenue route options. She urged the council to support the option that would use 6th and 7th Avenues, accompanied by a transportation system management option. She had handed out a list of Bus Rapid Transit (BRT) attributes to council staff for the councilors. She felt that of the eight attributes, seven could be done without a BRT system and had marked them as such. She listed them. She opined that the more she learned about this, the more she thought the EmX was just "smoke and mirrors." She said the first leg was \$24 million, the second was \$43 million, and the next one might be \$150 million.

**Jan Spencer**, 212 Benjamin Street, said he raised chickens and he voted. He related that he kept a folder in his computer of *New York Times* articles he felt represented a declining civilization. He had found several in the most

recent edition, including one in which it was reported that the press corps for the President was shrinking because of the expense. He had retained another article that had been about cuts to the program that subsidized daycare for working mothers. He explained that this was being cut in a lot of states because it was not affordable, but women who wanted to work could not do so because they could not afford daycare. He had ridden his bicycle to the meeting. He opined that he had never seen Maurie Jacobs Park and the Owens Rose Garden "look so ragged." He did not know if this was due to budget cuts in Eugene. He thought that the chicken issue had arisen because a lot more people see the indicators and trends, both locally and worldwide, and want to take care of themselves more locally.

**Mary Wood**, Program Director for the Environmental and Natural Resource Law Program at the University of Oregon, School of Law, stated that she had taught property law for more than 17 years and had been appointed as the local food expert for the sustainability and planning effort for the City. She related that with the help of three students she had researched micro-livestock ordinances nationwide. They had focused on private property rights and the liberties associated with them, along with the impacts on a neighborhood. She stated that they had attached their report to the draft Food Security Plan. She said they had formulated a model ordinance. After reviewing data, she believed that micro-livestock did not cause significant impacts to neighborhoods if managed correctly. She felt that nuisance provisions of the City Code would suffice to take care of neighborhood concerns and urban sensitivities. She stated that 43 cities had no restrictions on chickens.

**Katja Kohler-Gause**, 2520 Van Buren Street, thanked the people who spent time researching and gathering information for the City's Food Security Plan. She also thanked the Environmental and Natural Resource Law Program for their sustainable land use project. She said many of her neighbors and friends were urban farmers and were hopeful that the City Code would be revised in order for them to live a more sustainable and healthy life in urban Eugene. She did not want to continue living with the stress of worrying about someone turning them in for having more than two chickens. She requested that the council suspend the limit for the time being. She stated that her family was trying to raise as much of its own food as possible. She had grown up on a conventional farm and had witnessed what went into food production. She did not want to pay someone five dollars for organic eggs if she could raise them herself. Her chickens were free range and she fed them grain. She wanted her children to know how to raise food for themselves and to live more sustainably. She added that she had lived in Guatemala where people raised all kinds of livestock and on much smaller lots than the one upon which she lived. She listed five Oregon cities that did not have a limit on urban chickens and noted that Portland has a limit of five chickens.

**Jamie Grifo**, 3333 Storey Boulevard, law student, said he also owned chickens. He noted that he would soon be a father. He felt that it was very important to revise the ordinance. He believed that chickens were a vital part of the backyard homestead movement. Before he had moved to Oregon he had worked on a farm on which there were 500 chickens. He said three or four was completely manageable. He extolled the flavor of homegrown eggs. He wanted his child to be able to eat them as he or she grew up.

**Cameron** wanted to testify about chickens. He said they had a family of five but only two chickens and it was hard to decide which one got the omelet in the morning. He thought that if they had more chickens then he and his brother could both have an omelet. He related that they could not buy eggs from the store because they had read *The Omnivore's Dilemma*, which had raised their awareness about how chickens were kept for egg production. He wanted to be able to raise the number of chickens.

**Sage** echoed his brother's testimony. He wanted the ordinance to be changed to allow more chickens. He could think of millions of reasons why it should be changed. He said chickens lived for about ten years and only produced a lot of eggs during two of those years. He noted that people did not really want to get rid of their chickens, but needed to replenish their flock. This meant they needed to add to their flocks. He reiterated that for them, it was hard to choose who should get the omelet.

**Eugene Drix**, High Street, had discovered that dandelions were food. He had learned that they were originally brought from Europe for food purposes. He was not certain how official this news was, but he had found out that there were sheep grazing in the wetlands. He said everything was new once. He had been thinking about who Eugene was. He loved the city because of its people, though it seemed to him that the city did not have its ducks in a row yet. It seemed to him that an appropriate phrase was "so you are from Eugene, I've heard of you, you're the blank that blanks" and the City did not know what that was yet. He suggested that they hold a party because the downtown holes were now being filled. He thought it was a wonderful cure for the downtown.

**Lorraine Kerwood**, 2575 Friendly Street, Ward 1, member of the Friendly Area Neighbors, stated that she had previously served on the Sustainability Commission and was presently a member of the HRC and its Accessibility Committee. She was speaking as a member of her neighborhood. She thanked the council for their dedication to making the City a "premier city dedicated to enhancing the lives of all of its community members." She wished to discuss sustainability, which was at the center of the City's Climate Action Plan. She said the United Nations Universal Declaration of Human Rights called for the right to food, shelter, education, health care, work, and an adequate standard of living. From her perspective, access to food was paramount to making all of the other things happen. She encouraged the council to suspend the limit on chickens and to increase the limit for backyard chickens. She did not have any at present but planned to build a coop and have chickens. She brought forward a chicken to represent the chickens in the community. She also wanted them to work to enhance bicycle amenities.

**Kevin Matthews**, P.O. Box 1588, had appreciated the testimony of the Public Forum. He thought councilors might think the EmX was an LTD project and that the City should sit back and let LTD do its job. He said there were some things the City was involved in, such as a Planning Director's decision that he opined was "pretty farfetched," as it suggested the transportation plans supported the Amazon Canal option. He related that this decision was appealed by "a private party" and was turned down on appeal. He asserted that the City was working "behind the scenes" to facilitate the project. He alleged that the City was involved in detailed site design. His perception was that the City was not involved in "holding LTD's feet to the fire" around the West Eugene Collaborative's consensus-approach to West 11th Avenue, which was to use a multi-way boulevard. He thought the LTD approach for EmX would be hard on businesses on West 11th Avenue without finishing the job and giving them access streets and rising property values that he believed would compensate them in the long run. He believed that the multi-way boulevard would be a win-win solution.

**Carlis Nixon**, 1556 Wilson Court, said she did not own a car and used the bus for a major part of her transportation. She was a fervent supporter of public transit and believed it was an important component of urban health. She was present to ask the council to oppose the Amazon option for a new EmX route. She averred that the City, true to its slogan, valued the outdoors and the bike path that ran by the Amazon Canal, which ran all the way to Fern Ridge Reservoir. She believed the bike path had the potential to be a national treasure. She said bike commuters deserved quiet and to be encouraged. She did not think it would encourage commuting to ask them to compete with large buses that went each direction every 12 minutes. She predicted that the bike path would be increasingly used for recreational purposes. She stated that it was a natural phenomenon as well; one could see great blue herons in the City. She questioned the need for the West Eugene EmX in the first place. She had grown up in Vancouver, British Columbia, which had a great public rapid transit system that she used and appreciated. She had recently read a book, *Green Metropolis*, which posited that cities needed to stop having a "kneejerk" reflex to rapid transit; not all rapid transit was good. The author suggested that when rapid transit was brought to underdeveloped areas it encouraged sprawl. She thought this was something they would not want to do.

**Majeska Seese-Green**, Ward 7, agreed with the proponents of opening the Ribbon Trail to mountain bikers and of increasing the limit on backyard chickens. She thought it would be nice to have goats allowed in the City as well. She wanted to provide comments in regard to the recent dismissal of Dawn Reynolds, former deputy police

auditor. She and her colleague, Carol Berg-Caldwell, had enjoyed working with her. She appreciated the way Ms. Reynolds worked with the community. She understood that the police auditor had a right to decide who would work in the office with him. She read in the newspaper that the auditor had stated that they were restructuring the office and would be moving in a different direction. This brought to mind the question for her of what was important to the community. She said the auditor intended to conduct a nationwide search for a new deputy auditor and wondered what the criteria would be, especially since the deputy auditor could conceivably become the police auditor at some future point. She also wished to mention the lines on the sidewalk that Ms. Berg-Caldwell had read the poem about. She thought they were "uglifying" the downtown area. She averred that there had been some confusion about enforcement and she and Ms. Berg-Caldwell had asked questions about the ordinance and the police officers there were not able to cite the ordinance.

Mayor Piercy closed the Public Forum. She thanked everyone for coming and speaking. She wished to thank the School Board for School District 4J in particular. She understood that the Planning and Development Department (PDD) had decided not to enforce the chicken ordinance pending council discussion and possible revision of it.

Councilor Pryor thanked everyone for their testimony, calling them an interesting and thoughtful group of people. He asked for further information on the authority of the HRC to dismiss commissioners. Regarding the chicken issue, he appreciated that PDD had ceased enforcement until the council could consider the issue. As for mountain bike access, he said the council hesitated to get into specific issues of operation, but there were policy issues to consider with regard to runner/pedestrian/bicycle interface. He acknowledged the request to extend the Envision Eugene timeline and asked if there were obstacles to doing so.

Continuing, Councilor Pryor stated that he served on the West EmX Extension Corridor Committee and he had walked the canal and the 13th Avenue section. He felt there were a lot of problems with that particular route. Another issue that was important to him was the impacts that a West 11th Avenue route would have on businesses along that route. He said the committee planned to meet on June 2 at 5 p.m., downtown, and at this point there were 58 different permutations of what the route could be and they were trying to "weed through all of them." He felt they were being careful and deliberate in their actions. He underscored that this issue encompassed the larger transportation issue in West Eugene and EmX was simply the beginning part of it.

Councilor Ortiz echoed everything Councilor Pryor said about the West 11th Avenue corridor. She had also spent a lot of time walking the bike path along the Amazon Canal. She also wished to underscore that homelessness was always a part of the work that they were doing. She said part of the Envision Eugene process included the triple bottom line analysis, one aspect of which was social equity. Her interpretation of this was that everything they were doing would be tested with that analysis in mind.

Councilor Clark thanked everyone for their testimony. He thought the young people did a fantastic job of presenting the arguments for increasing the limit on backyard chickens. He also echoed Councilor Pryor's comments. He related that five years earlier he had taken a Rototiller to his backyard and he and his family ate from their garden from March until December. He had asked his wife about chickens and she had vetoed the idea. He supported the idea of expanding what was possible on a local basis.

Councilor Zelenka thanked School District 4J. He said the West 11th corridor was a citywide problem that needed to be fixed. He stated that part of the solution was more transit. He agreed that LTD was not perfect, but he pointed out that it was one of the best run transit districts with one of the highest *per capita* riderships in the country. He averred that the Franklin Boulevard EmX corridor had demonstrated that with better and more frequent and convenient service, ridership increased. He related that the Franklin corridor had exceeded its 20-year projection for ridership in its first year. He pointed out that the EmX used hybrid buses. He said telling him

that the City did not need more transit or "bashing LTD" would not get him to listen; the people testifying regarding EmX routes would be better served by explaining why another route would serve the area better.

Mayor Piercy thanked Drix and agreed that the City had a lot to celebrate.

## **2. CONSENT CALENDAR**

### **A. Approval of City Council Minutes**

- **October 12, 2009, Work Session**
- **January 11, 2010, Meeting**
- **January 25, 2010, Work Session/Urban Renewal Agency Meeting**
- **March 10, 2010, Work Session**
- **April 21, 2010, Work Session**
- **April 26, 2010, Work Session**

### **B. Approval to Tentative Working Agenda**

### **C. Approval of Resolution No. 5006 Annexing Land to the City of Eugene (195 Lindner Lane (City File A 10-1))**

### **D. Resolution 5007 Amending Resolution No. 4867 to Modify the Commencement Date of the Low-Income Rental Housing Property Tax Exemption for Property Located at 951 West 7<sup>th</sup> Avenue, Eugene, Oregon (St. Vincent DePaul Society of Lane County, Inc.)**

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

Councilor Taylor indicated that she had submitted corrections to the minutes from the work session held on March 10. Mayor Piercy acknowledged the corrections.

Roll call vote; the Consent Calendar was approved by a unanimous vote, 8:0.

## **3. ACTION:**

### **An Ordinance Adopting an Amended Urban Renewal Plan for the Downtown Urban Renewal District**

City Manager Jon Ruiz reviewed the proposed amendment, which he felt would move the City towards its goal of revitalizing the downtown area. He reported that the Veterans Administration had indicated in the previous week that it had not selected the 12th Avenue and Willamette Street site. He said they had revised the amendment to reflect this: the project had been removed, no boundary expansion was contemplated, the spending limit increase had been changed to \$13.6 million instead of \$16.1 million, and the termination would be one year earlier.

Councilor Clark, seconded by Councilor Taylor, moved to adopt Resolution 5005 approving the Eugene-Springfield 2010 Consolidated Plan for submission to the U.S. Department of Housing and Urban Development.

Councilor Taylor, seconded by Councilor Brown, moved to amend the motion to substitute a motion to place the urban renewal plan amendment on a ballot for a public vote.

Councilor Taylor reiterated her support for the Lane Community College (LCC) project and her belief that it could be accomplished without urban renewal. She thought they could retire the urban renewal district and help LCC with other funds. She averred that the parts of downtown that were flourishing were outside of the urban renewal district. She did not believe urban renewal was working. She was sorry the school board had voted to support the

amendment. She said though the urban renewal district might not take money from the local school district, it did take money from the revenue stream for schools statewide.

Councilor Brown concurred with Councilor Taylor. He thought referring the amendment to the voters was the best way to establish whether there was public support for it. He averred that most projects were passed by the voters. He opined that the majority of the council did not want to put the amendment on the ballot because they thought it would fail.

Councilor Clark understood the desire to place the amendment on the ballot. He was not a big fan of tax increment financing, but he was willing to vote in favor of the plan because it was the pragmatic approach to accomplish the ends they were trying to achieve downtown. He ascertained from the City Manager that the first opportunity to place the item on a ballot would be in November and asked what this would do to the timeline for the projects.

City Manager Ruiz stated that the LCC project would have to be postponed. He said LCC was hoping to start the project in the fall.

Councilor Clark understood that the cost of the project was already greater than LCC had anticipated and stressed that postponing it would only drive the costs up. He was concerned that postponement would kill the project.

Councilor Taylor asserted that they were ignoring the "fact" that they could do something for LCC; they could fund the LCC proposal with "current funds."

Mayor Piercy observed that there was a difference of opinion on the council. She underscored that the amendment had been thoroughly debated and talked about in the community. She felt they had undertaken a thoroughly democratic process. She believed that the opportunities presented by the urban renewal amendment outweighed the issues: construction would bring jobs, the project would bring students downtown, and there were many benefits.

Roll call vote; the amendment failed, 6:2; councilors Taylor and Brown voting in support.

Councilor Zelenka favored enactment of the plan. He thought they could do it without raising taxes or negatively impacting schools. He declared it to be the cheapest option in front of the council and that it would add much needed jobs to the downtown area. He could not agree that a different financing mechanism would bring about a vibrant downtown.

Councilor Taylor reiterated her opposition and her belief that they could do the work without the mechanism.

Roll call vote; the motion passed, 6:2; councilors Taylor and Brown voting in opposition.

#### **4. ACTION:**

##### **Adoption of Revised Lane Area Commission on Transportation Bylaws**

Intergovernmental Relations Manager, Brenda Wilson, recalled that the council had acted on proposed bylaws on April 26. She explained that since then, four minor concerns had arisen regarding the bylaws, explained in the Agenda Item Summary (AIS), primarily clarifying changes.

Councilor Brown was bothered by the last of the four provisions, which directed that the Oregon Transportation Commission (OTC) needed to approve, or at least see, any major changes in the bylaws. He pointed out that the

Police Commission could amend its bylaws without council approval and questioned why the OTC would have that kind of oversight.

Ms. Wilson explained that the formation of Area Commissions on Transportation (ACTs) was governed by the OTC's policy on the formation and operation of ACTs. She said the OTC was concerned that bylaws adopted by ACTs might not follow the OTC's guidelines.

Mayor Piercy observed that the ACT was an entity of the OTC and that the legislature had required Lane County to form an ACT.

In response to a question from Councilor Poling, Ms. Wilson stated that there was a possibility that there could be multiple-representation on the Lane ACT because of the membership. She explained that there was a representative from the Metropolitan Policy Organization (MPO) and from the Cities of Eugene and Springfield, but the intent of any ACT was that they should represent the entities from which they were appointed. She said while there could be some overlap, there would not be overlap specifically on a representative of the Highway 26 East area. She further explained that the bylaws specified that the six citizen members should not all represent one particular interest group.

Councilor Zelenka ascertained from Ms. Wilson that the OTC had to approve the original bylaws. She stated that all of the bylaws and amendments to bylaws for all of the ACTS had been approved by the OTC.

Councilor Clark, seconded by Councilor Taylor, moved to approve adoption of the revised Lane Area Commission on Transportation bylaws. Roll call vote; the main motion passed, 7:1; Councilor Brown voting in opposition.

The meeting adjourned at 9:39 p.m.

Respectfully submitted,

  
Deputy City Recorder

Beth Forrest,  
City Recorder

*(Recorded by Ruth Atcherson)*