

MINUTES

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

April 26, 2010
7:30 p.m.

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

COUNCILORS ABSENT: 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 Opperman, 728 Centennial Boulevard, Chief Executive Officer of Looking Glass, wished to thank City staff and the Community Development Block Grant (CDBG) Advisory Committee for recommending that the funds be allocated for the property at 931 West 7th Avenue. He felt honored to be on a recommended funding list with the Pearl Buck Center, Food for Lane County, Head Start, and St. Vincent DePaul. He underscored that all of the agencies provided vital services to the community and the CDBG funds helped to keep a “fragile safety net” intact. He said the property bordered the New Roads program which provided comprehensive programs to hundreds of runaway homeless youth. He averred that adding the property would provide a small but significant campus environment. He felt that a porch and a yard to spend social and recreational time waiting for services was valuable and would reduce the time that homeless youth spent in locations downtown. He stated that this would improve the community, increase Looking Glass service facilities, and it would create a safe and comfortable space for runaway and homeless youth that was not currently available to them. He introduced Liz Schwartz, Director of Runaway and Homeless Youth Services, and Bill Randall, who served on the Looking Glass board.

Robin Burk, 2462 Panorama Drive, member of the Board of Directors for Looking Glass Youth & Family Services and Region President for U.S. Bank, wished to speak in support of Mr. Opperman and everything he had shared with the council about New Roads and its homeless youth facility. She had considered it a dream come true the day she saw the house next door to the facility go up for sale because it was the perfect place to expand the services to those youth who truly needed a place to congregate that was safe. She said, as a person who worked in the downtown area, it was apparent that the downtown would be greatly improved if those kids had a place to go that was centrally located and provided them with a safe environment and needed services.

Karen Edmonds, 770 Bailey Hill Road, Programs and Services Director for Food for Lane County, noted that Joseph McCarthy, who managed the Family Dinner Program was present as well. She said Food for Lane County (FFLC) was the regional food bank for Lane County dedicated to alleviating hunger by creating access to food. She stated that one way they did so was through the Dining Room, which served people food free of charge. She related that FFLC had applied for CDBG funds to add accessibility amenities – a wider front door that was operated by a push button and a project to install push-button operated accessible doors on the restrooms. She explained that the Dining Room served food in a restaurant environment, serving people with dignity and respect.

Mary Leighton, 4046 Normandy Way, said she was there to ask for help in Network Charter School’s (NCS) quest for a new home downtown. She explained that NCS was a public charter school with 120 students, grades 7

through 12. She stated that the program was taught by five community organizations, each of which had a broader mission. She said they delivered a standards-based education that led to a diploma. She related that the current site was substandard for a school, but they had managed to eke out one more year. They had looked all over for another building, but needed to be located in the downtown area. She underscored that the school was a good neighbor and accountable for the behavior of its student body. She said the school had cordial relations with the neighboring businesses. She cited several examples of how the building exterior was cared for promptly when defaced with graffiti or otherwise vandalized and stressed that the school did not want to look unkempt. She recalled that the school had a "deal" with the City and had to back out of it because the cost was much higher than they had originally intended to spend. She asked them to reconsider the CDBG application so that the NCS would have a little more money to help buy the building. She urged them to help the school find a building, whatever they ultimately decided.

Teresa Bishow, 2911 Tennyson Avenue, Suite 400, Planning Director with Arlie & Company, requested the council to grant emergency relief on behalf of Western Steel. She related that the relief was being requested for new large developments that would create jobs and increase city revenues for tourism and the arts. She said the specific request was for a deferral of system development charges (SDCs). She explained that SDCs were required to be paid at the time the building permit was issued. She said in 2006, Western Steel had submitted planning applications for a new three-story 115-room hotel on Crescent Avenue in northeast Eugene. She stated that the challenge they faced was a \$472,000 SDC fee that they needed to include as part of their construction loan in order to begin building the hotel. She averred that if there was a way for the City to grant a deferral until the hotel was complete, they could include these fees as part of the permanent financing that would be available at that time. She asserted that in this case deferral of the SDC fees to final occupancy would not impact the City's infrastructure as the impacts would not occur until the building was open. She asked that the council consider deferring SDCs for large projects and hotels given their unique ongoing revenue source for the City, and the other public benefits they provided. She submitted a letter to staff from Western Steel. She said the company looked forward to hearing from the council.

Molly Stafford, 437 East 11th Avenue, spoke in support of providing CDBG funding to help the NCS purchase the building at 858 Pearl Street. She explained that she was an interested citizen who lived near the downtown area. She believed the NCS students were an asset to the city center. She related that the school had forged alliances to many downtown businesses that provided internship opportunities. She asked the council to encourage City staff to help the school stay in downtown Eugene. She did not want to see the school become homeless.

Dave Hallock, 564 Mary Lane, Ward 2, had founded the Disciples of Dirt mountain bike club in 1987. He wished to call attention to the Ribbon Trail, which had recently been opened in Eugene for pedestrians only. He stated that the Ribbon Trail was an extension to the Ridgeline Trail system, the majority of which was closed to mountain bikes. He was disappointed that the City would open another stretch of the trail but would not allow mountain bikes to use it. He said the club he represented had about 400 members and the members performed hundreds of man-hours every year opening up trails to the public. He explained that there was a lot of "snow-down and blow-down" and the club helped to clear it. He asked, on behalf of the club, that the Ribbon Trail be opened to mountain bikers. He underscored the club's willingness to be involved in the upkeep of the trail.

Tyler Barrett, 720 Brookside Drive, said he was a junior at South Eugene High School and a member of the Disciples of Dirt. He related that he had gotten involved with the club because he had been too young to drive a car to the mountain bike trails and had needed to find others to ride with. He learned from his participation that the way to earn true respect in the club was to show up and do trail work. He said he had several friends who wanted to mountain bike with him, but the fact that they had to find a car to transport them to mountain bike trails was daunting. He acknowledged that the Headwaters Trail was available, but it was only two miles long. He invited the councilors to come mountain biking with the club so they could understand how enjoyable it was. He also acknowledged that Eugene had been listed as one of the top cities for bicycling by Bicycling Magazine because of the extensive bike trail system. He shared that he had been hit by a car on December 31, 2009, as he was riding his

bicycle to one of those bike paths. He said his injury had prevented him from attending school for over a month. He was just starting to get back on his bicycle. It did not make sense to him to bar bicyclists from the Ribbon Trail, which would provide access for commuters to get to Lane Community College (LCC) and the 30th Avenue area without risk of being hit by cars. He asked the council to please help them.

Steve Strickland, 4685 Cloudburst Lane, said the City had done a great job of putting together an open space plan. He lived in North Eugene and, for him, the connector and accessibility to the river trails was amazing, but it separated him from the Ridgeline. He stated that to get from the river trails to the Ridgeline, one of the easiest access points would be on the Ribbon Trail which came up through Hendricks Park and went to 30th Avenue. He averred that the Ribbon Trail would help bicyclists stay off of arterials and make it safer for them. He thought the connection between trails could be easily made. He said they needed an access point on the east side of the trail network so that a loop could be made either way. He looked at the Ribbon Trail more as a transportation corridor, an arterial that would allow access to that area of Eugene and the Ridgeline Trail.

Benjamin Beamer, P.O. Box 804, Oakridge, stated that Oakridge had been promoted as the Mountain Bike Capital of the Northwest. He said he was chairman of the Greater Oakridge Area Trail Stewards and he also served on the International Mountain Bicycling Association Northwest Regional Leadership Advisory Council. He declared that bicycles connected three key elements in society: recreation, fitness, and transportation. He said it also helped to engage youth and brought them to a different idea of what transportation was. He related that Oakridge welcomed Eugene bikers with open arms. He lauded them as great stewards of the trails and noted that the past weekend cyclists had put in over 200 hours of work on trails. He declared that mountain bikers were stewards of the land and respected others. He said mountain bikers were in the woods like all other trail users; they just used a different mode of transportation. He asked that the mountain bike community be involved in decisions regarding transportation and recreation.

Steve Mertz, 1761 Lawrence Street, stated that he owned the Laughing Planet Café, which catered to an active and health-minded clientele. He had been disappointed to hear that mountain bikes would not have access to the Ribbon Trail. He averred that from an economic standpoint, Eugene should keep itself positioned as an interesting city to those who were outdoor enthusiasts. He said if they looked at other communities such as Bend, Ashland, Corvallis, Portland, Seattle and Spokane – all of them had embraced the use of bike trails close to their urban cores. He averred that by continuing the ban on bikes on any addition to the Ridgeline Trail system, the City was selling itself short to the outdoor community. He pointed out that preventing mountain biking on local trails pushed people into their cars to drive to areas where they could ride on trails in the woods. He said this made the appeal of mountain biking smaller. He declared that people wanted to bicycle on paths, more than just by the river. He stated that the bicycle shops would benefit from an increase in trail access. He added that on a family level, he liked getting his sons outside. He related that one of their first questions when they went camping was whether they would be able to go biking. He said once they were in the woods the kids commented on all of the natural wonders in “our great state.” He felt that mountain biking was a way to get kids excited about being outside.

Zarifah Spain, 1270 West Hilliard Lane, stated that as a board member of the NCS and a parent of one of its students she asked that the CDBG funds be allocated to assist the school in the purchase of a school building. She reiterated that the school might be homeless without it. She said the school fulfilled a vital and unique function in the Eugene system. She averred that the school had worked “tirelessly and creatively” for the past seven years to help the students engage in their own educations and to help them be involved and productive members of the community.

Jan Aho, 82233 Rattlesnake Road, Dexter, Executive Director of the Pearl Buck Center, asked that the council approve the recommendations coming before the council for the allocations of the CDBG funds. She explained that the Pearl Buck proposal had been for air conditioning for the vocational training center, which served 120 adults with developmental disabilities. She said when they bought the facility, they had thought all of the windows were a “great thing,” but they found that it became hot in the summer. She stated that measures that they had taken

to cut the heat had been inadequate for their clients. She quoted one of the clients who testified at the CDBG Advisory Committee meeting as explaining that it would get hot, he would become cranky and would have to go home and then get no money. She related that the temperature had reached over 80 degrees on more than 55 days during the previous summer. She said some of the clients also had medical conditions and heat was detrimental to their health.

Anne Williams, 972 Madison Street, Programs Director for St. Vincent DePaul (SVDP), thanked the CDBG committee for the challenging work that was in front of them. She said those of the agencies who had applied for grants were making tough choices. She related that part of the Service Station roof had failed in 2009, and SVDP had to make repairs, and they wanted to fix two sections of roof. She stressed that SVDP also faced budget challenges; budget cuts were made to the Human Services Commission and General Fund budgets.

Majeska Seese-Green spoke in support of the NCS, and also in support of opening the Ribbon Trail to mountain bikers. She said if the Ribbon Trail was open, she would want to bicycle on it. Regarding the NCS, she wanted the City to consider the triple bottom line and to do all it could to help them find a place to be downtown. It sounded to her like the building on Pearl Street was the place they “should be assisted to be.” She felt this was an example of a time when the social issues outweighed the economic issues. She believed it would contribute to the downtown environment if the NCS could remain in that area. She declared that if the triple bottom line tool did not help the City see a way for it to prioritize social issues in a case such as this, the tool needed adjustment.

Mayor Piercy closed the Public Forum. She thanked everyone for coming. She expressed appreciation for the work of the CDBG Advisory Committee. She commented that the community could not provide all of the services that were needed and the need was growing, but she was proud of the work that was being done. She also thought those who testified regarding access to the Ribbon Trail had done a good job of raising the issue to their attention.

Councilor Clark thanked everyone for coming to provide input. He asked the City Manager if the City had postponed an increase in SDCs. City Manager Jon Ruiz responded that he thought the increase had been postponed, but he did not remember what date the postponement would end.

Councilor Clark commented that he knew a hotel in that area could provide economic benefit. He was interested in knowing what the options were in regard to potentially considering a reprieve on the SDC.

Councilor Clark thanked the Disciples of Dirt for coming down. He requested a memorandum from staff on why bikes had been banned from the Ribbon Trail.

Councilor Zelenka asked if SDC deferrals had been previously granted to hotels. He also thanked the Disciples of Dirt for their testimony and said they had done a good job of bringing attention to the item. He was interested in finding out more information on how mountain bikes could be compatible with hikers.

Councilor Zelenka also wished to point out that it was the 24th anniversary of the Chernobyl disaster. He recalled that the meltdown had resulted in an explosion of radioactivity into the atmosphere. He related that the disaster had resulted in the permanent evacuation of 220,000 people. He said a scientific study estimated that the ultimate death toll from that disaster would be 1 million people worldwide. He remarked that it was important to keep this disaster in mind given that there were people who wanted more nuclear power plants to be built.

Councilor Poling was also interested in a memorandum on why the bikes had been banned from the Ribbon Trail. Regarding the CDBG process and recommendations, he thought it was imperative to the council to adhere to it and not to make changes at this point. He acknowledged that someone would lose out because there were not “endless pots of money.” He believed that the process they engaged in, utilizing a citizen advisory committee that reviewed the proposals and made selections, had resulted in worthwhile recommendations.

Councilor Poling recalled that several months earlier they had taken action to extend the deadlines on applications. City Manager Ruiz responded that what they had said was that if a permit had not expired, it could be extended a few years.

Councilor Poling said this company had done its due diligence and submitted its application, which would expire in June, and now had to come up with nearly a half million dollars in order to start “turning up dirt.” He was interested in seeing whether they could take some immediate action in order to defer collection of the SDCs until the project was completed.

Councilor Brown thanked everyone for their testimony. He asked if it would be possible to reinstate the request for NCS. City Attorney Emily Jerome responded that the council had the power to do so, but it would involve moving funding around and having to take some line items from the recommendation.

Councilor Brown asked how to proceed. Ms. Jerome replied that he would have to table it to the work session scheduled for April 28 and a revised motion could be presented. Councilor Brown indicated his intent to do so.

Councilor Taylor thanked everyone for coming down and providing input. She was not in favor of deferring SDCs for any business that was not in the downtown area. Regarding the NCS, she asked if CDBG funds could be used. City Manager Ruiz affirmed that they could. Councilor Taylor agreed that they should consider taking more time on the CDBG allocations.

Mayor Piercy closed by emphasizing that the council and community valued the NCS and its students.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- **January 13, 2010, Work Session**
- **January 20, 2010, Work Session**
- **February 8, 2020, Work Session**
- **February 16, 2010, Work Session**
- **February 22, 2010, Work Session**
- **February 22, 2010, Regular Meeting**

B. Approval to Tentative Working Agenda

C. Appointments to Judicial Evaluation Committee

Councilor Clark, seconded by Councilor Taylor, moved to approve the Consent Calendar. Roll call vote; the Consent Calendar was approved by a unanimous vote, 6:0.

Councilor Poling noted that his name had been misspelled in the minutes of January 13, 2010.

Roll call vote; the motion passed, with the minutes correction, unanimously, 6:0.

Mayor Piercy congratulated the appointees to the Judicial Evaluation Committee.

3. ACTION:

Adoption of Resolution 5005 Approving the Eugene-Springfield 2010 Consolidated Plan for Submission to the U.S. Department of Housing and Urban Development

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.

Grants Manager for the Community Development Division Stephanie Jennings explained that the Consolidated Plan sought to identify the needs of low-income persons as related to low-income housing, homelessness, and community economic development. She said it also would create a broad strategic plan for how they would use the monies from the Department of Housing and Urban Development (HUD) over the next five years. She stated that though the plan was a requirement, it also presented the opportunity to think strategically about how best to meet the needs of this group. She said the plan represented the culmination of more than a year's work and had been developed in collaboration with the City of Springfield, the Human Services Commission, the Housing and Community Services Agency, and many other partners. Staff had worked closely with the Housing Policy Board (HPB) and the CDBG Advisory Committee and the document had come before the council with the full endorsement of both bodies.

Ms. Jennings stated that the plan was data-driven and they had conducted outreach to the public to help identify the needs. She said the completed draft had been made available for public comment over the past month. She highlighted some of the data, which indicated an increase in need and homelessness.

Councilor Pryor thanked Ms. Jennings and staff for their "incredible work" on the plan. He stated that in addition to being well put together and well-researched, if one looked at page 20 it would give an idea of the number of opportunities, organizations, surveys, committee meetings, and interest groups that were involved in the preparation of the plan. He was pleased with the number of people who had an opportunity to review and participate in it. He believed that this would make the report a document that could be used and not left on the shelf.

Mayor Piercy said the work in the plan would help the City with some of its strategic work to meet the needs and goals of the community.

City Manager Ruiz echoed Councilor Pryor.

Roll call vote; the motion passed unanimously, 6:0.

4. ACTION:

Approval of 2010/11 Funding Allocations for Federal Community Development Block Grant and HOME Investment Partnership Programs

Ms. Jennings explained that the CDBG and HOME Investment Partnership Programs were related to the Consolidated Plan. She said each year the City developed an action plan and submitted it to HUD and the plan basically told them what the community would do with its CDBG and HOME funds. She related that plans were done in partnership with Springfield.

Ms. Jennings stated that staff had worked closely with the CDBG Advisory Committee to develop a recommendation for the use of funds. She said their focus was on the greatest impact and the readiness to receive the funding. She listed the recommended allocations, which included funding for the land banking program for affordable housing, operating funds for nine social service programs, five non-profit capital facility improvements, curb cuts and accessible pedestrian signals, micro-enterprise training, and program administration.

Ms. Jennings reported that the HOME recommendation was similar to previous years, with funding for housing development, home ownership assistance, and operating funds for community housing development organizations and administration. She said the housing development funds were made available through a housing Request for Proposals (RFP), the results of which would be brought back to the council in late July, with a decision to be made at that time about which specific projects to support.

Continuing, Ms. Jennings understood there were some questions regarding the CDBG allocation. She said the committee had a favorable impression of the NCS application, but the school had withdrawn its application before the final CDBG Advisory Committee meeting. She underscored that it would require more than the CDBG funds to bring the entire project together.

Councilor Zelenka noted that at the bottom of the submittal box, Attachment A indicated that the administration costs were \$450,000, which was almost 25 percent of the total amount. He asked for an explanation of what those expenses comprised. Ms. Jennings replied that HUD placed a lot of requirements on staff to administer things like the Fair Housing Plan as a condition of receiving the funds. She said development and administration of fair housing was something that was folded into administration costs. She felt that 'administration' was a misnomer because it captured a lot of regulatory requirements. She stated that some of the implementation related to policy and regulatory requirements was included in administration costs as opposed to being charged directly to projects. She agreed that it was a significant sum of money, but they had tried to keep a cap on the costs. She noted that the amount on Attachment A reflected a small increase from the last year, but it had not been increased in five years.

In response to a question from Councilor Brown, Ms. Jennings clarified that the school had responded to the RFP for the non-profit capital facilities. She said as part of the process, there were other pieces of their deal that they needed to complete in addition to the CDBG funds. She thought their application had been received favorably by the committee. She reiterated that the school had withdrawn its application prior to the final meeting and so was not considered in the final allocations process.

Councilor Brown asked what would happen if the NCS project was put back into the list. Ms. Jennings replied that the council could choose to reconsider the CDBG item on Wednesday, but the action plan needed to be submitted to HUD by May 15. She said to delay it any further than Wednesday could jeopardize the funding. She explained that the committee served in an advisory capacity and the council could change the allocation.

Councilor Brown, seconded by Councilor Taylor, moved to delay the vote until April 28, 2010, in order to allow the Network Charter School time to resubmit its proposal for inclusion in the Community Development Block Grant application.

City Manager Ruiz stated that the school was asking for \$100,000 for acquisition of the building located at 858 Pearl Street. He surmised that if the council approved the delay and allocated the money to NCS, it would be tantamount to directing him to sell the Pearl Street building to the school. He thought they would need more discussion on this.

Mayor Piercy commented that the City Manager had sent the councilors an email with his recommendation on the viability of that purchase.

Councilor Brown withdrew his motion.

Councilor Taylor, seconded by Councilor Brown, moved to postpone the item for two weeks and to request information on what had been added to the list of CDBG allocations after the Network Charter School had withdrawn its application and whether an allocation to the school would make a difference.

City Manager Ruiz expressed concern about the timing. He did not want to jeopardize the funding.

Ms. Jennings reiterated that the report was due, along with the action plan, on May 15. She thought that a delay of two weeks could have implications for receiving the money. In response to Councilor Taylor's question regarding what would be taken off the list if the school was added back in, she said she could only surmise what would have happened given that the application for funding had been withdrawn prior to the last meeting of the advisory

committee and the project had not been considered. She guessed that the items that would have been cut would have been curb ramps and the audible pedestrian signals, given that they were the last items to be added.

Councilor Zelenka averred that the NCS was a very notable project and served a good public need, but he said it also needed to make economic sense. He was not comfortable with an eleventh hour process because of this deadline, nor was he comfortable deciding which program to ax in order to allocate \$100,000 to the charter school. He reiterated that even if the school was allocated \$100,000, it would not get them to the point of being able to buy the building.

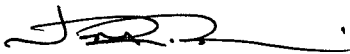
Councilor Brown suggested that they could eliminate the money allocated for land banking and reallocate it to the school.

Roll call vote; the motion failed, 4:2; councilors Taylor and Brown voting in favor.

Councilor Clark, seconded by Councilor Taylor, moved to approve the One-Year Action Plan for use of Federal Community Development Block Grant and HOME funds in 2010/11. Roll call vote; the motion passed unanimously, 6:0.

The meeting adjourned at 8:39 p.m.

Respectfully submitted,



Jon Ruiz
City Manager

(Recorded by Ruth Atcherson)