

MINUTES

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

April 12, 2010
5:30 p.m.

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

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

A. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL AND CITY MANAGER

Ms. Piercy thanked all who worked to make Project Homeless Connect a success. She said a delegation from Kakegawa, Japan visited recently. She reported on her participation in Arbor Day activities, the Park Foundation dinner, Human Rights Summit and a climate forum. She announced that a ceremony to recognize those who contributed to neighborhoods would be held on April 20, and she would hold a Mayor's one-on-one community conversation on April 27.

Ms. Taylor commended the Arbor Day and Parks Foundation event. She reported on her meeting with the Police Auditor and attendance at the National League of Cities (NLC) conference. She said the NLC's concerns included improvements to the No Child Left Behind Act and immigration reform. She also participated in lobbying activities with the League of Oregon Cities.

Ms. Solomon expressed her appreciation for the Lane County Prayer Breakfast. She attended a meeting of the Metropolitan Wastewater Management Commission and also testified before the Bicycle/Pedestrian Advisory Committee about the difficulties residents who lived west of Highway 99 had crossing the railroad tracks and the highway to travel elsewhere in the community.

Mr. Brown commented that the Police Commission had completed its Taser policy review and would be forwarding recommendations to the council and the Police Chief. He attended Project Homeless Connect and the Human Rights Summit. He said homelessness was identified as one of the three top concerns in Lane County and hoped that more resources could be devoted to the problem in the future.

Mr. Poling attended a Travel Lane County board meeting and would be participating in a fund-raising golf tournament to send McCornack Elementary students to Washington D.C. He said the merger of Eugene and Springfield fire departments was discussed at a recent Harlow Neighborhood Association meeting, followed by a presentation from Eugene Water & Electric Board (EWEB) on the riverfront master planning process. He excused himself from the EWEB portion of the meeting as that issue would come before the council in the future.

Mr. Pryor attended the Parks Foundation dinner and was impressed at the extent to which philanthropy was responsible for supporting parks. He toured sites for potential allocation of funds for low-income housing, as well as some recently opened facilities. He said the West Eugene EmX Extension Corridor Committee meetings were well attended and good information was being provided on possible routes. He

attended a Chamber of Commerce news conference on policing and the Lane Metro Partnership dinner. He said Lane Council of Governments (LCOG) was launching an initiative to determine what role LCOG could play in helping to sustain human services, enhance communication and interaction among jurisdictions, and assist with economic development and job creation.

Ms. Ortiz said she attended the Lane Metro Partnership and Parks Foundation dinners. She participated in listening sessions in the Trainsong neighborhood and would attend the April 9 Lane Regional Air Protection Agency (LRAPA) budget work session.

Mr. Zelenka commended those who received awards at the Lane Metro Partnership dinner. He also attended the Birth-to-Three dinner and a meeting of the Save Civic Stadium group. He said there was an interesting plan to preserve the stadium. He toured the new University of Oregon basketball arena and attended the Human Rights Summit. He agreed with Mr. Brown that homelessness in the community was a major concern.

Mr. Clark attended the funeral service for Erin McLyman, a Eugene resident and Sheldon High School graduate killed in action in Iraq, on behalf of the Mayor. He met with Bob Chadwick about conducting listening sessions in North Eugene and testified before the group working on solutions to public safety challenges in Lane County. He felt the group would produce some useful solutions. He also attended the Police Commission meeting at which the Taser policy review was completed, and the Lane County Prayer Breakfast. He was pleased to hear about those who received recognition for their contributions during the Parks Foundation event. He spoke to a Gilham Elementary class about local government and noted that the Cal Young Neighborhood Association would meet on April 22.

City Manager Jon Ruiz noted that it was National Telecommunications Week and National Library Week. He said the budget process was under way and while there would be some changes at the library, it would not involve any reduction in hours. He conducted a listening session with community leaders about the budget and was pleased with the feedback. He said an anti-hate activity forum would be held on April 21, and he would be delivering his budget message to the Budget Committee on April 28. He pointed out that the triple-bottom-line tool had been used to evaluate neighborhood matching grant applications. He thanked a number of City employees for their work with the community.

B. WORK SESSION:
Greenhouse Gas Emissions – Legislative Actions Update

Intergovernmental Relations Manager Brenda Wilson distributed an April 8, 2010, letter from the Metropolitan Policy Committee (MPC) to Gail Achterman, Oregon Transportation Commission (OTC) chair and John VanLandingham, Land Conservation and Development Commission (LCDC) chair and a document entitled *Land Use and Transportation Scenario Planning for GHG Reduction*, reflecting the timeline for compliance with legislative mandates. She provided an overview of greenhouse gas (GHG) legislative actions during the 2009 regular session and 2010 special session. She said the primary purpose of HB 2001 that emerged from the 2009 session was to increase transportation revenues; it also included provisions that required Portland Metro and the Eugene/Springfield area to engage in actions to address GHG emissions. She said HB 2186 from the 2009 session, established a Greenhouse Gas Task Force and charged it with determining how the State should address GHG emissions. The task force's report and recommendations were presented during the 2010 special session and resulted in SB 1059. She reviewed the SB1059 mandates to reduce GHG emissions.

Ms. Wilson said the fiscal impact of SB 1059 was determined to be \$2 million and the Oregon Department of Transportation (ODOT) had indicated those funds would come from existing resources: State Transportation Improvement Program (STIP) and General Fund money. She said there was advocacy for using only new money for the GHG mandates and the MPC letter stressed the need to obtain funding for activities aimed at complying with HB 2001. She reviewed the timeline for GHG-reduction planning activities.

Ms. Piercy commented that the MPC was committed to GHG-reduction and was including appropriate language in all of its work plans.

Mr. Clark noted that the Beltline Facility Plan stakeholders' group had discussed the relationship of alternative transportation modes and new technology to GHG and asked if there would be local input on the modeling ODOT used to determine the impact of VMT on GHG emissions. Ms. Wilson replied that ODOT was developing a statewide strategy to address GHG emissions and targets would be developed for each Metropolitan Planning Organization (MPO); how the MPO would meet its target would be determined locally.

Mr. Clark said the nexus between GHG and VMT was not clear and he hoped the State's work would help clarify the issue. He was concerned that the MPO was tasked with developing its strategies after the State had established MPO targets in 2013 or 2014, but decisions regarding Beltline would be made long before that.

Ms. Wilson explained there were two processes under way simultaneously: the local MPO process required under HB 2001 and the process that ODOT and the Department of Land Conservation and Development (DLCD) were undergoing as required by SB 1059.

Mr. Clark said it appeared that the Beltline project would be primarily informed by results from the ODOT and Metro processes rather than by local efforts. Ms. Wilson agreed and said that would result in a considerable cost savings.

Ms. Piercy pointed out that prior to the current legislative mandates the MPO still had goals established by ODOT for VMT reductions. The new requirements added to those goals.

Ms. Solomon questioned how the new requirements were different from the TransPlan directive to reduce VMT. She said it appeared that plans were being layered upon plans and that was inefficient and confusing. She felt that the funds could be better spent on transit, which moved people out of their cars, instead of more planning activities. Ms. Wilson said the current mandate was for MPOs to determine local scenarios, implementation strategies and impediments and report back to the legislature.

Mr. Pryor commented that TransPlan dealt with many of the issues 20 years ago, but it was primarily addressing a land use outcome. He said the current mandate took a different approach to addressing the reduction of GHG through a wide range of strategies. He emphasized that there would be a cost to GHG reduction.

Mr. Zelenka remarked that a legislative effort to increase transit dollars, unrelated to the GHG initiative, was defeated. He said the MPO needed to develop two scenarios by the July 2013 deadline, and choose one to model, but only had to develop the scenarios if funding was provided by the legislature. He said the GHG Task Force recognized that the State needed to establish goals, develop tools and provide funding to assist local planning efforts. TransPlan only addressed VMT reduction; the new mandate also

addressed GHG emissions reduction and provided the link between land use and transportation planning. He explained how the toolkit being developed by the State would allow MPOs to determine how best to reduce GHG and VMT.

Mr. Clark urged legislators against using STIP or other funds for planning that might otherwise be allocated to capacity-building and maintenance of the existing transportation system. Mr. Clark remarked that the STIP funds being considered were those already allocated for planning.

Ms. Solomon asked if the new planning mandate would require a TransPlan amendment. Ms. Wilson said the MPO could decide whether to develop another plan or incorporate the GHG/VMT strategies into TransPlan.

Ms. Solomon asked if the July 2013 deadline assumed that MPOs would receive funding immediately and if funding was delayed, would the 2013 deadline be extended accordingly. Ms. Wilson said the assumption was that funding would be provided early in the process, but if funding was delayed then jurisdictions would discuss with the legislature either extending the deadline or combining HB 2001 compliance with SB 1059 requirements.

Mr. Zelenka stated that all MPOs agreed that the work was very important; the problem was lack of tools and funding to complete it. He felt the GHG model would be a part of the TransPlan process rather than a separate plan. He hoped that eventually the State and federal transportation planning processes would be merged into a single plan.

C. WORK SESSION: Area Commission on Transportation (ACT) 101

Ms. Wilson distributed a map showing all ACTS and a document comparing ACTs and MPOs and a listing of the Forum on an ACT for Lane County (FACT-LC) membership. She provided a brief overview of the role and functions of ACTs, which were advisory bodies chartered by the OTC. She said Lane County and Portland Metro were the only areas in the State without an ACT; in Lane County the Board of Commissioners currently functioned as our ACT. She said SB 944, enacted by the 2009 legislature, required Lane County to establish an ACT. She introduced Rob Zako, a consultant hired by the County to facilitate the process of forming an ACT.

Mr. Zako said an ACT was intended to assure more effective communication, coordination and use of transportation resources. He said the FACT-LC membership represented the jurisdictions and agencies that would be part of the ACT. He said the group was developing proposals for the ACT membership structure, bylaws and charter.

Ms. Piercy commended Mr. Zako's facilitation of the process and Creswell Mayor Bob Hooker for his leadership during FACT-LC meetings.

Ms. Wilson stated that the FACT-LC would present its proposal to the Board of Commissioners, which would then present it to OTC by September 30, 2010. She drew the council's attention to the proposed membership of up to 27 voting members and ex officio members. She indicated that 1000 Friends of Oregon had expressed concern with the structure of voting members and responsibility for decisions about the citizen members of the ACT. She said 1000 Friends was recommending that ACT membership be proportional to population and that the Board of Commissioners had authority over the private citizen member appointments.

Ms. Piercy said the goal of the FACT-LC was to achieve a high level of consensus on issues.

In response to a question from Mr. Clark, Ms. Wilson said the council would have an opportunity to vote on the ACT proposal before the Board of Commissioners forwarded its recommendation to the OTC.

Mr. Clark asked how dispute resolution among jurisdictions would be addressed. Mr. Zako replied that one of the elements required by the legislature was a conflict resolution process the ACT would use to produce equitable outcomes. He said that limited resources were available to implement the ACT and the initial goal was to have a functioning ACT that met the spirit of legislative intent. Establishing operational details, including conflict resolution, would be part of the ACT's work plan. He said the ideal for resolving disputes was to make decisions by consensus, but recognized that might not always be possible and the FACT-LC would discuss a resolution process at its next meeting. He said that the Lane County legislative delegation, OTC leadership and neighboring ACTs were being kept informed of the progress with the expectation that the FACT-LC would be informed if its direction was inconsistent with legislative intent.

Mr. Clark stressed the importance of an explicit process that allowed for expeditious conflict resolution.

Ms. Piercy said FACT-LC members were united in their desire to achieve agreement and avoid disputes. Mr. Zako added that the ACT was an advisory body, unlike the MPC, which was a decision-making body.

Ms. Solomon asked for clarification of Highway 126 East membership on the ACT. She also asked why there was no rail representative. Ms. Wilson said the purpose was to provide representation for an unincorporated area that would not have a natural representative, such as a city, on the ACT. She said some members could have rail interests. She said the FACT-LC did not want to limit membership to specific targets or issue areas for ex officio members because interests and issues could shift over time and the ACT's membership should have the flexibility to reflect current conditions. Mr. Zako said the legislature also wanted ACT membership to be primarily elected officials who represented people; the six citizen members were intended to be drawn from different modes and other interests affected by the transportation system. The ACT would decide from among applicants for those positions who would best fill those gaps.

Mr. Brown asked why the ACT would be an improvement over the current process if it was only an advisory body. Mr. Zako said the intent was to establish a process that was more inclusive, particularly of small cities and transportation interest groups. It would not fundamentally change the current process, but rather make it broader. Ms. Wilson said the County competed with other ACTs in the State for funding and an ACT would make Lane County more competitive by reflecting a broad range of interests that determined regional priorities.

In response to a question from Mr. Brown, Mr. Zako said the ACT planning process was being funded by the County and ACT operations would be funded by ODOT.

Ms. Taylor felt that there should be a rail representative on the ACT. She asked who would appoint the citizen members. Ms. Wilson said appointment authority had not yet been determined, although the proposal was likely to be for the ACT to select citizen members.

Ms. Taylor expressed concern with leaving appointment of citizen members to the ACT. She saw one representative from each jurisdiction as a major flaw in the ACT structure.

Mr. Zelenka asked how other ACTs made decisions. Mr. Zako said the process varied among ACTs, with most striving for consensus decision-making and then taking different approaches if consensus was not reached. He said common among ACTs was the concern for making certain all voices were heard and giving voice to minority opinions if there was not agreement.

Mr. Zelenka remarked that a majority of the County's population lived in Eugene and Springfield, but the ACT would give many more votes to the combined small cities.

Ms. Piercy said that most ACTs had a one city/one vote structure. Ms. Wilson said the ACT process was not about jurisdictions competing against each other; it was about the County presenting a united front as it competed with other ACTs for limited State funding. Mr. Zako said the culture of the ACT was as important as its structure and bylaws and he doubted that all of the small cities would unite in a single purpose that excluded the Eugene/Springfield area.

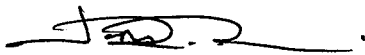
Mr. Pryor was pleased with the caliber of FACT-LC membership and felt they were capable of looking at the broader issues facing the County, not just individual jurisdictional interests. He supported the idea of a consensus approach to decision-making and did not feel that proportional representation was necessary in a collaborative process.

Mr. Poling said the proposed membership structure consisting of elected officials meant that potentially one city could have three representatives on the ACT. He did not think the members should be required to be elected officials.

Ms. Piercy said she would raise that issue with the FACT-LC.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,



Jon Ruiz
City Manager

(Recorded by Lynn Taylor)