MINUTES

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

February 22, 2010
7:30 p.m.

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

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

1. PUBLIC FORUM

Mayor Piercy reviewed procedures for providing comments.

Paul Cziko, Bailey Avenue, Eugene, University of Oregon graduate student, spoke to the Riverfront Research Park. He said part of the council's vision and values was stewardship of the community's physical assets and natural resources. Twenty-one years ago a contentious plan was approved by the City of Eugene to completely develop the University's riverfront property, with minimal public involvement. He said up to ten buildings were proposed on open space, wildlife habitat and public land. He said building heights were limited to six stories, which was nearly half as tall as Skinner Butte. He had not spoken to anyone who was aware of plans for the lands they enjoyed for recreation as that plan was developed by a previous generation. He said construction of the first building was already planned and asked the council to prevent any construction until the master plan for the park was revised to reflect current community values. He noted that any development would nullify the efforts under way to develop a master plan for the Eugene Water & Electric Board (EWEB) site and connect people to the river.

Gail Carlson, Irwin Way, Eugene, a member of the Save Lane County Oregon State University (OSU) Extension Service Political Action Committee, asked the council to support Ballot Measure 2158 on the May 2010. She said the property tax would allow all Lane County citizens to continue to benefit from the resources offered by Oregon State University Extension Service. She said the measure would create a local tax option of $.05 per $1,000 of assessed value, or $10 per year on a home assessed at $200,000. The expenditure of those tax dollars would be tied to measurable outcomes and subject to annual audits. She said the measure would allow the Lane County Extension service to maintain its level of services and hire additional support staff. She listed the services provided to the community and asked each member of the council to pledge support and encourage others to do the same.

Drix, High Street, Eugene, commented on the coming of spring. He was pleased with the prospect of projects downtown that would develop the two vacant, excavated sites. He commended the City's arborist and encouraged everyone in the community to plant big leaf maples.

Joseph Newton, Cross Place, Eugene, said the downtown public library was the result of a quarter century of community effort and the adjacent site should also reflect community values. He said Lane Community College (LCC) had an investment in the community and its values and was stepping up to develop the site. He said LCC could be trusted to develop the site in a way that was in harmony with the community and met the needs of the neighborhood, and furthered LCC's vision of extending education to the broadest possible segment of the population. He urged the council to support LCC's efforts.

George Cole, West 11th Avenue, Eugene, said he was a lifelong Eugene resident. He owned property on the south side of West 11th Avenue, east and west of Conger Street, and it was occupied by a family business that had been in existence for over 50 years and supported his family well. He had tried to assemble his property so that it could be developed and if EmX was routed along Amazon Creek it would destroy that potential. He was also concerned that a bus rapid transit corridor was being developed when there was no funding to operate it after it was developed. He said that would hurt those who relied on the bus for transportation. He said the cost of construction and the cost to riders should be closely examined.

Majeska Seese-Green, Eugene, commented on the topic of homeless camping and Eugene Code provisions related to overnight sleeping. She was working on a pilot project for ACT Lane County. She said the County's recent count of homeless people indicated the population was over 4,000. Regarding the vehicle camping program, she said many homeless people did not have a vehicle and should not have to acquire one in order to be in the program. She said the code addressed camping on private property with the owner's permission, but imposed many conditions, including sanitary facilities. Failure to meet those conditions subjected the property owner to fines. She said there were some homeless people who slept on properties near her house and they did not have access to sanitary facilities, but were somehow managing and were good citizens in the neighborhood. She asked the council to address the onerous fines to which property owners who wanted to provide space to homeless people could be subject.

Tabatha Bailey, West 6th Avenue, Eugene, stated that she was currently homeless and was speaking on behalf of others who were homeless. She said people did camp out and there were sanitary facilities they could use. She said some places barred people with pets and that was one of the reasons for the camping program. She said many people regarded their pets as part of their family. She said there were more facilities for homeless people with alcohol and drug problems than for those who did not abuse substances and it would be helpful if more property owners were able to provide space. It would be safer for everyone.

Steve Dodrill, West 13th Avenue, Eugene, staff chair of the Lane County OSU Extension Service, said that 65 percent of the people who used the service were Eugene residents. He said the Extension Service partnered with the City on the compost specialist program, which had been highly successful for 13 years. He said work through the compost and master gardener programs, promoted sustainability and was consistent with the work of the Sustainability Commission. He explained the services provided statewide through the OSU Extension Service. He said the offices in some counties had been closed due to loss of local funding and the Lane County office, which had provided services since 1914, had struggled to remain open after its local funding was lost in 2008. He distributed information about the funding situation and asked the council to help spread the word to their constituents about supporting the Extension Service.

Karren Cholewinski, West 13th Avenue, Eugene, Lane County OSU Extension Service, explained the nutrition education program. She said the program had been in place since the mid-1970s and worked with local school districts, human service agencies, housing organizations and many other community partners to help educate people about proper nutrition. It was particularly important to help young people develop healthy lifestyles and habits to reverse the increasing incidence of childhood obesity. She hoped the council would support the Extension Service and its work.

Allen Hancock, Alder Street, Eugene, commented on the Riverfront Research Park. He said many decades ago Oregonians recognized the value of public participation in land use decisions and better results were achieved when people were involved. He said examples of that were the West Eugene Collaborative and the EWEB master planning process. He said the City Council formally established the

Riverfront Research Park Commission many years ago for the purpose of engaging the public in development of the park property. Unfortunately that commission had not met in decades and as a result there was proposed development on public lands without public involvement. He used an aerial photograph to illustrate the proposed development site along the Willamette River and pointed out an equally large site within the Riverfront Research Park master plan that could adequately contain the proposed structure. He encouraged the council to visit the site and use its urban renewal authority to gain access to the site from Franklin Boulevard.

Mayor Piercy closed the public forum and thanked those who spoke. She called for comments and questions from the council.

Councilor Clark also thanked those who spoke and appreciated the suggestions offered on various topics. He was interested in receiving additional information on the funding options the Extension Service had pursued to date.

Councilor Ortiz thanked those who spoke and reminded everyone that Project Homeless Connect was still seeking volunteers to help staff the event. She said it was helpful to hear from citizens about projects like EmX.

Councilor Zelenka appreciated comments about the Riverfront Research Park. He supported the Extension Service and was interested in learning more about its funding situation. He encouraged people to volunteer at Project Homeless Connect on March 18.

Ms. Solomon thanked speakers and offered her support for the OSU Extension Service. She was familiar with the master woodland forest management program and amazed at the rich mix of services provided and the wide range of people who were reached. She felt that $10 per household per year was a great value.

2. **CONSENT CALENDAR**
   - **A. Approval of City Council Minutes of November 18, 2009, Work Session**
   - **B. Approval of Tentative Working Agenda**
   - **C. Ratification of Intergovernmental Relations Committee Minutes of January 27, 2010, and February 3, 2010**

Councilor Clark, seconded by Councilor Taylor, moved to approve the items on the Consent Calendar. The motion passed unanimously, 8:0.

3. **ACTION: Ratification of Unanimous Intergovernmental Relations (IGR) Committee Actions and Discussion and Action on Non-Unanimous IGR Actions on Legislative Policy from February 3, 2010**

Councilor Clark, seconded by Councilor Taylor, moved to ratify the IGR Committee's unanimous actions on bills and approval of staff recommendations in the February 3, 2010, IGR Bill Reports for bills not pulled for discussion at those IGR meetings. The motion passed unanimously, 8:0.

Intergovernmental Relations Manager Brenda Wilson explained that the legislative session was coming to an end, but there was still action pending and she would pursue whatever course of action the council directed. She said that House Bill 3609 would permit an enterprise zone sponsor to relax the minimum employment requirements and extend the tax exemption period for a maximum of two years under very

severe economic conditions. She said the bill was proposed by a representative from Albany at the request of a local business unable to meet the minimum enterprise zone employment requirements due to the poor economy. The State statute did not currently permit enterprise zone sponsors to relax requirements or extend the time period.

Ms. Wilson said staff had recommended a Support position on the bill to the IGR Committee because it met one of the City's adopted legislative priorities to support efforts to allow additional local flexibility in enterprise zone criteria. She emphasized that HB 3609 did not mandate that flexibility; it merely provided additional tools for local sponsors should they choose to adopt them. During the IGR Committee meeting Councilor Taylor wanted to take an Oppose position on the bill but instead moved to either a Neutral or Monitor position; Councilor Poling voted against that motion. Ms. Wilson said the bill passed the House unanimously and after being passed by the Senate was scheduled to return to the House for concurrence. She said there was wide support for the bill from local government.

Councilor Clark, seconded by Councilor Taylor, moved to adopt a Monitor position on HB 3609.

Councilor Clark said he had moved the IGR Committee's majority motion as was the practice, but would offer an amendment if one was not forthcoming from another councilor.

Councilor Ortiz said she supported enterprise zones and was trying to meet Councilor Taylor halfway by voting for a neutral position because at the time of the IGR Committee's discussion the bill's status was uncertain. She said the council's previous discussions of enterprise zones had explored the need for more local flexibility with regard to establishing community standards.

Councilor Ortiz, seconded by Councilor Poling, moved to amend the motion and adopt the staff recommendation of a Priority 3 Support for HB 3609.

Councilor Zelenka said he was opposed to enterprise zones because they did not accomplish what they were intended to. He favored more local ownership and community standards, but would oppose the motion.

Councilor Poling thanked Councilor Ortiz for her motion. He pointed out that the bill did not change any of the requirements specified in the City's enterprise zone; it merely granted the City more flexibility to act in the event of another downturn in the economy.

The amendment passed, 5:3; councilors Brown, Taylor and Zelenka voting no.

The motion as amended passed, 5:3; councilors Brown, Taylor and Zelenka voting no.

4. **ACTION: Approval of Minutes, Findings and Recommendations from the Hearings Official and Adoption of an Ordinance Levying Assessments for Paving, and Constructing Curbs, Gutters, Sidewalks, Street Lights, Stormwater Drainage, and Water quality Facilities on Elmira Road from Bertelsen Road to Maple Street and on Maple Street from Elmira Road to Roosevelt Boulevard; and Providing an Immediate Effective Date (Contract 2009-18)(Job #4275)**

Mayor Piercy announced that a public hearing on the assessment ordinance was held by the Hearings Official and therefore it was the first time the ordinance had been presented to the council. She said

action could be taken only if all councilors agreed and asked if there were any objections to voting on the ordinance. There were no objections.

Councilor Clark, seconded by Councilor Taylor, moved to approve the February 5, 2010, Minutes, Findings and Recommendations of the Hearings Official.

Councilor Ortiz asked if discussions of the council's subcommittee on assessment policies would affect the council's action on the item. City Attorney Glenn Klein said that any recommendations by the subcommittee and subsequent agreement by the council would only apply to future projects, not existing projects.

The motion passed unanimously, 8:0.

Councilor Clark, seconded by Councilor Taylor, moved that the City Council adopt Council Bill 5017, an ordinance levying assessments for improvements on Elmira Road and Maple Street.

Councilor Ortiz asked staff to explain the difference between the amounts assessed to different owners and noted there were 35 absent property owners along the street among the 105 people who were assessed. She also asked staff to elaborate on the request from LANCO Investments. Principal Civil Engineer Michelle Cahill stated that the assessment code required the City to assess property based on its frontage along the road, with a minimum of 50 feet, and that formed the baseline for assessment calculations. She said there were a number of properties that were eligible for low-income subsidy, which reduced their assessments. Those owners with the lower assessment were eligible for the subsidy program. With respect to LANCO Investments, she said the property owner had proposed not being assessed because a power pole blocked panhandle access. She said the City built a driveway at that location and believed the owner could use it to access the property with typical vehicles and should therefore be assessed.

Councilor Ortiz thanked the City department that had worked on the project to improve Elmira Road and Maple Drive. She appreciated efforts to make the assessment costs affordable to property owners.

Councilor Solomon also thanked staff for working closely with neighbors on the project and working through their concerns. She was very pleased with the final results.

The motion passed, 7:1; Councilor Clark voting no.

5. **ACTION:**
   Approval of Minutes, Findings and Recommendations from the Hearings Official and Adoption of an Ordinance Levying Assessments for Paving, and Constructing Curbs, Gutters, Sidewalks, Medians, Traffic Signal, Street Lights, Street Trees, Stormwater Drainage Facilities, Stormwater Water Quality Bioswales, Wastewater Facilities, and Related Improvements on Chad Drive and Old Coburg Road from the East End of Chad Drive to North Game Farm Road; and Providing an Immediate Effective Date (Contract 2009-27)(Job #3923)

Mayor Piercy announced that a public hearing on the assessment ordinance was held by the Hearings Official and therefore it was the first time the ordinance had been presented to the council. She said action could be taken only if all councilors agreed and asked if there were any objections to voting on the ordinance. There were no objections.

Councilor Clark, seconded by Councilor Taylor, moved to approve the Minutes, Findings and Recommendations of the Hearings Official of February 5, 2010. The motion passed unanimously, 8:0.

Councilor Clark, seconded by Councilor Taylor, moved that the City Council adopt Council Bill 5028, an ordinance levying assessments for improvements on Chad Drive and Old Coburg Road. The motion passed 7:1; Councilor Clark voting no.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Jon Ruiz
City Manager

(Recorded by Lynn Taylor)