

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: September 8, 2010
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Beth Forrest
Contact Telephone Number: 541-682-5882

ISSUE STATEMENT

This is a routine item to approve City Council meeting minutes.

SUGGESTED MOTION

Move to approve the minutes of the November 24, 2008, Work Session, November 24, 2008, Meeting, January 25, 2010, Meeting, April 28, 2010, Work Session, May 24, 2010, Meeting, June 14, 2010, Work Session, June 14, 2010, Meeting, and the July 14, 2010, Work Session.

ATTACHMENTS

- A. November 24, 2008, Work Session
- B. November 24, 2008, Meeting
- C. January 25, 2010, Meeting
- D. April 28, 2010, Work Session
- E. May 24, 2010, Meeting
- F. June 14, 2010, Work Session
- G. June 14, 2010, Meeting
- H. July 14, 2010, Work Session

FOR MORE INFORMATION

Staff Contact: Beth Forrest
Telephone: 541-682-5882
Staff E-Mail: beth.l.forrest@ci.eugene.or.us

MINUTES

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

November 24, 2008
5:30 p.m.

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

Her Honor Mayor Kitty Piercy called the meeting of the Eugene City Council to order at 5:30 p.m.

A. Committee Reports and Items of Interest from Mayor, City Council and City Manager

Ms. Piercy called the work session meeting of the Eugene City Council to order at 5:30 p.m.

Ms. Piercy thanked the Lane Community College Culinary School as well as the other participants in the upcoming Whiteaker Community Thanksgiving Dinner event.

Ms. Piercy noted that the City had recently welcomed a visiting delegation of Japanese educators and students to Kelly Middle School and the Eugene City Hall.

Ms. Piercy congratulated the 400 area students and youth leaders for their efforts at the recent Hope in Action conference held at the First Christian Church which was conducted to provide students and youth leaders the opportunity to discuss and develop sustainability initiatives in the community.

Ms. Piercy noted the upcoming Mayor's One-on-One event at the Friendly Street Market on November 25, 2008. She noted a welcoming dinner for the delegation from Eugene's sister city Kakegawa, Japan to be held on November 25, 2008 and invited the council members to attend.

Ms. Piercy reported that the Eugene Youth Symphony would be celebrating its 75th anniversary on November 25, 2008, and offered her congratulations. She noted she had received a notice that the Oregon Housing & Community Services State Housing Council had approved funding for three affordable housing projects in Eugene.

Ms. Solomon commented that the committees overseeing the Elmira and Maple Street improvement projects would be holding discussion meetings on December 2 and 16, at the Fairfield Baptist Church. She encouraged council members interested in the status of the projects to attend.

Ms. Ortiz noted she had recently attended a conference on disproportionate minority contact involving several programs from all over the State. She noted that Lane County had not been represented at the event and that she would be contacting the Lane County Board of Commissioners to gather statistical information regarding disproportionate minority contact in the community.

Ms. Solomon commented she had attended a meeting of the Lane Regional Air Pollution Authority (LRAPA) on November 21, and further noted that Springfield Mayor Sid Leiken had sent a letter to the Lane County Board of Commissioners indicating Springfield's intention to withdraw from LRAPA. Ms. Solomon commented that she had

hoped that Springfield would have continued its work with LRAPA, and noted that its unfortunate withdrawal had been particularly uncomfortable for those involved.

Ms. Ortiz reported on two recent Trainsong neighborhood outreach meetings she had attended for the Obesity Prevention Toolkit (OPT) program and the cancer investigation group formerly known as SHINE (Superfund Health Investigation and Education).

Mr. Clark noted he had recently attended both the orientation for the new Human Rights Commission (HRC) members on November 12 and the HRC's most recent regular meeting on November 18. Mr. Clark noted that the HRC was close to completing its work plan and would be presenting it to the council in January of 2009.

Mr. Clark thanked the representatives from the City's Parks and Open Space department for their recent update on the status of the Creekside Park development calendar. He noted that a community member in Ward 4 on Kitz Avenue had begun an outstanding Christmas light show in his neighborhood that could be synchronized with a radio broadcast.

Ms. Taylor noted she had attended the recent National League of Cities convention in Orlando, Florida and found its focus on sustainability to be highly informative.

Ms. Taylor noted she had recently been reappointed to the Human Development Theory Committee (HDTC) and had been appointed as vice-chair to that committee for 2009. She commented that the committee had in the past year undertaken efforts with regard to health care advocacy.

Ms. Taylor noted she had been reappointed to the steering committee of the University Communities Council.

Mr. Pryor noted that he and several other councilors had attended the recent Metro Partnership dinner where an economist from the University of Oregon made a presentation on the state of the national economy. He reported that the Human Services Commission meeting he had attended on November 24 had discussed the upcoming Homeless Connect event and had also received a report from Food for Lane County indicating that they were down approximately one million pounds of food for the current year.

Mr. Pryor commented on a recent meeting of the West Eugene Collaborative (WEC) and further noted that the WEC would have only one more meeting before making their recommendations to the council.

Mr. Zelenka noted he had recently attended a meeting of the Laurel Hill Valley Citizens as well as a meeting regarding the arena and a meeting of the Sustainability Commission. He noted that the commission would be presenting a new list of recommendations concerning waste reduction, fuel reduction, and food security to the council in February.

Mr. Zelenka noted he had attended the recent Emerald Peoples Utility District's 25th anniversary event. He noted that the Saturday Market, White Bird Clinic and Oregon Country Fair would each be celebrating their 40th anniversaries in 2009, and hoped that there might be some way that the City could coordinate with those groups in their celebratory efforts.

Mr. Zelenka commented that he had recently read in USA Today that Oregon currently ranked 26th among states for combined and local tax burdens for 2008, as a percentage of average household income.

Ms. Piercy noted a recent celebration for graduates of the Eugene Fire & EMS academy.

Ms. Piercy expressed that the 150th Oregon birthday celebration might be a good opportunity to incorporate the 40th anniversary efforts for the Oregon Country Fair and Saturday Market.

Ms. Taylor noted that she had attended a recent workshop concerning high school dropouts and noted efforts by the City of Springfield to encourage minority high school graduates to begin a public service career by guaranteeing college tuition for high school graduates.

Ms. Taylor, seconded by Ms. Bettman, moved to direct the City Manager to bring back to the council a resolution supporting the creation of a U.S. Department of Peace and scheduling the resolution for action.

Ms. Taylor noted that she had brought her motion before the council in response to suggestions from her constituents.

Ms. Piercy commented on a recent packet of information that had been previously distributed to the council regarding the U.S. Department of Peace initiative referenced by Ms. Taylor.

Mr. Pryor expressed that while he had no qualms with the content or spirit of the motion or the objectives a federal entity devoted to peace concerns might have, he felt that the motion had been brought before the council in a precipitous and hurried manner that would prevent thoughtful discussion of the issue. He subsequently indicated that he would reluctantly not support Ms. Taylor's motion.

Mr. Poling agreed with Mr. Pryor and felt that the department of peace suggested by the motion was an example of unnecessary and inefficient duplication of government resources. He also felt any such federal department would not have much practical effect on local issues regarding peace initiatives.

Ms. Bettman felt the procedural concerns raised by Mr. Pryor regarding the motion represented an attempt to obfuscate the process by which community members could bring issues to their city council.

Ms. Solomon felt that it was unnecessary to bring a federal issue such as that referenced in Ms. Taylor's motion before the council.

Mr. Clarke agreed with Ms. Solomon's comment and said any practical concerns that might be addressed by a federal department devoted to peace and justice were in fact already designed to be addressed by the United States Justice Department and other established federal agencies.

Mr. Zelenka felt that the motion needed further discussion and noted his support of it.

Ms. Piercy suggested that the council adopt a more stringent policy regarding the submission of motions before the council if there were concerns that current procedures were inefficient or harmful to the interests of the public.

Ms. Piercy expressed that local city governments had a strong role to play in the creation of effective federal policies.

Ms. Piercy called for a vote on Ms. Taylor's previously stated motion. The motion passed 5:4, Mr. Pryor, Mr. Clark, Ms. Solomon, and Mr. Poling voting in opposition.

**B. WORK SESSION:
Legislative Policies Document**

Intergovernmental Relations Manager Brenda Wilson presented a brief overview of the process whereby the City

periodically updates its legislative policy document, in this case for the 2009 Oregon Legislative Session.

Ms. Wilson noted that the changes to the legislative policies document before the council were primarily formatting changes designed to make the document easier to read.

Ms. Wilson noted that certain sections of the document had been pulled by the council for further discussion and that the remainder of the document had been adopted at the council's October 29, 2008, work session. She added that the document was being brought back to the council for further review in response to a request from Mr. Clark.

Ms. Wilson noted that since the document had already been adopted, any changes to the document would need to be introduced as a motion to amend by the council.

Ms. Wilson and Ms. Piercy discussed how they would proceed with the review of the document, and felt that it would be best to simply go through it with the council to identify items that would need to be pulled for discussion, either later in the work session or at a different meeting in the future.

Ms. Wilson, Ms. Piercy and the council proceeded to go through the legislative policies document and pulled several items for further discussion.

Mr. Zelenka asked that the statement regarding the City's support of transportation funding that "establishes system maintenance, preservation and operation as a priority for funding" be highlighted for greater emphasis within the Transportation section of the legislative policies document.

Ms. Piercy asked that quiet zones be added to the City's support of additional and improved structures under the Rail Services subsection of the Transportation section.

Ms. Wilson, responding to a question from Ms. Piercy, noted that the \$100 million Housing Trust Fund goal figure listed in the Housing subsection of the Planning and Community Services section of the legislative policies document was accurate.

Ms. Wilson, in response to a comment from Ms. Bettman, noted that the use of the term "low-cost housing" under the Housing subsection should actually read "low-income housing."

Ms. Wilson, responding to a question from Mr. Clark, confirmed that the legislative objective for the City to support state-supported homeless shelters had been inserted by Ms. Taylor.

The council pulled items from the legislative policies document for further discussion.

II. Financing State and Local Government--B3. Urban Renewal Districts

Ms. Taylor indicated that she wanted to keep the second legislative objective from the subsection, Eugene's opposition to mandates that a portion of urban renewal funds be spent on particular types of projects, and eliminate the remaining three bullet points.

Ms. Bettman felt that the objective opposing expansion of the types of governments that are allowed to create urban renewal districts should be kept in.

Ms. Bettman expressed that the City should change its position to support of additional consent requirements for new

or amended urban renewal plans instead of opposing them.

Ms. Ortiz advocated for the elimination of the second bullet point concerning mandated portions of urban renewal funds. She expressed that Eugene's support for such an objective might negatively impact the state-mandated funding amounts provided public school students in Eugene.

Mr. Clark indicated that state equalization formulas used to mandate allocations related to urban renewal were a double-edged sword. He maintained that he was not generally supportive of urban development and that rather than revising any of the bulleted items in the urban renewal subsection he would almost rather have a discussion about eliminating urban renewal altogether.

Ms. Bettman noted there were inaccuracies in the information being discussed and that closer review of urban renewal policies with emphasis on how they affected school funding was necessary.

Ms. Bettman, seconded by Ms. Taylor, moved to delete the item stating, "Eugene opposes additional consent requirements for new or amended urban renewal plans," from the Urban Renewal Districts subsection of the legislative policies document.

Ms. Taylor commented that urban renewal affected all schools in the state and warranted further review.

Ms. Piercy noted she would support a motion indicating the City's support of a discussion on the merits of urban renewal.

Ms. Wilson, responding to a question from Ms. Bettman, indicated she did not know the school district's official position on funding issues related to urban renewal.

Ms. Piercy called for a vote on Ms. Bettman's previously stated motion. The motion failed 2:6. Mr. Clark, Mr. Zelenka, Ms. Ortiz, Ms. Solomon, Mr. Poling, Mr. Pryor voting in opposition.

IV. Transportation—C. Community Livability – Oregon Livability Initiative

Ms. Wilson, in response to a request from Ms. Bettman, defined the issue of the Oregon Livability Initiative (OLI) issue for Ms. Bettman as an initiative to require state agencies to take into consideration those ideas that would provide communities with solutions to invest in their communities, and the Community Incentive Fund (CIF) as funding for task forces to come up with ideas for state agencies to invest in for local communities.

Ms. Bettman, seconded by Ms. Taylor moved to delete the item stating, "Eugene supports the Oregon Livability Initiative and encourages additional funding for the Community Incentive Fund," from the Community Livability subsection of the legislative policies document.

Ms. Bettman expressed that support for the OLI and CIF would lead to a proliferation of needless government programs of no practical benefit that would only take money out of the general fund and take money away from other essential services.

Ms. Piercy expressed that the statement to which Ms. Bettman was referring only indicated the City's support of the matter and not any active policy change regarding allocations of the general fund.

Ms. Piercy called for a vote on Ms. Bettman's previously stated motion. The motion failed 2:6. Mr. Clark, Mr. Zelenka, Ms. Ortiz, Ms. Solomon, Mr. Poling, Mr. Pryor voting in opposition.

Ms. Bettman, seconded by Mr. Zelenka, moved to add the phrase "safety, decreased congestion, and decreased automotive, bike and pedestrian conflicts" to the item stating "Eugene supports changes in ODOT access management policies that enhance community livability," from the Community Livability subsection of the legislative policies document.

Ms. Bettman, in response to a question from Mr. Clark, noted that her motion was intended to give the legislative policy objective in question more specific meaning.

Mr. Pryor agreed with Ms. Bettman's statements and indicated his support of her motion.

Ms. Piercy called for a vote on Ms. Bettman's previously stated motion. The motion passed unanimously, 8:0.

V. Planning and Community Services—C. Housing

Ms. Bettman maintained that the incentives referenced in the Housing subsection of the legislative policies document were needless and unnecessary tax giveaways.

Mr. Clark felt the incentives were necessary for the creation of affordable housing in the community and that the subsection should remain unchanged.

Ms. Bettman, recognizing a lack of support for her earlier statement, indicated she would not bring a motion to revise the subsection. She opined that the incentives referenced were overly broad and would not encourage affordable housing to be built but rather create unnecessary subsidies for developers.

Ms. Wilson, responding to a request from Ms. Ortiz for further clarification regarding the nature of the incentives being referenced in the Housing subsection, noted that they were comprised primarily of tax breaks and subsidies. City Manager Jon Ruiz noted that he would provide a more specific list of the incentives to the council.

Mr. Zelenka noted that examples of the incentives being offered would include tax breaks for sustainable building practices with respect to housing development.

Ms. Taylor moved to eliminate the phrase "and subsidies" from the item stating "Eugene supports incentives and subsidies for housing that features sustainable materials and practices." The motion died for lack of a second.

V. Planning and Community Services—D. Land Use Planning and Growth Management--D1. Ballot Measure 37 and 49

Mr. Zelenka noted that he could not support the "Big Look" committee's review as it had not yet been released.

Mr. Zelenka, seconded by Ms. Taylor, moved to delete the item stating “Eugene supports the ‘Big Look’ review,” from the Land Use Planning and Growth Management subsection of the legislative policies document.

Ms. Bettman, seconded by Ms. Taylor, moved to substitute by revising the aforementioned item regarding the Big Look review to state, “Eugene supports a Big Look review outcome that preserves farm and forest land and natural resources, preserves the integrity of the urban growth boundaries, supports compact urban growth, and supports Oregon’s land use laws.”

Ms. Wilson, responding to a question from Mr. Clark, noted that the Big Look review was nearly complete and that the findings resulting from that review would be presented to the council in due course.

Mr. Clark believed the legislative policy objective under discussion only supported the Big Look review being conducted, and not blanket support of the findings contained in the review. He noted he would not support the substitute motion.

Ms. Piercy called for a vote on Ms. Bettman’s previously stated substitute motion. The motion failed 3:5, Mr. Clark, Mr. Pryor, Mr. Poling, Ms. Solomon and Ms. Ortiz voting in opposition.

Ms. Piercy called for a vote on Mr. Zelenka’s previously stated motion. The motion passed unanimously, 8:0.

Ms. Wilson recommended that the council remove the objective item referencing the Goal 5 protections from Measure 37/49 claims.

Mr. Clark, seconded by Ms. Solomon moved to delete the items stating “Eugene supports the constitutional requirement that property owners who have been deprived of all reasonable economic use of their property by government action be compensated,” and “Eugene opposes a requirement that compensation be paid if a land use decision deprives a property owner of only some, but not all or nearly all, reasonable economic use of the property,” from the Land Use Planning and Growth Management subsection of the legislative policies document.

Mr. Clark noted that he disagreed with the intent of the objectives in question and felt that they were unduly burdensome in requiring all reasonable economic use to be deprived rather than a portion or portions of same.

Ms. Piercy called for a vote on Mr. Clark’s previously stated motion. The motion failed 5:3, Ms. Bettman, Ms. Ortiz, Ms. Taylor, Mr. Pryor and Mr. Zelenka voting in opposition.

V. Planning and Community Services—D. Land Use Planning and Growth Management--D2. Land Use Application Review Process

Assistant City Attorney Emily Jerome, responding to a question from Ms. Bettman, noted that the objective item referencing adopted plan policies to be incorporated by reference into the Land Use Code had been created in response to previous legislative policies that had required adopted Metro Plan policies to be reprinted in the code in their entirety.

Ms. Bettman, seconded by Ms. Taylor, moved to delete the item stating “Eugene supports allowing adopted plan policies to be incorporated by reference in the Land Use Code rather than reprinted in the code,” from the Land Use Planning and Growth Management subsection of the legislative policies document.

Ms. Bettman expressed that it was necessary for the complete text of refinement plan policies to be included in the Land Use Code to make such policies more accessible to the community.

Ms. Jerome, responding to a comment from Mr. Clark, noted that the required complete reprinting of adopted refinement plan policies was only applicable to three certain types of limited land use decisions, subdivisions, partitions and site reviews, and that other types of land use decisions such as planned unit developments or conditional use permits allowed refinement plan policies to be incorporated by reference.

Mr. Zelenka felt that it was odd to require whole sections of adopted refinement plan policies to be reprinted in the Land Use Code and maintained that it used an adopted policy as a force of law under the code.

Ms. Piercy called for a vote on Ms. Bettman’s previously stated motion. The motion passed 5:4, Mr. Clark, Mr. Pryor, Ms. Solomon and Mr. Poling voting in opposition.

Ms. Wilson, responding to a question from Ms. Bettman, noted that the objective item regarding support for local discretion in standards for needed housing had come from previous iterations of the legislative policies document.

Ms. Jerome, responding to a comment from Ms. Bettman, clarified the definition of the term “needed housing” as it applied to the legislative policies document.

Mr. Zelenka averred that there were clear and objective standards for needed housing within the Land Use Code. Ms. Jerome replied that there were indeed clear and objective standards, as well as additional approval criteria, listed for every type of needed housing identified by the City.

Mr. Zelenka maintained that the issue of clear and objective standards for needed housing ,and the corresponding approval criteria, was very confusing and that further discussion on the topic was needed.

V. Planning and Community Services—D. Land Use Planning and Growth Management--D3. Twenty-Year Land Supply

Ms. Wilson, responding to a request from Mr. Clark, clarified the legislative objective regarding the impact of rural residential development on housing capacity within the urban growth boundary.

Ms. Bettman offered that the legislative objective item would not affect the cities of Coburg or Creswell and had been originated in response to past residential development in rural areas that was not being adequately accounted for.

Ms. Wilson, responding to a question from Mr. Clark on the legislative objective regarding the 20-year buildable lands inventory, noted that the City would continue to oppose the requirement that the housing needs analysis and commercial determinations be based only on actual past development. Mr. Pryor maintained that such determinations and reviews should be based on multiple criteria and not solely on past development.

VI. Public Safety--C. Police and Enforcement

Ms. Wilson, responding to Mr. Zelenka's concern for the use of polygraph testing in police hiring, noted that this legislative concept for polygraph testing would permit one to be used only as part of the background check process and not as part of any ultimate hiring decisions.

Mr. Zelenka moved to delete the item stating, "Eugene supports a revision to current State law (ORS 659A.300 and any other relevant sections) so that a polygraph and/or other established technology for truth verification can be used as part of the hiring process for police officers," from the Police and Enforcement subsection of the legislative policies document. The motion died for lack of a second.

VI. Public Safety--D. Fire and Emergency Response

Mr. Poling, seconded by Ms. Solomon, moved to delete the item stating, "Eugene supports the elimination of the provisions under ORS 453.370 and 453.402 which restrict local jurisdictions from imposing hazardous substance fees equitably to Eugene employers enrolled in the program. Currently, an arbitrary cap spreads an uneven burden to smaller employers," from the Fire and Emergency Response subsection of the legislative policies document.

Mr. Poling felt that the Toxics Right-to-Know provision addressed by his motion was working fine and saw no reason to change any significant aspect of it.

Ms. Taylor commented that the provision in its current state was unfair to smaller employers.

Mr. Pryor noted that removing or reducing the cap under the Toxics Right-to-Know provision might encourage unrestrained growth of the program, but agreed with Ms. Taylor that the provision in its current state was unduly burdensome to smaller employers.

Ms. Wilson noted that the Toxics Right-to-Know program was unique to Eugene and that removing it would not have any effect on other cities.

Ms. Piercy called for a vote on Mr. Poling's previously stated motion. The motion failed 4:5, Ms. Bettman, Ms. Taylor, Mr. Zelenka, Ms. Ortiz and Ms. Piercy voting in opposition.

VIII. Environmental Issues--B. Water and Endangered Species/Habitat (B1. Water Quality)

Ms. Bettman, in addressing the Water Quality Standards clause from the Water and Endangered Species/Habitat subsection, felt that the clause regarding opposition to efforts to legislate water quality standards as stated might allow for loopholes such as the mixing of water testing zones with which established water quality standards might be circumvented.

Ms. Bettman, seconded by Ms. Taylor, moved to delete the item stating, "Eugene opposes any efforts to change State water quality standards through the legislative process. The DEQ has established . . . should be obtained through a similar collaborative process, and not achieved through legislative action," from the Water and Endangered Species/Habitat subsection of the legislative policies document.

Ms. Wilson expressed that the clause as stated was actually intended to prevent any loopholes regarding water quality standards by removing such concerns from the legislative process and leaving it within the state agencies

realm of authority.

Ms. Bettman expressed that the clause might need to be rewritten in order to clarify its intent.

Ms. Solomon maintained that the clause's encouragement of a collaborative process with respect to water quality standards would prevent such standards from being politicized.

Ms. Piercy called for a vote on Ms. Bettman's previously stated motion. The motion passed 6:2, Ms. Solomon and Mr. Poling voting in opposition.

VIII. General Government--C. Labor (C1. Local Control of Wages, Benefits and Employment Practices)

Ms. Wilson, responding to a request from Mr. Poling, provided clarification of the item regarding opposition to the addition of any further groups of employees to those already eligible to receive police and firefighter benefits.

VIII. General Government--C. Labor (C3. Deference to Voluntary Negotiations)

Ms. Bettman was concerned that the objective item did not appear to support the use of third-party mediation with respect to labor disputes.

Ms. Bettman, seconded by Mr. Clark, moved to delete the item stating, "Eugene supports the resolution of employment disputes through voluntary agreement between the parties over procedures which impose settlements by a third party," from the Labor subsection of the legislative policies document.

Mr. Wilson commented that should the Deference to Voluntary Negotiations clause pass as written it would not necessarily prohibit the use of third-party mediations, but rather provide parties a choice between the voluntary agreement and mediation options. Mr. Ruiz concurred with her assessment.

Ms. Piercy called for a vote on Ms. Bettman's previously stated motion. The motion passed 7:1, Mr. Pryor voting in opposition.

VIII. General Government--F. Public Records (F4. Expungements)

Ms. Wilson, responding to a request from Mr. Zelenka, clarified the nature of the expungements referenced therein.

Ms. Jerome confirmed the adopted motions thus far and stated the remaining items from the legislative policies document to be moved upon to include the following:

- Delete the item stating "Eugene supports easing the constitutional double-majority requirement for general obligation bonds for capital construction," from the Property Taxes subsection (B1. Property Taxes for Local Government Services).
- Highlight the item stating the City's support of supplemental transportation funding that "establishes system maintenance, preservation and operation as a priority for funding," as a separate main bullet item under the Funding for Streets, Highways and Transit subsection.

- Add a phrase indicating support for “quiet zones” to the item stating, “Eugene supports additional planning and construction funds for local communities to improve safety at grade crossings, upgrade rail beds and acquire rights-of-way to facilitate ‘passing’ areas for passenger trains and freight trains,” under the Rail Service subsection.
- Change the use of “low-cost housing” to “low-income housing” under the supporting text paragraphs from the Housing subsection.
- Correct formatting and numbering errors under the Solid Waste and Recycling, and Water and Endangered Species/Habitat, with any additional formatting and numbering errors to be corrected upon their identification.

Mr. Pryor, seconded by Mr. Clark, moved to approve the aforementioned revisions to the legislative policies document as identified and listed by Ms. Jerome. The motion passed unanimously, 8:0.

Ms. Piercy adjourned the meeting at 7:27 p.m.

Respectfully submitted,

Jon R. Ruiz
City Manager

(Recorded by Wade Hicks)

MINUTES

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

November 24, 2008
7:30 p.m.

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

Her Honor Mayor Kitty Piercy called the meeting of the Eugene City Council to order at 7:32 p.m.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum. She wished everyone a happy Thanksgiving.

Carol Berg-Caldwell, 2510 Augusta Street, hoped that the councilors who allegedly opposed the 11 proposals to “improve” the City ordinance for external police review would reverse their decision. She reiterated that 65 percent of the voters had supported the charter amendment. She asserted that a four-month delay would “subvert the will of the people.” She related that she had stood out on street corners prior to Election Day holding a sign saying “yes on 20-146/yes on external police review.” She said many times police officers had driven by and there were “no unfriendly looks” and several officers had smiled and nodded. She felt the police were “weary of community division.” She accused some councilors of giving “lip service to public support while working against external review.” She declared that this did not serve the police and community’s interests. She recalled that former Chief Bob Lehner had disallowed the Police Auditor free access to the Internal Affairs office. She averred that this had hindered the auditor’s work. She disagreed with the former Chief’s decision to withhold information about a case involving criminal allegations against an officer. She opined that “even the District Attorney ruled against an attack on the auditor” when the Eugene Police Employee Association (EPEA) had filed a complaint against the auditor. She asserted that the complaint was baseless. She stated that the council had the power to implement the 11 “reasonable steps ... to codify external police review.” She urged the council not to impose more process on external police review.

Jozef Siekiel-Zdzienicki, 1025 Taylor Street, related that he had attended the West Eugene Collaborative (WEC) October 1 outreach workshop. He said they had drawings of the plans they were focusing on at present, primarily focused on West 11th Avenue between Garfield Street and Bailey Hill Road, and on West 7th Place between Garfield Street and Bailey Hill Road. He stated that the plans only showed the Bus Rapid Transit (BRT) on West 11th Avenue. He had questioned this and the answer he received was that it had been assumed that the future line would traverse West 11th Avenue. He had asked them if they should not include some of the wider plans that had been included by the Lane Transit District (LTD) and it appeared that the WEC representatives had “already decided” on the plan. He wanted to remind the council that he knew business and property owners on West 11th Avenue who had not heard of the WEC. He felt that if the WEC was a collaborative that was supposed to make a recommendation to the City Council, they should speak to the people that would ultimately be affected by the BRT traversing their street. He averred that the council should “be wary” of a recommendation from that group.

Joe Alsup, 36 West 38th Avenue, was present to speak about the ordinance language proposed by Councilor Bettman. He said he had been delighted with the last election. He had been glad to see Mayor Piercy get reelected as he had some concerns that had the mayoral election “gone the other way” the auditor’s office and Civilian Review Board (CRB) might have been threatened. He supported the changes to the ordinance language, but he thought they should take a moment and listen to those who were concerned about the process by which the changes were being made. He commended Councilor Ortiz for her courage in deciding to reconsider the item in order to provide time to look at the proposed changes. He noted that some of the proposed changes were within the bargaining unit of the Eugene Police Department (EPD). He said there were some comments made in a work session about the Police Commission that implied the commission was in a position of bias and members seated on the committee would not come to the table with an open mind. He related that he and fellow commissioner, John Ahlen, had been chosen to serve on the committee. He wanted to assure the council that both of them would be going into the process with an open mind and with a “real desire” to promote transparency and to ensure the auditor was “free and unencumbered” and the ordinance lived up to what the people willed it to be. He emphasized that he and Mr. Ahlen would be on the committee to help, to have an open mind, and to be fair.

Jeannine Parisi, 2970 Charnelton, said she wanted to voice her support for the committee process to review the oversight ordinance changes and to bring back recommendations in a specified timeframe to the council for its consideration and adoption. She stressed that when she had voted for the charter amendment her vote had been cast for the success of an oversight system. She related that the Police Commission report had stated that modifications to the system would be necessary to respond to and evolve as situations arose that had not been envisioned when the model had been developed. She said ordinance changes consistent with the charter were one of the improvement processes. She averred that another important element was continual system review and evaluation among key stakeholders. She felt the committee presented an opportunity for deliberative critical analysis of the oversight process in an environment that would be amenable to candid discussion, open discourse, and “possibly collaborative problem-solving.” She said the Police Commission had utilized the committee process extensively when developing the model for the oversight system. She recalled that it had been recognized that a public forum could not achieve the level of information exchange and deliberation among parties that could occur in the committee setting. She underscored that many people had worked hard to design and implement the oversight system. She felt the committee presented the opportunity to take a critical look at the system and make “necessary and judicious improvements” that she predicted would set the auditor and CRB up for success and not continued adversity. She averred that public trust, fairness, improved community relations, and transparency were some of the goals of the oversight system. She did not feel that taking time to ensure those goals were realized would undermine her vote. She saw nothing to be gained in fast-tracking the process except for “lost opportunity.”

Ann Tattersall, 1385 Bailey Avenue, said she had voted for police review and not a four-month long committee process. She opposed having the “police sit on the committee to work out the review process.” She opined that this meant the police would review the police department and this would override the interests of the citizens who voted for “this law.” She wanted to “see this law implemented.” She felt that no one paid attention when the interests of the “liberal 49 percent” were not being represented.

Lisa Warnes, 5020 Nectar Way, had several serious concerns about the ordinance for the police auditor and “the way it is being maneuvered.” She was skeptical of forming a committee to review the issue that had been raised by Councilor Bettman’s November 10 motion. She said members of the committee included two members of the Police Commission, two representatives of the EPEA, and the Chief. She felt that in the face of the tasing event that happened in May, the former Chief withholding information about a criminal allegation, and the criminal behaviors of former officers some years earlier, the people of Eugene did not trust the police department. She averred that there were a lot of good people on the police force and it was unfortunate that they had the burden to bear of the “bad rap” given to them by others. She declared that the

oversight of the police needed to be independent of the police and the independence should start with the committee. She opined that there had been “obvious resistance” from the EPD to the oversight. She asked why they should believe that the police officers on the committee would fully cooperate with the provisions to give the Police Auditor the “full power they need to do their job.” She wanted the City to have a police department that everyone could trust. She added that she was happy to see that Mr. Alsup would be serving on the committee. She reiterated her unhappiness that the public hearing and action on the motion set forth by Councilor Bettman was being delayed.

Boz Van Houten, 3110 University Street, supported Councilor Bettman’s motion to amend the police auditor ordinance. He believed it would not serve the public interest to have further delays in the process. He also opposed having members of the police department sit on the committee.

Tamara Miller, 293 East Anchor Avenue, supported the motion to form a committee to work through the issues that had been brought up by Councilor Bettman’s motion to amend the ordinance. She said the oversight system in this community had included a great deal of input on both the ordinance and the recent amendment. She felt the voters in the community had grown to expect to have a voice in it. She had voted for the recent amendment and it “did not mean what some people are interpreting it to mean.” She cautioned against interpreting 65 percent support for the amendment as meaning one thing. She stressed that Eugene had a fledgling oversight system and there would be changes to it. She averred that it was “not a race, there was not an emergency.” She felt that taking a few extra months to vet the issues would not “make or break” the oversight system in this community. She thought it would provide a chance to fully examine the proposed changes and the ramifications and legal implications of those changes. She found it interesting that many of the issues that had been placed on the table had also been vetted through the creation of the oversight system. She said most of the issues had been looked at before and would now be revisited. She considered this wasteful. She believed that having the same stakeholders at the table as were at the table when the ordinance was created was the “right thing to do.” She felt there was a small chance that this would help the City to avoid liability in the future and it could create a situation wherein there would be less grievances filed by the police union. She believed this was something the community could take some extra months to do.

Jack Radey, 2230 Garfield Street, averred that everyone was facing hard times in this country and there would be more crime. He said the community needed a police department that could function well. He opined that the EPD felt it was above the law. He thought it was essential that the people had faith and trust that the EPD was working for them and not against them. He felt that the oversight ordinance was an attempt to increase that faith and trust, but he believed that the committee would study it “some more” and including a couple members of the police department in the process was akin to allowing the fox in the henhouse. He called the delay a “great tactic.” He urged the council to move on it because “if the cancer on the law enforcement was not removed” it would not shrink.

Kathleen Piper, 2230 Garfield Street, commented that they needed to keep their “eye on the prize,” which was a police department where the role of the police was to uphold the law with officers that were peace officers. She felt that all segments of the community had lost their faith in the police department. She averred that if the government of the community could not take appropriate measures to restore accountability to the police department, the people would lose their faith in city government. She thought it was important that the police obeyed the law and did not escalate violence in the community. She opined that the committee was “stacked.” She added that she would hate to see the issue “studied into oblivion.”

Brian Michaels, 259 East 5th Avenue, stated that he was an attorney. He believed that the citizens had spoken in support of independent oversight. He opined that the police department had only disrespect for the office of the auditor and the process, and had rejected the process. He declared that “they had attacked”

Councilor Bettman and Mayor Piercy “in a deplorable manner.” He favored achieving the objective of the oversight system. He had read Councilor Bettman’s motion and agreed with her objectives. He commented that one could not legislate behavior without consequences. He supported giving the auditor subpoena power so that the auditor could subpoena witnesses and documents from the police department. He predicted that without such power, the auditor would continue to be resisted and treated with disrespect. He averred that there was nothing in the amendments that would keep that from happening.

Tim Laue, 124 Spencers Crest Drive, stated that he had served as chair of the Police Commission for the three years it spent developing the oversight model, which the council had passed and the community had voted for four years earlier. He had supported the charter amendment. He related that he had seen nothing the council had done on one side or the other that would usurp the will of the voters regarding a charter amendment that passed. He wanted to express his appreciation to the council for taking some time on the proposal. He declared that the nation was “littered with failed oversight models.” He recalled that they had spent three years and had constant deliberation with a lot of stakeholders and a lot of members of the community to come up with a model they thought was best for the community and had the best chance of success. He said they had developed a quality assurance model and had put “as many efforts as [they] could” to ensure its success. He remarked that it was not an advocacy model, it was not an appellate model, and it was different from the ordinances in Portland, Denver and San Francisco. He stated that this was because Eugene was a different community. He agreed that most of the 11 suggested amendments to the ordinance proposed by Councilor Bettman, which was distinct from the recently approved charter amendment, were things that needed to be addressed. He did not believe they needed to be addressed “precipitously.” He feared there would be unintended consequences if they were addressed in this way; the council could open itself up to challenges that could tie up the oversight system for years if it moved too quickly. He did not want to invest all of this energy into the ordinance just to have another failed oversight model. He believed that police oversight was “imperative for Eugene.” He felt they needed to rebuild trust on both sides. He averred that they would not be able to do this overnight but they had to do it nonetheless. He recalled that when he had served on the council there had been the strongest effort to- date to implement community policing. He believed that the community was now as far as it could be from that goal.

Ruth Duemler, 1745 Fircrest Street, opined that the community did not get community policing because the police union had prevented it. She urged the council to give the Police Auditor the support needed to do the job. She believed the vote on the charter amendment demonstrated this. She questioned why they needed another “police committee.” She felt the process would have unintended consequences for everyone. She said she was cynical about this and wondered if there was “some underlying agreement that had been negotiated by a few people in our community” to keep the charter amendment from happening. She was very disappointed and believed the committee process would only lead to more problems and a divided community. She wanted to move forward and support the auditor and to forget the committee.

Samantha Chirillo, 157 East 27th Avenue, Apt. 3, stated that she was a graduate student in Public Policy and a steering committee member for the Citizens for Public Accountability. She opined that the 12 provisions that were proposed were “just basic fundamental objective independent measures that any city should have.” She believed delay to be a “typical tactic used by decision-makers when they do not want to act.” She alleged that she had experienced this and had served on such committees. She expressed frustration that she was “wasting [her] time” giving testimony as she had other things she needed to do. She also wished to speak about the incident at the Campbell Club student co-op housing that had happened over the previous weekend. She noted she had witnessed the tasing incident on May 30. She averred that both actions had emerged from bias against “young emerging leaders who realize that our civilization” would not survive “in the way we are dealing with things.” She said the students at the co-op were her colleagues and had come up with “amazing sustainability innovations” for their home. She related that they operated on consensus. She asserted that the residents were “probably the most peaceful youth” she had met. She had

spoken to one resident prior to coming to testify who was “enraged” by the treatment some people had received from police that had responded to a call to the Campbell Club. She felt that youth who were once peaceful were now feeling enraged.

Duke Cantrelle, 304½ Adams Street, stated that he was a Eugenean who had lived in this community for 27 years. He had worked for the City for 25 years and had retired. He went to the Library in the morning and had arrived a little early. He sat in a chair in the café area and a young man came in and told him he had to get up and move. He said he was not asked for identification or anything of that sort. He related that he was going in for triple-bypass surgery in the coming week and he was a Buddhist. He commented that this was the reason he did not voice his opinion at the time. He felt he had been disrespected and he had been embarrassed by the treatment. He believed that as a citizen of Eugene the Library was his library like it was everyone’s library. He had taken umbrage that the man had made him move. He underscored that he was retired and read lots of books and went to the Library two or three times a week. He questioned whether the City was running the Library or was the café running the Library. He said the guy was “not even cool about it.”

Hope Marston, 3110 University Street, believed that the committee process was a delay in implementation of the charter amendment. She thought the formation of a committee was an effort to try to create goodwill and, though this sounded good, it was “really creating a group of super-voters.” She reiterated that 65 percent of the voters had supported the charter amendment. She agreed with people who believed there had been an erosion of trust in the police department. She alleged that the police department had refused to accept oversight. She did not think there had been a process behind the decision “to bring tasers into the City.” She recalled the tasing incident that happened on May 30, calling it a “flagrant abuse of power.” She asserted that the police department had prevented the auditor from interviewing police officers. She felt the changes Councilor Bettman proposed were “really good implementation policies.” She declared that “power does not concede without real demand” and the committee would not place “much of a real demand” on the police department, “especially when you have it stacked... with so many people who were already part of the *status quo*.” She averred that the community needed to truly have a CRB and Police Auditor who had the ability to look into infractions and make decisions about them.

Mike Quillin, 2735 Kismet Way, had read the article in the *Register Guard* about the “keg party” that had been disrupted by EPD officers when it got out of hand. He said the EPD had ultimately obtained a search warrant and had issued several citations for minors in possession. He questioned whether it had been necessary to bring out 12 officers in 10 squad cars to rein in a party. He also questioned whether the police were justified in breaking down doors “to issue what amounted to several citations.” He did not feel those questions could be answered because there was not enough information available. He wanted to use the story as a parable. He likened the charter amendment to gaining a warrant to investigate the practices of the EPD. He wanted to ask the police department if it would permit external review of their practices to promote transparency or should the citizens “break down the doors” to get the information they were entitled to. He urged the City Council to accept the responsibility that the voters had given them “by passing measure 20-146.” He wanted them to enact permanent and ongoing external review as soon as possible.

Robert Clemens, 590 Tyler Street, Apartment 7, recalled that he had spoken at the last council meeting because the Mayor had said she would welcome any ideas from the community no matter what the source was. He had suggested a proposal to create a garden to grow free food at the Campbell Senior Center. He had not heard anything from any of the councilors or Mayor and wanted to hear from them during the rest of his three minutes. He said John Fisher was working with him on this. He indicated his willingness to work with a committee or with staff and underscored his feeling that such a garden could be developed with very little cost and would provide a great deal of good to the community. He stated that poor people like himself

looked on fresh vegetables and fruits as a luxury. He averred that though they were not going hungry, they were just surviving.

Mayor Piercy closed the forum.

Councilor Bettman thanked everyone for their testimony. She averred that the vote for the charter amendment meant that the language in the charter was mandatory and was not negotiable. She opined that the amendments she put forward were “basically just a way to get the discussion going.” She asserted that they would enact the maximum authority the charter allowed. She did not believe this was being done currently. She also did not believe the committee would finish its work in three months and predicted it would be “at least six months, if we are lucky.” She alleged that every day her proposed amendments sat in the committee would be in violation of the law set forth by the charter that enacted police oversight. She believed that the auditor and the CRB did not have the authority the voters gave them by enacting the charter. She likened it to “shirking” their responsibility to the voters. She declared that the council “must give that authority” to the auditor and the CRB.

Councilor Ortiz thanked everyone for coming down. She indicated that she would call Mr. Clemens about his idea for a free garden. She said she was working on an effort in the Trainsong neighborhood that could include a community garden.

Councilor Ortiz stated that she had supported the charter amendment and supported police oversight. She stressed that her motion to form a committee to vet the proposed amendments to the ordinance language had not been the result of backroom finagling. She had no desire to undermine the authority of the auditor or of the voters. She said she had also worked on the auditor issues with Councilor Bettman. She underscored that this committee was not charged with anything other than reviewing the issues that Councilor Bettman had set forth. She had attended three National Association of Civilian Oversight of Law Enforcement (NACOLE) conferences. She related that she had learned that the oversight process was fluid and that there was nothing set in stone; it needed to have continued revision in order to ensure it reflected the community values that supported it. She did not know of any words to reassure people who felt that the formation of the committee was a “stalling tactic.” She said when she placed herself on a committee and appointed other people to a committee she expected that everyone would work hard to make sure they send back to council a product they could send forward to the community. She underscored that the council had the last word on it.

Councilor Clark expressed appreciation to everyone who came and shared their opinion. He said he would be willing to help with Mr. Clemens’ idea for a community garden. He thought it was a wonderful idea.

Councilor Clark thanked everyone for their opinions on the police auditor. He specifically wanted to thank Mr. Laue, who had captured his sentiments “best.” He found some of the comments unfortunate. He said he appreciated Ms. Berg-Caldwell’s comments but he did not think it was helpful to define people’s disagreements by guessing what their motivations might be. He underscored that he had clearly said from the beginning that he was very interested in seeing effective police oversight go forward. He recognized that 65 percent of the people had voted to strengthen the oversight model. He intended to see that done. He explained that there was no direct connection to what the people had voted for and what Councilor Bettman had proposed in her amendments. He said some of the 11 amendment she had set forth had left him with questions. He was not certain that one could say that this was a direct correlation to the council had considered in Councilor Bettman’s proposal. He absolutely favored seeing the oversight strengthened and the charter fulfilled. In order to make appropriate decisions on Councilor Bettman’s amendments, he felt he needed better information. He disagreed with the suggestion that the committee was somehow stacked in favor of the police. He reiterated that at the end of the day the City Council would be the ones that were accountable for the decision and if the public did not like the decision they arrived at, the voters could vote

them out. He appreciated Mr. Michaels' comments and agreed that they needed to do the work and do it well, but they needed to make sure they did not do it badly or in a hurry. He noted that San José had experienced many problems with its oversight system and recently fired its auditor. He was glad the community was going to "do this well."

Councilor Zelenka said he fully supported a strong auditor and had supported the ballot measure. He sympathized with most of the concerns expressed by people and he supported most of Councilor Bettman's amendments. He observed that some of the people who had testified seemed to be under the impression that the council had to do something in order to implement what the voters had passed. He stressed that this was not so; the office of the Police Auditor was required and was not discretionary. He stated that the voters had not been asked whether all of Councilor Bettman's amendments and changes should be implemented. He had come to understand that Eugene was very engaged and people expected to have a say. He supported the committee, noting that he would serve on it, and believed it to be balanced. He related that he intended to make sure all of the issues were fully vetted. He also stressed that the deadline for the process to be completed was March 11. He disagreed with people who felt they should "just get it over with quickly." He did not think doing so would resolve the issues in the community and could make things worse. He pointed out that the Police Auditor supported the committee approach.

Councilor Zelenka encouraged Mr. Clemens to attend the Sustainability Commission meeting, scheduled for the third Wednesday in December at 5:30 p.m. in the library. He said they were working on a second set of recommendations, one of which was a community food security plan.

Councilor Bettman reiterated her objections to the committee process for her proposed changes. She called not moving forward with them "going back to square one." She asserted that other charter amendments did not take this kind of time. She declared the process to be a "diversion." She called the Eugene auditor a "weak" position. She said the reason she had not included subpoena provisions in her proposed amendments was because that would be a change from the authorities that had been decided upon. She asserted that the fact that her amendments were being characterized as changes was wrong.

Councilor Taylor agreed with Ms. Berg-Caldwell's assertion that Councilor Bettman's amendments were just "codifying what was passed." She was surprised that the attorneys had not brought forward this language "instead of waiting for a councilor to do it." She asserted that the amendments did not change anything and were not far-reaching and "radical." She called the amendments routine and believed that having a committee process was a "diversion."

Councilor Ortiz asked City Manager Jon Ruiz for guidance as to how to discuss the library security incident that had been related to them. She had heard anecdotal stories similar to the one that Mr. Cantrelle shared. Mr. Ruiz responded that they should talk and get a better feel for the concerns that had been expressed.

Councilor Ortiz also wished to address people who said they had lost faith in the EPD. She had not lost faith in the department and this was why she kept working on it. She said they were part of the City and were City employees just like the people who work in the parks and recreation divisions. She declared that they were part of the community, too. She wanted to have good working conditions for them and she wanted to believe that they were trying to do what they thought was the best they could do. She averred that the community needed to let them know what was expected of them. She did not want to give up on the fact that the community needed a good police department.

Councilor Bettman asserted that the community did not have accountability in the police department and when they had accountability the community's trust would be restored. She recounted the events surrounding the tasing incident of May 30. She believed that the issue was not being "played out" where

people could see the details. She alleged that there were other cases “cooking, stewing back there where there are inconsistencies.” She averred that the auditor was in a tenuous position.

Councilor Taylor agreed with Ms. Warnes that most police officers were worthy of trust. She believed that the sooner the motion set forth by Councilor Bettman was enacted, the sooner people would be able to trust the police.

Mayor Piercy did not believe the purpose of the motion for the committee was a delay tactic, rather it was a tactic to be inclusive. She noted that she would be appointing citizen members to the committee. She reminded everyone present that there would still be a public hearing. She thanked everyone who spoke, adding that it was apparent that everyone cared very deeply about having a good oversight system in Eugene. She said all of the stakeholders could work together to make it successful.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- July 21, 2008, Public Hearing

B. Approval to Tentative Working Agenda

C. Ratification of Intergovernmental Relations Committee Actions of October 22, 2008

Mr. Pryor, seconded by Ms. Bettman, moved to approve the items on the Consent Calendar. Roll call vote; the motion passed unanimously, 8:0.

3. ACTION:

An Ordinance Concerning Multiple-Unit Housing Property Tax Exemption and Amending Sections 2.945 and 2.947 of the Eugene Code, 1971

Mr. Ruiz recalled that the City Council had considered changes to the ordinance governing the Multiple-Unit Housing Property Tax Exemption (MUPTE) and had asked staff to bring back the changes that had been voted on in that meeting in ordinance form.

Councilor Pryor, seconded by Councilor Bettman, moved that the City Council adopt Council Bill 4983, an ordinance concerning multiple-unit housing property tax exemption, with the deletion of subsection EC 2.945(6)(i) and the resulting relettering of the subsection.

Councilor Taylor opposed the motion. She said she would always oppose tax exemptions because she believed everyone needed money. She averred that if there was ever something that needed a committee process, it was this item. She opined that people would vote differently if they knew the full implications of a ten-year tax exemption “without community benefit.”

Councilor Bettman said she would also vote against the motion. She indicated her opposition was not because the ordinance would expand the MUPTE boundary, but because it would not eliminate the MUPTE for the West University neighborhood. She asserted that the MUPTE “took money from public services [to give] to private developers on flimsy evidence.” She believed that they needed to be more strategic in how they targeted incentives. She called it a “sweetheart deal for those developers that were building student housing by the University.”

Councilor Bettman asked what was meant in section (k) by language that indicated that multiple unit housing was not designed for and would not be used for transient accommodations. Urban Services Manager for the Community Development Division, Richie Weinman, replied that the language referred to a hotel or motel. He said it was defined elsewhere in code.

Councilor Bettman surmised that they could build “one of those Marriott residence halls” and qualify for the tax exemption. Mr. Weinman responded that he did not know what was meant by a “Marriott residence hall.” He said a hotel in a franchised chain would not qualify for the MUPTE because it was a hotel.

Councilor Bettman asked if the MUPTE would also exclude an emergency shelter built by ShelterCare. Mr. Weinman confirmed that it would not be eligible for the MUPTE because it was temporary housing.

Councilor Bettman commented that people who needed shelter could not get shelter and the people who did not need it could. Mr. Weinman clarified that an emergency shelter, such as the example given, qualified for a permanent tax exemption under another provision and would qualify for it anywhere in the City.

Councilor Bettman was still concerned that the definition of transient accommodations was unclear. City Attorney Emily Jerome stated that the term was defined by the Oregon Revised Statute and was a common term. She was not concerned that it would not be clear.

Councilor Zelenka supported the expansion of the MUPTE into the Trainsong neighborhood, but he could not support the ordinance because it allowed the MUPTE to still be utilized in the West University neighborhood. He believed student housing would be built in that neighborhood whether the MUPTE was available or not.

Roll call vote; the motion passed, 5:3; councilors Zelenka, Taylor, and Bettman voting in opposition.

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Ruth Atcherson)

MINUTES

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

January 25, 2010
 7:30 p.m.

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

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.

Drix said that people often remarked they saw him on television. He attended meetings to inspire others to share their thoughts with the council. He spoke of his neighborhood's many attributes, including its people, and reported that the West University Neighborhood Association recently adopted a resolution to "go metric." He acknowledged that the impact of the resolution was uncertain but the association intended to proceed. He would bring a meter to the next meeting for participants to view.

Zachary Vishanoff, Ward 3, distributed an article from *The Register-Guard* about a proposed dormitory to be constructed by the University of Oregon at 15th Avenue and Moss Street. He was concerned that the parking required for new dorm residents would exacerbate existing parking issues already exacerbated by the new basketball arena. He urged Councilor Zelenka to appeal to the University of Oregon to create a new City public process to allow residents to provide input on the siting of new buildings. He did not think the University was involving students in its major decisions and said the institution was "kind of out of control."

Majeska Seese-Green, 5th Avenue and Van Buren Street, expressed concern that a recent council agenda item summary related to downtown public safety was written in a manner insensitive to youth.

Azra Khalidi, 4023-K Donald Street, advocated for a traffic signal to be installed on the Ferry Street Bridge to accommodate traffic entering from 4th Avenue, as well as stop signs for those leaving Franklin Boulevard to access the bridge.

Mayor Piercy closed the Public Forum and thanked those who testified. She indicated she would look into the issues raised by Ms. Seese-Green and Ms. Khalidi.

Speaking to the comments of Mr. Vishanoff, Mr. Zelenka recalled the public hearing that the City held for the basketball arena, which involved a conditional use permit for uses not permitted outright in the zone. He asked City Manager Ruiz to confirm that dormitories were an allowed use in the Public Lands zone.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes**
 - November 18, 2009, Work Session
 - December 7, 2009, Meeting of the Joint Elected Officials
 - December 9, 2009, Work Session
- B. Approval of Tentative Working Agenda**
- C. Appointment to Lane Regional Air Protection Agency**
- D. Appointment to Metropolitan Wastewater Management Commission**

Ms. Taylor, Mr. Clark, and Mayor Piercy pulled item A.

Mr. Clark pulled item C.

Mr. Clark, seconded by Ms. Taylor, moved to adopt the Consent Calendar with the exception of items A and C. Roll call vote; the motion carried unanimously, 8:0.

Ms. Taylor noted that she had e-mailed a revision to the minutes to staff and the council.

Mr. Clark referred to paragraph 3 on page 7 of the minutes of November 18, which reflected his comments about the City liability for neighborhood newsletters. He did not think that the answer reflected City Attorney Glenn Klein's response and asked Mr. Klein for clarification. Mr. Klein asked that the minutes be pulled for further review. There was no objection.

Mayor Piercy referred to the minutes of November 18 and indicated she was absent from the meeting, which was not reflected.

Roll call vote; item A, with the exception of the Minutes of the November 18, 2009, Work Session, was adopted unanimously, 8:0.

In regard to item C, Councilor Clark expressed concern that if the candidates before the council were approved, all the citizen positions on the Metropolitan Wastewater Management Commission (MWMC) would be held by residents of wards 2 and 3. He acknowledged that the candidates in question were well-qualified, but noted the council's adopted strategy to ensure boards and commissions reflected the demographic structure of the community, including representation by ward. He hoped that staff was working on a strategy to achieve equity by geographic diversity so that all residents felt heard and represented.

Councilor Zelenka determined that the candidates before the council were the only applicants. Mayor Piercy added that the City went through two recruitments. She suggested that geographic location was one of many things to consider when considering diversity. She agreed with Councilor Clark that the council needed to continue to work on the goal.

Councilor Clark suggested that to meet the goal, the City needed to act affirmatively and reach out to more people to ensure broader and fairer representation.

Councilor Ortiz did not disagree with Councilor Clark. She said that it was hard for people to volunteer for things they had no knowledge of or value for. She acknowledged it was hard to get people to serve if their passions were not involved and said the City needed to find out those passions and attempt to match them.

Mayor Piercy said she interviewed both applicants and found both to be worthwhile candidates.

Roll call vote; item C was adopted unanimously, 8:0.

Mayor Piercy adjourned the meeting at 7:55 p.m.

Respectfully Submitted,

Beth Forrest,
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

April 28, 2010
12:00 p.m.

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

Ms. Piercy called the work session meeting of the Eugene City Council to order at 12:00 p.m.

Ms. Ortiz noted that Ms. Ortiz was out of town and would not be in attendance for the work session although she was expected to attend the Budget Committee meeting later that evening.

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

Ms. Piercy appreciated the recent opportunity to welcome home returning veterans to the community. She further noted that she had participated in the demobilization ceremony that had taken place the previous week.

Ms. Piercy noted her attendance at the DisOrient Asian American Film Festival on April 23, at the Bijou Art Cinemas.

Ms. Piercy commented on her participation in the Earth Day events on April 24, and further noted that she had the opportunity to present the Mayor's Bold Steps Award to Sequential BioFuels for their work in providing alternative fuel options to the community.

Ms. Piercy reported she had participated in a student reading event at Twin Oaks Elementary School during the previous week.

Ms. Piercy reported she had attended the Eugene Police Department's (EPD) promotions meeting and planned to attend the EPD's award ceremony on April 28.

Ms. Piercy noted she had received a phone call from an aide at a local school regarding a missing autistic child who had been located by the EPD unharmed on an EmX bus.

Ms. Piercy reported she had participated in an event to honor 77 senior companions on April 27.

Ms. Piercy noted that she and Ms. Taylor had conducted another Mayor's One-on-One event at a local Rite-Aid location. She noted that she and Ms. Taylor had fielded several questions regarding the naming of the new Willamette River bridge, smoking at LTD bus stops, Crest Drive road construction issues, the future of the Network Charter School, and the new Eugene Water & Electric Board CEO's upcoming presentation at the City Club of Eugene.

Ms. Taylor stated that the assessment committee comprised of herself, Ms. Solomon and Mr. Poling had finished their work and would present their findings to the council on June 23 for final approval.

Ms. Taylor noted she had attended a recent neighborhood awards event and reported that an award had been presented for the Crest Drive design.

Ms. Taylor noted that she had participated in a ride-along with EPD Sergeant Michael Gilbert and had found it to be very enlightening.

Ms. Taylor noted that the Lane Workforce Partnership Board (LWP) had met during the previous week and reported that the LWP and Lane Community College continued to train employees for the new hospital in Junction City. Ms. Taylor further reported on the manner in which the LWP had planned to distribute and utilize State employee workforce training funds.

Ms. Solomon reported on her recent attendance earlier in 2010 at an auction to benefit the Bridgeway House, an organization devoted to providing support and social services to children with autism and related disabilities.

Ms. Solomon reported that the most recent meeting of the Human Services Commission had been cancelled.

Mr. Brown noted he had attended a recent Human Rights Commission meeting where the commission had reviewed several of its working agreements.

Mr. Brown noted he had attended the recent neighborhood awards event at the Campbell Center.

Mr. Pryor stated that the Housing Policy Board was scheduled to meet on Monday, May 3, to discuss the next round of funding for projects in the Westmoreland School area.

Mr. Pryor reported that a poll was being conducted in the community regarding setbacks on West 11th Avenue.

Mr. Zelenka noted he had attended the most recent EWEB meeting and commended the efforts of outgoing General Manager Randy Berggren. Mr. Zelenka further suggested that the Council invite Mr. Berggren's eventual successor to the next City Council meeting.

Mr. Zelenka noted he had attended the meeting of the Sustainability Commission on April 21.

Mr. Zelenka reported that he had attended the 20th anniversary party for the Cascade Raptor Center on Fox Hollow Road. He encouraged the councilors and members of the community to participate in the upcoming Envision Eugene workshops.

Mr. Zelenka reported that the West University Neighborhood Association was scheduled to meet on May 6, the Amazon Neighborhood Association was scheduled to meet on May 12, the Fairmount Neighborhood Association was scheduled to meet on May 18, and the Laurel Valley Citizens Association was scheduled to meet on May 20.

Mr. Zelenka stated he and Ms. Piercy would be attending the meeting of the Metropolitan Planning Commission on May 13. He noted that a high-speed rail open house event had been scheduled at the Campbell Center on May 18.

Mr. Clark noted his participation in the promotional video for the Envision Eugene events. He noted he had attended the recent meeting of the Cal Young Neighborhood Association on June 22 with Mr. Poling.

Mr. Clark noted that he had also attended the recent EPD promotion ceremonies and looked forward to the upcoming EPD commendation ceremonies. Mr. Clark further suggested that the EPD's promotion and commendation ceremonies be combined into one event in the future.

Mr. Ruiz noted that had also participated in the recent welcome home events for returning veterans at the Lane County Fairgrounds.

Mr. Ruiz noted that the firefighter recruit graduation ceremonies had been scheduled for Monday, May 3. He further reported that the current graduating class was the first all-female recruit class.

Ms. Piercy stated she planned to attend the Super ACT meeting in Salem on April 29 and noted that the meeting would involve a number of regional transportation planning groups from throughout the State. She further noted that the Super ACT meeting would involve a review of the various Connect Oregon projects.

Ms. Piercy noted that she planned to travel to Central Point on April 30 to meet with representatives from the metropolitan policy organizations from throughout Oregon.

B. WORK SESSION: Land Use Transportation Framework

Assistant City Manager Sarah Medary introduced Interim Sustainability Manager Kevin Finney, Sustainability Commission Chair Josh Skov and Sustainability Commission member Rusty Rexius.

Mr. Finney provided background on the land use and transportation policy framework discussions as outlined in the agenda item summary materials provided to the council. Mr. Finney briefly described the development of the Sustainability Commission's Land Use and Transportation Subcommittee's Action Plan for Eugene and noted that the plan described the foundational factors that the commission had identified in its research and provided specific strategies for advancing a vision for Eugene's future.

Mr. Skov thanked the City staff for their support of the Sustainability Commission and particularly thanked Division Manager Kelli Osborn and outgoing Sustainability Manager Kevin Finney.

Mr. Poling arrived to the meeting at 12:18 p.m.

Mr. Skov noted that the Sustainability Commission and its Land Use and Transportation Subcommittee planned to share the insights it had discovered over the past year and did not intend to ask the council for any specific actions during the current work session.

Mr. Skov briefly discussed the sustainability context under which the Sustainability Commission had been created and noted that the group had since that time generated a series of policy recommendations for approval by the Eugene City Council and had also created a separate subcommittee to discuss land use and transportation sustainability issues.

Mr. Rexius provided an overview of the Sustainability Commission's Land Use/Transportation Subcommittee and noted how its discussions, under an umbrella discussion regarding climate uncertainty and energy volatility, had progressed.

Mr. Rexius reported that the Land Use/Transportation Subcommittee's research into various private and public areas of the community had revealed a distinct lack of policy integration between land use and transportation planning concerns, particularly with respect to how the issues of climate uncertainty and energy volatility applied to land use and transportation matters.

Mr. Rexius hoped the Land Use/Transportation subcommittee's discussions and subsequent recommendations would help the council form a lens through which they might view various sustainability matters.

Mr. Rexius discussed how the nexus between land use and transportation concerns in the West Eugene Corridor had been addressed by the subcommittee as well as how the various disconnects between land use and transportation planning matters had impeded the development of effective and integrated strategies.

Mr. Skov discussed how the Land Use/Transportation Subcommittee's discussions had addressed the development of LTD's West Eugene EmX Extension project. He further noted that the subcommittee discussions had also addressed the City's ongoing Eugene Comprehensive Lands Assessment (ECLA) process.

Mr. Skov asked how and in what form the Eugene City Council wanted the Sustainability Commission to communicate with them regarding sustainability issues in the future. Mr. Skov further asked how City staff might wish to interact in a support capacity to the Sustainability Commission and its Land Use/Transportation Subcommittee.

Mr. Skov asked the council if they wanted the Sustainability Commission to return with guidance or recommendations on a decision-making framework with respect to various sustainability topics.

Mr. Zelenka commended Mr. Finney and thanked him for his work as the City's Interim Sustainability Manager.

Mr. Zelenka expressed that recent issues involving parking in the South and West University neighborhoods represented a perfect example of how the City had no defined process to discuss land use and transportation matters in an integrated fashion.

Mr. Zelenka noted he had been appointed to a greenhouse gas emissions task force by the Central Lane MPO's Metropolitan Policy Committee (MPC) which also discussed how land use and transportation planning concerns might be integrated more effectively.

Mr. Zelenka suggested that the council might task the Sustainability Commission to: a) work with local agencies on issues relating to Senate Bill 2001; and b) help develop council processes for discussions of local issues pertaining to matters of sustainability.

Ms. Medary, responding to a question from Ms. Taylor, stated that a notice for Mr. Finney's replacement position as interim sustainability manager had been posted and that Ms. Osborn would serve as staff support to the Sustainability Commission in the meantime.

Mr. Skov stated that the commission would continue to meet even in the absence of any staff support.

Ms. Taylor referred to Mr. Skov's earlier comments and suggested that the Sustainability Commission members regularly review the council agendas in advance so that they might speak to any upcoming issues relating to sustainability concerns.

Mr. Pryor referred to Mr. Rexius' earlier comments and stated that certain council outcomes relating to sustainability were often "tripped up" by a lack of efficient and defined processes for discussion of such matters. Mr. Pryor further noted that the Sustainability Commission had been very helpful to the council in demonstrating the nexus between land use and transportation planning concerns.

Mr. Clark appreciated the framework that Mr. Rexius had provided regarding the climate uncertainty and energy volatility.

Mr. Clark noted how the work of the Sustainability Commission was at the leading edge of emerging municipal policy discussions where sustainability was a primary concern. He further requested that the Sustainability Commission provide concrete information and actual data on the real-world implications of the policy discussions the commission ultimately participated in.

Mr. Brown asked if the Sustainability Commission had reviewed the sustainability policies of any other cities or municipalities. Mr. Skov responded that the most readily available examples of sustainability policies applied to cities and metro areas that were larger than the City of Eugene and could not easily be applied.

Mr. Brown assumed that members of the Sustainability Commission planned to participate in the upcoming Envision Eugene initiative and noted that their input on that process would be tremendously helpful.

Mr. Brown referred to the Sustainability Commission's Action Plan for Eugene that had been included in the agenda item summary materials and asked Mr. Skov to elaborate upon the removal of physical and psychological barriers pertaining to bicycle and pedestrian connectivity contained therein. Mr. Skov briefly described how that passage had referred to the infrastructure issues and the cultural barriers that had historically impeded the development of sustainable bicycle and pedestrian strategies in the community.

Ms. Piercy agreed that the Sustainability Commission's involvement would be valuable to the City's discussions regarding greenhouse gas emissions and the ECLA process and hoped that the commission might also be able to assist the councilors and City staff to use the triple-bottom line assessment tools more effectively.

Mr. Skov responded to Ms. Piercy's statement and expressed that energy and climate issues might form a significant portion of the details involved in various triple bottom line assessments regarding land use and transportation planning processes in the community.

Ms. Piercy asked how the Sustainability Commission's input might be used to resolve conflicting policy or decision making processes for the council and City staff.

Ms. Piercy appreciated the Sustainability Commission's outreach efforts involving the City's Planning Commission.

Mr. Zelenka asked if the Sustainability Commission could have specific efforts to develop processes and tools relating to the City's land use and transportation planning policies included in its work plan. Mr. Ruiz hoped that additional conversations about how such processes would be developed by the commission would be conducted before those processes were applied to any areas of the City's organization.

Ms. Medary noted that staff planned to return to the council on May 10 to discuss ways in which the Sustainability Commission's input on land use and transportation issues might be applied to the City.

Mr. Skov mentioned that the Sustainability Commission planned to form a joint task force with the City's Planning Commission to review sustainability issues in the community. He further noted that the ultimate charge of that joint task force had not yet been defined.

Mr. Skov referred to earlier comments made by Mr. Clark and hoped that the Sustainability Commission might be given a regular and ongoing opportunity to consult with the council in a highly detailed manner.

Ms. Piercy commented that, as much as the council intended to listen to and rely on the Sustainability Commission's input, the council might ultimately disagree with the commission on certain issues.

Ms. Piercy stated that the Sustainability Commission's suggestions had been particularly helpful with respect to how STP-U funds would be applied in Eugene. Ms Piercy further stated that she looked forward to seeing how the commission's input would influence sustainability discussions for the City Council and other agencies.

Ms. Medary suggested that the Sustainability Commission and City staff would continue to investigate ways in which the triple bottom line assessment tools and sustainability considerations could be incorporated into as many City areas and decisions as possible.

Ms. Medary noted that staff would try to find ways for the Sustainability Commission to provide more regular updates to the council.

Mr. Zelenka responded to Ms. Medary's comment and noted that the council's meeting on May 10 would involve initial discussions on the nexus between land use and transportation planning issues.

Ms. Piercy, responding to a question from Mr. Skov, noted that the Sustainability Commission members were encouraged to attend the council's May 10 meeting.

Ms. Piercy suggested that someone with expertise in sustainability areas might make an effective replacement for Mr. Finney as the City's Interim Sustainability Manager.

Ms. Piercy thanked Mr. Skov for his presentation.

C. WORK SESSION: Redesigned Home Page

Community Relations Manager Jan Bohman provided an overview of the City's redesigned home page and noted that the City's efforts to replace its entire portal website platform were expected to be completed by the end of 2011. She further noted that the City, through its home page redesign efforts, was attempting to better represent the community personality of the City of Eugene.

Ms. Bohman stated that the home page redesign efforts were also part of the City's strategic communications plan. Staff had conducted interviews with various community members for that and received feedback regarding the website that had been considered in the homepage redesign.

Ms. Bohman described in detail the various changes that had been incorporated in the City's home page redesign.

Ms. Bohman noted that Applications Systems Analyst Kim McCrea had helped implement many of the new features of the redesigned home page and that AIC Public Service Officer Jeffrey Flowers had developed the layout of the new home page.

Ms. Bohman noted that the City slogan "The World's Greatest City of the Arts and Outdoors" had been changed to "A Great City for the Arts and Outdoors" on the redesigned home page.

Ms. Bohman noted that the City Council's current discussion topics had been highlighted on the redesigned home page.

Ms. Bohman, responding to a request from Ms. Taylor, demonstrated for the council members how the links for certain City departments had been altered on the redesigned home page in order to make them easier to navigate and access.

Ms. Piercy expressed that the redesigned home page appeared to be “much more lively” than before.

Ms. Medary, responding to a question from Mr. Clark, noted that the City planned to discontinue its use of the portal website platform by the end of 2011, and that staff planned to work on an RFP to investigate the use of different website service providers.

Mr. Clark commented that the City’s technological needs with respect to its website might change dramatically by the end of 2011. He hoped that portions of the City’s website would be made more compatible with emerging mobile communications technology.

Ms. Piercy hoped that any electronic public notices of the council’s meetings would include a link to the City website.

Ms. Bohman, responding to a question from Mr. Pryor, noted that there were currently no plans for the City to sell advertising space on its website to help cover any of the costs associated with revising and maintaining the website.

Ms. Piercy thanked Ms. Bohman for her presentation.

Ms. Piercy adjourned the meeting at 1:13 p.m.

Respectfully submitted,

Beth Forrest,
City Recorder

(Recorded by Wade Hicks)

MINUTES

Eugene City Council
Regular Meeting
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 28th 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 11th 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 11th 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 under-scored that the quiet, which would be destroyed by an EmX route, was the main reason people resided there.

George F. Cole, 2760 West 11th 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.

Iлона Koleszar, 871 West 11th 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 7th 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,

Beth Forrest,
City Recorder

(Recorded by Ruth Atcherson)

MINUTES

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

June 14, 2010
5:30 p.m.

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

Her Honor Mayor 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

Mayor Piercy thanked Mr. Clark for facilitating council meetings in her absence. She reported that she attended the 2010 Rail Conference held by the American Public Transit Association (APTA) in Vancouver, British Columbia, and had learned a great deal. She noted that she had been one of the few elected officials in attendance. Mayor Piercy reported that she also met with representatives of the Cascadia Corridor group and the railway vehicle manufacturer Talgo and found that all were committed to the planning process. Mayor Piercy reported that she was forming a state caucus for rail and would serve as co-chair of that group. She invited councilors to contact her if they wished to be involved to a greater degree.

Mayor Piercy announced that the kick-off event for “Summer in the City” was on June 16.

Mayor Piercy reported the opening for the Envision Eugene Youth Art Contest was on July 2 at the Atrium and would start at 5 p.m. She congratulated City Manager Jon Ruiz for the positive profile of him recently published in *The Register-Guard*.

Mayor Piercy reported that downtown food cart vendors were asking to have the tables and chairs reinstalled and she hoped a balance could be found between their needs and the needs of public safety.

Mayor Piercy circulated a book commemorating the most recent Project Homeless Connect event.

Mayor Piercy noted the League of Oregon Cities Conference, scheduled in Eugene from September 23-25.

Mr. Clark said it had been an honor to sit in for the Mayor and he appreciated the opportunity. He had attended the welcoming home ceremony for Colonel James Dutton of the National Aeronautics and Space Administration in the Mayor’s stead and found the event very interesting.

Mr. Clark expressed appreciation for the chance to participate in the recent Envision Eugene workshops and anticipated more would be shared about those events later in the meeting. He thanked City staff for meeting with him to discuss his concerns about the Eugene Comprehensive Lands Analysis and the Envision Eugene process as it related to drainage ways in the Santa Clara area. Mr. Clark noted his attendance at the most recent Police Commission meeting on June 10, at which the commission discussed its work plan. He anticipated the commission

would present the work plan to the council soon. He commended Police Commission Chair Tamara Miller for her work.

Mr. Zelenka had also attended the welcoming ceremony for Colonel Dutton, who had been in his class at the United States Air Force Academy. He termed Colonel Dutton a true hero.

Mr. Zelenka shared a copy of a commemorative issue of the 1982 opening night playbill for the Hult Center, which featured a performance by Marilyn Horne. He noted that he had been the key note speaker at the graduating ceremony for University of Oregon graduates in the Environmental Studies Program. He congratulated all the graduates. He reported that he had attended the last meeting of the Eugene Climate and Energy Action Plan Citizen Committee and thanked that group for the work it had done over the last 12 months. He had also attended part of the recent three-day Envision Eugene workshops.

Mr. Zelenka said he enjoyed reading the article about City Manager Ruiz. He noted the upcoming June 16 Sustainability Commission meeting, at which it would discuss its action and work plans.

Ms. Ortiz announced that the Lane Regional Air Protection Authority was doing an outreach event at the Red Cross on June 16 for west Eugene residents concerned about their air quality. She reported she had attended the first day of the Envision Eugene workshops and found the event to be inspiring because of the number of residents who were willing to work together. She looked forward to the results. She said the Oregon Hispanic Commission meetings had conflicted with the second day. She had also attended the recent GANAS Program Assembly at Kelly Middle School for Latino Youth and Empowerment Group, "In the Spirit of Cesar and Dolores" and found it very entertaining. She had also attended the graduation ceremony for the Eugene Alternative High School and said all the kids got to talk about each other and discuss what they honored in each other.

Ms. Ortiz reported that she recently had breakfast with Mel Pine and his CEO group, which meets quarterly. She reported that she received the "Milk Toast Award" at the We Are Bethel Celebration. She had been glad to have Lorna Flormoe with her at the event. Lorna had worked with her on the initial Weed and Seed grant. Ms. Ortiz observed that it had been nine years since Eugene had been awarded the grant.

Mr. Pryor reported that the Housing Policy Board met on June 7 to review applications for the next housing project near the old Westmoreland School. He envisioned a recommendation would be forwarded to the council soon. He had attended the recent Bailey Hill Safety Plaza dedication on May 18 and commended the quality of the event.

Mr. Pryor noted an upcoming special meeting of the West Eugene EmX Extension Corridor Steering Committee to review the results of a recent open house regarding routing options. He reported that the Lane Council of Governments Board of Directors would meet on June 24 in Florence to discuss its "prosperity agenda" items.

Mr. Poling congratulated his grandson Kyler on his recent graduation from middle school.

Mr. Brown said he attended a Human Rights and Equity Forum at the Baker Center. He regretted the poor attendance and said there had been interesting conversations. After the council's discussion of the potential that EWEB would sell water to Veneta he had attended a public forum on the subject where some good questions were asked and he was able to further his knowledge of the topic.

Mr. Brown supported the reinstallation of tables and chairs to assist the downtown food vendors. He did not think eight tables were enough to serve five businesses. He hoped the City could do something to assist them.

Ms. Solomon said she also attended the We are Bethel Celebration. She said every year the event got better and it captured what the Bethel community was all about. She thanked staff for its work in coordinating the event.

Ms. Solomon recognized the retirement of Community Development Director Richie Weinman and commended Mr. Weinman for his long-time service and wished him the best.

Ms. Taylor also supported reinstallation of tables and chairs downtown as otherwise it was hard to find a place to sit during First Friday Art Walks and other events.

Ms. Taylor reported she had suggested to some people hanging around the County courthouse that they clean up the area and they had responded that they would if they were given some equipment. She was happy to know that people would be able to work off their community service obligations by cleaning downtown but continued to believe it would be a positive thing if the City hired young people to do that work.

Ms. Taylor had attended the most recent meeting of the McKenzie Watershed Council and said the council continued to work with private property owners on riverbank cleanup and restoration projects. She said the Southeast Neighbors had met the previous week and had gone through a miniature Envision Eugene process. She announced the Crest Neighbors would meet the next evening to celebrate completion of its neighborhood history project.

Ms. Solomon determined from City Manager Ruiz that the staff was already working on the issue of table and chairs to support downtown food vendors.

City Manager Ruiz reported that the Fire and Emergency Medical Services Department had a new fire fighter recruit class. He had attended some of the events in the recent National Collegiate Athletic Association Outdoor Track and Field Championships held at Hayward Field at the University of Oregon campus in Eugene and commended the quality of the event and the event organizers. He looked forward to the Olympic Trials at Hayward Field in 2011. City Manager Ruiz reported that he had also attended the recent Bravo Breakfast and said it was a great effort to bring the arts and business community together.

City Manager Ruiz said Mr. Weinman would be missed both by the organization and the community. He thanked Mr. Weinman for all his work.

Ms. Ortiz hoped the City was committed to having an individual such as Mr. Weinman working on the issues of homelessness and affordable housing. City Manager Ruiz assured her that was a City priority.

Mayor Piercy said the track and field events held at Hayward Field were a demonstration of sportsmanship and audience participation in its best sense. She expressed appreciation to all those involved.

Mayor Piercy recognized there were 22,000 students attending college classes in Eugene and congratulated those who were graduating and wished them well. She also congratulated the graduating high school students.

**B. WORK SESSION:
Eugene Police Department Taser Policy**

The council was joined by Police Commission Chair Tamara Miller and commission member Marilyn Nelson. Ms. Miller recalled the previous council work session on the topic and updated the council on the work the commission

had done on the policy since that time and the many opportunities the public had to comment on the commission's policy revisions.

Ms. Nelson reviewed the revised taser policy.

Mayor Piercy solicited council questions and comments, first recognizing commission members Mr. Brown and Mr. Clark.

Mr. Brown thanked commission members for their work on the policy. While he doubted the policy would ever be perfected, Mr. Brown believed the revised policy was an improvement over the previous policy. He found Section 309.4(1) and (2) somewhat complicated and hoped that training would help officers distinguish the difference between sections. He had reviewed the policy language used in Denver, Colorado, which seemed clearer, and asked if that had been examined. Mr. Brown thought that Denver's policy language related to no use was clearer than Eugene's language. He said if he was to change anything he would add back the word "physical" to Section 309.4(a)(2). He said the community wanted the policy to be as clear as possible for the safety of all concerned.

Mr. Clark thanked the Police Commission for all its hard work on the policy. He particularly recognized the contributions of the commission's Use of Force Subcommittee. He said the process involved a great deal of review and public input.

Speaking to Mr. Brown's concerns regarding Section 309.4(a)(2), Mr. Clark said the word "physical" was deleted after Police Chief Pete Kerns had asked the commission to what situations it had envisioned the word would apply. The commission had discussed a person holding a knife who disobeyed an order to drop the knife but who took no active physical steps forward; as previously written, the person would not be subject to being tasered because they made no physical movement. However, the individual was still an immediate threat. That example had prompted a commission majority to remove the word.

Mr. Clark referred to 309.4(4), which spoke to consideration of other options and said he was challenged by the commission's request that officers consider other options because there was considerable work done to establish the use of force standard. It was "all necessary force" rather than "least necessary force," and there was a difference.

Mayor Piercy asked Police Auditor Mark Gissiner to speak to the policy. Mr. Gissiner said his primary responsibility was to evaluate officer conduct based on adopted policies and procedures, so he first asked himself if the policy was understandable to officers. He believed that with the proper training, which was a key component, the policy was understandable. Mr. Gissiner also asked himself if he could effectively evaluate police conduct using the policy, and the answer was yes. He asked himself if the policy was consistent with national standards; he believed it was.

Mr. Gissiner emphasized the importance of officer training, particularly training regarding the mentally ill, and hoped the appropriate treatment of mental illness was a major consideration in training. He also noted that the device would be tested biannually and he supported annually testing as recommended by the Institute of Justice.

Mr. Gissiner observed that the deaths that occurred from the application of a taser, either from a contributing or primary standpoint, were generally from applications that were longer than five seconds.

Mr. Gissiner emphasized the importance of thorough and accurate reporting from both supervisors and officers. He also felt that the issue of aftercare was very important.

Mr. Gissiner concluded by saying he found the policy workable for both the Police Department and the Police Auditor's Office.

Mr. Pryor expressed appreciation for all the work done by the commission. He said it was a difficult policy to create because the commission was defining the rules of engagement for the worst case scenarios, rather than the best case scenarios. He believed the commission had created a policy that addressed a difficult situation in the best possible way. Mr. Pryor wanted a policy that was as respectful as possible to both sides involved. He did not want to place an officer at unnecessary risk. He also did not want to ever think a taser would be used in Eugene arbitrarily, casually, or without justification. For that reason, Mr. Pryor wanted a policy that was useful to officers and potential perpetrators alike. He was grateful for the work the commission had done and was prepared to support the policy.

Ms. Ortiz also thanked the members of the Use of Force Subcommittee and the Police Commission. She acknowledged the considerable amount of work that had been done and thanked Ms. Miller for her work as chair. She had attended many meetings where the policy had been discussed and said the comments made by commission members and members of the public had been interesting and useful. She hoped the department could use the policy. She expressed appreciation to Mr. Gissiner for his comments.

Ms. Taylor thought it was up to the council rather than the department to decide whether the policy should be adopted as it was the organization's policy-making body. She asked City Manager Ruiz for comment. City Manager Ruiz said that the City was seeking feedback from the council. He believed it was within Police Chief Pete Kerns' purview as to how to deploy the tool. Ms. Taylor asked if the council could decide not to have the taser as a tool. City Manager Ruiz said yes. Ms. Taylor suggested a moratorium on the City's use of tasers until more public involvement could occur. City Manager Ruiz said he would certainly take a motion passed by the council to that effect as guidance.

Ms. Taylor believed the policy should be within the council's purview given its impact on the public. She asked how many times the taser was used last year. Ms. Nelson indicated the taser was employed 49 times between January 2007, and January 2009. Since January 1, 2010, there had been ten activations in nine incidents. Ms. Taylor asked how many times a gun would have been deployed in those instances. Ms. Miller said that in the pilot project, officers would have used a gun six times.

Ms. Taylor did not recall many times when guns had been used by officers against perpetrators. Chief Kerns indicated that the department did not have good figures on the times when deadly force would have been authorized, but officers were frequently involved in such situations. He said that the pilot project gave the department an opportunity to quantify that. Ms. Taylor speculated that the officers would not have used deadly force but the taser could be lethal. She asked what would have happened during the pilot without tasers. Chief Kerns said the officers would have had to use another kind of force, with the outcome being an injury to the officer (40 percent more) or subject (60 percent more).

Ms. Taylor asked what de-escalation techniques were. Chief Kerns said the department used crisis intervention training (CIT) to teach officers how to calm someone into a compliant state. There were a number of products that taught officers verbal de-escalation techniques that allowed the officer to gain compliance. He clarified that those techniques were employed before a taser was deployed, not after deployment.

Ms. Taylor believed the council should hold a public hearing on the policy and make a decision on its use.

Mayor Piercy said her position had originally been in support of tasers in lieu of lethal weapons, but she had subsequently learned that there were situations where it became desirable for an officer to employ a taser to avoid the

need to use a lethal weapon. She acknowledged that was a judgment call on the part of the officer. She pointed out that it was the department's goal to avoid having to hurt someone.

Mr. Zelenka thanked Ms. Miller and Ms. Nelson for the many hours of work the commission spent on the issue. He suggested the policy was a balance between the need to keep officers out of harm's way and protection of citizens. He found the minority report very helpful.

Mr. Zelenka suggested the policy before the council, due to the fact it was controversial, was under the purview of the council.

Responding to a question from Mr. Zelenka, Chief Kerns indicated that it was the department's practice to summon Emergency Medical Services directly after an individual was tasered. That would not change under the revised policy.

Mr. Zelenka noted disagreement among commission members about whether police officers should be tasered in training, and the fact the training did not require tasering. Ms. Miller recalled that there was some liability for the City involved in requiring an officer to be tasered in training. Chief Kerns said that departments varied in that requirement but he had decided against it as unnecessary. He pointed out the department did not require that officers be struck by batons or other less lethal forms of force.

Mr. Poling asked Chief Kerns to share his opinion of the policy. Chief Kerns said he thought the policy was a good one and he was comfortable with the recommended thresholds as being consistent with other departments around the country. The policy allowed the police to treat people humanely while reducing the likelihood of injury and the need to use deadly force.

Referring to Section 309.2 of the policy, Mr. Poling suggested semi-annual testing for tasers in recognition of Eugene weather conditions.

Mr. Poling questioned the deletion of text in Section 309.4(1)(a)(3) that allowed the officer to gain control of a fleeing person with the use of a taser. Ms. Nelson said the commission felt the situation was already covered by Section 309.4(1)(a)(2). Mr. Poling suggested that an officer was likely to be harmed by someone resisting arrest and supported adding back the text.

Mr. Clark shared Mr. Poling's concerns about the safety of officers and believed the policy would help address that concern. However, he agreed with Ms. Nelson that the language the commission adopted in subsection (2) addressed the concern about fleeing suspects.

Mr. Clark referred to the text in the policy that called for an officer to consider all force options, which he believed was wise in general but which he thought watered down the use of force standard to some degree. He said the commission had a lengthy discussion that the use of force standard was not the least force necessary but rather all necessary force. He pointed out that when a fire broke out, residents did not want the fire department to use the least water necessary. He thought the case was the same when an officer or community member was in danger. Mr. Clark said he had supported removing that text but other commission members did not share his concern.

Responding to a question from Mr. Zelenka about the deletion of the word "immediate" from the phrase that previously read "creates an immediate credible threat," Chief Kerns shared a typical scenario involving domestic violence to illustrate how a credible threat might not be immediate.

Ms. Ortiz said the policy was about placing safety first. She agreed that training was important, but noted her own experience working in an emergency room and witnessing out-of-control individuals in mental health crisis who required physical brute strength to be brought under control. She viewed the taser as a tool to allow the police to do their work.

Speaking to Ms. Taylor's remarks, Ms. Ortiz said she did not know if she would want to tell the police to use a taser anymore than she would tell Public Works what size tires to buy. She believed it was up to Police Chief Kerns to decide whether to deploy tasers in Eugene and hoped that the chief took the amount of work the commission had done on the policy into consideration.

Mr. Pryor said that the policy spoke to the alternatives that existed for officers and provided guidelines for the reasonable use of the taser. He said the commission had attempted to provide guidelines for reasonable preemptive use of the taser. He understood that people would have different comfort levels in regard to what constituted reasonable preemptive use. Mr. Pryor thought the commission got close to defining what was difficult to define, but he believed that the commission also recognized that ultimately, officers would have to use their judgment about when to use the taser. He believed the policy might require additional tweaks but considered it a step forward.

Ms. Taylor asked Chief Kerns if there were any situations that would have had different outcomes if the revised policy had been in place. Chief Kerns did not know. He said the policy set a high standard for the use of the taser but was only one element of a larger overall approach toward reducing the department's use of force. He emphasized the importance of training in reducing force as well as the importance of the other factors, such as how a call was dispatched and how an officer positioned himself or herself in the response, in reducing force, making it less likely that the department would have to use the taser.

Mr. Brown agreed that training was a key factor in reducing the use of force. He said that ultimately, the citizens decided on the job description for police officers as well as other City employees, and the ultimate decision to use tasers rested with the council in consultation with the department.

Mr. Brown was willing to accept the policy with the acknowledgement it might need to be refined in the future. He envisioned the possibility that the council might decide it did not want to use tasers, and noted that both Memphis, Tennessee and San Francisco, California, did not use tasers.

Mayor Piercy believed Chief Kerns would take all the council input to heart. She conceded that the taser was a controversial tool but recalled that the community had asked that the City employ them as an alternative to more lethal weapons. She acknowledged tasers were dangerous but the City wanted to use them carefully as that alternative. Mayor Piercy believed the Police Department was admired for its rare use of weapons and hoped the same approach was taken to taser use, in that they were rarely but appropriately used.

Mayor Piercy appreciated the fact that the commission and chief acknowledged the policy needed to be revised and that they recognized other changes might be needed.

Mayor Piercy said that some citizens did not want the City to use tasers at all but she believed there were legitimate uses for tasers and that the City would use them in a way that satisfied community standards.

Mr. Zelenka reiterated his belief that the policy represented a rare situation where the council should take purview. He thought otherwise, the policy would remain controversial. He indicated he was willing to accept the policy as written. He thanked the commission for its hard work and for proposing the well- thought-out revisions. He called for a council vote on the policy.

Mayor Piercy expressed concern that outside of the fact there was a purview question, a motion could tie the hands of the organization when it came to making changes to the policy. She suggested that rather than approve or adopt the policy, the council could accept it.

Mr. Zelenka noted his own use of the word “accept,” which applied council acceptance of reports that were subject to change, as opposed to documents or policies that the council adopted.

Mr. Poling indicated he could not accept the policy due to his concerns about Section 309.4(1).

Mr. Poling indicated support for leaving the policy within the purview of the Manager and Police Chief.

Ms. Taylor believed that the policy was the public’s business and the public was very interested in the policy. She again called for a public hearing. She reiterated her belief that the policy was within the purview of the council.

Ms. Ortiz believed the council had given the subject a lot of time because the community asked it to. She thought the council had fulfilled its role by directing the commission to examine the policy, and she recognized the amount of public input that occurred. She did not object to holding another public hearing, but thought the commission, council, and staff had already given the subject considerable time and energy.

Mr. Clark emphasized the time the commission had put into the issue. While he was willing to offer the council a motion related to the policy, he personally felt that approach was inappropriate because he considered the policy to be like any other policy recommendation put forth by the commission to the chief. However, he did not object to endorsing the policy.

Mr. Clark, seconded by Ms. Taylor, moved to accept the Police Commission’s draft policy and endorse to the chief.

Ms. Taylor indicated she seconded the motion as a matter of form but would not vote for the motion.

Mr. Pryor thought if the council endorsed the policy, it placed a stamp of approval that sent a message to the community that the council had heard it and endorsed the work that been done, but was not trying to control it. He wanted to be supportive, and thought endorsing the policy sent the right message of support. He emphasized the element of the motion related to endorsement of the policy.

The motion passed, 6:2; Ms. Taylor and Mr. Poling voting no.

**C. WORK SESSION:
Envision Eugene—Project Approach**

Due to a lack of time, this item was not addressed.

Mayor Piercy adjourned the work session at 7:25 p.m.

Respectfully submitted,

Beth Forrest,
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

June 14, 2010
7:30 p.m.

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

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

1. PUBLIC FORUM

Mayor Piercy reviewed the rules for the public forum.

Judith Van, 89326 Old Coburg Road, discussed her experience with the City's assessment policies. She said when the City improved her street it had changed the character of the street, resulted in the removal of trees, and forced her to move foundation plants at personal cost. She was also required to annex to the City and to unnecessarily connect to City sewers at a very high cost. She had suffered from a high-handed, dictatorial, and rude City engineer. Subcontractors broke her water pipe, leaving her with an extremely high water bill for which she was never reimbursed, and no one at the City would talk to her about it. City staff had made mistakes in the assessment of her property and she was told to anticipate additional assessments and threatened with a lien. When her mother became ill, Ms. Van had wished to construct a small dwelling to house her and had applied to partition the property. She had learned the cost would be so high that she could not afford it, and lost another \$7,700. She considered it money thrown away. Ms. Van told the council it was not doing a good job.

Mary Salinas, General Delivery, 97401, identified herself as a spokesperson for the homeless. She objected to a City task force recommendation that those with small offenses clean up downtown as part of their community service because she believed the crews would include sex offenders and violent criminals who could harm the homeless. She asserted that the City had "sent sex offenders to the Eugene Mission," which had homeless women and children, for years. She asked how the City could fail to care about homeless women and children. She further asserted that Mayor Piercy had visited downtown Eugene without seeing the homeless youth.

Daniel Cooper discussed his positive and negative experiences with the City's emergency services personnel.

Planet Glassberg, PO Box 11011, Eugene, asked the council to place a measure limiting taser use on the ballot. She said tasers could kill people even when used correctly. Those most likely to be tasered were also those most likely to die or be disabled. There was no way to tell who would be permanently affected by tasers. She averred that some officers found the taser too convenient to use in controlling difficult situations. She reviewed the parameters of a ballot measure, which would define tasers as a deadly weapon to restrict its use. The measure would also preclude the use of tasers to punish and intimidate those not

doing anything serious enough to justify death at the hands of an officer, and allow citizens to regulate tasers.

Ms. Glassberg said in October 2007, the American Civil Liberties Union (ACLU) of Oregon recommended that law enforcement agencies that employed tasers should use them subject to strict limitations suitable for a weapon that could result in fatalities. The ACLU further recommended that law enforcement agencies should emphasize training and non-violent techniques to minimize the circumstances in which tasers might be deployed.

Charlotte Behm, Springfield, endorsed the naming of the Willamette/I-5 Bridge to Whilamut Passage and thanked the council for considering the name during its deliberation on the Consent Calendar.

Carol Berg-Caldwell, 2510 Augusta Street, shared a poem with the council critical of the Police Department's public safety efforts downtown.

Chris Calef, East 35th Street, said he had many good experiences with the Eugene Police Department (EPD) and the majority of officers were respectful and polite. He was concerned about the other 10 percent, who caused the majority of the problem. He averred that those officers were not disciplined and further asserted that Eugene officers were not fired for failure to do their job unless they raped someone. He said without accountability, there would be continued community trust issues. Speaking to the subject of tasers, Mr. Taylor said that officers would use tasers without facing deadly force. He urged the council to place a measure limiting tasers on the ballot.

Randy Prince, PO Box 927, Eugene, identified himself as the chief proponent for a ballot measure to limit taser use. He called on the council to adopt an ordinance to curb taser use. He believed that the community approved the use of tasers only when their use represented a chance to reduce deadly force. He said the council's action in adopting the Police Commission's policy recommendation in regard to tasers was not in accord with the opinions of those he spoke to. The council's deliberations did not consider the range of options, such as banning tasers or a moratorium on their use. The recommendations were from the staff perspective only. He said that police officers have different interests than the community. They wanted to be free from bullying officers and death by taser. He said the council's job was to represent the citizens' interests.

Barbara Edmonds, 27th Avenue and McMillan Street, asked the council to place a measure limiting the use of tasers on the ballot. She reviewed a letter she had written to the editor of *The Register-Guard* in support of her position asserting that abuses of power occurred in the Eugene Police Department and officers knew but would not admit it. She said that she would support tasers if it was true that they were used only when an officer would otherwise use a gun. However, she did not think that was the case. Ms. Edmonds asserted that tasers were used by officers as an alternative to physical restraint and to inflict punishment. She questioned whether guns rather than tasers would have been used in recent high-profile incidents involving the police. She suggested that if the officers would had not have deployed guns in those instances, they should not have used tasers. She said that citizens could not trust officers to police themselves, and she called on the council to set limits on taser use and to hold officers who abused their authority accountable.

Ms. Edmonds shared the result of an informal poll she conducted of nearly 100 people, a vast majority of who favored her position.

Brian Keith Mason, 1458 Moss Street, #102, a member of the Eugene Human Rights Commission (HRC), said that based on recent events, he believed the actions of the commission were at odds with its charter responsibility. A majority of commissioners were seeking to dismiss another commissioner and he had become convinced there was no basis for that action. He thought a conflict of personalities existed, and that one member's passion for process was mistaken for racism. Mr. Mason believed that his fellow commissioners had chosen the route of least resistance and had decided to condemn a member without hearing a report on the incident. He objected to that as he believed that the commissioners should be a watchdog for all citizens, color blind, tolerant, gender-neutral, and must show courage of character by refusing to perpetuate bias in any form. Mr. Mason wanted to protect the voices of dissent in the ranks of the HRC. He asked the council to reject the commission's request that it dismiss the individual in question and that it direct the HRC to resolve its internal dispute.

Ruth Duemler, 1745 Fircrest Drive, Eugene, supported the Eugene Police Department's use of tasers but also supported putting a measure on the ballot to limit that use. She had collected signatures for the measure and had never found it so easy to collect signatures. Everyone she knew regretted what had happened in regard to the use of tasers in Eugene.

Laurie Stern, 1320 Lincoln Street, a Western Environmental Law Center intern, discussed how the State's new gray water goals could assist Eugene to meet its sustainability goals.

Joann Ernst, 1295 Buck Street, expressed appreciation for the work of the Police Commission on the taser policy but did not feel it was sufficient. She asserted she saw "confused looks on some of the councilors' faces" during the work session because of the wordy policy, which she thought was open to misinterpretation by the Police Department. She believed that allowing the department to use tasers on those displaying active resistance would lead to continuing abuse.

Speaking to Mayor Piercy's earlier comments during the work session that the community had supported the use of tasers following the death of Ryan Salisbury, Ms. Ernst recalled that the community advocated for tasers as an alternative to deadly force. She had collected 60 signatures for Mr. Prince's petition in just a few days. Most people were supportive of designating tasers as deadly force in the same way as guns. She thought that made sense. Ms. Ernst challenged the council to put Mr. Prince's petition on the ballot to see what the public had to say about tasers.

Robert Roth, Eugene, discussed his belief that the Police Department's perception of tasers was "entirely too casual." He said tasers killed people sometimes but it was not possible to know who would die from the effects of the taser until someone was killed. He criticized the Police Commission for failing to approach the issue by considering what sort of standard was appropriate for the use of the taser; instead, the commission started from the viewpoint that the taser was less lethal and merely ratcheted down the deadly force standard by eliminating the word "immediate." The taser sometimes represented deadly force and had ramifications that were not well-understood, which was why Amnesty International had urged a moratorium on its use. Mr. Roth believed the council should take responsibility for the policy and hold a public hearing. He believed the most appropriate approach was a moratorium pending adoption of the policy, and that the most appropriate policy would limit taser use to deadly force situations.

Kathy Ging, 2878 Harris Street, urged the council to place a measure limiting taser use on the ballot. She noted the many lawsuits filed by victims of tasers and their relatives. She said that many community members, including many middle-class residents, signed her petition and expressed concern about the use of tasers by the police.

Ms. Ging further recommended that the council appoint a liaison to work with Lane County staff on the solar financial incentives research that the Board of County Commissioners supported on May 18, 2010. She shared information about the positive impacts of solar energy.

Samantha Chirillo, 3930 17th Avenue, suggested that the council and the community were at a cross road in regard to the use of tasers. She said that she was a petitioner and few people she spoke to had second thoughts about signing the petition. People understood “there was a problem here” and that there was “complete inaction on the part of the City Council.” She suggested that continued council inaction had a “chilling effect” on members of the youth community, who were seeing their peers being repeatedly abused without repercussion. Abusing officers did not suffer consequences. Ms. Chirillo said that the department needed training to reprioritize its communications nonviolently. She said the council needed to get on the same track as the citizens. She criticized the exclusion zone ordinance adopted by the council, saying it merely shifted activities and denied people civil liberties while failing to address public safety problems. She asked the council to adopt the “Curb Taser” ordinance or let the voters decide.

Drix, High Street, said he was present to share his vision for the community in the public forum created by the council. He said the forum reminded him how much of a community Eugene was. He acknowledged residents of his neighborhood sometimes had trouble connecting and suggested that when residents were connected, they became a “We-Gene.” He invited others to attend the forum and share their voice. He said that Eugene was the best community in the country and he encouraged everyone to work together.

Mayor Piercy closed the Public Forum.

Mayor Piercy expressed appreciation for the comments of Ms. Salinas, and said that she had been actively working on the issue of homelessness for several decades and had walked around with homeless youth. She did not go anywhere without seeing them. She did not think that the youth had anything to do with the problems downtown, but thought that they would benefit from increased public safety.

Speaking to the remarks of Mr. Prince, Mayor Piercy said the shift in her views on the taser policy had to do with her conversation with the ACLU. She had believed that the taser should only be used in lieu of guns, but the ACLU had recommended that the council accommodate situations where taser usage could prevent the escalation to the use of lethal weapons. She took the ACLU’s input seriously and had taken it into consideration in her thinking.

Mayor Piercy acknowledged that the use of a taser was serious and could have serious repercussions. If the department was to use them, it should use them in a limited way, seldom and carefully.

Mayor Piercy indicated that the council was aware of the situation mentioned by Mr. Mason and was working on it.

Councilor Zelenka believed Ms. Salinas’ remarks directed toward the mayor were unfair and unfortunate. He said that Mayor Piercy was a tireless advocate for the homeless.

Councilor Zelenka noted that the ACLU had recommended that the City allow officers to use tasers when an individual posed a credible threat of serious physical injury to themselves, the officer, or another person. That was reflected in the City’s revised taser policy. He thought the policy both limited the use of tasers and addressed some of the ambiguity that previously existed. Councilor Zelenka said he had shared Mayor Piercy’s earlier position but now agreed there were circumstances outside of the application of deadly force

where taser use was appropriate. He thanked the Police Commission for its work on the policy. He suggested that people read and understand the new policy before signing the petition. Councilor Ortiz was concerned about Ms. Van's situation, and asked if the City placed liens on property. City Manager Ruiz indicated he would research Ms. Van's situation and provide more information. Councilor Ortiz also expressed concern about Ms. Salinas' comments, particularly as they regarded the Eugene Mission. She said the Eugene Mission did its best to monitor those who used its facilities. The City had no control over the Eugene Mission, which it did not support with any funding. She believed the mission did a good job. She pointed out that sex offenders were to be found all over the community, not just downtown.

Speaking to the comments of Mr. Mason, Councilor Ortiz expressed appreciation for his remarks but was unsure what the council could do, given the power of the HRC to dismiss its own members. She hoped that the HRC had tolerance for the dissenting positions of its members.

Mayor Piercy clarified the HRC could make a recommendation to the council about its membership but could not dismiss a member.

Councilor Solomon was unsure what was going on in regard to the HRC and said she would like to know more about the incident that prompted the resignation of the individual in question from the commission.

Councilor Solomon also wanted some follow-up on Ms. Van's situation.

Noting that the HRC would meet the following day, Mayor Piercy suggested that the council withhold judgment until the commission had finished its discussions.

Councilor Taylor thanked those who spoke about the subject of tasers and noted her own support for a moratorium on their use. She said she had not received the information from the ALCU that the Mayor mentioned.

Councilor Taylor expressed appreciation for the remarks of Mr. Mason. She also wanted to know more about his concerns. She also wanted to learn more about Ms. Van's situation.

Mayor Piercy indicated the input from the ACLU she mentioned was brought forth at the City Club.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- November 9, 2009, Work Session
- January 5, 2010, Work Session
- January 11, 2010, Work Session
- February 16, 2010, Council Meeting
- April 14, 2010, Work Session

B. Approval of Tentative Working Agenda

C. Initiation of Public Comment Period on Proposal to Name New Willamette/I-5 Bridge the "Whilamut Passage Bridge"

D. Approval of Presiding Judge Term Extension

Councilor Clark, seconded by Councilor Taylor, moved to adopt the Consent Calendar. Roll call vote: the motion passed unanimously, 8:0.

**3. PUBLIC HEARING:
Eugene Water & Electric Board Water Rights**

City Manager Ruiz introduced the topic. He said the hearing was an opportunity for the council to hear from the public on the Eugene Water & Electric Board (EWEB) water rights issue and its proposal to provide water to the City of Veneta. He said that action was scheduled for June 28, 2010.

Mayor Piercy opened the public hearing.

Kevin Matthews, PO Box 1588, President of Friends of Eugene, objected to EWEB's proposal to sell water to Veneta. He said Friends of Eugene was challenging the action as it had major growth implications. He said water rights were complicated and multi-layered but he did not think there was any "ticking clock deadline" other than the unstated goals of Veneta and EWEB. He called on the council to take its time and understand its options as well as take the growth implications of the action into account.

Ashley Miller, 2675 Norkenzie Road, objected to EWEB's proposal to sell water to Veneta. She said that EWEB was acting beyond its charter authority. She suggested that the sale would encourage unsustainable growth by creating bedroom communities that promoted travel and added to green house gas emissions. Ms. Miller also feared that the sale would set a precedent for sales to other communities. She said that the water rights in the McKenzie River were not fully appropriated and there was no "back of the line" to return to, as had been suggested.

Kathy Ging, 2878 Harris Street, opposed EWEB's proposal to sell water to Veneta. She noted the lowering water table in the rural areas and the fact of groundwater contamination and suggested the west was in a 500-year drought cycle. She said that people were aware of those facts when they moved to the area. She asked if the City should extend water to those with arsenic or high iron levels in other areas of the county as well. She discussed the danger of commuting back and forth from Veneta and said as a realtor she did not support additional property development in Veneta. She questioned why the subdivisions being created in such water-limited areas were not designed to exist appropriately in such a setting, particularly given the anticipation of continued drought. Ms. Ging did not think that EWEB should be selling water to Veneta when the community might need the water for its own agricultural use.

Michael Mattick, Region 2 State Water Master, introduced himself to the council and volunteered to answer any questions councilors might have that were related to water rights. He provided copies of his business card to the council.

Howard Bonnett, 1835 East 28th Avenue, was concerned about the planning implications of the proposal and recalled that he had been on the Planning Commission in the 1960s and 1970s when the commission discussed the urban service boundary. It was called an urban service boundary because it was intended to restrict service outside the boundary and facilitate infill and restrict sprawl. He objected to giving water to Veneta so it could grow, particularly in light of projected water consumption. Veneta residents often drive to Eugene for their work, which is antithetical to the community's attempts to combat climate change. He felt it was a big mistake to move forward. He averred that the McKenzie River kept the water quality of the Willamette River acceptable, and suggested that such use was more important than Veneta residents having drinking water. Mr. Bonnett recommended that the council study flow projections for both rivers to determine how much water was really available.

Jan Wilson, Western Environmental Law Center, submitted her comments in opposition to EWEB's

proposal to sell water to Veneta in writing.

Karen Booth, 3015 Emerald Street, did not want EWEB, as the City's agent, to act without the City's consent in selling water to Veneta. She was also concerned that City water rights would be used to facilitate urban sprawl. She said that it was a way of getting around the urban growth boundary, which was established for a good reason.

Mayor Piercy closed the public hearing.

Councilor Clark recalled that during the recent council work session, he had heard that it would take 120 years to perfect the next McKenzie River water right and that the sale to Veneta went toward furthering that end. He asked what would be required to perfect the water right in its entirety. Intergovernmental Relations Director Brenda Wilson said she did not have exact figures, but believed that the third and final water right on the McKenzie River was divided into 25 percent chunks. EWEB did not believe that current growth projections would allow the community to hit the target that triggered the first 25 percent mark. In order to secure the water right, EWEB would have to certify the water in 25 percent chunks, and the service to Veneta as well as projected growth would give EWEB a better chance of hitting the first 25 percent, which guaranteed the community the use of the water and gave it time to figure out how to secure the next 25 percent allocation. She said that EWEB could certify a smaller amount, but the community would then lose its rights to seek the remaining rights up to 100 percent of the right. In the future, if the community wanted additional water, it got into the "back of the line."

Councilor Brown stated there was no date from the Water Commission for perfecting the rights. Ms. Wilson said the State Legislature passed new laws regarding water right perfections for Oregon municipalities because of water hoarding issues. Currently, the time line was not clear; it was somewhere between five and twenty years. She suggested the State would realize if a community was not moving toward certification of its water rights; if it appeared a municipality was moving toward certification, the State was more likely to issue an extension of time for certification or moving toward the next 25 percent than it would if the municipality was not making a reasonable effort toward certification.

Councilor Brown asked if EWEB had an estimate of when Eugene growth would achieve the target without water sales to another community. Ms. Wilson said that those projections would not be realized for more than 50 years, and EWEB did not believe that the State would consider that a reasonable amount of time. Councilor Brown concluded that EWEB did not believe that but he suggested it had not been told that by the State. Ms. Wilson agreed, saying that the new laws passed in 2005 were meant to address long-held, uncertified water rights. At that time, a reasonable time was considered five years.

Councilor Brown speculated that EWEB would have to sell more water to more communities to reach the target in a reasonable time. He further speculated that fears about the water rights could spur sales to other communities such as Creswell, Junction City, and Coburg.

Councilor Zelenka said that another wholesale water sale beyond the sale to Veneta would be needed to reach the next 25 percent target. He questioned how much more water EWEB would have to sell to reach the next 25 percent.

Councilor Zelenka recalled that he had asked who was in line for the McKenzie River water rights now, and the council had learned that the rights were not fully allocated and there was a surplus of 200 million gallons and an additional 18 million gallons that Eugene had the rights to. He asked what would happen if EWEB did not perfect all the future rights and then filed for a water right immediately, and what the impact

of that would be. Ms. Wilson said that EWEB would have to hope that there would be water available. She understood that two permits had been applied for on the McKenzie River, which was the only body of its size in Oregon with water still available for appropriation. She reported that there was also an in-stream water right related to water flow; anyone on the other side of that water right had a junior water right. If flow was limited by drought, the State could step in and require junior water right holders, which would include Eugene if it got to the back of the line, to shut off their water. She said that EWEB wanted to both protect its water right and the 1961 date stamp that accompanied it. The only way to do that was to put the water to beneficial use, which could include serving unanticipated growth in Eugene. She said the City would not come close to needing another 25 percent increment for two decades. Councilor Zelenka questioned how many more water sales EWEB would need to make to perfect the water right. City Manager Ruiz indicated staff would return with that information.

Councilor Zelenka asked if Veneta could claim a water right on the McKenzie River. Ms. Wilson said yes. However, it would have to build a treatment plant. The City was running that scenario through the triple bottom line tool.

Councilor Clark said that EWEB Commissioner John Brown spoke of other rights farther down the river, and asked if there was another municipality with the capacity to sell water to Veneta. Ms. Wilson was not aware of any such municipality but acknowledged she was not aware of all the municipalities with water rights and would have to do more research.

Councilor Brown asked Water Master Mattick about the two entities that applied for water rights. Mr. Mattick indicated that a private entity, White Water Ranch, had applied for irrigation rights from the McKenzie River and Goose Creek. That entity could get a contract use for stored water from the BLM and could take that water from the river for irrigation.

Water Master Mattick shared information about the State's water right permit application requirements and emphasized the benefits of certification. He said once a certificate was issued, the State could put no more conditions on it, whereas the right developed under an extension could be conditional.

Speaking to Councilor Brown's question about the deadline for the perfection of water rights, Water Master Mattick said that EWEB's time frame for perfection, 2074 – 2123, was a time frame beyond what the State typically considered in terms of extensions. He confirmed there was a deadline. The deadline had already been extended multiple times. If EWEB did not secure another extension, the State would certificate the need that had been demonstrated.

Water Master Mattick confirmed that there was unallocated water in the McKenzie River and each application would be reviewed and would be subject to a public process. As time went on, it would be harder to secure a permit. He also confirmed there was no other municipality that could sell water to Veneta.

Responding to a question from Councilor Zelenka, City Attorney Glenn Klein indicated that the matter before the council was not a land use issue so the council did not have to hold the record open. Staff would attach any submitted testimony to the next council agenda item summary related to the item. He suggested that any additional materials be provided to the council by June 21 by 5 p.m.

Councilor Taylor believed the "City could take EWEB back if it wanted to."

4. ACTION:

Human Rights Commission Membership

Councilor Clark, seconded by Councilor Taylor, moved to concur with the Human Rights Commission recommendation to remove the Position 6 incumbent from the commission and fill the vacancy from the non-commission members of the commission's standing committees.

Councilor Taylor, seconded by Councilor Zelenka, moved to amend the motion by making the council the body that makes the appointment.

Human Rights Commission staff Holly LeMasurier indicated that the code calls for the commission to appoint a member from among its standing committees.

Councilor Taylor withdrew her motion. Councilor Zelenka withdrew his second.

Responding to a question from Councilor Poling, Ms. LeMasurier indicated that the commissioner in question would have missed six months, including two absences before a proposed leave.

Responding to a question from Councilor Clark, Ms. LeMasurier indicated the term in question was due to expire in July.

Councilor Clark concurred with Councilor Poling's remarks.

Councilor Poling said he did not understand what was going on and for that reason would not support the motion.

City Manager Ruiz said it was not merely an issue of missed meetings, but an anticipated absence that would mean a total of six meetings, or half the individual's term, would be missed. Councilor Poling pointed out that a leave of absence could be granted by the commission.

Councilor Brown said the individual in question also missed events and subcommittee meetings that were attended by other commissioners. It was not merely a question of missing two meetings.

Councilor Poling said he had considerable respect for HRC Chair Linda Hamilton but the letter that was sent was not informative and lacked transparency.

Councilor Pryor agreed that a significant part of the problem was the lack of full communication about the rationale for removing the commissioner in question. He understood the concern about attendance but said that removing a person from a commission should not be done capriciously. He did not have enough information about the situation to make a judgment at this time.

Councilor Ortiz noted her long-time membership on the commission and noted that there was no precedent in her memory, as persons who did not attend were encouraged to resign. She did not know why that approach was not taken, but if the chair of the commission was making the request she was happy to support the motion. However, she did not perceive the votes were in place.

Councilor Pryor left the meeting.

City Manager Ruiz recommended that the council postpone action until June 28.

Councilor Clark, seconded by Councilor Taylor, moved to postpone action until June 28. Roll call vote; the motion passed unanimously, 7:0.

Mayor Piercy adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

Eugene City Council
Work Session Council Chambers – City Hall
777 Pearl Street—Eugene, Oregon

July 14, 2010
12:00 p.m.

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

COUNCILORS ABSENT: George Poling.

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

A. WORK SESSION: Police Department Data Led Policing Strategy

Ms. Piercy introduced City Manager Jon Ruiz who introduced Eugene Police Chief Pete Kerns.

Chief Kerns offered a PowerPoint presentation entitled *Transitioning to the Future—Data-Led Policing Report to the City of Eugene Mayor and Council—Chief Pete Kerns—July 2010* and circulated a handout to councilors containing the presentation.

Ms. Piercy expressed her appreciation for the decrease in property crimes. She noted while the City’s property crime rate was high, there was less violent crime than in other cities. She asked how engaged the campus police were.

Chief Kerns said representatives from the University of Oregon (UO) Department of Public Safety attended weekly Data Led Policing (DLP) meetings, and had recently hired a captain whose responsibility it was to work collaboratively with the Eugene Police Department (EPD) to address crime in the university area.

Ms. Piercy was interested in how the City of Springfield jail was utilized and the impact it had on City of Eugene issues. A challenge for the EPD was being located in a state and county with significant funding issues. This resulted in a lack of prevention on the human service side. It was not EPD’s role to provide social services in the community and doing so was not a cost-effective way to provide those services.

Mr. Clark thanked Chief Kerns for the report and congratulated him for the innovative approach he had implemented for the department. Mr. Clark noted staffing levels were significantly less than optimum and was heartened to see the department’s success. He was particularly encouraged by the work of Sgt. Fitzpatrick and the officers working in the downtown area. Lane County was expected to have a \$30 million revenue loss during the next couple of years which would likely result in a significant reduction in jail beds. He asked what the marginal affect would be from that loss and what the City Council should be doing about the problem. It was important for the City to make intelligent decisions.

Chief Kerns confirmed Ms. Piercy's assertion that Eugene had a relatively low violent crime rate which was part of the Oregon culture. When jail beds were reduced from 300 to 120 in 2008, there was an immediate rise in both property and violent crimes, including robbery and assaults, with a high concentration in the downtown area. He opined crime would immediately rise again and would be difficult to manage if additional beds were eliminated. It would require money as well as consideration of alternative ways to house people the EPD should not have to work with. People suffering from alcohol and drug addiction were moving into the criminal justice system and using resources that should be used for people who genuinely had the potential to harm the community. Wet housing and Eugene's Mental Health Court provided alternatives to incarceration that could be expanded.

Mr. Clark asked if the City of Eugene could hold Lane County accountable for its State responsibilities to provide jail beds.

Chief Kerns opined several factors contributed to the reduction in crime rates, and the EPD was not entirely responsible. He noted EPD officers made twice as many arrests as the national average, stretching the department's resources.

Ms. Taylor asked if the Ridgeline Trail parking areas were targeted areas for DLP. She asked if EPD had seen signs that the criminals were aware that EPD was targeting areas.

Chief Kerns said although crime did occur in the Ridgeline Trail parking areas, it was not in the concentration seen in other areas. He said the department rarely patrolled the area and suggested CCTV cameras could be used for monitoring the area. He stated the department had not yet seen signs of criminal awareness of targeting areas, but EPD had learned some things. He said not all residential burglaries occurred during the day when people were at work. Many offenders committed crimes in the neighborhoods in which they lived. If the offenders moved to other neighborhoods, the data over time would reveal the offenders had relocated.

In response to a question from Ms. Taylor, Chief Kerns said use of illegal fireworks was not on the list of behavior crimes, but it did include alcohol violations, fights, carrying concealed weapons, menacing, and some family offences.

Ms. Taylor asked if people who accumulated parking tickets and were unable to post bail occupied jail beds. She asked if possessing marijuana would result in incarceration.

Chief Kerns was not aware of parking violators being jailed. He explained Lane County housed several different types of offenders. The federal government leased beds for inmates awaiting trial. The County housed all State crime offenders including those arrested by EPD, which ranged from very violent offenders to those who committed property crimes, and while not a danger to individuals, were a threat to vehicles. He noted it was not likely people just in the possession of marijuana would be jailed, but those who manufactured and sold marijuana were lodged in the jail, Ms. Taylor did not think someone who privately used drugs was dangerous while people who broke into homes were dangerous.

Ms. Ortiz thanked Chief Kerns for his presentation and said she appreciated all of the information he provided. She said eshare, which allowed detectives to share information with patrol officers, was an interesting concept. She was concerned about how people were listed on eshare and requested an explanation of the process.

Chief Kerns said the threshold for sharing intelligence information among sworn personnel was based on state and federal guidelines, on a reasonable belief that a person was actively engaged in crime. Captain Tilby monitored this program closely.

Ms. Ortiz observed that U.S. Immigration and Customs Enforcement (ICE) had an interest in undocumented people. She asked who paid for beds occupied by undocumented people who were arrested for lower level crimes by local authorities.

Chief Kerns understood when a federal agent assumed custody of an inmate at the jail, those inmates were put in federal beds. The City of Eugene and Lane County would not hold an immigration offender when they had no interest in a State or federal offence.

Mr. Zelenka said the information provided by Chief Kerns allowed the City to target places, times and people with limited resources. He asked if the department was solving the crimes or pushing them somewhere else.

Chief Kerns responded the data identified the locations of three types of crimes and were not as likely to shift from place to place as other crimes. Behavior crime tended to move around, but property crimes tended to remain in the same geographic area. This would always be a challenge in the West University Neighborhood (WUN) due to the high concentration of students who owned a lot of small, valuable things. He observed crime solving was part of crime prevention.

Mr. Zelenka asked if the UO Department of Public Safety could be authorized to expand their jurisdiction beyond campus boundaries by passage of legislation during the 2011 Oregon legislative session to address behavioral crimes. He noted it would a great help for the party patrol to have the UO available to assist during those times.

Chief Kerns thought it would be a good idea and that the UO could get the legislature to grant that authority. The UO would be concerned about doing much work off campus because it would involve more civil liability.

Mr. Zelenka commended Chief Kerns on the low vacancy rate in the department. He agreed it was not cost effective for police human services work in dealing with behavioral crimes and asked how this could be improved.

Chief Kerns iterated police and social service agency leadership needed to explore the options.

Ms. Piercy was worried that the message to the community regarding lack of jail beds and other resources sent an invitation up and down the I-5 corridor that criminals should come to Eugene and commit a crime.

She said the council should look for ways to talk about the community's needs, and to identify those things that were being done well to ensure that Eugene remained a safe community.

B. BRIEFING: Police Auditor Annual Report Presentation

Ms. Piercy introduced Police Auditor Mark Gissiner.

Mr. Gissiner distributed copies of the following document: *Office of the Police Auditor Annual Report—2009—Mark Gissiner—June 30, 2010*. The report would be available on the City's website.

Mr. Gissiner remarked because the office was relatively new and the sample size small, it was difficult to do comparative trends. The goal was to develop a mutually respectful relationship between members of the police service and the community served. Mr. Gissiner briefly reviewed the document, highlighting specific issues.

Ms. Piercy congratulated Mr. Gissiner on a successful year. She appreciated the effort to examine trends, and the effort he and Chief Kerns had made in developing a good working relationship.

Mr. Zelenka concurred with Ms. Piercy's comments, noting the working relationship between Mr. Gissiner and Chief Kerns had gone a long way in achieving Mr. Zelenka's goal of having the Police Auditor (PA) function in a business as usual manner. He commended Mr. Gissiner on his community outreach efforts to the neighborhood associations, which went a long way in building credibility for the PA's office. He asked for a timeline on filling the vacant Deputy Police Auditor position.

Mr. Gissiner said the application deadline had been July 9, 2010, and he hoped the position would be filled by the fall. He clarified that his relationship with Chief Kerns was not cozy and he appreciated the opportunity to have candid conversations with him.

Mr. Zelenka asked if Mr. Gissiner had any issues related to City Council supervision of the Police Auditor.

Mr. Gissiner responded he had been pleasantly surprised at the level of engagement between his office and the council, based on his past experience. The overall level was satisfactory.

Mr. Zelenka inquired about the changes in the Police Auditor Ordinance Review Committee.

Mr. Gissiner stated the changes were working fine, noting he had never been denied access to documents, information or people from the EPD. He had not experienced problems with having complete authority to classify cases.

Mr. Zelenka noted the City Council had discussed structural changes at a recent meeting with the Civilian Review Board (CRB). At the time, the majority of the council had agreed to review suggested changes at a later date. He asked when that review might occur.

Mr. Gissiner remarked there was incongruence in the Eugene Charter, the Police Auditor Ordinance, and the collective bargaining unit related to closed cases. He would like to address some issues related to editing when the collective bargaining agreement was opened.

Mr. Zelenka asked for clarification on the “24 percent sustained rate” referred to in the annual report.

Mr. Gissiner responded it meant that officers did not act within policy 24 percent of the time on policy complaints lodged with his office.

Ms. Ortiz thanked Mr. Gissiner for his work. She observed a number of complaints were related to homeless people and those with mental health issues, which was almost 50 percent of the cases police dealt with that were not policing. This indicated EPD was doing more than policing. She appreciated the budget conservation demonstrated by the office. She asked if there were a percentage of people who had negative contacts with EPD who did not complain.

Mr. Gissiner agreed there were people who did not complain. He added he was stunned by the demographic that the average complainant was 42 years old. Most of the people who committed crime were between 15 and 25 years of age, and the complainant was often their mother. He thought homelessness and mental illness contributed to that statistic.

Ms. Ortiz said the CRB and the PA’s office brought transparency to the complaint process which made it clear to the public that there was a place to go with complaints and someone would listen to those complaints. She was pleased Mr. Gissiner was concerned with the pursuit policy and that it had been added to the CRB work plan. She emphasized that the issues identified were related to training.

Mr. Pryor observed Chief Kerns’ and Mr. Gissiner’s reports were related. The manner in which the community was policed would constantly be debated, because there was a continuum of those who believed in individual rights, protections and freedoms, and what we should be able to do as an individual versus those who believed the community had needs and priorities, and the community needed to do what was best for the community. That tension would always exist. Tension between the auditor and the chief was a good thing because it produced the right outcomes and maintained the balance in the community. The auditor’s office was a key element in maintaining that balance because it was part of what insured that one side or the other was not favored. He appreciated both the chief and the auditor for recognizing that role. Mr. Pryor asked if the auditor’s function was to be a tool for discipline and to affect change, or if it was also a tool to prevent the problems from recurring. This would enable the auditor’s office to become a productive part of making EPD better in the future, which he believed had always been the intention of the police auditor function. It was important to learn as much as possible about how the auditor function worked. He was pleased with progress made, noting both the chief and the auditor had found that dynamic.

Mr. Clark commended Mr. Gissiner on the thoroughness of the annual report and thought it would be very useful. He was happy with Mr. Gissiner’s first year, noting the auditor’s office was working better for the broader community through good communication and the ability to prevent problems. He had learned through weekly meetings with Mr. Gissiner and Ms. Taylor that officers had become more comfortable bringing issues to Mr. Gissiner for advice. As a member of the Police Commission, he had seen improvements through Mr. Gissiner’s work with the CRB. This was reinforced by a 100 percent sustained

rate of complaints brought forward by other officers. Mr. Clark said he and Ms. Taylor had met with Mr. Gissiner and Mr. Klein to discuss dividing the auditor's review into two pieces, one before the break to discuss process and a second one to discuss how to apply that process.

Ms. Piercy expressed her appreciation for the tough job the officers had in the community. She knew from both the City Council and Police Auditor position, a lot was asked of the officers. The council wanted a good public safety system in which the officers and community were respected.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Linda Henry)