

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Council Minutes

Meeting Date: February 13, 2012
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Kim Young
Contact Telephone Number: 541-682-5232

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes of the November 21, 2011, Regular Meeting, November 23, 2011, Work Session, November 28, 2011, Regular Meeting, January 30, 2012, Boards and Commissions Interviews.

ATTACHMENTS

- A. November 21, 2011, Regular Meeting
- B. November 23, 2011, Work Session
- C. November 28, 2011, Regular Meeting
- D. January 30, 2012, Boards and Commissions Interviews

FOR MORE INFORMATION

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MINUTES

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

November 21, 2011
7:30 p.m.

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

Her Honor Mayor Kitty Piercy called the November 21, 2011, public hearing of the Eugene City Council to order.

1. **PUBLIC HEARING:**
Ordinance Vacating a Portion of Moss Street Located between East 15th Avenue and East 17th Avenue (VRI 10-1)

City Manager Jon Ruiz introduced the item, a public hearing regarding a street vacation application submitted by the University of Oregon (UO). He described the area of the vacation, which was the entire north-south right-of-way Moss Street between East 15th and 17th avenues. He noted the applicable approval criterion found in Eugene Code 9.8725, which was that the council must find the vacation to be in the public interest.

Mayor Piercy opened the public hearing.

Colin McArthur, 160 East Broadway, Cameron McCarthy Landscape and Planning, represented the UO. He asked the council to approve the application as consistent with the approval criterion. He referred to the council to the application materials for evidence of consistency. Mr. McArthur said the vacation implemented East Campus Development Policy 5(e), which was codified in Eugene Code 9.5900. The policy spoke to the purchase of Moss Street and conversion of on-street parking from parallel to head-in parking. The street would continue to function as a two-way street open to the public and emergency vehicles. A street connectivity study provided by the UO found no negative impacts. The vacation was consistent with the City's street connectivity objectives, preserved access to adjacent neighborhoods, and shifted maintenance costs from the City to the UO.

Frances Dyke, 1283 University of Oregon, Vice President for Finance and Administration, supported the application. She thanked City staff for its assistance and concurred with the testimony of Mr. McArthur. The vacation would allow the UO to reduce some of its impact on neighbors through the provision of more on-campus parking. The vacation also assisted with arena parking. The UO planned to repair the sidewalks, add street lighting, improve storm water treatment, and install traffic calming features.

Gregg Lobisser, 1228 University of Oregon, Assistant Vice President for Capital Projects and Student Affairs, asked the council to approve the vacation. He concurred with the remarks of Mr. McArthur and emphasized the UO's commitment to reducing the impact of UO operations on its neighbors. He said the addition of new residential beds on campus did not add to parking demand as most students did not bring

their cars to school. Mr. Lobisser observed that there were 3,750 beds in UO resident halls and in fall 2012 the Department of Public Safety sold 118 overnight parking permits.

Zachary Vishanoff, Ward 3, asked that the public record be held open for two weeks. He did not believe the vacation was in the public interest. He questioned how the vacation met connectivity standards because he believed that a public street was being closed to facilitate parking for the arena. Mr. Vishanoff maintained that the UO increased street repair costs on the periphery of campus by keeping traffic out of the core. He called for the City to require structured parking be constructed behind Knight Law School to create more efficient traffic patterns. Mr. Vishanoff believed the City should demand the same densities of campus that it was demanding of residents. He called for independent traffic studies.

There being no further requests to speak, Mayor Piercy closed the public hearing and solicited public comment.

Responding to a question from Councilor Ortiz, Associate Planner Steve Ochs said the vacation was valued at \$1.856 million.

Councilor Zelenka, seconded by Councilor Clark, moved to leave the record open until December 11, 2011.

Councilor Poling moved to amend the motion to leave the record open for one week.

The amendment to the motion died for lack of a second.

With the consent of his second, Councilor Clark, Councilor Zelenka amended his motion to change the date the record closed to December 6.

Councilor Zelenka observed that the UO owned all the property along both sides of the street in the area in question, so the proposal had no impact on other property owners. He reported that the Fairmount Neighborhood Association recently discussed the issue and the more than 40 people in attendance had expressed support for the proposal. He said he would also support the proposal when the council took action.

Roll call vote: The motion passed unanimously, 8:0.

Mayor Piercy was pleased to hear of the decline in auto use by UO students.

2. PUBLIC HEARING:

An Ordinance Concerning the Human Rights Commission and Amending Sections 2.013, 2.265, 2.270, 2.275, and 2.280 of the Eugene Code, 1971

City Manager Ruiz introduced the item, reporting that the proposed ordinance amended the Eugene Code to update the Human Rights Commission's structure and focus.

Mayor Piercy opened the public hearing.

Jerry Smith, 5041 Saxon Way, supported the proposal before the council and endorsed the commission's focus on homelessness. He then went on to discuss his concerns about the community's homeless and advocated for the creation of a public shelter for the homeless.

Ruth Duemler, Ward 3, supported the proposed code changes and suggested the commission be given more funding. She then went on to discuss her concerns about the community's homeless and their needs, advocating for more bathrooms for the homeless.

Toni Gyatso, Ward 7, asked the council to support the code changes, which were proposed by the commission after extensive community outreach. She reviewed the four recommendations made by the commission and said the changes would allow the commission to be more nimble and effective.

Guadalupe Quinn, 3820 Greenwood Street, asked the council to support the proposed code revisions. She thanked the HRC and staff for working for many months with the community to secure public input. As a member of the group tasked to analyze the input, she had been glad to see the Listening Project's focus on youth, the homeless, and immigrant populations.

Alexandra Gomez, 255 East 19th Avenue, #3, had responded to the Listening Project survey and had recommended an emphasis on youth and immigrant communities and she continued to support those priorities as well as the commission's four recommendations.

Neil Van Steenbergen, 1366 Lawrence, #8, supported the proposed code changes. He had been concerned about the loss of the current committee structure but had been persuaded about the merit of the proposed changes. He suggested the council and commission consider balance in the composition of the commission along gender, racial, economic, and class lines.

Wayne Ford, 85560 Svarverud Road, chair of the Homeless Action Coalition, expressed support for the code changes proposed by the commission and for the emphasis on homelessness in the commission's work plan. He briefly discussed the challenge that disabled people faced in securing Social Security and reported that 33 percent of eligible disabled people were not receiving the payments they were entitled to. Mr. Ford suggested that the commission take on the task of helping such individuals secure disability payments.

There being no further requests to speak, Mayor Piercy closed the public hearing. She solicited council comments.

Councilor Farr acknowledged the work of Equity and Human Rights Manager Raquel Wells. He believed the code changes would move the commission from a reactive to responsive position. He supported the proposed changes. He also acknowledged commission Vice Chair Ken Neubeck and commissioners Linda Hamilton and Richie Weinman, who were present at the meeting, and thanked them for their work.

Councilor Zelenka also thanked those who testified. He had been impressed with the Listening Project and all the work that went into the recommendations before the council, which he supported.

3. PUBLIC HEARING: An Ordinance Extending the Sunset Date for the Rental Housing Code

City Manager Ruiz introduced the item, which was a public hearing on an ordinance to extend the sunset date for the City's Rental Housing Code. He recommended a nine-month extension of the sunset to give staff more time to address some of the council's concerns as well as the testimony the council would hear tonight. Action on the extension was scheduled for November 28, 2011.

Mayor Piercy opened the public hearing.

Stephen Kramer, 42113 Deerhorn Road, Springfield, maintained most of the revenue collected by the program was being used to collect the tax. There had been few legitimate complaints filed with the program and an analysis of those complaints indicated almost all could have been addressed under existing law, suggesting the program was redundant. The program was collecting a large surplus, which also suggested the program was unnecessary. He believed the revenue supported a bunch of bureaucrats who wished to extend and expand their bureaucratic base.

Jonathan Clay, 4529 SW Vermont Street, #6, Portland, represented the Metro Multi-Family Housing Association. He urged the council to sunset the ordinance. His organization supported quality housing and believed complaints of substandard housing should be investigated and addressed where problems existed; however, the level of substandard housing complaints received by the City suggested they could be addressed within existing City resources. At a minimum, he suggested the City limit the amount collected for the Rental Housing Program to ensure there was only a prudent reserve at year's end. He recommended a fee be reduced to be no more than \$5 per unit, which would provide adequate program funding and allow for the reserve. He believed it was unwise for the City to over-collect from its taxpayer base in such difficult economic times.

Richard Thorin, Ward 7, owned 87 rental units in Eugene and had been paying the fee since its inception. He termed the fee ridiculous. Mr. Thorin believed that existing State law was sufficient and worked well. He had not realized any benefit from the Eugene program. He asked that his money be refunded and that the ordinance be sunsetted immediately.

Brett Rowlett, 4970 Nectar Way, lead organizer for Eugene Citizens for Housing Standards, said he had advocated for adoption of the code as a university student because he believed something needed to be done about rental housing conditions in Eugene. His organization's research found that similarly sized communities had rental housing programs. Mr. Rowlett maintained that the current program was necessary because renters could not afford to go to Small Claims Court. He did not think the program cost much, it was not proactive in seeking out complaints, and it encouraged landlords and tenants to work out their disagreements. Mr. Rowlett asserted the program was supported by landlords, who considered it a resource. Renters did not mind paying the fee and homeowners supported the program because it protected their property values.

Paul Cauthorne, Ward 1, asked the council to end the Rental Housing Program. He suggested that the program sounded great in theory when described by a past university student who advocated for it. He reported he had attended the November 2010 meeting of the department advisory committee that advised the City on the program, and members had requested information from staff to better quantify the value of the program. Staff indicated that the committee was in place to support City staff objectives and "essentially told to sit down and shut up." He did not think that was appropriate or what was intended.

Scott Smith, Ward 5, opposed the Rental Housing Code. He said advocates maintained there was an overriding need for the program but he found that City staff was actively promoting the program to tenants. He believed the record would demonstrate that the "groundswell of problems" the program was created to solve did not exist. He believed the program represented "government for government" and suggested staff would naturally recommend its continuance because staff benefited and could not be objective. Mr. Smith termed the program a "cash cow" for the Planning and Development Department and said it was difficult for citizens to monitor expenditures in the program because of the way it was managed. The program was administration heavy. Because people were constantly buying and selling property, staff spent time "cruising" Craigslist hoping to find new landlords to tax. The program was also

paying \$30,000 for general City accounting costs and that money did nothing for tenants or landlords. He said the program might have helped a few people but not enough to justify its continuation.

Michael Steffen, 3709 Pine Canyon Drive, opposed extending the sunset for the Rental Housing Code for any period of time. He agreed the program was redundant of State law and said if there was to be such a program another approach should be found. He did not think City government was the most effective program provider. He agreed that the program was over-collecting revenues and was administrative-heavy. He questioned why the City was spending \$33,000 annually on overhead costs. Mr. Steffen estimated the City's cost for each valid complaint to be \$11,600. He also had concerns about transparency as it related to the program, saying it was difficult to get information from staff about how it was spending its time.

Marlene Varady, Ward 2, identified herself as a rental property owner and recommended that the council extend the sunset date. She said the program's excess revenues had been used to help tenants make complaints about landlords who were not taking care of their properties. She considered that a good thing. She suggested the program reserves be used to house homeless youth and proposed the City rent a school for that purpose and allow the Rental Housing Association of Lane County to oversee the use of funds.

Dennis Casady, PO Box 5028, asked that the ordinance be sunsetted and unused funds be returned to the landlords. He believed that the Rental Housing Code was duplicative of Oregon Landlord Tenant Law, which addressed all the issues covered by Eugene's code. He pointed out that if a tenant had a problem he or she could take a landlord to court, stop paying rent, or repair the problem and deduct the cost of the repairs from the rent. He believed the City's accountability for the program left much to be desired, and pointed out the totals did not match in the complaint report provided to the council. As additional evidence of the lack of accountability, Mr. Casady said that for the past two years he had received bills from the City for two properties that were still under construction and lacked occupancy permits.

Maureen McCauley, 1755 East 23rd Avenue, also asked the council to allow the ordinance to sunset. She did not believe the ordinance was being administered in a fair and equitable manner. She described her experience with the program and said she had to pay a nonrefundable \$250 fee for her side of the story to be heard. She had been cited for violating the code's heating standards but the City had not tested the system and it was misidentified as an oil heating system in the City's report when it was actually a natural gas system. The system was subsequently professionally tested by Home Comfort and it met all City standards. She had provided a copy of the Home Comfort report and a copy of the appeal filed by an attorney she was forced to hire to fight the City's order to correct. The City Manager subsequently rescinded the order to correct. She said the experience was a costly emotional ordeal.

John VanLandingham, 335 Grand Street, Lane County Legal Aid and Advocacy Center, said he represented low-income tenants in landlord-tenant matters. He supported extending the sunset while the City reviewed the program. He believed that State law was onerous and risky for tenants to use. While State law did not require a tenant to hire a lawyer to sue a landlord, he averred one was necessary and Eugene only had two lawyers who dealt with such lawsuits, which took a long time to be heard. He further averred that tenants risked immediate eviction and ruined credit if they withheld rent as permitted by State law. Mr. VanLandingham also maintained the purpose of the code was to improve the quality of the community's rental housing stock. He believed a neutral, City-funded program was necessary if the City wanted to be notified that something was wrong with a rental.

Scott Sanders, 495 Berrywood, opposed the extension of the Rental Housing Code. He suggested that unless the public believed the council was managing government funds efficiently it would be hard to get support for even the most valuable public services. He said the cost of the Rental Housing Program was

borne by all taxpayers. The program was inefficient, redundant, and provided insufficient benefit for its cost. He asked that the program be sunsetted as planned.

Barbara Lozar, 520 Antelope Way, termed the fee a useless tax and asked the council to sunset the ordinance as soon as possible.

Jim Anderson, 32910 East Pearl Street, encouraged the council to allow the ordinance to sunset. He saw no return on his family's investment in the program. He did not think the program, while well-intentioned, was cost-effective and it was not meeting its purpose. He encouraged the council to develop a program that relied on existing State law, existing programs, and existing City staff.

Norton Cabell, 1456 West 10th Avenue, representing the Housing Policy Board (HPB), encouraged the council to extend the sunset for nine months. He said the HPB was concerned that the code might have an impact on housing affordability. The HPB's mission was to increase the amount of safe housing for low-income residents. He reported that he and Mr. VanLandingham co-chaired the committee that advised staff on the program and they had concerns about how the code worked and would like to have time to study the issues involved.

Eric Hall, 116 Highway 99, expressed concern that staff knew the sunset was coming but did little to prepare options for the council. He was also concerned that staff did not solicit input about the future of the program from its advisory committee. He noted the council had received a letter from Jim Straub of the advisory committee expressing his concerns about the program. He suggested the council extend the sunset March 31, 2012, and that an independent advisory committee that reported to Assistant City Manager Sarah Medary be charged to return with options.

Nile Garling, 575 West 27th Avenue, noted the exponential expansion of similar programs in other communities such as Portland and Los Angeles and said such programs had a negative impact on housing affordability. He was concerned about the program's effectiveness and questioned the need for the program.

There being no other requests to speak, Mayor Piercy closed the public hearing and solicited council comment.

Councilor Taylor believed the establishment of the Rental Housing Code had been a demonstration of democracy in action. She had supported the code and had objected to the sunset because the code's proponents were not full-time advocates who could track the council's actions in the same way a landlords association could. Councilor Taylor described her positive experience with the City's previous rental housing code. She had not had time or money to act under State law but got immediate attention from the City. She recalled that the previous code precluded landlords from raising the rent for a year if a legitimate complaint was found. Councilor Taylor said that many landlords told her the \$10 fee was a bargain and suggested the few complaints the City received could be attributed to the existence of the program.

Councilor Taylor said the existence of State law had no benefit for renters, who were not well-off or they would be living in houses they owned. If they were students, they were too busy with their schoolwork to take advantage of State law. She endorsed Ms. Varady's idea about the use of the reserves. She suggested that the council consider adding energy efficiency measures to the program.

Mayor Piercy did not think it hurt the City to examine how the program was working.

**4. PUBLIC HEARING:
Bascom Village**

City Manager Ruiz introduced the item, a public hearing regarding the allocation of HOME funds, City systems development charge waivers, and the disposition of the County Farm landbank site for construction of Bascom Village, a 101-unit affordable housing development proposed by St. Vincent de Paul Society of Lane County and the Housing and Community Services Agency (HACSA) of Lane County. He reported that the hearing was preceded by a neighborhood forum, two public hearings held by the Housing Policy Board (HPB), and a council work session. The council was scheduled to take action on the HPB's recommendation to approve the proposal on November 28, 2011.

Councilor Clark, seconded by Councilor Poling, moved to temporarily set aside the rules and allow Mike Reeder to speak up to 40 minutes.

Councilor Clark suggested that the council might save time if Mr. Reeder, who represented the opponents of the project, was allowed to speak first.

Councilors briefly discussed the motion, with councilors Taylor and Brown expressing opposition on the basis of precedent, and councilors Pryor, Farr, and Poling expressing interest in such an approach to save meeting time. Councilor Brown recommended the council discuss the issues raised at a process session.

Roll call vote: The vote on the motion was a 4:4 tie; councilors Poling, Clark, Pryor, and Farr voting yes; councilors Taylor, Ortiz, Brown, and Zelenka voting no. Mayor Piercy voted against the motion and it failed on a final vote of 5:4.

Mayor Piercy opened the public hearing.

Linda Hamilton, 2718 Martinique Avenue, said when the Human Rights Commission discussed the Bascom Village proposal on November 15 she had been cut off from presenting information about her findings about the November 9 forum by another commissioner with a personal agenda. That was the first time she had ever been cut off at a commission meeting. Ms. Hamilton asked the council to hear both sides of the issue. She never again wanted to be in a position as a City commissioner where she felt only one side was being heard.

Rick Satre, 375 West 4th Avenue, supported the proposed development, noting the property in question was appropriately designated and zoned. It was in public ownership and intended for use as an affordable housing development. He noted there were 77 different affordable housing developments dispersed through Eugene and many people were unaware such a project was located near them. He believed the developers of the proposed project were conscious of the need to consider scale, massing, setbacks, and buffering. The project helped the community meet its growth management goals. Mr. Satre suggested the alternative to the proposed project would be a market-rate project that could have as many as 28 dwelling units per acre.

Maria Thomas, PO Box 23741, supported affordable housing and worked with low-income families. She did not believe the proposed project was in the best interest of the low-income families she worked with because of the high densities proposed, which were not conducive to a healthy, stress-free environment. It was challenging for families to live on second and third floors in a micro-managed culture. She called for a project with lower densities comprised of duplexes with yards where children could play. Ms. Thomas suggested the council support the best quality housing that supported a healthy lifestyle for

people. Ms. Thomas believed equity of education was another issue as the current enrollment data provided by School District 4J indicated there were 1,481 students attending Sheldon Eugene High School, compared to 1,027 students at Churchill High School and 1,069 students at North Eugene High School.

Jean Kingrey, 2372 Parkrose Drive, said the City had not considered the issues raised by project opponents. The HPB deferred those issues to the council as being beyond the HPB's mandate so the council needed to consider all the information presented to the HPB before making a decision. Ms. Kingrey disagreed with the City Attorney Glenn Klein's contention that approval of Bascom Village was not a quasi-judicial decision. She suggested that the fact the Housing Dispersal Policy required the council to balance a variety of interests, investigate the evidence, and draw conclusions from its investigation made the decision a quasi-judicial action subject to court challenge.

Ms. Kingrey said City staff represented that the 60-unit restriction in the Housing Dispersal Policy only addressed units with two more bedrooms but the policy included no such language. She suggested the council ask the City Attorney if he found a sound legal basis for that position and if it had ever been asserted before the challenge to Bascom Village. She noted Housing Financial Analyst Becky Wheeler's response to her on the issue, which she provided to the council. Ms. Kingrey suggested the attorney be consulted on the question of whether the inclusion of a Head Start facility in Bascom Village violated the R-2 zoning for the area. She also questioned whether repeated transfers of City property at no cost or below market value to a religious institution such as St. Vincent de Paul raised First Amendment issues under the third test established by the United States Supreme Court in the case *Lemon v. Kurtzman*.

Virginia Thompson, 2552 Britannia Place, a member of the HPB and former member of the school board for School District 4J, said she did not speak for the district but her comments had been reviewed by district personnel for accuracy. She reported the district indicated that neighborhood schools near the property in question had considerable capacity for the number of students projected to live at Bascom Village. Ms. Thompson said that enrollment in Sheldon region schools were down by more than 500 students over peak enrollment in 2007. The district had proven strategies to shift enrollments, close and consolidate schools, and adjust boundaries while still providing students with a quality education. It was not known how many students would live in Bascom Village and Ms. Thompson suggested some might already live in the area. There was two years to plan for the additional students. She emphasized that stable, quality homes helped level the playing field for low-income students.

Stan Smith, 3620 MeadowView Drive, did not support Bascom Village. He owned 23 units on Matt Drive and shared the northern boundary line with Maplewood Meadows, an existing 38-unit low-income development. He said that not all low-income families were undesirable neighbors but it was naïve to believe they were always good neighbors. His low-income neighbors regularly abandoned grocery carts on his property and his tenants experienced low-level crimes. Tenants of the low-income used his complex as a shortcut to reach Coburg Road and tagged fences and buildings. He had encountered young men roaming the area at night and found that intimidating. He had to hire an on-site property manager to safeguard his property.

Jordan Papé, 2362 Lakeview Drive, advocated for consistency in the implementation of City policies. He said neighbors' objections were not based on the income of prospective residents and pointed out there was a trailer park directly to the north of the area. He said while it might be true Sheldon schools could absorb new students from Bascom Village he questioned how the schools could accommodate students from all the other current and planned development. Mr. Papé said development was occurring in the area without adequate infrastructure to support it. Area schools had 50 percent more students than North

Eugene and Churchill. He asked the council to consider redirecting the proposed development to an area with more capacity for growth.

Chris Leighton, 2264 Lakeview Drive, He said neighbors did not feel heard at the HPB hearing, which was held mid-day when many residents could not attend because the time conflicted with Gilham Elementary School's release. He objected to characterizations of neighbors as wealthy elites and noted his own blue collar origins and volunteer community service. Mr. Leighton questioned the amount of debt that the federal government was incurring and asked how such developments were being paid for. He suggested the property be sold to a tax paying entity and the revenues be used for public services.

Diana Graff, 2308 Parkview Drive, also felt the neighbors were not heard by the HPB. She asked how a pregnant mother pushing a stroller, perhaps accompanied by other children, was expected to walk four blocks to the bus on a street without sidewalks or street lights. She also believed it was a gross misuse of government funds for a member of the HPB member to suggest residents of Bascom Village could spend their food stamps at Safeway or Albertsons and said those were the highest priced grocery stores in the area. She also questioned how grandparents with custody of small grandchildren were expected to walk that far in the cold to a bus that ran only twice daily.

Wally Graff, 2308 Parkview Drive, did not believe the HPB's hearing notice was adequate. He did not think the process was fair because members of the HPB had already made their minds up about the proposal. They did not reach out to the neighbors to discuss the best approach. He said the City needed to include residents in the decision making process. He questioned the size of the proposed development and the location, which was not proximate to grocery stores, bus lines, or other services. Mr. Graff recommended that if the development were to proceed, the City require the developer to construct the infrastructure needed to serve it, including sidewalks.

Phyllis Hockley, 220 North Adams, #2, supported Bascom Village because it would help children living there to build relationships and have a sense of community. Children growing up in stable situations had stable lives. She believed a home was a basic need and in the absence of low-income housing, many would not have a home. She commended the low-income housing built by St. Vincent de Paul. Ms. Hockley believed that neighbors to the proposed development had legitimate concerns about schools, traffic, and the need for sidewalks, and advocated that all work together to resolve them to ensure Bascom Village became a reality.

Kevin Reed, 3117 River Bend Avenue, anticipated that residents of Bascom Village would need more services than most people but the site proposed for the development was not well served. He estimated that approximately 1,100 multi-family housing units were being developed in the area and nobody appeared to be taking that into consideration. He questioned if there was sufficient infrastructure to serve the new development and pointed out the majority of the added traffic would travel down two neighborhood streets. He believed the City should have worked with the neighborhood to determine how to best serve the needs of all, not just a single group.

Lorane Hunt, 2610 Edgewood Drive, suggested that single-family development next to an affordable housing development was a recipe for disaster. She questioned who was responsible for maintaining the quality of life for tenants and adjacent homeowners after construction. She believed that neighbors to the proposed development deserved both an answer and a guarantee the neighborhood would be protected, repaired, and enhanced. She said her disabled neighbor had spent six years addressing the impact of a nearby affordable housing development and had recently received a letter from the executive director of the agency that managed the project saying he was tired of hearing her complaints and informing her that

it was a misconception for her to think that what happened in the parking lot was her business because it was not her property.

Christy Albin, 2403 Parkview Drive, had looked forward to the construction of single-family houses on the property in question. She said neighbors were blindsided to find that a multi-story 101-unit development was proposed with inadequate parking in the expectation that excess parking would be accommodated on-street and with only one planned egress onto Parkview Drive. Several hundred neighbors attended a hearing at the Sheldon Community Center to learn more about the project. Unfortunately, it was too late; HPB members had made up their minds and did not consider neighbors' concerns. The HPB was too committed to the project to do anything but support it. She asked the council to slow the process, build the project right, or refrain from building it. Ms. Albin asked the council to consider neighborhood livability of both existing and future residents.

John VanLandingham, 325 North Grand Street, reviewed his written submission as it related to the City's Housing Dispersal Policy in support of the Bascom Village proposal.

Darin Housley, 2402 Parkview Drive, questioned the adequacy of the notice provided by the City and noted his property was directly adjacent to the project and he never received notice. He questioned siting a low-income housing development at the periphery of the community where no services existed. He suggested the property be sold and the proceeds invested in a more appropriately located site. He believed that made more sense for future tenants. He appreciated that the HPB held a second hearing but felt neighbor's comments fell on deaf ears. All the HPB members were advocates for low-income housing but no one was advocating on behalf of other citizens. Mr. Housley said such housing was needed but its location must make sense.

Jerry Rouleau, 2337 Parkview Drive, reiterated the concerns expressed by others about the process and the fact the neighbors were not included in the process. He asked why the HPB did not include the neighbors in its process; why no one talked to Lane Transit District before residents raised the issue of bus service; if City staff had called the principals of area schools to ask about the impact of the proposed development; why the traffic study done for the project did not address both properties; if the two developments were aware of each other; if the HPB went through the same process that other non-public developers went through; why the proposal disregarded Envision Eugene; why research was done only after the neighbors asked questions; if any of the councilors or members of the HPB had driven in the neighborhood at 5 p.m.; why no sidewalk was being built from Bascom Village to Crescent Street; and if Sheldon High School was full. Mr. Rouleau suggested if students could not transfer to Churchill High School to Sheldon High School, it must be full. He asked about the impact of House Bill 3681, which allowed students to transfer to any school they wanted to attend, on area schools.

Councilor Clark, seconded by Councilor Farr, moved to extend the meeting to 11 p.m. Mayor Piercy determined there was no objection.

Sara Bergsund, 1579 Charnelton Street, Bergsund Delaney Architects, said the design complied with City requirements for density. The site's zoning permitted up to 136 units, or 28 units per acre; 101 units, or 21 units per acre, was proposed. She believed any further reduction called into question the City's stated goals for affordable housing and compact urban development. She noted the developer was pursuing the 150 density bonus allowed for such developments. Ms. Bergsund said that Public Works staff indicated that the site's zoning was taken into account in City planning for infrastructure and there was sufficient design capacity on County Farm Road, Matt Drive, and Parkview Drive. Right-of-way improvements were planned for all three streets, including a sidewalk on County Farm Road.

Arlean Moses, 2150 Lakeview Drive, observed that none of the people speaking in support of the proposal lived in the affected neighborhood. She said the issue was not about the development's compliance with the code but rather than about neighbors' desires to be included in the decision that they were going to have to live with. She said that one of the HPB members had been offended by neighbors' passion about the issue and did not appreciate their questions. Ms. Moses reported she had asked the HPB about the impact of the development on property values. Did property values go down or did they go up? She wanted true information about the impact of the development on the schools. Ms. Moses asked why residents could not get an answer to the question of whether Sheldon High School was full and questioned who from the district was providing the information. She asked if area principals had been consulted. She said residents had children in those schools, and their experience was very different than the reports the council received. She asked which was true, neighbors' experience or those reports.

Ms. Moses invited the council to visit her home and sit in her yard at 5 p.m. to view the congestion and activity on the street. They would understand why the neighbors were asking that the process be slowed. She was not against affordable housing. She understood the need for and the value of such housing but believed that Bascom Village was the wrong project at the wrong time in the wrong place.

Carl Swan, 2225 Devon Avenue, concurred with the remarks of Mr. Papé. He likened the HPB hearing to the Twilight Zone, with the same response consistently offered to all neighbors' questions. He asked the council not to approve the project as presented. He said something was wrong with the process. Someone did not do their job. He asked the council to "push the pause button."

Greg Woods, 2364 Parkview Drive, said he had attended meetings of the HPB and had been struck by an article by David Brooks who wrote about "motivated blindness," which the condition of not seeing what was not in your best interest to see. People suppressed the facts they did not like, they tended to inflate their own virtues, and believed they acted more nobly than they did. He witnessed such behavior at the HPB when a board member had attacked a member of the public at the end of a meeting. Mr. Woods asked the council to separate the "vital lies" from the truth. He suggested examples of such vital lies were arguments that the neighbors were rich people who opposed the poor, their concerns revolved around reduced property values, the current infrastructure was adequate, and that St. Vincent de Paul was a nonprofit agency so everything it did must be good.

John Jaworski, 2985 Lord Byron, Chair of the Northeast Neighbors, called for a focus on concrete steps that could be taken to minimize the project's impact on the neighborhood. He said his organization's concerns were not about affordable housing, which it supported, or the dispersal policy, which it supported, or about Bascom Village itself. The organization was worried about the size of Bascom Village and the cumulative impact of Drakes Crossing on neighborhood livability, character, and safety. The two projects were inside a two-block area and would bring an additional 800 to 1,000 residents, including 200 or more school children, and add 1,800 to 2,000 trips per day to local streets. He identified transportation/traffic, residents' mobility, access to services, and education as key issues. He asked that local streets impacted by the proposed developments be upgraded as soon as possible and advocated for traffic calming measures to reduce speeding. He asked the City to persuade LTD to serve the area with bus service and bus shelters. He recommended that the school district develop a contingency plan to address school crowding.

Michael Reeder, 800 Willamette Street, Suite 800, Arnold Gallagher Parcels Robert, asked the council to reject the Request for Proposals for Bascom Village and return the property in question to its original low-density residential designation in the Eugene-Springfield Metropolitan General Area Plan. He believed the property's medium-density residential designation was in error and should not have occurred without some provision for buffering. He did not think the site was appropriate under the City's Housing

Dispersal Policy. He said the policy was aspirational in policy but aspirational did not mean “ignore.” It was a goal. Mr. Reeder emphasized that 43 percent of all family low-income housing in the community, which was the housing subject to the dispersal policy, was in the Sheldon region. He suggested that the council not make the decision a political one; he agreed the decision was a quasi-judicial decision and he believed the council needed to treat it as such. Mr. Reeder submitted written testimony.

Keith Baskett, 2275 Lakeview Drive, said his road, one of two accessing the proposed site, was already very busy. The proposed multi-family developments would add hundreds of cars to the roads. He encouraged the council to visit the area and consider the conditions that currently existed. He said the Bascom Village proposal did not make sense and he believed it should be reduced in size and the infrastructure improved. He objected that the land was taken out of the tax base. He asked the council to take its time and make a good decision.

Terry McDonald, 3062 Whitbeck Boulevard, St. Vincent de Paul, said there were many different kinds of low-income housing projects serving different populations and people self-selected for projects based on their need. He acknowledged that Bascom Village was on the periphery but there was still transportation connectivity. The majority of families living in such housing, which he characterized as workforce housing, had cars. He believed that future residents would self-select for connectivity to reach services depending on their situation. Families living in such developments tended to have only one car, which did not add as much traffic to the streets but still provided connectivity to nearby services. He said residents could shop at Wal-Mart, which was 1.7 miles away, if they chose not to shop at Safeway, which was 1.4 miles away. He acknowledged that a sidewalk on County Farm Road was needed and said St. Vincent De Paul would work with the City to provide it. He said that current lack did not take away from the fact the site was appropriate for needed housing.

Ardel Wicks, 3369 Arlington Drive, said automobiles represented a large expense for low-income residents and he was concerned that Bascom Village residents would be dependent on automobiles because of the site location and inadequate bus service. He also noted the City’s own goals for reducing the use of fossil fuels. He understood the aspirational nature of the Housing Dispersal Policy but pointed out that it contained very real numbers and he was concerned about the large increase in the number of allowed units. He asked the council to consider the total impact of all development in the area.

Norton Cabell, 1456 West 10th Avenue, representing the HPB, provided a timeline of the actions that led to the site’s designation for medium-density residential use and noted that the neighbors received notice about the property’s annexation and rezoning. He noted the City’s outreach to the neighborhood and the HPB’s decision to slow the process to allow for more input. He believed it was impossible to satisfy everyone’s process complaints or to pick a perfect site. There would always be opposition. The HPB had discussed the neighbors’ concerns and concluded they were manageable and would be addressed over time.

Richie Weinman, 55 West 31st Avenue, submitted the Human Rights Commission’s written testimony in support of Bascom Village. He spoke of the need for low-income housing and commended the City for taking the interests of the entire community, not just the neighbors of a particular project, into account. He said such developments provided housing for thousands of households and were safe and positive additions to their neighborhoods. Residents would live on the site by choice, have automobiles, and decide where to shop and attend church. He said the “same tired arguments” used by neighbors had been used by residents opposed to other low-income developments but the council supported each one. Mr. Weinman said there had been no research or data to support the Housing Dispersal Plan’s aspirational goal of 60 units at any single site. It was a compromise worked out by the Planning Commission to balance City goals and policies.

Chuck Hauk, 2465 Parkview Drive, an employee of HACSA, supported Bascom Village because he believed in a just and compassionate community and such housing was needed as demonstrated by the many applications HACSA received for low-income housing assistance. He had lived in the region for more than 31 years and it was clear to him the area in question would be developed. He asked if it was more desirable for the neighborhood to have regulated development or unregulated private development that did not take into account the community's need for well-managed affordable housing. He predicted that the quality of management and construction at Bascom Village would be far superior to a comparable private development. He also predicted that residents of Bascom Village would take advantage of the housing to improve their lives and then they would move on. The development would provide needed assistance to families who were already employed but could not afford the high rents of the current market. He asked the council to support the proposal.

Larry Abel, Executive Director of HACSA, spoke of the need that existed for affordable housing and the lack of funding that existed. He said that funding for low-income housing had been dramatically reduced in the face of greatly increased need. He said the community was fortunate that land bank sites were available because they made development of Bascom Village feasible. He noted that the proposal was the first joint submittal by HACSA and St. Vincent de Paul and he looked forward to the two agencies working together to provide decent and safe low-income housing to residents.

Tom Moseman, 2559 Parkview Drive, also supported Bascom Village and hoped to see a community solution to the lack of low-income housing in Eugene. He suggested that it would have been challenging for the neighbors to know the public intent for the site given it was not annexed and rezoned until 2009 and 2010 and owned by the County previous to that. He appreciated that the HPB had slowed the process but also felt that there was not much of a dialogue between the board and project neighbors.

Brian Land, 2320 Devon Avenue, said he had two children in Sheldon High School and could confirm the school was crowded. He believed the development would increase school crowding and wanted the council to consider the cumulative impact of such projects. He pointed out the council had the ability to decide the location of such projects relative to school capacity. Mr. Land said that everyone wanted a positive experience for students and school crowding did not help. He said that neighbors were not opposed to low-income housing and recognized the need; however, they wanted to be involved in the decision-making process. He said that residents did expect that the Housing Dispersal Policy would be considered, the 38 units on Matt Drive taken into account, and the lack of services would be addressed. That did not occur. Mr. Land said a more collaborative approach was needed.

There being no other requests to speak, Mayor Piercy closed the public hearing. She thanked those who spoke and said the council would consider their input.

Councilor Clark noted that he lived three blocks from the development site and believed the development would place an additional burden on an already burdened transportation system. One could not get onto Crescent Avenue at the hours of 8 a.m. and 5 p.m. With due respect to Ms. Thompson and Barb Bellamy of School District 4J, Councilor Clark clarified that the district indicated it could absorb additional students on a district-wide basis rather than on the basis of individual schools' enrollments. He questioned the enrollment numbers provided by the district. Councilor Clark reported he had discussed the impact of the additional students his child's school absorbed as a result of the closures of Coburg and Meadowlark schools with the school principal and came away from that conversation believing there was no way to add 100 additional students to area schools.

Councilor Clark asked if the council's decision could be appealed. City Attorney Kathryn Brotherton indicated she would follow-up after doing more research. Councilor Clark wanted to know on what basis the council decision could be appealed, and asked the attorney to respond to the testimony offered by Ms. Kingrey.

Councilor Poling was familiar with the area in question and agreed with Councilor Clark that traffic was a major concern. In regard to the issue of school capacity, Councilor Poling believed the council needed to weigh the question of capacity against the quality of education. He said the schools could probably absorb the additional children but he questioned what happened to the children who would live in Willakenzie Crossing and other proposed developments. He had many questions and reservations about the project and said he would review all the public input he received.

Mayor Piercy recalled the public outcry about the Fox Hollow low-income housing project but neighbors had no subsequent problems with the development after it was built. She believed the neighbors to the proposed development had legitimate concerns but also believed most of those concerns could be addressed.

Councilor Brown thanked all those who testified. He challenged those who disputed the school district's figures to provide accurate figures.

Councilor Farr also thanked those who offered testimony.

Mayor Piercy adjourned the meeting at 10:47 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

November 23, 2011
Noon

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

Her Honor Mayor Kitty Piercy called the November 23, 2011, work session of the Eugene City Council to order.

**A. WORK SESSION:
Envision Eugene – Land Need for Industrial**

The council was joined by Planning Director Lisa Gardner, Metropolitan Community Planning Manager Carolyn Weiss, and Associate Planner Jason Dedrick. Mr. Dedrick provided a PowerPoint presentation on Eugene's industrial land need. He highlighted a strategy from the Joint Elected Officials' Regional Prosperity Plan, *Strengthen Key Industries*, as a means to increase local wages and which also served as the basis for the need for more industrial land. Mr. Dedrick noted the key industries targeted in the plan: software and computer systems design, manufacturing, health care and social assistance, and scientific research and development. He suggested that, while not mentioned in the plan, the local food industry was growing and its land need also had to be considered. Mr. Dedrick noted the varying site requirements of each key industry.

Mr. Dedrick shared State of Oregon employment growth forecasts for 2008-2018 and anticipated the soon-to-be released growth rate for 2010-2020 would be slightly higher. He shared data on industrial land consumption since 1990 as well as data on existing vacant industrial sites of varying sizes. He also shared a map of the existing vacant sites. Mr. Dedrick acknowledged limitations in the current inventory that precluded the State from referring companies that needed large sites to Eugene. He briefly noted examples of Eugene companies unable to expand at their current sites.

Mr. Dedrick reminded the council of the Economic Prosperity Pillar of Envision Eugene, which called for implementation of the Regional Prosperity Plan, consolidation and redevelopment of vacant and developed industrial sites, and consideration of sites outside the urban growth boundary (UGB).

Mr. Dedrick shared maps of potential expansion areas to accommodate industrial growth. He indicated staff would continue to monitor actual job growth, the consumption of large sites, existing companies' expansion efforts, the State's referrals to Eugene, and redevelopment of brownfields/land trusts.

Mr. Dedrick noted next steps, which included additional public outreach and a council work session scheduled on December 14.

Mayor Piercy solicited council comments and questions.

Responding to a question from Mr. Clark, Mr. Dedrick confirmed that the City's calculation of needed land must be based on or tied back to the State job growth forecasts. Mr. Clark suggested a "chicken and egg" conundrum resulted because while the presentation mentioned the strategies and goals of the Regional Prosperity Plan, land demand was tied to the State forecast. He did not see how the community's aspirational goals were tied to its planning. He asked which scenario the City should be planning for. Mr. Dedrick said that the employment growth rate represented a safe harbor. The City could use the State forecast without a legal challenge but it was not a given. The community could make a case for higher job growth. Mr. Clark suggested a .9 percent growth rate meant the community would not escape recession for 30 years. He wanted to plan for more robust growth.

Mayor Piercy observed that the council's discussions about economic development veered between the local and regional situations because the local economy existed in the context of the regional economy. Part of the conversation was about what Eugene was and what it was in relationship to the broader regional economy. She recalled that she had provided the council with data that indicated the local disaggregated unemployment rate was 8.7 percent, which was lower than nearby communities and the state.

In regard to key industries, Mayor Piercy suggested that there was a relationship between foods and natural foods and from there a further connection to natural products. That also touched on the conservation of agricultural soils to boost the economy.

Mayor Piercy advocated for more contextual conversations with the City's regional partners about how to better and more appropriately locate industrial land to build the economy.

Responding to a question from Ms. Ortiz about the future of the railroad yard, Mr. Dedrick said the City had approached the railroad three years ago about its plans for property and heard the railroad had no plans to dispose of the property or use it differently. The City's planning reflected the property's current use. Recently there had been some discussion about rail-truck intermodal hubs and the potential that green lumber products industries might wish to locate nearby. The property could play an important role in the future but the City could not identify it as an available site.

Responding to a question from Ms. Ortiz about the Clear Lake area, Ms. Weiss clarified that staff was not ruling out the site for housing but due to its zoning it could not be a first option. She also noted the potential impact of the airport noise contour line on residential development. She anticipated further discussion. Ms. Ortiz did not want to rule out that area for residential use. She noted the existing residential development pattern that existed and suggested it was a natural location for single-family homes.

Mayor Piercy observed that both improved rail passenger transport and improved freight transport would economically benefit Eugene. Ms. Ortiz agreed. She emphasized her interest the family-wage jobs that the railroad could provide and suggested the community find a way to incorporate that industry in its work force development efforts.

Mr. Brown asked questions clarifying the State job growth forecast and the number of referrals the State made to Lane County. He determined that Mr. Dedrick did not know where Rexius Forest Products would move when it left its current Eugene site.

Mr. Farr recalled that Food for Lane County had partnered with Grain Miller, Golden Temple, and Glory Bee Honey on a breakfast product that had been quite successful, but Grain Miller had not been able to

remain in Eugene due to a lack of space. He was disconcerted that not only was Eugene not attracting new businesses, it was sending existing businesses out of the community.

Mr. Farr advocated for a focus on the food industry and finished food products. He said it was a green and clean industry and its products could be exported all over the world. Mr. Zelenka concurred.

Mr. Zelenka asked how many businesses that moved to Oregon over the last 20 years required 50 acres. Mr. Dedrick did not know but said he could provide that information.

Responding to a question from Mr. Zelenka, Mr. Dedrick anticipated that the City would incorporate conditions to accompany the larger industrial sites to preclude their further division. He acknowledged that action could be changed by a future council.

Mr. Zelenka asked about the potential of industrial development in the Lane Community College basin and farther out to Goshen. Mr. Dedrick said that the City must justify including those lands inside the UGB and justify the extension to the State as well as the use of the intervening lands. Mr. Zelenka asked about Lane County's interest in the area and the relationship of that interest to the City's interest in having some larger industrial sites. Mr. Dedrick said Goshen could not have the heavy industrial use Lane County hoped to see there because the community lacked a UGB was not urbanized. Subsequently, Lane County sought an exception to Statewide planning goals and it appeared the State might grant the exception. He said technically, since the land was not inside Eugene's UGB it could not serve the community's industrial needs. Mr. Zelenka pointed out that technically, the City did not have a need for industrial land. Mr. Dedrick said that was true from a strict mathematical standpoint.

Mr. Pryor liked that staff was working to create the nexus between employment and the need for land. He believed the City was trying to create an environment that allowed businesses to create jobs. That made it important to identify those industries. He suggested there must be a "payoff" for the size acreage the City was contemplating. While he believed that the community needed both small and large employers, Mr. Pryor was interested in knowing the difference in the payroll of large employers and small employers to better explain the payoff to the community.

Responding to a question from Ms. Taylor, Mr. Dedrick confirmed that the Hynix site was more than 200 acres but much was developed and much of it was not available for development because of wetlands. There was some developable land to accommodate the expansion of whatever industry eventually settled there. He said the Hynix site did not count as a vacant site because it was not currently vacant.

Ms. Taylor agreed with Mr. Farr about concentrating on food and food-related industries. She also suggested the City look at the local arts scene as an economic cluster. She believed any business the City assisted in relocating to Eugene should not pollute and should pay living wage jobs. She averred that Hynix had not paid a living wage and she did not want to make the mistake of bringing in another such company.

Ms. Taylor suggested where a business located should not matter if it was on the most appropriate site.

Mayor Piercy recalled that the State economist had suggested that Eugene's future was in small locally grown businesses that could be grown and expanded with appropriate nurturing. Speaking to the issue of Hynix, Mayor Piercy said the company had paid some of the highest wages in the area and lifted the community's entire wage scale. She said Hynix's departure had left a "big hole" in the community.

Mr. Clark suggested the council consider the issue from the perspective of increasing the property tax base. The only way the City could pay for the increasing costs of providing the services that people demanded was to increase the amount of property taxes paid.

Mr. Clark asked if what percentage of economic growth Eugene would achieve if the portfolio of sites discussed by staff achieved full build-out. Mr. Dedrick indicated staff needed to do more analysis to tie job growth to the portfolio. He added that the State forecast did not account for any new industrial acreage. Mr. Clark suggested a need for 25,000 – 26,000 jobs in the next ten years. He wanted the council to be able to review metrics related to the type and amount of parcels added, their potential impact on the property tax base, and the number of jobs generated. He feared the City would take a conservative approach and plan for what it could defend to the State rather than take a more aspirational approach that planned for economic success as opposed to intentional planning to extend the recession. City Manager Ruiz suggested that the next Envision Eugene presentation, which addressed commercial land, would help fill out the entire picture.

Mayor Piercy asked that the council be provided with a comparison of Eugene's wages to other local jurisdictions, the state, and the nation.

Mr. Zelenka questioned the need for five sites of more than 50 acres. He said most job growth came from small businesses and the economic incentives sometimes offered by governments to attract larger firms requiring such sites cost more than they realized in tax revenues. He did not think history supported the designation of five such sites. He did agree some large sites were needed and existing industrial sites needed to be reconfigured. Mr. Zelenka said the City did not need any industrial lands to meet its legal requirements. He asked what Springfield and Lane County were doing in areas such as Russell Creek and Goshen to meet the goals of the JEO Regional Prosperity Plan.

Mr. Zelenka noted that the Game Farm Road property was in the 100-year floodplain and asked how that affected potential development. Mr. Dedrick said it did not; the floodplain was a planning consideration rather than a prohibition to development. He acknowledged some industries would not want to develop on such a site.

Mr. Farr reiterated that Eugene companies such as Rexius Forest Products found it impossible to expand in Eugene and had to move to another community to find sufficient land. Other local firms like Feeney Wireless wanted to stay and grow in Eugene. Mr. Farr believed that relying on history to predict future development was a "mixed bag" and thought it was essential to ensure there was land for local businesses to expand on, not just to attract outside companies.

Mr. Brown requested a map showing where the location of 50-acre and 100-acre sites. He wanted to see totally unconstrained parcels and suggested it was possible that Eugene had no such sites and companies might have to go to other communities. The community might be facing some natural limits to growth. He did not think that was necessarily a bad thing. Mr. Brown acknowledged the City's need to comply with State law but was concerned that the Eugene-centric approach moved the community away from regional planning. Mr. Dedrick anticipated staff would return with information reflecting planning for industrial development at the regional level and said the sites presented by staff represented the community's available and least constrained sites.

Ms. Taylor expressed concern that large factories attracted ten people for every new job, and when the factory closed the laid off workers needed social services. While such development brought tax revenues, they also generated the need for new services. She agreed that it was important to consider the issue at the regional level. Ms. Taylor recalled a collaborative three-city approach taken by three Massachusetts

communities that worked together to locate businesses in the most appropriate places and shared the resulting tax revenues and said Eugene could consider a similar approach.

Mr. Zelenka hoped the staff analysis took the ancillary economic impact of attracting large companies to the community into account.

Mr. Clark said the community lost opportunities when it lost companies. Those losses had a direct impact on the tax base and the availability of jobs. Eugene lost those opportunities and did not replace them because of a lack of available sites. Mr. Clark did not think the right approach was to rely on history to argue no new sites were needed. He suggested that companies had not come to Eugene because Eugene lacked sites and needed to have an inventory of sites to stay even with past losses and not lose additional jobs.

Ms. Ortiz welcomed new companies and businesses as providing jobs for the community. She said a lack of jobs was forcing young people out of the area. Those were the people the community wanted to retain. They grew up here but had to leave because they did not want to rely on social services. Ms. Ortiz wanted the City to take a proactive approach to business retention and recruitment and tell companies it wanted them in the community and ask them what they needed from the City. She wanted the City to deliver a strong proactive message to local businesses.

Ms. Ortiz suggested that the City lobby to end the North American Free Trade Agreement (NAFTA).

Mayor Piercy pointed out that there was a limited land supply and businesses had different needs. Grain Millers, for example, wanted grassland to grow its products at its site, and Eugene could not accommodate that need.

Mayor Piercy wanted to help residents seeking jobs and wanted those jobs to reflect community values. She thought the City could achieve those goals.

Mayor Piercy adjourned the meeting at 1:23 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

November 28, 2011
7:30 p.m.

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

Her Honor Mayor Kitty Piercy called the November 28, 2011, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Michael Carrigan, 1439 West 4th Avenue, Community Alliance of Lane County, expressed support for the council's action to exempt Occupy Eugene from the City's camping ordinance. He spoke of the services being delivered on the site, the security that existed, and suggested that lives were saved by quick responses to medical emergencies. People were provided with a safe place to camp. Occupy Eugene was making progress in helping with homeless issues and could help the City and Lane County develop a long-term plan that could be a model for the country. He urged the council to extend the exemption past December 15, 2011.

Jean Stacey, 944 West 12th Alley, discussed the challenges faced by Occupy Eugene to accommodate homeless campers and the volunteer medical services now available to them as a result of the encampment. She believed that a young man would have died of an overdose but for the presence of the camp. She acknowledged the issues of the homeless were challenging and reported that Occupy Eugene had adopted a social contract that must be signed by all participants at the encampment. She overviewed the contract and assured the council that those who refused to leave would be persuaded to do so with individuals trained in non-violent techniques and the police if necessary. She believed Occupy Eugene was encouraging people to become sober and said Occupy Eugene had zero tolerance for drug paraphernalia.

Joe Tyndall, 361 West Broadway, noted the disparity between the assets of the richest Americans and those of the majority of Americans and said that Occupy Wall Street was a response to the systematic looting of the economy. Occupy Eugene was also a homeless camp. He reported that 90 percent of camp participant comprised the homeless and youth, those most impacted by the "corporate cult of greed." Many were there for services and protection from the police. He believed the homeless were making progress because they were shown respect by Occupy Eugene. Many homeless people had become sober and homeless youth participated in service delivery. Violence was not tolerated. He asked the City to continue to allow camping at the site and to support it with donations of food, cash, and time.

Bob Bussell, 3054 Grand Cayman Drive, expressed support for the Bascom Village project. He said the community needed affordable housing and higher wages. He cited a report that stated that 45 percent of

all United States residents lacked economic security, living above the federal poverty threshold but not earning enough for housing. He shared the concerns expressed by area residents about school crowding but suggested the problem could be attributed to inadequate funding, rather than new housing. He believed that the neighbors were opposed to the project because it was an affordable housing project and suggested their concerns could be addressed in a way that demonstrated solidarity for the low-income.

Carla Newbre, 544 West 16th Avenue, Occupy Eugene, spoke of her dedication to the Occupy movement and the education she received when she spent time with other Occupiers. She encouraged the councilors to visit the site and sit in on committee meetings and general assembly meetings. She asked the council to extend the exemption to the camping ban.

Mark Callahan, 3621 Mahlon Avenue, discussed his perception of the hypocrisy of the Occupy movement. Occupy participants criticized corporations while organizing on the Facebook corporate site with devices made by corporations while sleeping in tents and sleeping bags made by corporations sipping coffee made by Starbucks and using portable Bucks toilets. Media celebrities such as Michael Moore supported the movement while acknowledging he was one of the one percent. He noted that one Occupy movement had opened an account at a Wells Fargo Bank, one of the banks the movement railed against. He suggested that Bank Transfer Day actually assisted large banks by reducing the cost of their FDIC insurance.

Doug Cooley, 1710 Salem Industry Drive NE, Salem, an employee of Comcast, discussed Internet Essentials, a program for households with children who qualify for the National School Lunch Program to provide internet services for \$9.95 monthly. He shared brochures about the program.

Kevin Reed, 3117 RiverBend Avenue, thanked the council for listening to all sides regarding the Bascom Village question.

Lotus, Occupy Eugene, was present on behalf of her daughter because she did not want her to grow up as she had. She asked the council to lift the camping ban permanently because those she had met at the camp cared about her regardless of what she could do for them. Occupy Eugene was building a community of people who supported each other. She wanted to stay at the camp because the relationships that were building there were paramount to the world she wanted her daughter to live in. She left everything she had to join the encampment because her presence was her protest about corporate greed. She had seen lives changed by Occupy Eugene. She urged the council and the audience to join Occupy Eugene.

Alley Valkyrie, 1716 Olive Street, a participant in Occupy Eugene, discussed how the homeless were now community-building at Occupy Eugene and were no longer hanging out and creating problems downtown. She averred that the police and downtown property owners agreed with her. The answer was in the park. Amazing humans were participating. She asked that the encampment be allowed to continue.

Bridget Baird, Occupy Eugene, said she was recovering from a meth addiction with the assistance of the Occupy Eugene. She would not have been able to get clean without community support. Occupy Eugene was important to her and many others. She asked the council to allow the encampment to remain through the holidays. The movement was creating a change in a safe place. She asked the council to allow Occupy Eugene to rebuild somewhere else so participants could stay together as a family.

Scotty Perry, 715 West 23rd Avenue, Occupy Eugene, thanked the council for the exemption from the camping ban. He appealed to the council for consensus on allowing the encampment to stay. Speaking to earlier criticism suggesting that the movement was hypocritical, Mr. Perry said his group was not anti-

capitalism, just anti-corruption. It wanted the playing field to be fair. He was employed and he loved his job. His time was precious but for the last six weeks he had put all his energy into Occupy Eugene, which he had waited for all his life. He had seen lives changed. He asked the council to talk to downtown businesses about the changes they had experienced and to the service providers to see how their bottom lines were affected.

John Monroe, 805 Horn Street, Occupy Eugene, suggested that Occupy Eugene represented a civil society that supported people when they down. He believed Occupy Eugene was a radically inclusive attempt to recreate civil society. There were no bounds to who could participate because a civil society did not consider socio-economic status. Occupy Eugene was trying to rebuild a civil society as a gift for those who were raised without one. The movement was not anti-commerce but he believed that corporations had privatized basic needs and worked against civil society networks to profit from them. Occupy Eugene sought to affirm that human beings should have the right to help one another, support to do so, and a community.

Charles Hibbert, 5555 West 11th Avenue, said that if Occupy Eugene had its way there would have been no business at Valley River Center on Black Friday. He said that small businesses relied on large businesses and what they developed and created. He believed that Occupy Eugene was seeking to undermine the country's financial system. He recommended that Occupy Eugene share its complaints with Congress given that body's role in making the rules that governed banks and financial institutions. He did not think the problem lay with large corporations and banks.

Blackhorse Shasta, 961 Almaden Street, thanked the council for being open to the Occupy Eugene movement. He had moved to Eugene from California and was amazed and warmed by the sense of community he found. He had been warmed by seeing lives changed by being involved in the Occupy environment. He emphasized the importance of free speech to Americans and said Eugene's openness to the Occupy movement's freedom of assembly made a strong statement to the world. He hoped the council's support continued. He acknowledged the challenges that faced Occupy Eugene and requested patience on the part of the City so the movement could work some things out.

Mayor Piercy closed the Public Forum. She thanked those who testified and for the kind hearts that all brought with them. She knew that not all residents agreed about Occupy Eugene but thought all could agree about the hearts of those who spoke. She solicited council comments and questions.

Councilor Pryor also thanked those who testified. He had supported the camping ban through December 15 and had asked if there was a way to evolve the movement to the next level. It appeared that most of those camping were homeless and their needs must be addressed. He was unsure if camping was the right solution. He hoped to see more solutions and invited Occupy Eugene to work with the City to reach a mutually agreeable consensus on where Occupy Eugene could occur on a more sustained basis. He did not think it could continue at its current location.

Councilor Pryor thanked Mr. Cooley of Comcast for the service he described, which he thought was a wonderful thing.

Councilor Ortiz agreed with the remarks of Councilor Pryor regarding Occupy Eugene and concurred in his thanks to Mr. Cooley. She had anticipated the positive impact of Occupy Eugene because she thought participants had good intentions. She had toured the site and was willing to talk some more. She was challenged by the thought of having Occupy Eugene at its present site for much longer.

2. **CONSENT CALENDAR**
 - A. **Approval of City Council Minutes**
 - September 26, 2011, Regular Meeting
 - October 17, 2011, Work Session
 - B. **Approval of Tentative Working Agenda**

The council approved the Consent Calendar at the 5:30 p.m. work session.

3. **ACTION:**
An Ordinance Extending the Sunset Date for the Rental Housing Code

City Manager Jon Ruiz asked the council to consider extending the current sunset date for a nine-month period ending on September 30, 2012, which would provide more time for evaluation of the program. No fees would be billed for the next fiscal year in the interim.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Council Bill 5056 extending the sunset date for the Rental Housing Code nine months to September 30, 2012.

Mayor Piercy referred to remarks submitted by John VanLandingham of Lane County Legal Aide, who suggested the City could examine the Rental Housing Code and determine how to make the program work so that it was as helpful to property owners as it was to property renters. She supported an extension so the City could find a way to achieve that goal.

Councilor Ortiz agreed with Mayor Piercy. She was not happy with the length of the extension and hoped staff could return with a recommendation earlier than had been suggested.

Councilor Clark agreed with Councilor Ortiz. He preferred a six-month extension, but would not offer that as a motion at this time. He believed the landlords' testimony suggested there was a problem with the program. He was concerned that the City was over-collecting for the program. Conversely, Councilor Clark acknowledged that there were occasional "bad apples" among landlords and the program provided a conduit for communication between them and their tenants without recourse to the courts. He supported the extension because the City would not be billing for the next annual cycle due to the surplus that existed.

Councilor Poling also intended to support the motion but agreed nine months was too long. He said he would be interested in further discussion of the fee and its relationship to the program budget. He was also concerned about other factors being incorporated into the code, such as energy conservation, because he believed the code was intended to be narrower in scope.

Roll call vote: The motion passed unanimously, 8:0

4. **ACTION:**
Approval of Funding for Housing Affordable to Low-Income Persons

City Manager Ruiz asked the council to take action regarding the commitment of HOME funds, City of Eugene systems development charge waivers, and the disposition of the County Farm land bank site for construction of Bascom Village, a 101-unit affordable housing development proposed by St. Vincent de

Paul Society of Lane County and the Housing and Community Services Agency of Lane County (HACSA). The Intergovernmental Housing Policy Board recommended approval of the proposal.

Councilor Taylor, seconded by Councilor Brown, moved to approve, for Phase 1 development of Bascom Village: 1) transfer of the western portion of County Farm land bank site to Saint Vincent de Paul; 2) commitment of \$351,603 in HOME funds; and 3) provide for \$249,593 in Eugene system development charge (SDC) waivers and to also approve for Phase 2 development of Bascom Village: 1) transfer of the eastern portion of County Farm land bank site to the Housing (HACSA); 2) commitment of \$294,603 in HOME funds; and 3) provide for \$224,346 in Eugene SDC waivers. In addition, make a recommendation to EWEB to approve an SDC grant for each phase of the project.

Mayor Piercy solicited council comments and questions.

Councilor Clark, seconded by Councilor Poling, moved to postpone the item to December 12, 2011.

Councilor Clark commended the fact that the Housing Policy Board (HPB) had done more public outreach regarding the proposed development but said many neighbors did not feel their concerns were incorporated into the proposal due to a lack of time. That left the council with an up or down choice. Councilor Clark believed the community needed more affordable housing and if such a project was to be built, Saint Vincent de Paul was the entity to build it. However, he wanted to postpone action to investigate alternatives, such as a suggestion from attorney Mike Reeder that the City sell the site and use the proceeds to purchase a more appropriate site.

Councilor Poling asked Housing Specialist Becky Wheeler if postponement would affect the federal funds underwriting the project. Ms. Wheeler said no. Councilor Pryor asked how selection of a different site would affect the funding. Ms. Wheeler said that delay past the beginning of the year would affect the developer's ability to seek State funding and would add to the developer's cost as each proposal was site-specific. Councilor Pryor asked about the availability of HOME funds in the next federal funding cycle. Ms. Wheeler said that a 38 percent reduction in HOME funding had been proposed, which equated to about \$450,000 for the City of Eugene.

Councilor Pryor suggested it was conceivable that the council might not have a lot of additional information to weigh in two weeks. Ms. Wheeler concurred. She said staff considered many issues when it considered site suitability, many of which were federal requirements related to environmental and social justice. Responding to a follow-up question from Mayor Piercy, Ms. Wheeler confirmed that any new site would be reviewed by the HPB.

Councilor Brown was unconvinced by Mr. Reeder's arguments. He supported both the project and its proposed location and pointed out that a private developer would be able to build a much denser development that was likely to be less attractive. He said two weeks was not sufficient time to evaluate a complex real estate transaction and advocated for moving the project forward.

Councilor Farr said it was difficult not to support an opportunity for more deliberative thinking. However, he was concerned that delay could jeopardize the project's funding and construction. At Councilor Farr's request, Ms. Wheeler described the annual low-income site-specific tax credits application process and indicated delay would not provide the developers with time to apply in 2012. She said the property was purchased with both Community Development Block Grant (CDBG) funds and

General Fund dollars, and if the property was sold the proceeds must be returned to the City's CDGB Fund.

Councilor Clark suggested a two-week delay would place the onus for information on the neighbors at no cost and with no problems.

Councilor Brown believed a two-week delay would be a useless exercise that could possibly damage the project's viability. He thought the council had the information it needed about other sites.

Councilor Zelenka agreed with Councilor Brown that the delay could put the project funding in jeopardy. He suggested the motion would establish a precedent that resulted in affordable housing projects being second-guessed at the council level. He did not support the motion.

Roll call vote: The motion failed, 6:2; councilors Poling and Clark voting yes.

Councilor Ortiz determined from Ms. Wheeler that staff was working to find a solution to the lack of sidewalks serving the site.

Councilor Pryor said the decision was a very challenging one for him. He had learned some lessons from the process about how being more mindful in integrating such projects into the community. He shared the neighbors' infrastructure concerns. He wanted the council to take definitive action to ensure that the street capacity issues brought up in testimony were addressed and that sidewalk access be required as part of the project.

In regard to the project itself, Councilor Pryor pointed out the site in question was one of the City's last land bank sites and a last opportunity. The decision process had been slowed to address the concerns expressed by neighbors. He would work hard to ensure their fears were not realized.

Councilor Pryor, seconded by Councilor Clark, moved to amend the motion to provide that sidewalks from Parkview to Crescent be added to the project to be paid for by the developer.

City Manager Ruiz suggested to Councilor Pryor that alternatively, the council direct him to investigate ways to provide the additional infrastructure.

Without the concurrence of his second, Councilor Clark, Councilor Pryor withdrew his motion with the expectation that the manager would return with a proposal.

Councilor Poling believed there were many issues that remained to be addressed, including the project's consistency with the Housing Dispersal Policy, the presence of a Head Start facility on site, zoning, and the proposed density. Ms. Wheeler indicated a Head Start facility could be included in the context of a conditional use permit. She noted the existing precedents for such a facility.

Councilor Poling was concerned about the lack of sidewalks and bicycle lanes on County Farm Road as well as about bus routes. He was concerned about additional traffic on Matt Drive when it was eventually connected. Councilor Poling said while he supported affordable housing, he could not support the project as presented. He believed the council needed to step back. He questioned whether the neighbors received adequate notification of the proposal.

Councilor Zelenka said he visited the site and found a bus stop located 100 feet away from the site. He questioned why the City would require the developer to construct a sidewalk all the way to Crescent Drive given that. He agreed that sidewalks should be all over the City, but feared the requirement would drive up project costs or force the elimination of an amenity intended to serve residents. He suggested the manager consider the alternative of putting a sidewalk to the nearest bus stop.

Councilor Clark appreciated the City Manager's willingness to consider safety improvements to ensure the safety of children using the road, which was now a gravel road frequently traveled by large trucks. He wished that the council would consider other options and indicated he would likely vote against the motion. Councilor Clark did not think the City Council was following the City's Housing Dispersal Policy if it approved the project as the policy was intended to preclude the clustering of a lot of low-income families in one place.

Councilor Farr noted some of the concerns raised by people throughout the process and said he believed that the City had made a good effort to address them. He said the issue for him was about the provision of needed affordable housing and getting children into houses.

Roll call vote: The motion passed, 6:2; councilors Poling and Clark voting no.

**5. ACTION:
Approval of Sustainability Commission Amended Work Plan**

City Manager Ruiz asked the council to approve the Sustainability Commission's work plan, which had been revised in response to concerns expressed by the council at its October 19 work session. The original work plan included an item stating "Support rental housing code revisions for energy efficiency" and to "articulate economic benefits and implications." The item had been changed to read "Encourage energy efficiency when addressing health and safety issues in the rental housing program" and "articulate economic impacts" Sustainability Liaison Babe O'Sullivan and Sustainability Commission Chair Josh Skov were present to answer questions.

Councilor Taylor, seconded by Councilor Brown, moved to approve the Sustainability Commission's Fiscal Year 2012 work plan as amended.

Responding to a request for clarification from Councilor Poling, Mr. Skov said the commission intended to explore the issue but did not intend to expand the regulatory mandate.

Councilor Zelenka pointed out there was currently no linkage between the replacement of broken windows, for example, and Eugene Water & Electric Board's weatherization program. He suggested that the commission could help create a synergy that did not now exist as currently, landlords were not provided information about the program. The weatherization program could reduce costs for the property owner.

Councilor Taylor said she intended to propose that the council add energy efficiency to the Rental Housing Code.

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

**5. ACTION:
An Ordinance Concerning the Human Rights Commission and Amending Sections 2.013,
2.265, 2.270, 2.275, and 2.280 of the Eugene Code, 1971**

City Manager Ruiz asked the council to take action on an ordinance amending the code regarding the Human Rights Commission's structure and focus.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Council Bill 5057 concerning the Human Rights Commission.

Councilor Ortiz supported the motion but reminded the commission of the council's ultimate authority over commission appointments.

Councilor Farr thanked Human Rights Commission Chair Toni Gyatso and Vice Chair Ken Neubeck of the Human Rights Commission for their work.

Roll call vote: The motion passed unanimously, 8:0.

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

This item was not addressed.

Mayor Piercy adjourned the meeting at 9:07 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

January 30, 2012
5:30 p.m.

COUNCILORS PRESENT: George Brown, Pat Farr, Betty Taylor, Andrea Ortiz, George Poling,
Alan Zelenka.

COUNCILORS ABSENT: Mike Clark, Chris Pryor.

**A. BOARDS AND COMMISSIONS INTERVIEWS:
Toxics Board**

Mr. Brown called the meeting of the Eugene City Council to order. The council interviewed Richard Nicol for Position 3 (Industry) on the Eugene Toxics Board. Mr. Nichol was asked the following questions:

1. *To be a member on the business side, you must be employed by or be an agent of a company required to report. Please tell us why you qualify for board membership.*
2. *What is your understanding of the purposes of the City's Toxics Right-to-Know Program?*
3. *What is your understanding of how the program functions?*
4. *As a member of the Toxics Board, what improvements would you like to make? What problems would you like to solve?*
5. *Do you feel that you can work effectively with the other members of the board, some of whose viewpoints on certain issues might be diametrically opposed to yours? Why?*

Mr. Brown thanked Mr. Nicole for applying and said the council would be making an appointment soon.

Mr. Brown adjourned the meeting at 5:52 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)