



Eugene City Council

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EUGENE CITY COUNCIL AGENDA

November 19, 2014

12:00 PM CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

Meeting of November 19, 2014;
Her Honor Mayor Kitty Piercy Presiding

Councilors

George Brown, President	Pat Farr, Vice President
Mike Clark	George Poling
Chris Pryor	Claire Syrett
Betty Taylor	Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

12:00 p.m. **A. WORK SESSION and ACTION:
Judicial Evaluation/Presiding Judge Reappointment**

12:40 p.m. **B. ACTION:
Adoption of an Ordinance Suspending Multi-Unit Property Tax
Exemption (MUPTE) Program**

12:50 p.m. **C. WORK SESSION:
Public Passenger Vehicles**

Mayor: The Eugene City Council will now meet in Executive Session to consult with

counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. The executive Session is held pursuant to ORS 192.660(2)(h).

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010,

or visit us online at www.eugene-or.gov

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session and Action: Judicial Evaluation/Presiding Judge Reappointment

Meeting Date: November 19, 2014
 Department: Municipal Court
www.eugene-or.gov

Agenda Item Number: A
 Staff Contact: Alana Holmes
 Contact Telephone Number: 541-682-5765

ISSUE STATEMENT

This agenda item is for the council to conduct Presiding Judge Wayne Allen's performance review. During the work session, councilors will meet with Judge Allen to discuss the evaluation results and make a decision on whether or not to reappoint Judge Allen to another four-year term.

BACKGROUND

Presiding Judge Wayne Allen was appointed by the council in 1994, and is in the fourth year of his current four-year term. The last formal evaluation was conducted in 2010, at which time the council reappointed Judge Allen and directed City staff to renew his contract for another four-year term. On July 28, 2014, the council appointed the members of the 2014 Judicial Evaluation Committee. The advisory committee is required to be at least five members, with at least one member of the Human Rights Commission, two attorneys familiar with the Municipal Court, and two other persons generally familiar with the judicial system.

Human Rights Commission representative:

- Ken Neubeck

Attorneys familiar with the judicial system:

- Joe Connelly – Defense Attorney
- John Kilcullen – Local Attorney and former Municipal Court Judge

Others familiar with the judicial system:

- Eric Richardson – NAACP President
- Francisca Leyva Johnson – A former coordinator for Court Paso a Paso program
- Kathy Cunningham – Springfield Municipal Court Administrator

The Eugene Code, Section 2.011, requires a formal evaluation by an ad hoc citizen advisory committee. During the months of September through November 2014, the committee met and discussed the evaluation process, reviewed court statistics and Municipal Court customer satisfaction ratings, surveyed numerous and various stakeholders for evaluation input and reviewed their responses. The committee met with Judge Allen on November 4, 2014, and discussed the Judicial Evaluation Survey results with him. The committee presented their findings in a report to the council in a work session on November 12, 2014. At that work session the committee representatives explained the evaluation process, the details of the report, and offered the evaluation committee's

unanimous recommendation that Judge Allen be reappointed for another four-year term as Presiding Judge. A public hearing was held on the performance of Presiding Judge Wayne Allen on November 17, 2014. Based on this information, the council will have an opportunity to provide feedback to the Judge, and take action on whether or not to reappoint Judge Allen to another four-year term.

RELATED CITY POLICIES

The Eugene Code, Section 2.011 allows for a formal evaluation of the City's Presiding Judge once every four years by a citizen evaluation committee. The last formal evaluation was conducted in 2010. Citizen evaluation of a judge's performance is an opportunity for citizen involvement in local government and is a practice which is unique to the City of Eugene.

COUNCIL OPTIONS

1. Reappoint Judge Allen to an additional four-year term
2. Direct staff to begin a recruitment process for a new Presiding Judge

CITY MANAGER'S RECOMMENDATION

The City Manager recommends reappointing Wayne Allen as Presiding Judge.

SUGGESTED MOTION

Move to reappoint Wayne Allen as Presiding Judge.

ATTACHMENTS

The 2014 Judicial Evaluation Committee Report was distributed with the Council packet for the November 12, 2014 work session.

FOR MORE INFORMATION

Staff Contact: Kristie Hammitt or Alana Holmes
Telephone: 541-682-5524 or 541-682-5765
Staff E-Mail: kristie.a.hammitt@ci.eugene.or.us or alana.m.holmes@ci.eugene.or.us



EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY

Action: Adoption of an Ordinance Suspending Multi-Unit Property Tax Exemption (MUPTE) Program

Meeting Date: November 19, 2014
 Department: Planning & Development
www.eugene-or.gov

Agenda Item: B
 Staff Contact: Amanda Nobel
 Contact Telephone Number: 541-682-5535

ISSUE STATEMENT

The council is asked to consider an ordinance extending the suspension of the Multi-Unit Property Tax Exemption (MUPTE) program. The extended suspension to February 28, 2015, would provide additional time for the council to take action to modify the MUPTE program criteria.

BACKGROUND

The MUPTE program is enabled by state legislation and designed to encourage higher density housing and redevelopment in the core area and along transit corridors. The program provides a tax exemption for up to 10 years on qualified, new multi-unit housing investments that occur within a targeted area, meet program requirements, and are reviewed and approved by the council. MUPTE works by lowering the operating cost enough to make a project financially feasible.

On February 27, 2013, the council approved an ordinance suspending the MUPTE program to provide the time needed to conduct a detailed evaluation of the program and determine if modifications should be made. On July 24, 2013, the council approved an ordinance extending the sunset date for the MUPTE program suspension to July 31, 2014, to provide an opportunity to engage stakeholders in the process.

The council provided direction to reach out to the neighborhood organizations for their input on the various program revisions under consideration. Staff met with neighborhood leaders in May and June. Based on the input received, it was evident that more time was needed to work with neighborhood leaders on issues related to MUPTE and Envision Eugene and for them to work with their memberships. On June 25, the council extended the MUPTE program suspension until November 30, 2014.

On October 15, the council directed the City Manager to schedule a public hearing on the draft program revisions. The public hearing on the program revisions was held on November 17,

2014. Extending the suspension to February 28, 2015, will allow for the council to discuss the public hearing results, provide direction for further revisions, and allow 30 days for the program revision ordinance to take effect. A public hearing on the suspension extension ordinance was held on November 17, 2014.

COUNCIL OPTIONS

- A. Approve the suspension extension ordinance included in Attachment A.
- B. Approve the suspension extension ordinance with modifications.
- C. Take no action, which would make the suspended program go back into effect on December 1, 2014.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends approving the suspension extension ordinance included in Attachment A.

SUGGESTED MOTION

Move to adopt Council Bill 5133, an ordinance included as Attachment A to extend the program suspension to February 28, 2014.

ATTACHMENTS

- A. Ordinance

FOR MORE INFORMATION

Staff Contact: Amanda Nobel Flannery
Telephone: 541-682-5535
Staff E-Mail: amanda.nobel@ci.eugene.or.us

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20508 TO EXTEND THE TEMPORARY SUSPENSION OF MULTIPLE UNIT PROPERTY TAX EXEMPTIONS UNDER SECTIONS 2.945 AND 2.947 OF THE EUGENE CODE, 1971, THROUGH FEBRUARY 28, 2015; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

The City Council of the City of Eugene finds as follows:

A. The City’s Multiple Unit Property Tax Exemption Program under Sections 2.945 and 2.947 of the Eugene Code, 1971 (the MUPTE program), which is enabled by state statute, was first implemented by the City in July of 1977. Since its initial implementation, the MUPTE program has been modified various times.

B. On February 27, 2013, Ordinance No. 20508 was adopted suspending the MUPTE program until July 1, 2013, to allow Council time to evaluate the MUPTE program and determine whether changes should be made to the program. Since that time, suspension of the MUPTE program has been extended, most recently by Ordinance No. 20534, which extended the sunset date of the MUPTE program suspension to November 30, 2014.

C. The suspension should be extended until February 28, 2015, to allow Council more time to develop and adopt revisions to the program and have the revisions become effective before the suspension expires.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The findings set forth above are adopted.

Section 2. Section 3 of Ordinance No. 20508 is amended by extending the sunset date to February 28, 2015.

Section 4. Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor’s veto. An immediate effective date is necessary so that the MUPTE program remains suspended until MUPTE program revisions are adopted.

Passed by the City Council this

Approved by the Mayor this

____ day of November, 2014

____ day of November, 2014

City Recorder

Mayor

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Public Passenger Vehicles

Meeting Date: November 19, 2014
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: C
 Staff Contact: Laura Hammond
 Contact Telephone Number: 541-682-6021

ISSUE STATEMENT

The City Council is asked to provide direction on a proposed change to the City's Public Passenger Vehicle code (3.345). The purpose of the proposed change is to update the code to acknowledge the emergence of new technologies and business models while also ensuring all public passenger vehicles operating in Eugene meet community safety standards.

BACKGROUND

Eugene City Code 3.345 provides licensing regulations for public passenger vehicle (PPV) services. This code was last amended in 1992. Since that time, new technologies for providing PPV services have evolved including smartphone application-based models.

A small change to Subsection (6) of Section 3.345 of the code could be made to more clearly authorize smartphone application-based business models in Eugene. The proposed change would allow public passenger vehicle (PPV) companies to use online, application-based technology to display and charge fares, in addition to the current methods of meters and postings.

While the potential change removes code-based obstacles for businesses like Uber and Lyft it would also apply to existing PPV companies that may want to add this type of technology to their current services. A draft of the proposed change is included in Appendix A.

If the proposed change to the code moves forward and is adopted, updates to the administrative rules (R-3.345) would also be considered in order to better align the rules with new service models. Existing rules which ensure public health and safety, including insurance requirements, vehicle safety and maintenance requirements, and criminal background and driving record checks would remain in place. For example, the rules currently require:

- Commercial General Liability insurance of \$1,500,000 and General Aggregate insurance of \$2,000,000 as required by Oregon Statute;
- Vehicle inspections conducted by a certified mechanic every six months;
- Safety equipment including operable seat belts and fire extinguisher;
- Criminal history and driving records checked annually.

RELATED CITY POLICIES

Eugene Code Chapter 3, Section 3.345 –Licensing Regulations Public Passenger Vehicle Services

COUNCIL OPTIONS

1. Direct the City Manager to schedule a public hearing on an ordinance to modify the code as described in Attachment A.
2. Take no action at this time.

CITY MANAGER’S RECOMMENDATION

The City Manager recommends scheduling a public hearing on an ordinance to modify the code as described in Attachment A.

SUGGESTED MOTION

Move to direct the City Manager to schedule a public hearing on an ordinance to modify the code as described in Attachment A.

ATTACHMENTS

- A. Draft Ordinance

FOR MORE INFORMATION

Staff Contact: Laura Hammond
Telephone: 541-682-6021
Staff E-Mail: Laura.A.Hammond@ci.eugene.or.us

Attachment A

ORDINANCE NO.

AN ORDINANCE CONCERNING PUBLIC PASSENGER VEHICLE FARES AND AMENDING SECTION 3.345 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (6) of Section 3.345 of the Eugene Code, 1971, is amended as follows:

- (6) The actual fare charged for each trip by a taxicab shall not exceed the higher of either:
 - (a) The meter calculated rate, including authorized and posted surcharges, or
 - (b) The minimum fare as posted on the interior and exterior of the vehicle-, or
 - (c) *The smartphone application calculated rate, including displayed and passenger-confirmed surcharges.*

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this _____ day of _____, 2014

Approved by the Mayor this _____ day of _____, 2014

City Recorder

Mayor



Public Passenger Vehicles in Eugene



Today's Work Session

- » Overview of Public Passenger Vehicle (PPV) Regulations in Eugene
- » New Technologies & Models
- » Proposed Code Changes
- » Possible Next Steps
- » Questions, Discussion, & Direction



1928: Eugene's first PPV Ordinance



Public Passenger Vehicles (PPV)



Taxis



Shuttles



Horse-Drawn Carriages

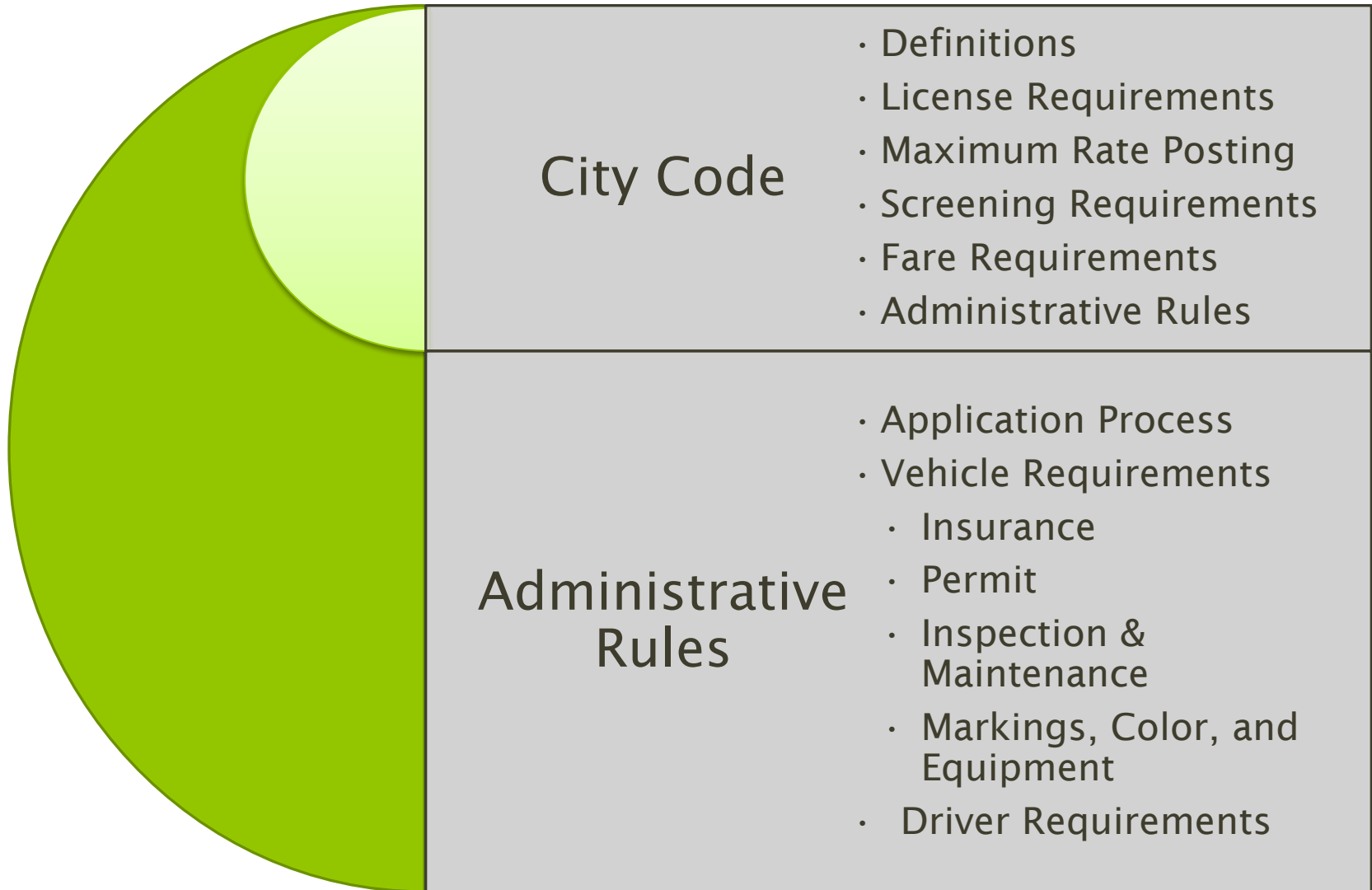


Pedal Vehicles

Any vehicle used for the transportation of passengers for hire



PPV Regulations



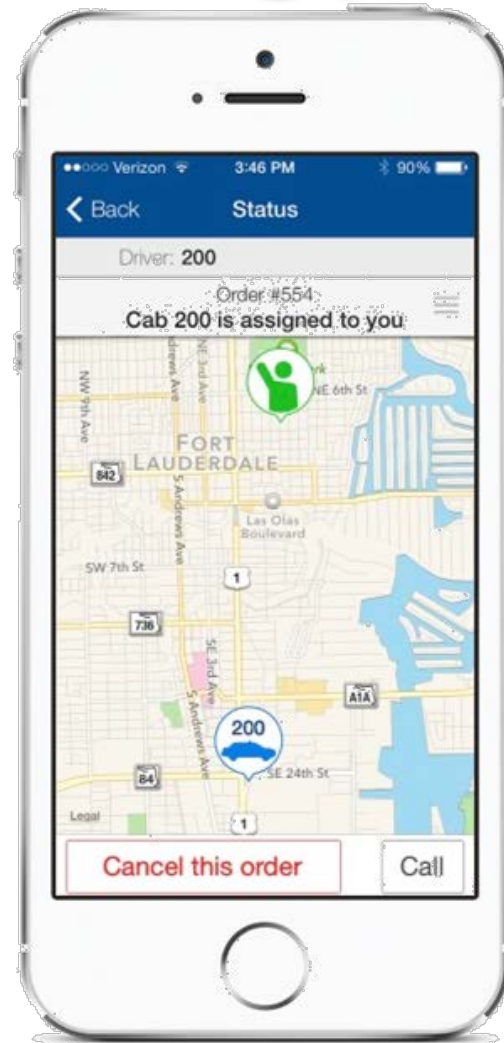
New PPV Technology



EASY



TAXI





Passenger requests ride using smartphone app

Driver picks up passenger and provides ride



Fare charged electronically, opportunity to rate driver

Driver accepts ride request



New Business Models

- » Drivers use their own car to provide ride
- » Drivers are paid a percentage of the fare by the PPV company

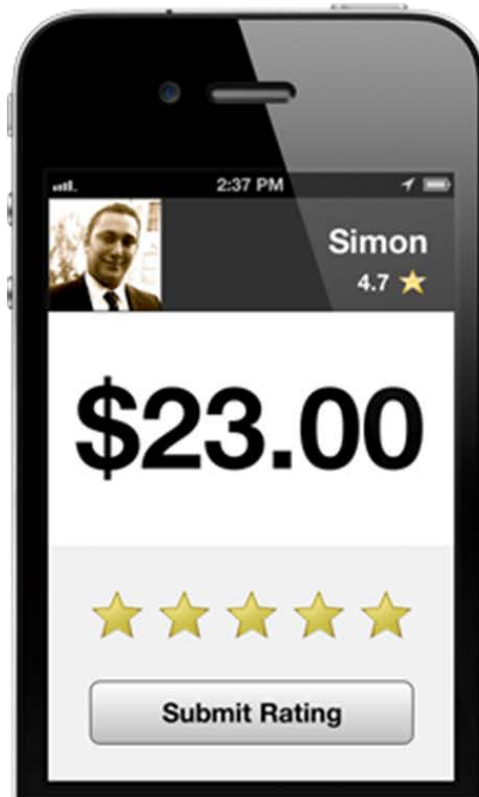


U B E R



Side•car





New Technology and Eugene Code

- » Fits within current PPV definition
- » No cap on number of licenses
- » Promotes public convenience



Proposed Code Change

Subsection (6) of Section 3.345

The actual fare charged for each trip by a taxicab shall not exceed the higher of either:

- (a) The meter calculated rate, including authorized and posted surcharges, or
- (b) The minimum fare as posted on the interior and exterior of the vehicle., or
- (c) The smartphone application calculated rate, including displayed and passenger-confirmed surcharges.**



Next Steps

- » Direction from Council
 - > Public Hearing on Proposed Code Changes
 - > If Approved – Administrative Rule Review
 - > Gather input from stakeholders and public
 - > Update Administrative Rules





Questions, Discussion, Direction



