

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: October 25, 2010
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 2A
Staff Contact: Beth Forrest
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ISSUE STATEMENT

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

SUGGESTED MOTION

Move to approve the minutes of the June 16, 2010, Work Session, July 26, 2010, City Council Meeting, August 9, 2010, Work Session, and August 9, 2010, City Council Meeting.

ATTACHMENTS

- A. June 16, 2010, Work Session
- B. July 26, 2010, City Council Meeting
- C. August 9, 2010, Work Session
- D. August 9, 2010, City Council Meeting

FOR MORE INFORMATION

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MINUTES

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

June 16, 2010
Noon

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

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

A. WORK SESSION:**Envision Eugene -- Project Approach**

City Manager Jon Ruiz recapped the process to-date, which had arisen from the Eugene Comprehensive Lands Assessment (ECLA). He stated that the consultant Bob Chadwick and Planning Division Director Lisa Gardner and her team had been spending time talking to people in the community. He said they were seeking to come to an agreement about the Urban Growth Boundary (UGB) and how the community should grow. He thought the council would potentially have some half-day meetings and possibly a joint meeting with the Planning Commission. He noted that this process would be labor intensive for the Planning Division and they would not be able to add anything new to their work plan at this time.

Ms. Gardner recalled that they had discussed public involvement, the scope, and the timeline during the last work session on the topic. She related that one suggestion that had come from the council was that they look into televising Planning Commission meetings. She said they would begin doing so on June 28, holding the meetings in the McNutt Room. She recounted the workshop held from June 2 through June 4, which involved over 50 people of diverse interests. She stated that they had used Chadwick techniques, with both large and smaller group break-outs. She said they spent a lot of time challenging the stereotypes that people in the community had about one another. She applauded the Chadwick techniques. She felt they had created synergy and movement that for her was both "tangible and exciting."

Mayor Piercy had come to the process with what she termed a "healthy dose of skepticism." She had found the work to be serious and saw the value in having people become engaged in the process. She was impressed with the confrontational exercises that they had engaged in, which she stressed had been voluntary.

Mr. Clark said the people who attended the workshop had been some of the leading voices in typical conflicts in the community. He thought the exercises had led people to listen to one another and had encouraged trust among people. He had seen two people who tended to disagree on a lot of things and at the end of the workshop they agreed on about 80 to 85 percent of the decisions that needed to be made. He felt the process had been very worthwhile.

Mr. Poling arrived.

Mr. Zelenka had attended the beginning of the workshop. He was impressed by the number of people and their openness. He said they had built trust and created a basis for dialogue. The number of people in attendance had demonstrated to him how much the community really cared.

Ms. Ortiz had also not been able to attend all three days, but had attended the first day. She agreed that it had been a good exercise, though the cost for the consultant gave her pause. She observed that she had been the only person of color present on the day she was there. She also had not seen anyone present who could not afford to take time off work to be there. She had heard Mr. Chadwick remark that the people who were interested and counted were there and she took offense at this. She averred that there were a number of people in the community who could not afford to participate in this type of process. She was looking forward to receiving the information from the workshop. She did believe that any time people could spend time talking with one another, they could not go too far wrong.

Mr. Pryor felt that Ms. Ortiz had a valid point. He commented that finding out how to reach everyone they wanted to reach had plagued researchers "forever." For him what was significant was whether the future would be like a car where the driver would take hands off the wheel and it would just go where it would go or they would put their hands on the wheel and steer it. He was concerned that people were trying to take the future in two different directions and this could lead to the wrong result and each side blaming the other for it. He said everyone needed to work together and the workshop was one way to gain this kind of unity. He averred that Mr. Chadwick had done a good job with the people who had been at the workshop, but they needed to be able to explain to the rest of the population why the community should be deliberate about its planning for growth and the future so there was more consensus.

Mayor Piercy remarked that this was an iterative process because there would be people who had been "on part of the journey and had not been with it all along."

Ms. Gardner said they wanted to leverage the synergy from the workshop. She related that the people who were present had come away with their stereotypes about certain people dispelled and some had even indicated that they would actively work to refute those stereotypes. She averred that there had been considerable knowledge, expertise, and leadership at the workshop. She commented that at the end of the workshop there had been stated commitments by participants to being part of the solution and to working toward the best outcomes. She stated that staff thought the summer would provide a good opportunity to work intensively with the group and subsets of the group. She said they might need to expand the group for representation and invited the councilors to provide recommendations.

Carolyn Weiss, planning staff, related that the community group was excited to work together and had shown a commitment to the project. She said staff believed that over the next few months they could work with this group to refine the data and hone in on a draft scenario for how Eugene might grow in the future. She stated that this was good timing as they could start back-up with public workshops and broader community engagement to garner feedback on the work that had been done over the summer. She reviewed three elements of the approach they were taking: community consensus, technical analysis, and continued work with the consultant Eco-Northwest. She acknowledged the concern expressed at the table that they might pinpoint a certain time 20 years from the present and believe that would be where the community would end up. She called this the "jaws of uncertainty discussion." She explained that staff had been in conversation with the State about how much flexibility they could build into the plan. She said if this approach did not move the process forward, they could revert to a more conventional approach. She added that they wanted to include regional partners, such as the county, in the process and they believed this would lead to an expedited adoption process once they had reached that point.

Mayor Piercy understood that they had joint meetings with the Planning Commission and members of the Sustainability and Human Rights commissions participating, but she wanted to ensure that they were utilizing them as commissions to make use of what they could do to help move the process along. She knew that 1,000 Friends of Oregon was becoming more "active in this area" and had participated in the Portland planning process. She thought it might be better to "invite them in early" as full participants and encouraged them to get 1,000 Friends of Oregon "into play."

In response to a question from Mr. Zelenka, Ms. Gardner thought they would probably spend the next couple of months figuring out what they knew. She said in September they would revisit it and the work plan would be revised based on the progress made over the summer. She felt that ultimately they would need to answer the 13 questions that were posed at the outset of the process.

Ms. Weiss said they were legally required to address items one through five. She related that it was staff's belief that the remaining items would be brought up through the community group process.

Mr. Clark recommended that they check in with the Lane County commissioners "early and often." He said he did not want to engage in this process and have it "run off the rails" at its culmination. He favored the idea of building a process that would allow them to check back in after the February timeline goal. He thought they could end up leading the state in a new process that would allow for more intelligent, and less conflict-oriented, planning. He related his concern that the worst outcome would be that they would end up adding tasks that were mandatory that would then "blow" the agreed to timeline. He believed it to be critically important because some of the products of work would be related to the budgetary challenges that lay ahead for the County. He pointed out that the County stood to lose nearly half of its General Fund in the next couple of years. He underscored the need to have a plan in place for how they would help the local economy.

Ms. Solomon asked what would happen if the group could not reach consensus on items 6 through 13. Ms. Weiss responded that consensus was listed as a best outcome but was not mandatory.

Ms. Solomon asked if the whole process would come to a stop if the group could not reach consensus on an item in order to conduct further review and gain more data. She was concerned that it could end up being extended, and then extended again, because they were "building in more opportunities to slow the process down." She also expressed concern that this process could become like the citizen process that had come into play for Crest Drive. She felt the council had abdicated its authority in that case. She hoped that the council would not give up its responsibility and allow the group to dictate the results. Ms. Gardner replied that this had been expressed up front by Mr. Chadwick. She related that he had let the people know that they were not the decision-makers; the decision-makers were the elected officials.

Ms. Solomon asked what would happen if 1,000 Friends of Oregon, as an example, participated in the process and then in the end litigated. She asked if there was a way to prevent that and acknowledged that no one could really stop someone from litigating. Mr. Ruiz responded that involving people in the conversation would hopefully help them not feel the need to litigate.

Mr. Brown asked to see a more technical analysis of all that they should know. He acknowledged that the group that met for the workshop had been an elite group, but that the elected officials would make the final decision.

Ms. Taylor asked who city staff was speaking to at the state level. Ms. Weiss replied that they were in contact with the Department of Land Conservation and Development (DLCD). She said Ed Moore was the regional DLCD representative.

Ms. Taylor did not know why they should have to bring in "some guru from some other place" to facilitate a meeting when they had people on staff who were probably as qualified to facilitate. She recalled the roads management policy process, which she had participated in, and asked what had happened with it. She thought the policies addressed the concerns that they were dealing with. Ms. Gardner responded that the road management policies were valid and were reflected in the guiding principles.

Mr. Clark shared a graph of the Save Rural Schools Act county timber payments. He pointed out that the

General Fund for the county would lose about \$30 million over the next two years. He said the General Fund comprised about \$75 million and of this, approximately three-quarters paid for the Lane County Sheriff's Office and the county jail. He did not believe the act would be reauthorized at the federal level nor did he think the state would come to the county's rescue. He thought there would come a time in the next couple of years where, at a city level, they might face some of the questions on how those services could be continued. He thought that making sure the work they were discussing happened in a timely way was important so that the City could begin to think about what would happen if there were some fundamental large changes at the county level.

Ms. Taylor commented that when advisory committees submitted a large body of work, they expected the City to adopt it.

**B. WORK SESSION:
City Council Process Session**

Keli Osborn joined the council at the table. She said the first item on the list in the Agenda Item Summary (AIS) was a desire for more detailed committee reports.

Mr. Zelenka had suggested this. He explained that the council used to have committees talk to them at greater length, but now the council just received reports.

Ms. Ortiz thought this was a good idea. She said it was hard to share what they were doing in committees during a three-minute comment period at the beginning of a work session. She related that she wanted the council to know what was going on with the Lane Regional Air Protection Agency (LRAPA), for which she served as the council representative. She also wanted to hear more reports on the work of the Human Rights Commission (HRC) and the Human Services Commission (HSC). She suggested that they add five minutes to the work session every other week.

Mayor Piercy remarked that the council did not have the opportunity to give direction to committees very often.

Mr. Pryor liked the idea. He thought it would be good to have a more well-fleshed-out understanding of what was happening on the committees. He said they needed to figure out the mechanism to do it. He felt that if there was really nothing to report, they should not give reports just to give reports.

Mr. Clark thought the structure in place was fairly effective. He said if they added some amount of time to the *Items* section of the agenda, it would provide opportunities for such reports. He could see the value in select circumstances, where checking in with the body would be valuable to the committee.

Ms. Taylor thought it might be valuable to have representatives of outside groups, such as the Lane Workforce Partnership, come before the council and provide reports.

Mr. Zelenka said his suggestion for more time for committee reports would serve two purposes: to inform the rest of the council what was going on in the committees and to provide the opportunity to discuss the more substantive issues.

Ms. Ortiz commented that she would like earlier access to rising issues.

Mayor Piercy thought it would provide the opportunity to convey the things that the council was most concerned about and ask that the bodies consider them. Councilors requested that staff consider the discussion and return with one or more options.

Ms. Osborn moved on to the next item, which had to do with postponing an action at a councilor's request. This discussion had been requested by Mr. Pryor and Mr. Zelenka.

Mr. Pryor wanted to avoid confusion. He thought some felt the tradition was one thing and others felt the tradition was something else. He was interested in moving the business of the City forward. The question for him was to what degree a councilor being able to attend a meeting, or not, should be able to slow down the business of the City. He did not feel that it was in the best interest of City business to not allow councilors to choose to not attend a meeting and to hold up a decision point as a result.

Mr. Zelenka did not think it served the councilors well to second guess why a councilor was not at a meeting. He thought they should grant these requests so long as they were not being made to stall a decision.

Ms. Ortiz thought that if they were doing council business and it might need to be postponed, they should know in a reasonable amount of time if they were not going to be able to be present. She said if a situation arose, such as a family emergency, then a postponement on a shorter notice should be allowed.

Mayor Piercy suggested that they have a form to request a postponement. She thought that this would mean that councilors would get a formal response and would leave no room for guessing.

Ms. Taylor averred that it was just courteous to postpone a vote if a councilor could not be there. She discussed some of the challenges that councilors faced when trying to call in and participate, ranging from equipment problems to time zone changes.

Mr. Poling recalled past discourtesy in some denials of postponements. He felt they had moved beyond that. He said if a councilor was sent to a training, or something along those lines, it should mean an automatic postponement of decision points. He observed that agendas were sometimes a moving target and a councilor could not be certain in advance of what would be covered during a planned trip. This was of some concern to him, especially, since his annual trip in the fall was to a place where there was no cell service.

Mr. Pryor had been interested in having a conversation about this item and arriving at some clarity about it. He agreed that they could not guess intent. He only wanted to eliminate the potential for abuse; he did not want someone to be able to "pop" something on an agenda for a vote because they knew that the people who would vote against it were not present. He wanted to be able to allow people to travel and to be able to postpone votes if they needed to.

Mayor Piercy pointed out that there were legal parameters regarding the councilors' rights.

Mr. Zelenka felt that postponements should be granted unless an action was time sensitive. He agreed with the Mayor that they should have a little more formalized process.

Mr. Clark concurred. He did not want to bind the hands of a future council. He preferred to operate from a process that did not question someone's intent. He thought they should agree that no one would bring up something for action until the full body had the capacity to deliberate on it.

Mr. Poling agreed with Mr. Zelenka regarding items that were time sensitive and also that things that arose from real emergencies in the City should not be postponed.

In response to a question from Mr. Poling, City Attorney Glenn Klein clarified that someone who had voted on the prevailing side could make a motion to reconsider the vote at the next meeting and, if the council agreed, and someone was absent, this could be tabled until everyone was present.

Mayor Piercy commented that occasionally there were several meetings in a row at a councilor was absent. She felt that this could hold up things that they were trying to move through sequentially.

Ms. Solomon ascertained that the next item for discussion, regarding a process for handling constituent correspondence and complaints and issues, was both for a proposal and for discussion of the current process.

Ms. Solomon commented that when City staff followed up on constituent input, they should also follow up with the councilors.

C. Welcome Reception for Eugene Water & Electric Board General Manager Roger Gray

Mayor Piercy adjourned the work session at 1:29 p.m. and everyone recessed for the reception.

Respectfully submitted,

Beth Forrest,
City Recorder

(Recorded by Ruth Atcherson)

MINUTES

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

July 26, 2010
7:30 p.m.

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

COUNCILORS ABSENT: None.

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

1. PUBLIC FORUM

John Brown, 101 East Broadway, Ward 5, stated his comments this evening were made on his behalf, and not related to any board or commission position he currently held. He was a cold water advocate and had promoted policies, practices and changes to protect that resource. He expressed concern that City staff regularly blew sidewalk debris into the streets which eventually entered the river through the stormwater system. He suggested finishing the job and picking up the debris or not doing it at all. He thanked councilors for their efforts to make Eugene a wonderful city. Streets were being improved, the Eugene Police Department (EPD) was moving to a safer facility, the parks and woodline trails were an asset, and there was a process in place for respectful dialogue on future growth. He said the council had returned to respectful dialogue that was being reinforced in the community.

Juan Carlos Valle, Ward 2, said he was a member of the Eugene Police Commission and volunteered in other venues in the city. He asked the City Council to support the hate crimes resolution for the following reasons: the resolution meant a great deal to the community; the resolution was needed to reduce hate crimes by addressing hate-motivated behavior and promote tolerance in the community; this was an overdue stand the community needed to take. He reviewed hate crime history from 2000 through 2003, across the United States (USA). He noted African-Americans and Latinos were most likely to be hate crime victims.

Marie Cruet, Ward 1, was representing the City of Eugene Human Rights Commission (HRC). She said the HRC recognized the country was comprised of native people and immigrants. HRC respected the due process protections all individuals in the USA received and supported policies that prohibited discrimination based on race, ethnicity, national origin, sexual orientation and disability. The HRC was joining with Oregon's Immigrants' Rights Coalition, Oregon's Commission on Hispanic Affairs, and other organizations that condemned the Arizona State Legislature's passage of Arizona SB 1070. The HRC asked the City Council to publicly condemn SB 1070 and send a message to Arizona and any state that enacted similar legislation. The HRC called for: a boycott of the State of Arizona, with immediate

suspension of travel to Arizona to conduct City business; City departments to refrain from entering into new or amended contracts to purchase goods or services from any company headquartered in Arizona, and the City to identify contracts that could be terminated immediately, until SB 1070 was repealed or found to be unconstitutional. The HRC called for immigration reform on the federal level and asked the City Council to join other cities calling for a halt to laws that promoted racial- profiling that divided communities and criminalized immigrants. She submitted written testimony for inclusion in the record.

Melissa Mona, Ward 1, spoke as a member of the HRC. She echoed the sentiments expressed in the HRC's letter to the City Council. She also spoke in support of the anti-hate crimes resolution that the council would take action on this evening.

Tony Gyatso, 312 Wanhoe Avenue, Ward 7, spoke as a member of the HRC. She encouraged the council to support the anti-hate crimes resolution and show that hate and bias activity was not acceptable.

Pauline Hudson, 1025 Taylor Street, asked that the council consider the \$5-\$6 million cost of moving utility lines to allow for construction of the Lane Transit District (LTD) EmX line on West Eleventh Avenue. She asked where City funds would come from. The construction of the line would interrupt many businesses along the construction site, would destroy the tax base and would damage the local economy.

Jozef Siekiel-Zdzienicki, 1025 Taylor Street, Ward 1, stated he and a West Eleventh Avenue businessman attempted to conduct a survey to count riders on the EmX buses. Within a few rides security boarded the buses. They asked the survey takers to leave the bus and prohibited them from riding the bus in the future. They were advised to contact Andy Vobora at LTD, who would provide the numbers. He said ten percent of the West Eleventh Avenue EmX project, estimated to cost between \$100 million and \$170 million, would come from local funds. He did not believe this was the right place to spend local funds. Elimination of some routes would result in loss of jobs in the community. He thought the route should go down West Sixth and West Seventh Avenues.

Eugene Drix, 307 ½ East Fourteenth Avenue, said time was an amazing thing. He had lived in Eugene for many years, and appreciated its magical quality. He said he did not need a flex-capacitor and suggested that everyone should go *Back to the Future* and save the town.

Hugh Prichard, 2671 Emerald, said the magic of Eugene for him was bicycles. He encouraged the council to expand the trails to the River Road/Santa Clara area, which was hazardous for bicyclers. This would enable people to travel to downtown Eugene and other areas of the City more safely. He encouraged the council to undertake condemnation if necessary, although he thought the project could be accomplished without condemnation measures.

Michael Carrigan, 1439 West Fourth Avenue, was a community organizer. He supported the resolution that denounced hate, intolerance and bias activities in Eugene. He thanked the HRC and staff for their efforts to develop the resolution. It was critical that the council send a powerful message that hate activities were not welcome in the community.

Michael Williams, 174 West K Street, Springfield, was co-chair of the Community Alliance of Lane County (CALC) and a member of the anti-hate task force. He supported the anti-hate crime resolution

before the council because it was important to align the community in defense of people in the community who came under attack. This statement was a declaration that the City would support those victims, and that the community valued all members.

Betty Snowden, P.O. Box 5166, thanked Mayor Kitty Piercy, the City Council and City Manager Jon Ruiz for all the good things she saw happening in the City. She supported Resolution 5013 denouncing hate, intolerance and bias activities in the City of Eugene. Hate crimes pulled people apart and were hurtful. Passage of Resolution 5013 would help the City move forward to become the diverse city everyone wanted.

Ms. Piercy thanked everyone for their comments and attending tonight's meeting.

Mr. Clark thanked everyone for attending the meeting. He would vote in support of Resolution 5013. He acknowledged he had not always been a supporter of additional penalties for hate crimes, noting in the past he had not thought it necessary to identify hate crimes as separate crimes based on motivation. He had come to realize that the motivation was important.

Ms. Ortiz thanked those who spoke this evening. She would support Resolution 5013. She said the City Council would look at the letter from the HRC related to Arizona SB 1070. She was challenged because SB 1070 was one bill of many in the country. She hoped the council could craft a document that would offer a moderate tone and garner broad support. She did not support boycotting Arizona businesses because doing so would result in a loss of income and hurt low-income people. She asked Mr. Ruiz to research installing filters over stormwater grates to address Mr. Brown's concerns.

Mr. Zelenka thanked everyone for their participation tonight. He supported the hate crimes resolution, noting hate crimes were hurtful and divided the city. He was also interested in crafting a resolution related to Arizona SB 1070 that all councilors could support.

Ms. Taylor thanked Mr. Brown for his continuous support of clean water. She thought she would support the hate crimes resolution, but she had a difficult time thinking those crimes were different from other crimes of intimidation, violence and harassing. She knew many people involved in governing in Arizona and many people who lived in Arizona. She did not think it was the City Council's business to condemn another state.

2. CONSENT CALENDAR

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

3. PUBLIC HEARING: Proposal to Name New Willamette/I-5 Bridge the "Whilamut Passage Bridge"

Mr. Ruiz said this was an opportunity for the public to provide testimony on a proposal to name the new Willamette/I-5 bridge, the "Whilamut Passage Bridge." The bridge was a state-owned facility and the

council had been asked to make a recommendation to the Oregon Department of Transportation (ODOT). He called upon the Citizen Planning Committee (CPC) for a presentation.

Charlotte Behm stated she represented the Citizen Planning Committee for the Whilamut Natural Area of Alton Baker Park (CPC). She reviewed the history of the Whilamut Natural Area. She said although ODOT had to remain neutral, they had funded four Kalapuya Talking Stones for the park.

Doug Beauchamp was the director of the Lane Arts Council and had worked with ODOT on design-enhancement projects related to the Willamette River bridge crossing. He asked the City Council to endorse the proposal to name the bridge the Whilamut Passage Bridge. The CPC sought to find words, phrases and images that encompassed the variety of past, present and future users because it was a place that belonged to many peoples of many times. Naming was significant and carried a theme into the design and finish details that would be experienced for many years.

Esther Stutzman, P.O. Box 180, Yoncalla, said the name Whilamut Passage was quite significant. No one had used the Kalapuya name for a geographical location in the State of Oregon prior to this project. She was pleased with the naming endorsement by the CPC, Parks staff and others. The talking stones recognized that the Kalapuya ancestors were still here and honored those ancestors. She encouraged the City Council to endorse naming the bridge the Whilamut Passage Bridge.

Ms. Piercy opened the public hearing and called for public testimony.

David Lewis, 1197 37th Place, NE, Salem, was the Director of Cultural Resources of the Grande Ronde Tribe, had studied anthropology at the University of Oregon (UO), and had previously lived in Eugene. He offered a brief history of the Kalapuya people. He had worked with the Willamette bridge project for several years, advising the project on native culture. He offered Grande Ronde's support for naming the bridge Whilamut Passage Bridge because it described the relationship of this area with the native peoples of the past.

Kip Triplett, 3540 Kinsrow Avenue, #206, said he was a native American, and he believed there was no better way to honor someone than to give a name. This project offered an opportunity to be a part of something honorable. Naming the bridge Whilamut Passage exemplified honor.

Vicky Mello, 2045 Eastwood Lane, asked the council to endorse the name Whilamut Passage for the bridge. It would call attention to the Eugene/Springfield area, accentuate the Whilamut Natural Area of Alton Baker Park and provide an opportunity to honor people who came before and who would continue to live in the area.

David Sonnichsen, 2435 Skyline Boulevard, Ward 3, said Oregon State Representatives Beyer, Barnhardt, Hoyle, and Holvey, Oregon State Senator Prozanski, and Congressman DeFazio had endorsed the project. Lane County, the City of Springfield, the Metropolitan Planning Commission, tribal officials, the Oregon State Geographic Names Board, and the Oregon Department of Transportation (ODOT), would be addressing the naming issue. ODOT had indicated it would endorse the proposed name if the elected bodies endorsed the name. Approximately \$960 for modest signage had been budgeted by ODOT.

Ms. Piercy closed the public hearing and thanked people for participating in the project.

Ms. Ortiz acknowledged the attendance of Esther Stutzman, a tribal elder, and thanked her for attending tonight's meeting.

Mr. Poling thanked Mr. Lewis for his presentation. He wholeheartedly supported the naming of the bridge. He was pleased that the City was taking this action to honor people who came before us.

Mr. Zelenka thanked Mr. Lewis and Ms. Stutzman for attending the meeting and committee members for spending time on the project. The bridge would be spectacular.

Ms. Piercy suggested people take the book *Oregon Geographic Names* when they traveled around the state.

4. PUBLIC HEARING: An Ordinance Concerning Downtown Public Safety Zones; Amending Ordinance No. 20419 to Extend the Sunset Date and Deadline for Providing a Recommendation Regarding Continued Enforcement of the Ordinance; and Providing an Immediate Effective Date

Mr. Ruiz said this public hearing concerned the extension of the sunset date and deadline for providing a recommendation regarding the Downtown Public Safety Zone Ordinance. The ordinance was scheduled to sunset on August 11, 2011. More time was needed to prepare and review the activity report, and to gather public input. An extension of the Police Commission's recommendation by 30 days, and the ordinance sunset date by 150 days, was requested to allow the Downtown Public Safety Zone Code provisions to remain in effect until a thorough activity report could be prepared and a determination made as to whether to continue civil exclusions from the downtown area.

Kimberly Gladen, 361 West Broadway, #4, lived in the downtown core. Since implementation of the ordinance she had not been threatened or had someone scream at her because she did not have money to give to them. The downtown felt quieter and safer for pedestrians. She supported extending the sunset date and gathering more information to make sure it was implemented fairly. There was a need to keep the predators and criminals out of the downtown core to help restore the economy. No one had the right to inappropriate behavior, which hurt the entire community. The boundaries needed to be expanded to Lawrence Street, Seventh Avenue and Eleventh Avenue, to prevent people buying liquor at the convenience stores located on Lawrence Street and Eleventh Avenue, and Lincoln Street and Seventh Avenue, getting young girls drunk and molesting them. Sexual predators and those teens who chronically sell drugs on the streets should also be banned from the downtown area.

Arthur McCombs, 341 East Twelfth Avenue, had lived in the downtown area for 12 years. He was recently excluded from the downtown zone and was taking care of the original charge. He said police would abuse the law, it was unconstitutional, ineffective in reducing crime, discriminatory and cruel for minor crimes. The last few years Eugene had become less friendly, less free and less interesting. He was moving from Eugene and would no longer volunteer at local agencies.

Melissa Mona, Ward One, was speaking as a private citizen. She had spent ten years advocating for equal rights, human rights, and civil rights for homeless, disadvantaged, and disabled people who tended to

congregate in the downtown core to access vital services. She urged the council not to extend an ordinance that did not address basic concerns related to due process and created a cumbersome process of variances. The City deserved a better solution.

Juan Carlos Valle, Ward 2, said the Police Commission was reviewing the ordinance and would be making a recommendation to the City Council. The commission had scheduled a public forum for September 1. He had not yet decided whether or not he would support the proposal, but wanted something that would be good for the community and would beautify downtown. He asked that the City Council consider the ordinance after the Police Commission public hearing and recommendation.

Katy Crosslin, 690 West Fourth Avenue, Ward 7, had observed that many people who claimed to uphold the principles of the Constitution were willing to sacrifice civil liberties in exchange for a false promise of protection by authorities. Downtown Eugene was a public space and not a country club for members only. The ordinance was being used to profile the homeless, mentally ill and diverse youth of Eugene, and was intended to ensure that elite business owners felt secure in an area with high property values. She demanded that the council leave the sunset date for the exclusion ordinance for August 11.

Oliver Thornton, 1363 West Tenth Alley, had a career in law enforcement. He said focusing on punishment was unproductive. Many of the young people who milled around and were considered bothersome had lived in chaos. He encouraged greater use of Looking Glass. He did not support extension of the ordinance and encouraged the council to find alternatives.

Walter Hunt, 2745 Spring Boulevard, found the exclusion zone confusing. He understood the exclusion zone was intended to deal with problem people. He asked that the Eugene Police Department (EPD) provide data to show that the ordinance was not being abused, was not used against youth, and was not used to remove homeless people. It should be used to remove dangerous people with criminal records from downtown. He encouraged the council to review and extend the exclusion zone. He asked that the EPD provide a response to convince the public that this ordinance was working as intended.

Claire Syrett, 363 Adams Street, represented the American Civil Liberties Union (ACLU) of Oregon, which opposed the exclusion zone in its current form and asked that it be allowed to expire. By excluding people through this ordinance their rights to travel and associate freely in our society were limited. The City needed to ensure that certain due process protections were in place to ensure innocent people were not punished. The downtown exclusion zone ordinance lacked many basic protections. She urged the council to not grant the extension, and suspend enforcement of the zone until City staff had fulfilled the public input process. The City failed to set up a system to track data related to how the ordinance was enforced. The City was choosing to ban people from its public places through the exclusion process.

Majeska Seese-Green, P.O. Box 1214, Ward 7, asked the council to pass the first section of the ordinance related to requiring a report and providing for a public process for the Police Commission; to delete the second section related to extending the sunset date; and to revise the third section. She asserted that the ordinance led to social cleansing.

Ms. Piercy closed the public hearing and thanked everyone for their testimony.

Ms. Ortiz wanted to see the data to determine whether this ordinance should be maintained. She was not interested in extending the ordinance beyond the report from the Police Commission unless it was apparent it was effective.

Mr. Zelenka said many things had happened in downtown that impacted public safety during the last two years, including having more officers downtown. He asked if the impacts of individual actions could be evaluated to determine their effectiveness. He wished to see data on who had been excluded based on the various offence classifications.

Ms. Piercy asked Chief Kerns to explain why he had requested the extension of the ordinance.

Chief Kerns explained coordinating the calendars of the City Council and Police Commission had made it difficult to process the ordinance as quickly as he had hoped.

Mr. Clark thanked Chief Kerns for doing the ordinance work with an understaffed department. He had heard preliminary information related to the successes of the ordinance and the relatively few people who had gone through the court system had been excluded. He noted there had been no complaints lodged with the Police Auditor resulting from enforcement of the exclusion zone. He averred the ordinance helped to make downtown safer based on the information he had seen.

Mr. Poling said before he could make a decision regarding extending the ordinance, he wanted to have all of the information available. He thought extension of the sunset was not a bad idea because the council did not yet have enough information to make a good decision. The ordinance had not been established to deny peoples' civil rights, but to pinpoint criminal activity.

5. ACTION: ADOPTION OF Resolution 5012 Authorizing the Institution of Proceedings in Eminent Domain for the Acquisition of Property Interests for the West Bank Willamette River Pedestrian/Bicycle Extension Path Project.

Mr. Clark, seconded by Ms. Taylor, moved to adopt Resolution 5012, authorizing the institution of proceedings in eminent domain for the acquisition of property interests (tax map 17-03-18-00 lot 699 and tax map 17-04-12-40 lot 800) for the bicycle pedestrian path extension.

Mr. Poling felt inclusion of the bicycle path was beneficial for everyone, but he had a problem with using the heavy hammer before it was needed. The action was premature and he would not support the motion.

Ms. Piercy asked Mr. Ruiz why eminent domain was being used at this time.

City Engineer Mark Schoening said it was important to encumber construction funding available through the federal transportation enhancement program, with a target date of September 2, 2010.

Ms. Solomon echoed Mr. Poling's sentiments, and did not believe condemnation was appropriate. She did not believe the property owner, Delta Sand and Gravel, would jeopardize the project, and asserted the City should continue with the path of negotiation rather than condemnation.

Mr. Clark asked how long the project had been on the boards and if the State had imposed a deadline for using the funds.

Mr. Schoening said the project had been carried forward on TransPlan for many years. Funding had been received several years ago, after which negotiations were initiated with Delta Sand and Gravel about two years ago. This resulted in modifying the project somewhat. Negotiations would continue with Delta Sand and Gravel through August. He added there was no deadline for use of federal STP-U funds, but there was a deadline associated with the transportation enhancement grant funds.

Mr. Clark opined he would likely vote for the resolution because the path was an important link into the bicycle system and the neighbors had been waiting for the path for a long time. He thought Delta Sand and Gravel had been treated horribly by the City over a number of issues.

Mr. Pryor asked if eminent domain was being used as a tool to enable Delta Sand and Gravel to take advantage of a tax advantage to the company, or if it was a straightforward condemnation.

Mr. Schoening said it was a straightforward condemnation. Delta Sand and Gravel was willing to sell the property, but a mutually agreeable price had not been established.

Mr. Pryor asked why this project would not have a Dolan case significance.

City Attorney Glenn Klein said in the Dolan case, the Supreme Court had decided that the action was not condemnation but rather exaction, and the City was not going to pay anything for the property.

Mr. Pryor said condemnation should not be used unless there was a compelling reason. If this proposed action was an exaction, he would not be able to support it. If the compensation for Delta Sand and Gravel was within a reasonable realm, he would support the action, with the caveat that condemnation of any kind was not the preferred option. He was shaky on the compelling reason and would like to see a satisfactorily negotiated deal. He would reluctantly support the resolution with the hope that staff would continue to a reasonable outcome.

Mr. Zelenka said the bicycle extension was an important link from Santa Clara to downtown and the entire community would benefit from the project. He noted the project had been modified extensively by putting an expensive tunnel under the main entrance to Delta Sand and Gravel. He asked how much land was involved and where it was located.

Mr. Schoening directed councilors to Attachment B of the Agenda Item Summary, which was an aerial photograph of the area being considered. He added condemnation proceedings needed to commence in the courts by September 1, 2010.

Mr. Zelenka concluded he could support the resolution.

In response to a question from Mr. Brown, Mr. Klein said condemnation proceedings would be filed in Lane County Circuit Court and the outcome would be decided by a jury.

Mr. Brown hated to use condemnation but he would support the resolution.

Mr. Clark said he was not unhappy with the process or staff, but was unhappy with some previous council decisions that put the council in the position of moving forward with condemnation. He asked what impact Ballot Measure 39 would have on the condemnation process.

Mr. Klein said Measure 39 would lock the City into an earlier offer that would have occurred prior to Measure 39. The significance was, that if the issue went to trial and a jury awarded more than the locked-in offer, the City would have to pay attorney fees in addition to just compensation.

Ms. Ortiz hoped the property owner would be compensated adequately.

Ms. Schoening said the goal was to provide just compensation to the property owner.

The motion passed 6:2, with Councilors Brown, Clark, Ortiz, Pryor, Taylor and Zelenka, voting in favor of the motion, and Councilors Poling and Solomon voting against the motion.

6. ACTION: Adoption of Resolution 5013 to Denounce Hate, Intolerance, and Bias Activities in the City of Eugene.

Mr. Clark, seconded by Ms. Taylor, moved to adopt Resolution 5013 to denounce hate, intolerance, and bias activities in the City of Eugene. The motion passed unanimously, 8:0.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Beth Forrest,
City Recorder

(Recorded by Linda Henry)

MINUTES

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

August 9, 2010
5:00 p.m.

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

Her Honor Mayor Kitty Piercy called the August 9, 2010, work session of the Eugene City Council to order.

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

Mayor Piercy reported on the Whiteaker neighborhood block party held on August 7, saying it was an amazing event. Several thousand people attended. All the venues had been busy and many activities were held for both children and adults. Later that same evening she had also attended the 2010 Valley Brews and Blues Festival at Island Park sponsored by Springfield/Eugene Habitat for Humanity to celebrate the organization's completion of 43 houses in the Eugene-Springfield area.

Mayor Piercy thanked Eugene Police Sergeant Lisa Barrong and the Volunteers in Policing organization for their work coordinating the local events associated with the National Night Out event. Councilors got to visit lots of parks and meet with residents. Mayor Piercy said the event clearly demonstrated that there were children in Eugene's neighborhoods.

Mayor Piercy reported that she had also attended Mobility International's "Wild Women" dinner, put on by the organization's Women's Institute on Leadership and Disability (WILD), to welcome the women who were visiting from around the world to participate in leadership training. She observed that she had spoken to someone at the Whiteaker block party who came to Eugene from North Carolina because of Eugene's reputation for access to recreation.

Mayor Piercy said that an Envision Eugene meeting was scheduled the next day. She invited all residents to participate.

Mayor Piercy noted that the council recess started on August 11, and the council would reconvene on September 8.

Mayor Piercy thanked Cottage Grove Mayor Gary Williams for hosting the recent Oregon Mayor's Conference held in that community, and commended the conference as fun and well-organized.

Mr. Clark also thanked Sergeant Barrong and the Volunteers in Policing organization. He said they did a fantastic job with the event. He said the event was a fun and positive experience and he believed the police enjoyed the opportunity to visit different neighborhoods to discuss crime prevention.

Mr. Clark said he attended the council's August 6 Center Court development tour to view progress on the project.

He had learned that if the construction proceeded as planned and Lane Community College proceeded with its development proposal downtown, those efforts in conjunction with other downtown initiatives meant there would be about \$80 million of new construction occurring downtown at the height of one of the worst recessions since the Depression. He thought that deserved more recognition, adding he was pretty happy about it.

Mr. Clark acknowledged he spoke only for himself when he addressed the council's representatives to the Metropolitan Policy Committee (MPC), Mr. Zelenka and Ms. Ortiz. He said the Board of County Commissioners' actions to significantly change the parameters of a road project that the citizens of Coburg and past County commissioners had worked on for so long, was awful and he feared it would cost the County and many people a number of jobs. He believed the action would cause significant harm to the County if the County commission was allowed to have its way. He hoped that Ms. Ortiz and Mr. Zelenka, as representatives of Eugene to the MPC, which would discuss the project later in the week, would vote against the changes.

Mr. Zelenka said the MPC would meet on August 12 at the Bascom-Tykeson Room at the Eugene Library to discuss the subject mentioned by Mr. Clark. He believed that an agreement had been reached on how to proceed without doing too much harm to anybody.

Mr. Zelenka also toured the Center Court development and commended its quality. He suggested the building be returned to its original name, the McMorran Building, since it would be returned to more of its initial appearance. He commended the quality of the spaces in the building and noted that some commercial space in it was still available for lease.

Ms. Ortiz also thanked Sergeant Barrong and the volunteers who rode in the caravan with the council. She reported that the caravan visited a neighborhood in the River Road/Santa Clara area composed of apartments whose residents were trying to organize. She thought the residents benefited from the event, which representatives of two neighborhood organizations had also attended.

Ms. Ortiz reported that she attended a recent town hall on the Lane County Fairgrounds held by the Board of County Commissioners to discuss what could happen with the fairgrounds. She encouraged people to get involved in the issue because those coming forward with proposals were not necessarily current users of the fairgrounds. Many in attendance had expressed a sense of disconnection from what was presented.

Ms. Ortiz said the Trainsong Neighbors were happy to have the slurry seal surface on their street.

Mr. Pryor noted the dedication of the new Sponsors' facility on Highway 99, which provided services to parolees, a population which had been ignored for a long time. He said those services helped such individuals to integrate back into society.

Mr. Pryor had been pleased to take the Center Court tour, saying it was a great building, many exciting things were going on, and he thought people would want to be there when it was complete.

Mr. Pryor said there were exciting things happening downtown that had not happened for a long time. He said the pace of street repairs and renovations was unbelievable. He recalled that transportation had been a key issue for him when he was first elected to the council. Since that time, the council had worked very hard to make conditions better, and he thought the council should be proud of both the downtown improvements and the street improvements that were occurring.

Mr. Poling reported he had also participated in the National Night Out caravan and enjoyed the experience. He also

commended the work of Sergeant Barrong in coordinating the event.

Mr. Poling agreed with Mr. Clark's remarks about the Coburg interchange project and said he shared his concerns. He suggested any major changes to the project should be reviewed by the council.

Mr. Zelenka pointed out to Mr. Poling that the council generally did not take positions on other jurisdictions' projects. He anticipated the MPC would get more clarity about what was proposed for each phase of the Coburg project. He reported that he and Mayor Piercy had prepared a proposal for the MPC suggesting a review of projects in today's context for the next update of the Regional Transportation Plan to avoid such situations as the Coburg project. Currently, only the first phase of the interchange was under consideration.

Mr. Poling hoped that the MPC's actions did not adversely affect Coburg or its long-term planning for the project. He said the project was badly needed.

Mr. Brown reported that he also attended the Center Court building tour. He had also attended National Night Out and had a good time. The neighbors and kids seemed to enjoy the event.

Mr. Brown had attended the fairgrounds town hall and agreed with Ms. Ortiz that people interested in the fairgrounds should get involved. He believed that community support would be needed to keep the fairgrounds functioning. He noted that he had also attended the rally at the federal building in opposition to the immigration laws adopted by Arizona, and there had been a good crowd in attendance.

Ms. Taylor said the Lane Workforce Partnership luncheon was scheduled for August 26 and encouraged the council to support it. She had enjoyed the tour of the Center Court development.

Ms. Taylor called the council's attention to an article in *The Register-Guard* by Elsie Benson, who wrote a tribute to Eugene that was published after her recent death. She commended the article as worth reading.

City Manager Jon Ruiz said he attended the Shakespeare in the Park event the previous evening and expressed appreciation for Recreation staff for their support on such events throughout the summer.

City Manager Ruiz reported that the City partnered with Upstream Public Health of Portland to conduct an assessment of the public health elements of Eugene's Climate Action Plan. He said the assessment recognized that the recommended actions in the plan would also provide public health benefits. He commended the work of City staff Matt McRae.

Returning to the subject of the Coburg interchange project, Mr. Clark said he understood that the Board of County Commissioners made substantial changes to the project and were taking the unusual and unprecedented step of asking that the Regional Transportation Plan also be changed.

Speaking to the Center Court development, Mayor Piercy noted that two floors of the development were already leased.

Mayor Piercy noted the reported algae bloom at Golden Gardens Park that could potentially harm people and pets and reiterated the City's recommendation that no one enter the water.

Mayor Piercy assured the council that the City's representatives to the MPC would not take any position on the

Coburg road project that was at odds with City policy.

B. WORK SESSION: PROCESS SESSION

The council was joined for the item by Keli Osborn and Jan Bohman of the City Manager's Office for a process session. Ms. Bohman provided a PowerPoint presentation describing how contacts were received on the Internet and improvements that had been made to the process. Councilors asked questions clarifying the information presented.

The council agreed to the following:

1. *Process for handling constituent correspondence complaints issue*—1) for service issues, staff will process without council direction and copy the council; for policy issues, staff will await direction; 2) stamp correspondence with routing of where it went and who processed it to ensure follow-up; 3) Public Service Officer (PSO) reports of web-based complaints and inquiries and the staff response were desired; 4) add link to system or report to facilitate follow-up and communication between PSO, elected officials, and staff person receiving and responding to Web-based complaint or inquiry; 5) City Manager Ruiz to ensure that council e-mail contacts to him and Assistant City Manager Sarah Medary involving constituent issues were entered into system; 6) request that PSO reports include names and locations if possible; 7) request that resolution of complaint or inquiry be more comprehensive and explanatory than “closed.”
2. *Process for addressing requests for Contingency Funds*—staff to return with additional options.
3. *Including work session polls as part of regular council business*—addressed by motion, below.

The council agreed any changes to the operating agreements would come back in the form of a resolution.

Mr. Clark, seconded by Ms. Taylor, moved that by council agreement, the council was required to respond to council polls.

Ms. Taylor questioned how the motion would be enforced. Mr. Clark suggested that it was the same as other process agreements in that the council agreed to follow the adopted process.

The motion passed unanimously, 8:0.

C. WORK SESSION: Eugene Sustainability Commission Work Plan

Ms. Osborn introduced Chair Josh Skov and Vice Chair Josh Bruce of the Eugene Sustainability Commission and recently hired Sustainability Liaison Babe O'Sullivan. Sustainability Commissioner Shawn Boles was also present.

Mr. Skov acknowledged the support of Ms. Osborn as well as City staff Matt McRae through the transition to a new sustainability liaison.

Mr. Skov provided a PowerPoint presentation on the commission's work plan. Copies of the work plan were included in the council meeting packet. Mr. Skov emphasized the plan's major focus on land use and transportation and anticipated that the commission would focus on issues that were related to decisions coming before the council in the coming year.

Mr. Skov called the council's attention to the joint work planned by the commission and Eugene Planning Commission due to the many overlapping themes and issues addressed by the two bodies. He hoped that effort would produce a joint statement of guidance to the council on issues such as the West Eugene EmX corridor decision. He invited questions.

Mr. Clark anticipated that when the commission weighed in on the issues it had identified for review, his concerns would be centered on cost. He wanted an analysis that looked beyond the long-term benefits and spoke to the tradeoffs involved. He cited as an example, the commission's goal for a 50 percent reduction in the community's use of fossil fuels by 2020. He said that would mean the reduction of a certain number of jobs because gas stations would go out of business. He wanted an analysis of the costs of the commission's recommendations for both the City and the community.

Mayor Piercy recalled that the Oregon Department of Transportation was looking into "least cost planning" and suggested the commission look into that.

Mr. Clark hoped that the commission looked into what the State was doing. He said he did not consider vehicle miles traveled (VMT) as representing the best level of analysis on which to base decisions about where the community might or might not go with electric cars, for example.

Speaking to Mr. Clark's points, Mayor Piercy anticipated that at some point the council would have to make some decisions about the type of measurement tools it wanted to use to make such decisions. She thought that would also be useful to the commission.

Mr. Zelenka suggested the cost analysis would be complicated, that there might be fewer jobs in gas stations in the future, but there could be more mechanics working on electric vehicles and people would have more disposable income from driving such vehicles. The model was not a simple model. He said that cost planning could get at the complexity of the issues by employing the triple bottom line (TBL) analysis.

Mr. Zelenka commended the quality of the commission's discussions and its outreach to the community. He also commended City staff Kevin Finney for his work as commission liaison and thanked Ms. Osborn for her support of the commission. He looked forward to working with Ms. O'Sullivan.

Mr. Zelenka noted that the commission had a rule about when members could speak on behalf of the commission and when they were speaking as individuals.

Responding to a question from Ms. Solomon about why the City decided to move forward with Upstream Public Health to partner on the Climate and Energy Action Plan as opposed to other plans or elements of the Climate and Energy Action Plan, Ms. Osborn reported that the organization contacted the City to ask if it could do a public health analysis of the plan. She said the City did not contract with or pay the organization. She anticipated that the council would hold a work session on some of the long- and short-term costs related to the plan in September. Mr. Skov added that Upstream Public Health was attempting to quantify health care savings and benefits with the actions contemplated in the plan.

Mr. Pryor was pleased with the work of the commission and indicated his support for the work plan. Speaking to the financial costs of increased sustainability and how that could be made positive instead of negative, he said he thought in terms of the benefit. He perceived the TBL as an attempt to create more clarity about the benefits of sustainability. He believed it was important to have greater clarity and understanding about the benefits of the TBL approach to gain community support for sustainability and a commitment of resources.

Mr. Zelenka referred the council to the matrix in the plan that lists the different actions and pointed out where costs would be addressed by the commission. He said that information would help the commission establish implementation priorities.

Mr. Zelenka thanked Mr. Skov and Mr. Bruce for their hard work leading the commission over the past year.

Mr. Clark observed that one of the things he appreciated about the Mayor's Sustainable Business Initiative was that it brought together professionals from different industries to talk about what sustainability meant to them on a daily basis. He said the commission's work plan mentioned several partnerships with entities such as the Planning Commission, Human Rights Commission, and Solidarity Network, but lacked mention of the Eugene Area Chamber of Commerce or other organizations that might provide the commission with another point of view. He encouraged the commission to look to other groups and organizations to connect with and ensure that it covered all the concerns that might arise when it offered its recommendations.

Mr. Skov expressed appreciation for the discussion. He said in the future, the commission had the goal of coming to the council with what he termed "smaller bits of guidance" that would provide more of an opportunity to engage in conversation.

Mr. Skov expressed appreciation for Mr. Clark's comments about the analysis and said he shared his dislike for VMT as a sole metric for the transportation system and agreed about the need to consider the overall effectiveness, including cost, as part of the commission's discussions.

Regarding the TBL as an analysis framework, Mr. Skov reported that the commission was working with City staff who had used the tool for some type of analysis. He anticipated that the council would see more examples of its use in the future. He said the commission was working with staff to make it feel safer in bringing such analyses out into the open, which Mr. Skov believed would lead to more of the analysis the council sought, saying it would not be exclusively long-term or environmental, but rather something much more holistic.

Mr. Skov indicated the commission planned to engage with the Eugene Area Chamber of Commerce, the Joint Elected Officials, and Lane Metro Partnership during the coming year.

Responding to a question from Ms. Solomon about the questions that staff was asked to answer before presenting options to the council, City Manager Ruiz said the council would see the list on September 29 when it discussed the TBL tool.

City Attorney Emily Jerome reported that the City Code required any committee established by the commission to be identified in the annual work plan and approved by the council; the commission's work plan included a description of the Coordinated Land Use and Transportation Action Committee, a joint committee of the Planning Commission and the Sustainability Commission. Ms. Jerome said the committee would review policy and investment recommendations coming before the council to provide guidance and ensure sustainability issues were being considered and prioritized by the council. She anticipated the committee would meet over the course of the fiscal year and would likely be included in the next work plan as well.

Mayor Piercy suggested the commission might also have questions on Envision Eugene and was encouraged to refer these to the council at appropriate times.

Mayor Piercy reminded the council that work on the issue of obesity was occurring in the community and around the state, and the decisions the council made in regard to transportation affected the health of the community's children. She suggested the council had the opportunity to make progress on that goal within its planning framework.

Mr. Clark, seconded by Ms. Taylor, moved to approve the Sustainability Commission Fiscal Year 2011 Work Plan. The motion passed unanimously.

Mayor Piercy adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

August 9, 2010
 7:30 p.m.

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

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

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Adam Bernstein, owner of Adam’s Sustainable Table, said he supported the City’s efforts to improve downtown, particularly around Kesey Square and along Broadway. He said he was a long-time staunch supporter of civil rights but he believed the downtown exclusion ordinance had led to improvements downtown and the community should continue to give the City and the police and community every opportunity possible to make more positive changes downtown. Before the institution of the exclusion zone and other changes made downtown by the City, he had periodically had people running through his restaurant to get away from a deal gone wrong or something bad. He hoped the council extended the ordinance.

Drix, a resident living on High Street, reported on the West University Neighborhood’s gathering in conjunction with National Night Out, saying the event was “very cool.” He said he and the Oregon Duck started out the event with banter and mime and then a tour bus containing the Mayor and council stopped by. He thought it was a good reward for all the work that was done. He said “community is what we are if we are all together.” Drix believed the council was doing a great job downtown and he enjoyed the Center Court development. He spoke of other downtown amenities, in particular the Dinning Room run by Food for Lane County, and encouraged people to visit the facility. He wished all a good summer.

Mary Leighton, representing the Network Charter School, asked the council to extend the downtown exclusion zone. She said the exclusion zone had a good effect but she needed to know it was not enforced unfairly and she thought the data being collected by the Police Department would help to demonstrate that. She said “thanks” to the council for saying “yes” to the storefront art project, which made all empty spaces look better. She also thanked the council for creating a cooperative atmosphere downtown.

Jared Mason Gere, Eugene Area Chamber of Commerce and Downtown Eugene, Inc., 1400 Willamette Street, expressed support for the downtown exclusion ordinance due to the importance of the downtown core to the area’s economy. He suggested the issue was not so much the zone itself but how the council made its decisions. He suggested that after a two-year trial, it would be a shame not to extend the ordinance for another two months to ensure the council had adequate data on which to base its analysis of the ordinance. He urged the council to extend the ordinance and allow staff to return with the additional data.

Kimberly Gladden, West Broadway, thanked the council for many of the improvements that helped make downtown a better place. She asked the council to extend the downtown exclusion ordinance. Ms. Gladden believed it had reduced homeless-on-homeless violence. She said that when stressed individuals were pushed together, that created problems, and the addition of a criminal element was a danger to those people as well as a disadvantage to business. The imposition of the ordinance had improved conditions downtown. She suggested that more safety for all residents, including youth, homeless, and mentally ill, was a good thing. She thought the ordinance had been good for downtown and thought the data would demonstrate that. Ms. Gladden suggested that the ordinance could be changed if it was not enforced properly.

Betty Snowden supported extending the ordinance and giving the department the time it needed to complete its reporting. She shared her own family's experience with trying to run a business downtown and the physical and mental violence and harassment that her family faced on a daily basis. She had found it interesting her family never received a telephone call from the ACLU about its experience and the violations of rights that it had endured. She said the exclusion ordinance finally had an impact on repeat offenders.

Ms. Snowden said the issues involved were not about youth or appearance; they were about public safety, and about people's ability to conduct business downtown without fear, walk the streets, and feel safe. She said her family could see the improvement that resulted from the exclusion ordinance.

Cassandra Snowden, PO Box 5166, Eugene, said before the establishment of the ordinance, her family was subjected to racial harassment, which happened less frequently since the ordinance was put in place. She believed her family should have the right to feel safe on a daily basis. She believed the ordinance was necessary to address the problem of repeat offenders. She said it did not matter if someone was wearing a business suit, if they broke the law and victimized others, they deserved consequences.

Sue Vandmeyer, Director of Energy Village, an organization dedicated to community growth through collaboration, advocated for the establishment of a center for homeless youth downtown. She envisioned a "one-stop shop" with services and a safe environment for service providers. She spoke of her efforts to put together such a facility. Ms. Vandmeyer also discussed Energy Village's intent to establish an information center downtown.

Mayor Piercy closed the Public Forum and thanked those who spoke. She noted her support for extending the downtown exclusion ordinance while awaiting the Police Commission's review of the ordinance.

Mr. Clark thanked those who testified and discussed their experience with the downtown exclusion zone. He believed the council should extend the zone long enough to review the data.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- June 23, 2010, Council Meeting
- June 28, 2010, Work Session
- July 26, 2010, Work Session

B. Approval of Tentative Working Agenda

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

**3. ACTION:
Judicial Evaluation**

Mayor Piercy opened the public hearing.

City Manager Ruiz said the Eugene Code required a formal citizen review of the judge's performance, and the public hearing was part of the process.

Carol Berg-Caldwell, 2510 Augusta Street, concurred with the council's positive assessment of Judge Wayne Allen. She spoke of her observations of the court, which were generally very encouraging, and commended Municipal Court staff as well.

Majeska Seese Green, 5th Avenue and Van Buren Street, agreed with the assessment of Ms. Caldwell. She appreciated how informative Judge Allen was with all in the courtroom and how carefully he chose his words.

Mayor Piercy closed the public hearing.

**4. ACTION:
Presiding Judge Reappointment**

Mayor Piercy called for action on the reappointment of the presiding judge.

Mr. Clark, seconded by Ms. Taylor, moved to reappoint Wayne Allen as the presiding judge.

Mayor Piercy noted the extensive council work session on the topic. She thanked the judge for his good work on behalf of the City.

Roll call vote; the motion passed unanimously, 8:0.

**5. ACTION:
TransPlan and Metro Plan Amendments to Planning Period that Reflect Previously Adopted Coordinated Population Forecasts and Removal of Completed Projects**

Mr. Clark, seconded by Ms. Taylor, moved to adopt Council Bill 5030, included as Attachment A, amending TransPlan and the Metro Plan as set forth in exhibits A and B of that ordinance, based on the findings of consistency set forth in Exhibit C of that ordinance

Senior Transportation Planner Kurt Yeiter was present to answer questions.

Mr. Zelenka referred the council to amendments to the motion he had prepared for the item. He wanted to modify the plan to ensure it reflected actions that already occurred, such as removal of the West Eugene Parkway from the Regional Transportation Plan (RTP)

Mr. Zelenka, seconded by Ms. Ortiz, moved to amend the ordinance to:

1. Revise Section 6 to state: "Notwithstanding the provisions of the Eugene Charter of 2002, Sections 1- of this ordinance shall not become effective until the Lane Board of

- County Commissioners and the Springfield City Council have taken action identical to the action taken by the City of Eugene in sections 1-3 of this ordinance.”
2. Add a new Section 7 to state: “The heading on Chapter 3, page 7 of TransPlan is hereby amended to add a footnote that states: ‘While transportation projects related to the West Eugene Parkway remain on the project lists, the Metropolitan Policy Committee has eliminated all funding related to the West Eugene Parkway from the Metropolitan Transportation Improvement Program and the State Transportation Improvement Program and has deleted all West Eugene Parkway transportation projects from the federally required Regional Transportation Plan. Thus, no West Eugene Parkway transportation project can be relied upon as a planned transportation facility under the State Transportation Planning Rule.’”
 3. Add a new Section 8 to state: “Pursuant to Eugene Code 9.7730(2) and Lane Code 12.225(1)(b), notwithstanding the provisions of the Eugene Charter, Section 7 of this ordinance shall not become effective until the Lane Board of County Commissioners has taken action identical to the action taken by the City of Eugene in Section 7 of this ordinance.

Mr. Clark recognized that the West Eugene Parkway project was dead, but it still had a placeholder status in planning documents for legal reasons. He asked if passage of the motion would place into question a property owner’s ability to apply for a change of zone. Mr. Clark referred to the last section of the amendment and asked if it hampered the ability of the council to change zones and effectively prove compliance with transportation goals. City Attorney Jerome said because the facility was not going to be built, any developments that generated traffic in west Eugene could not rely on the West Eugene Parkway to accommodate that traffic. The text offered by Mr. Zelenka would clarify that to the reader of the TransPlan document. She anticipated that the project would be removed from TransPlan next year.

Mr. Pryor supported adding item 2 as a clarifying footnote was a good idea and determined from City Attorney Jerome that if the motion was adopted, it further clarified the adopting jurisdictions and ensured that even if Lane County did not adopt the footnote, it still went forward.

Roll call vote; the amendment to the motion passed, 8:0.

Roll call vote; the motion passed, 8:0.

**6. ACTION:
Recommendation on Proposal to Name New Willamette/I-5 Bridge the “Whilamut Passage Bridge”**

Mr. Clark, seconded by Ms. Taylor, moved to support the Citizen Planning Committee recommendation and direct staff to prepare a letter to the Oregon Department of Transportation endorsing the name “Whilamut Passage Bridge.”

Mr. Zelenka commended the idea as honoring the Kalapuya Indian tribe and thanked David Sonnichsen of the Whilamut Citizen Planning Committee for forwarding the idea.

Mr. Clark asked staff to clarify what the bridge signage would cost. City Manager Ruiz said it would be \$960.

Mr. Clark noted that his great-great grandmother was a member of Montana’s Blackfoot Tribe, and this was

the first time he had been able to participate in such an event. He felt honored to do so.

Roll call vote; the motion passed unanimously, 8:0.

**7. ACTION:
An Ordinance Concerning Downtown Public Safety Zones; Amending Ordinance No. 20419 to Extend the Sunset Date and Deadline for Providing a Recommendation Regarding Continued Enforcement of the Ordinance; and Providing an Immediate Effective Date**

Mr. Clark, seconded by Ms. Taylor, moved to adopt Council Bill 5033, the proposed ordinance concerning amending Ordinance No. 20419 by extending the sunset date and deadline for providing a recommendation regarding continued enforcement of the ordinance.

Ms. Ortiz hoped the Police Commission could demonstrate what the data showed and that she got what she needed to continue to support the ordinance. She said the City had thrown everything at downtown but the kitchen sink. She was more than willing to do what she could to support downtown, but she had heartburn over the issue as a result of the testimony she heard and the input she received. She looked forward to seeing the data.

Ms. Taylor said she opposed excluding anyone from downtown. People have to be somewhere and if they commit crimes there were other remedies. She had not voted for the ordinance and there was no way she would vote for it now. Downtown was better for people to be than other places and the more people downtown, the better it was for downtown. Ms. Taylor said she had been impressed with the testimony of the ACLU. She acknowledged it was a difficult situation for her because she liked and admired many people testifying in favor of the ordinance. She just disagreed with them about the ordinance.

Mr. Clark hoped the council extended the ordinance to give the Police Commission time to examine the data. He reminded the community that the Police Commission meetings always included a Public Forum opportunity.

Mr. Brown recalled that the ordinance was established for a two-year period and the ordinance had reached its sunset date. He said it was time for the ordinance to expire. The Police Commission was aware that the ordinance was due to expire and although he acknowledged the commission was busy, he thought it could have formed a subcommittee to review the topic.

Mr. Brown said the raw statistics the council received from Judge Wayne Allen indicated there were 11 pre-trial exclusions. He had a hard time with that statistic. He thought the new jail beds and police downtown would help conditions downtown. Mr. Brown did not support the ordinance and preferred to let it sunset while further analysis occurred. Then the council could reinstate it. He believed it was of questionable legality but those being charged had no money to challenge it.

Mr. Zelenka had not initially supported the exclusion zone and was skeptical about it. However, he would support extending the ordinance pending receipt of the commission's review.

Speaking to Mr. Brown's comments, Mr. Zelenka pointed out the commission could only do so much work in the time given and the council had asked it to review the taser policy, which took considerable commission time and energy. He considered the extension a procedural rather than a substantive issue. He wanted to know who was excluded for what, and for how long. He was also curious to know how one discerned the difference between the effect of the exclusion zone and the other things going on. He was also concerned

about the constitutionality of the ordinance and noted that he had asked that Judge Allen be contacted for his input.

Mr. Clark welcomed any recommendations from Judge Allen. He pointed out that the penalty involved was a civil penalty that mimicked, and was similar to, an anti-stalking order or restraining order, to keep people who might potentially hurt someone from that person. He thought that was an appropriate way to consider the zone.

Mr. Brown said he was a downtown business owner who was well aware of the problems that downtown experienced. He was sympathetic to the idea behind the exclusion ordinance and knew exactly where people were coming from. He had many of the same experiences. He just did not think the ordinance was the right approach. He had deep-seated concerns about the loss of civil rights, but reiterated he understood the intent behind the ordinance.

Mayor Piercy said the council was not voting on the merits of the zone but rather to extend the time the ordinance was in effect. She hoped the report the council heard provided better direction in regard to the due process issue.

Roll call vote; the motion passed, 6:2; Ms. Taylor and Mr. Brown voting no.

Mayor Piercy adjourned the meeting of the City Council and convened a meeting of the Urban Renewal Agency (URA).

**8. ACTION:
Urban Renewal Commitment of Riverfront Research Resolution 5011 Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2009, and Ending June 30, 2010**

Mr. Clark, seconded by Ms. Taylor, moved to direct the Agency Director to commit to the use of Riverfront Urban Renewal District funds as the match for the TIGER II grant application and include the matching funds on the next supplemental budget after and if the grant is approved.

Ms. Ortiz wanted to ensure that the improvements to Highway 99 were on the list for United Fund funding efforts. Mr. Inerfeld said that staff intended to put it on the list as requested. He indicated that staff found the project was not the right fit for TIGER II funding. Ms. Ortiz thought it was important to act while ODOT was working on the road.

Mr. Inerfeld responded to questions from Mr. Brown clarifying the details of the project to be funded with the grant.

Mr. Brown indicated he was unable to support the expenditure, preferring to keep the money in the district for a district-specific project. He suggested the City could use the money on a new city hall on the Eugene Water & Electric Board (EWEB) property, for example.

Mr. Zelenka supported the project, pointing out that planning was necessary before the infrastructure investment, and the funding set the stage for further work.

Mayor Piercy said the proposal was another step in a plan that the council had in motion and the National

Environmental Policy Act (NEPA) process was essential before the project could move forward. She also noted that the project was one of the types of projects envisioned in the Livable Cities legislation passed by Congress the previous week.

Ms. Taylor did not generally support the diversion of General Fund money to urban renewal but since the money was already there and the project seemed worthwhile, she would support it.

Mr. Brown said that the Challenge Grant funds were already taken care of. If he thought the use of urban renewal was necessary for the housing element of the project, he would support it, but the money was going for matching dollars for the TIGER II grant. For that reason, he opposed it. He would not oppose land-banking for low-income housing.

Mr. Clark noted the high priority the council placed on the Beltline project and asked if the TIGER II grants could be used to realize that project in a quicker fashion. Mr. Inerfeld said the grant program was geared toward mixed-use development and multi-modal transportation, and the Beltline project had not seemed like the right fit. The City had requested federal funding for the Beltline project.

Mr. Clark asked if the timeline for the two projects would be very different. Mr. Inerfeld said that it depended on the receipt of funding. The City needed to work with the Oregon Department of Transportation to find more money for the NEPA process for Beltline but he thought the challenge would be getting the facility plan approved.

Roll call vote; the motion passed, 7:1; Mr. Brown voting no.

Mayor Piercy adjourned the meeting of the URA and reconvened the meeting of the City Council.

**9. WORK SESSION:
Police Auditor Evaluation Process**

The council was joined by Human Resources Director Alana Holmes, who reviewed the options before the council for evaluating Police Auditor Mark Gissiner.

Mr. Clark liked the criteria from the previous evaluation as a starting point. He wanted to see the community stakeholder feedback first. He wanted to keep the criteria rankings for this year's evaluation, but wanted to move toward the four point metric used in the City Manager's evaluation to more mechanically and fairly evaluate the auditor. He asked if the panel could be done this year. Ms. Holmes said yes, and said there were other sources for feedback that also made sense.

Mr. Pryor agreed with the remarks of Mr. Clark and thought incorporating some of the changes to the City Manager's performance would be beneficial. He would move to a four-point appraisal system this year as he found the metrics system challenging to use and there were other tools the City Council could employ.

Ms. Holmes said staff could look into that with the understanding the Civilian Review Board had already done its rating using the existing ranking system. She said the council could either be aware of that or the CRB could be asked to redo its rating. Mr. Pryor did not think that mattered. He said he would be comfortable using both. The use of one did not preclude the shift to a four-point system.

Mr. Zelenka also liked the process the council used to evaluate the City Manager and had struggled with the expectations metric. He preferred the four-point scale mentioned by Mr. Clark and agreed with Mr. Pryor

about doing it this year. He said if the CRB agreed to change, that was great.

Mayor Piercy determined from Ms. Holmes that she envisioned an evaluation process similar to that used for the City Manager and it was possible to make the shifts requested by councilors Clark, Pryor, and Zelenka. Ms. Holmes said she would structure the appropriate tool for the council's use. Mayor Piercy said it was important to have a shared understanding between the council and auditor of expectations.

Mr. Poling also liked the evaluation process used for the City Manager but he hesitated to ask the CRB to redo its evaluations. He said the system might be flawed but was not totally bad, so he thought the council should proceed as planned this year and make changes next year.

Mr. Brown thought the expectations system was okay because one could add one's own comments. He suggested that the council proceed with the existing system and those that were interested could use the numerical approach as well. The system could be changed next year.

Mr. Brown asked who would be on the citizen panel. Ms. Holmes suggested it could include the Police Chief, representatives of the Eugene Police Employees Association, and a member of the Police Commission.

Mr. Clark found the four-part metric important to pre-tie to compensation.

Mr. Clark, seconded by Ms. Taylor, moved to adopt the current performance criteria for the Police Auditor with a self-evaluation to be completed by the Police Auditor, and include the community panel evaluation and to move forward with goal setting to parallel the city manager process.

Ms. Taylor supported keeping the current format for this year. She did not think there was enough time for a community panel and suggested a work session be scheduled.

Ms. Taylor, seconded by Mr. Poling, moved to amend the motion by deleting all text past "Police Auditor."

Mr. Pryor said while he had preferences, in the interest of time, he would choose getting the performance evaluation done with the expectation that the council would revise the process next time.

Ms. Ortiz supported the initial motion and suggested a letter be sent to interested parties to request input rather than attempting to convene a representative meeting in a short time.

Ms. Holmes suggested that the City could employ Survey Monkey to solicit input in a timely way.

Mr. Clark did not support the amendment and asked the council to consider the original motion because he had attempted to split the difference. His intent was to get broad-based community input.

Roll call vote on the amendment: the vote on the motion was a 4:4 tie; Ms. Taylor, Ms. Solomon, Mr. Poling, and Mr. Brown voting yes; Mr. Clark, Mr. Zelenka, Ms. Ortiz, and Mr. Pryor voting no. Mayor Piercy cast a vote against the motion and it failed on final vote of 5:4.

Mr. Zelenka moved to amend the motion to include the four-point scale. The motion died for lack of a

second.

Ms. Taylor wanted input from those who made complaints to the Police Auditor. She did not think there was time to do so, however, so would vote against the motion.

Ms. Ortiz determined that Mr. Clark did not object to the Survey Monkey suggestion offered by Ms. Holmes.

Ms. Holmes said she would send a list of contact groups to the council for review. Following that, she would create and distribute the survey.

Roll call vote; the motion passed, 6:2; Ms. Taylor and Mr. Poling voting no.

Mayor Piercy adjourned the meeting at 9:10 p.m.

Respectfully submitted,

Beth Forrest,
City Recorder

(Recorded by Kimberly Young)