

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Council Minutes

Meeting Date: May 29, 2012
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Kim Young
Contact Telephone Number: 541-682-5232

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the minutes of the February 27, 2012, Meeting, March 14, 2012, Work Session, April 9, 2012, Work Session, April 9, 2012, Meeting, May 14, 2012, Work Session, May 21, 2012, Public Hearing.

ATTACHMENTS

- A. February 27, 2012, Regular Meeting
- B. March 14, 2012, Work Session
- C. April 9, 2012, Work Session
- D. April 9, 2012, Regular Meeting
- E. May 14, 2012, Work Session
- F. May 21, 2012, Public Hearing

FOR MORE INFORMATION

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MINUTES

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

February 27, 2012
 7:30 p.m.

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

Her Honor Mayor Kitty Piercy called the February 27, 2012, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Carol Berg Caldwell, Ward 3, read a poem in opposition to the Downtown Public Safety Zone (DPSZ), asserting it was unequally enforced against the poor, could not be fixed by amendments, and would be challenged in court if extended.

Bill Bezyk, Ward 1, Backyard Farmers, advocated for code changes that gave residents greater opportunities to keep micro livestock and engage in urban farming. He believed his business's chicken sales demonstrated the strength of the local urban farming movement. He suggested that his store might be able to initiate a mobile processing unit (MPU) for on-site butchering in the urban environment as another business endeavor.

Genie Harden, a Lane County resident, responded to comments and questions at the earlier council work session. She reported that the Oregon Department of Agriculture had strict rules about slaughtering inside and outside the city limits. Mobile units were an option. She suggested that people were less likely to keep pygmy goats for urban agriculture as opposed to Nigerian dwarf goats and recommended the council employ the term "miniature goats" to describe the size of goats. She said her type of goats did not smell when neutered and she doubted they had any more fleas than a typical cat.

Claire Syrett, representing the American Civil Liberties Union (ACLU), asked the council to end the DPSZ, which she termed an "end run" against due process protections, or at minimum to suspend it until improvements were implemented. She called for details about the offenses being targeted by police and the reasons cases were denied or dismissed by judges. She questioned the zone's effectiveness in keeping repeat offenders from downtown given that offenders violated their exclusion orders an average of four times each. She objected that the advocacy program had not been mentioned during the zone's review. She questioned the nature of the proposed program enhancements and how the council would know they were effective.

Joe Tyndall, Ward 1, opposed the exclusion zone because he believed it was being used to exclude homeless people and nonviolent individuals from downtown. He said that Occupy Eugene sought police reports regarding the zone and had received three different reports that the organization found to be

incomplete. He shared some statistics from the reports in support of his contention about how who was being excluded. Mr. Tyndall reported that Occupy Eugene has begun a dialogue with downtown business owners about the homeless problem and those contacted did not support targeting nonviolent homeless people. He called for accurate policing reporting and said no exclusions should be issued for trivial or victimless crimes or prior to a court proceeding.

Jean Stacey, Ward 1, submitted her written remarks in opposition to the DPSZ.

Steve Michael Todd, homeless, was excluded from downtown. He believed innocent people were being targeted because they were being unwanted. Homeless people were afraid to speak out. The City was putting more bicycle officers in downtown to get undesirable people out. Mr. Todd pointed out that The Dining Room was frequently used by homeless people but it was in the exclusion zone, which made it impossible for excluded homeless people to use it. He said if the council could create the proper environment elsewhere the homeless would not be downtown. Mr. Todd believed the DPSZ was being abused.

Irene Cardenas, Ward 1, supported allowing more opportunities for goat rearing because of the benefits of goat's milk. She asked if the City had considered applying restorative justice in downtown so that people could meet and share perspectives with the assistance of a mediator or police officer. She did not think homeless people should be arrested for sleeping but should be given a place to stay and learn and contribute.

Mark Callahan, Ward 4, advocated against the proposal for a plastic bag in Eugene. He noted that such a ban was not supported by the State legislature. Portland had since implemented such a ban but he doubted what was good for Portland was good for Eugene, particularly for the low-income. He believed the ban was ecological fascism. He asked what happened to having faith in an individual's free will and choice. He predicted people would spend their money in other communities to avoid the ban.

Michael Gannon, Ward 7, suggested the council reconsider the use of tobacco in the downtown and whether tighter regulation might be a useful tool to address some of the problems the DPSZ was intended to address.

Jan Bedford, Ward 1, introduced the "Bag Monster," aka Lori, who wore 500 bags, which represented the number used by an average Oregonian each year. They took many years to biodegrade and she did not think that something that was used for such a short-time should be used. She spoke of the disadvantages of single-use plastic bags and their environmental impact. She urged the council to ban plastic bags in the City of Eugene. She also wanted to ban paper bags and to encourage people to bring their own bags to the store. She offered the council reusable bags that read "Make a Difference."

Debra McGee, Lane County, advocated for a plastic bag ban in Eugene. She supported a ban of all things carcinogenic and non-biodegradable.

Mike Brinkley, Ward 8, expressed the Sierra Club's support for the proposed plastic bag ban. He perceived the problem of plastic bags had grown since 1960. He suggested the benefit of paper bags was that they were made in the state. No plastic bags were made in Oregon. He spoke of some of the alternatives to plastic bags that existed.

Michael Carrigan, Ward 7, Community Alliance of Lane County (ALC), opposed the extension of the DPSZ. He did not think the changes went far enough and asked the council to reject the ordinance and allow the zone to sunset. CALC was concerned the law was used to target the homeless, which was

confirmed by statistics. He recommended that the City develop an inclusive day center that welcomed the homeless. He supported the proposed ban on plastic bags.

Randy Caine, Ward 1, supported the proposed plastic bag ban to avoid pollution of the oceans. He opposed the extension of the DPSZ. He said the City must address the types of issues that bring violent and criminal people downtown. He applauded efforts to increase opportunities for urban livestock husbandry in Eugene and encouraged the creation of more community gardens.

Kimberly Gladen, Ward 1, spoke of the fiscal impact that recent vandalism at the Davis Restaurant would have on its employees. She said lost jobs in downtown had an impact on the entire community. She said Occupy Eugene talked about the fact transients left downtown for the Occupy encampment but Occupy Eugene conducted many protests in downtown, leading to bank and business closures that affected their employees. She recommended that Occupy Eugene participants wishing to protest the banks stop using credit cards and consider what products they consumed. She advised Occupy Eugene to broaden its focus and bother Phil Knight to bring manufacturing to the community, which could help reduce global warming. She said if people walked their talk, change would happen.

Ashley Miller, Ward 5, Oregon League of Conservation Voters, expressed support for the proposed plastic bag ban. She submitted a letter of support from 60 local businesses and the Northwest Grocers Association. She repeated admonitions about the harms caused by plastic bags mentioned by others. She supported a five-cent pass-through fee because it reduced costs for business and created a disincentive for one-use paper bags.

David Gerber, Ward 2, editor of the Oregon Vagabond, shared copies with the council. He believed the community could do better than the DPSZ. It should not need more downtown police, the DPSZ, or more jail beds. He maintained the community could police itself. The community needed jobs, which his organization provided.

Alley Valkyrie, Ward 1, discussed the details of some exclusion orders she was aware of. She opposed the extension of the DPSZ because it was being used against people who committed minor offenses, including Ms. Valkyrie.

John Monroe, Ward 1, traced the decline of downtown to the development of Valley River Center, made possible by poor decisions. Since then the community had been dealing with downtown problems. The DPSZ did not solve the lack of money to drive downtown business and the City should be stimulating business downtown instead.

Majeska Seese Green, Ward 7, was opposed to the DPSZ. She shared some proposed changes to the ordinance.

Art Bowman, Ward 2, shared a *Boycott Bully Businesses* flier. He averred that Eugene was getting a black eye nationally as a result of the DPSZ became radio personality Amy Goodman mentioned it on her show. He termed the zone a “lose-lose” strategy and said other downtowns were suffering similarly but did not have an exclusion zone.

Moshe Immerman, Ward 1, opposed the extension of the DPSZ because he believed that the community was living in a police state. He believed judges rather than the police should be issuing exclusion orders. He agreed with the establishment of a no smoking zone. He concurred with the remarks of Ms. Syrett.

Gavin McComas, Ward 3, spoke in support of the proposed ban on plastic bags. He shared that his store, Sundance Natural Foods, had never used plastic bags and encouraged customers to bring their own bags and reusable containers. His store had offered a rebate for those who brought their own bags and charged those who did not. His customers were very enthusiastic about using their own bags. He did not think paper bags were the solution either as they were energy-intensive to manufacture.

Mayor Piercy closed the Public Forum. She thanked those who offered testimony and called on the council for questions and comments.

Councilor Ortiz also thanked those who offered testimony. Speaking to the store owners in support of the proposed plastic bag ban, she thought it was great that they could do things in their smaller stores to encourage better habits, but she had some angst when she considered her ward, which lacked such stores. Her constituents shopped at WinCo and Fred Meyer. While she supported the ban, she said the devil was in the details.

Councilor Farr encouraged residents to purchase a copy of *The Vagabond*.

Councilor Clark thanked all those who testified. He was generally in favor of the plastic bag ban and was a major advocate for urban agriculture and envisioned he would support more opportunities for urban livestock.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes**
 - November 28, 2011, Work Session
 - January 9, 2012, Work Session
 - January 23, 2012, Regular Meeting
- B. Approval of Tentative Working Agenda**
- C. Ratification of Intergovernmental Relations Committee Minutes of February 1, 2012, and February 8, 2012**

Councilor Brown, seconded by Councilor Farr, moved to approve the items on the Consent Calendar. Roll call vote: The motion passed unanimously, 8:0.

3. ACTION:

An Ordinance Adopting Hazardous Substance User Fees for the Fiscal Year Commencing July 1, 2012

City Manager Jon Ruiz introduced the item, announcing that provisions of the Eugene City Charter and Code required that the Toxics Right to Know Program be fully funded by fees charged assessed local manufacturing businesses that used hazardous substances. The Toxics Board recommended a fee of \$79 per FTE for participating businesses up to a maximum of \$2,000 as allowed by State law.

Councilor Brown, seconded by Councilor Farr, moved to adopt Council Bill 5063 adopting hazardous substance user fees for the fiscal year commencing July 1, 2012. Roll call vote: The motion passed unanimously, 8:0.

**4. ACTION:
An Ordinance Concerning Downtown Public Safety Zone; Amending Section 4.874 of the Eugene Code, 1971; and Providing a Sunset Date**

City Manager Ruiz reported that the DPSZ expired April 30, 2012, unless the council chose to extend it. The ordinance before the council extended the DPSZ to April 30, 2014.

Police Chief Pete Kerns referred councilors to the handout provided them entitled *DPSZ—Supplemental Information, February 27, 2012*. He led the council through the handout, which responded to council questions from the work session held on February 13.

Councilor Brown suggested that data for the period three years after implementation of the zone would help the council determine if the problems downtown were merely being moved around. Chief Kerns recalled that the department reported on the impact on other neighborhoods in 2010 and it would take some time to collate that information. Councilor Brown wanted to see a more fine-grained listing of all the exclusion orders issued and the reason for exclusion to gauge the effectiveness of the zone.

Councilor Brown, seconded by Councilor Farr, moved that the City Council approve Council Bill 5064.

Councilor Ortiz pointed out to those offering testimony in the public forum that police officers could target people and cite them with or without the DPSZ. She did not think the EPD would put additional effort into analyzing the data if the council did not extend the DPSZ for six months because the program would be dead. She anticipated that while the analysis was occurring, the City could explore additional opportunities for street vending downtown to provide the homeless with a source of income, an option that had been discussed by the Opportunity Eugene Task Force.

Councilor Ortiz asked who would bear the liability of a court challenge. City Attorney Emily Jerome responded that the City Attorney's Office would defend the ordinance on behalf of the City. She reported that City Attorney Jerry Lidz had reviewed case law to determine if new cases or statutes had arisen that dealt with the constitutionality issues raised by opponents and found nothing new. The City Attorney's Office believed the law was constitutional.

Councilor Pryor said the council could end the DPSZ immediately if it had an alternative to put in place, but he was uncomfortable ending the zone in the absence of such an alternative. He wanted to continue to work on an alternative. Councilor Pryor was intrigued by suggestions that the community could receive real time information. He also emphasized the importance of officer training and wanted to send a clear message to officers that the DPSZ was a safety effort and not punitive.

Councilor Poling agreed with Councilor Pryor's remarks about alternatives. He said the DPSZ was just one of many tools the City was using downtown. It was not perfect but it was the best the City had. He believed the DPSZ targeted behavior rather than socio-economic status. He likened the zone to a temporary restraining order, which placed restrictions on a person's activities and was issued before the individual receiving the order could talk to a judge. Councilor Poling thought it was a good idea to review the DPSZ in two years to determine if the increased activity from downtown redevelopment helped improved the behavior targeted by the zone.

Councilor Ortiz determined from Chief Kerns that the last three officers assigned to downtown would be assigned in July, bringing the officers downtown to a total of nine. She concluded that the nine officers represented "plenty of tools in that one tool box." She would not support the motion unless the date the

zone expired was changed to September 30, 2012. Councilors Brown and Farr accepted that as a friendly amendment to the motion.

It was Councilor Ortiz's perception that the DPSZ was being used punitively against people protesting downtown and she was very concerned about that. She believed that protesters were being targeted and that was not what the zone was intended for. It was intended to address exploitative and violent crimes.

Councilor Brown said the amendment might persuade him to support the motion and a short extension. He believed the DPSZ was unconstitutional and had not been challenged because those sanctioned were poor and could not afford an attorney. He said the zone struck at the heart of the country's judicial system, which, unlike other countries, presumed innocence. The DPSZ presumed guilt. He did not believe anyone had the legal right to anyone from a public space without a trial and conviction.

Councilor Brown did not think the data provided by EPD demonstrated downtown was safer or more welcoming. He suggested the existing system was the alternative. He added that he was not saying that exclusion orders were always unwarranted because there were people who should be excluded from downtown, but he considered the DPSZ an unnecessary overlay to the judicial system.

City Manager Ruiz raised logistical concerns about the September 2012 date.

Councilor Farr sought to withdraw his acceptance of the friendly amendment. City Attorney Jerome suggested that instead Councilor Farr ask Councilor Ortiz to change the date. Councilor Ortiz declined to accept a date change to April 30, 2014. City Attorney Jerome advised the council that the motion with the friendly amendment offered by Councilor Ortiz was the motion on the table.

Councilor Clark believed the City could refine the DPSZ in a manner that addressed many of the concerns that had been raised. He was willing to continue to work on the issue. He reminded the council that the DPSZ was not put in place because of a lack of downtown police officers, but because of a lack of jail beds to hold offenders accountable. The community was already deficient in jail beds and would soon lose more. He believed it was the wrong time to eliminate the zone. He wanted to extend the zone while the City worked to refine it.

Responding to a question from Councilor Zelenka, Chief Kerns said the Municipal Court informed him that those jailed for municipal offenses such as violation of an exclusion order were held until arraigned, which was the next business day; following that, the judge had an opportunity to sentence the offender. He anticipated the loss of ten beds as of July 1, 2012, could affect the City's ability to hold offenders until arraignment. He said it was a deterrent to be able to hold someone in jail.

Councilor Zelenka said he had not supported the DPSZ for reasons related to due process. He disagreed with Councilor Poling's analogy likening the zone to a restraining order because he believed restraining orders were only issued when someone was in imminent danger. He asked for more information about how staff proposed to enhance the advocacy program and what timeline was involved. City Prosecutor Dan Barkovic reported that judges were now proactive about letting defendants, particularly those in custody, know of the program's availability; prior to that, officers handed out fliers about the program. In addition, the flier was being revised to be more simple and clear. He anticipated the flier would be revised within the month. He invited suggestions about additional resources to employ in the advocacy program.

Mayor Piercy said had been convinced by legal counsel that the ordinance would probably withstand a legal challenge but she believed the issue to consider was what the community was and what it aspired to

be. She was interested in data that showed the impact of the zone and did not want to end the DPSZ until the council had seen that information. If called on to vote, she would not support a two-year extension. She was willing to extend the DPSZ for six months to get that data and work toward a better solution.

Councilor Taylor did not think a six-month extension would improve the DPSZ. She termed the zone wrong and said it was something to be ashamed of. People were innocent until proven guilty. Councilor Taylor said that people were going to be somewhere and the City could not make them disappear. She advocated for an inclusive downtown and wanted Eugene to be known for including everybody. Councilor Taylor said there were already laws in place to address the violations that occurred downtown. She said if the City could jail people overnight for violating an exclusion order it could jail them overnight for the crime they committed. She did not want to spend City funds fighting a possible court challenge.

Councilor Farr was concerned about the logistics issue raised by City Manager Ruiz.

City Attorney Jerome pointed out that a six-month extension would be October 30 rather than September 30. She suggested that November 30, 2012 would be more realistic.

The council accepted a friendly amendment from Councilor Farr to change the date the zone ended to November 30, 2012.

Councilor Zelenka said it was not clear that the DPSZ was the reason for improved downtown conditions. He wanted to see better data about who was being excluded, the reason for the exclusion, and a characterization of the excluded. He was disturbed that so many of those receiving exclusion orders were homeless. He asked where the excluded individuals went and the impacts of that shift. He suggested that a way to test the DPSZ's effectiveness was to end it. He could not support a two-year extension given that the zone was initially intended to be temporary. He supported the motion with the hope it was the last time the zone was extended.

Councilor Brown said as distasteful as he found it, he would support the amended motion as a way to test the effectiveness of three more officers downtown and to get more data. He considered the motion a reasonable compromise.

Mayor Piercy did not like to see downtown characterized as a place of exclusion. She wanted it to be a great place to be for everyone, including visitors and downtown employees.

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

Mayor Piercy adjourned the meeting at 9:32 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

March 14, 2012
Noon

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

COUNCILORS ABSENT: Betty Taylor.

Her Honor Mayor Kitty Piercy called the March 14, 2012, work session of the Eugene City Council to order.

**A. ACTION:
Metro Plan Boundary Adjustment Proposal**

Mr. Brown, seconded by Mr. Farr, regarding the Metro Plan boundary adjustment proposal for the Springfield side of Interstate 5, moved to leave the record open until 5 p.m. on Tuesday, March 27, 2012. The motion passed unanimously, 7:0.

**B. WORK SESSION:
Envision Eugene Draft Recommendations**

City Manager Jon Ruiz, Mayor Piercy, and all members of the City Council acknowledged the contributions of staff, the Community Resource Group, and the many volunteers who participated in the Envision Eugene process.

City Manager Ruiz led the council through a PowerPoint presentation highlighting the details of the recommendations resulting from the multi-year Envision Eugene planning process. The presentation included an overview of the planning process and the economic, social, and environmental context in which it occurred and recommendations for future land need outside the current urban growth boundary (UGB) to meet the demand for housing and employment. Councilors asked questions clarifying the details of the presentation.

Mr. Clark asked staff to provide a report on the number of jobs created over the planning period assuming a growth rate of 1.4 percent, 1.66 percent, and 1.75 percent. He expressed a preference for a more aggressive growth rate and asked what the rate needed to be to return to previous job levels.

Both Mr. Poling and Mr. Farr emphasized the importance of Pillar 7, *Flexible Implementation*. Mr. Farr believed that a more aggressive job growth percentage might be justified.

Mr. Brown requested information about the number of acres of Class I and Class II soils in the proposed Clear Lake expansion area.

Mr. Zelenka advocated for council discussion of including the Eugene Airport inside the UGB, possible expansion into the Lane Community College basin and Goshen area, establishment of an overlay zone for the University of Oregon, protection of designated industrial lands, the amount of industrial acreage proposed, and the employment and residential growth assumptions used by staff. He also wanted discussion of how the City could ensure that the development that occurred in the expansion areas could be done cost-effectively, what policies and incentives the City could provide to ensure that occur, and how those concerns could be addressed through monitoring.

Mayor Piercy expressed concern that the plan would not be implemented speedily, and suggested it might be easier to focus on a few number of job clusters to make progress. She emphasized the importance of continued monitoring.

Mr. Poling asked staff to provide information about the number of acres in the Clear Lake Road area that were constrained by wetlands or other physical features.

Mayor Piercy adjourned the meeting at 1:26 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

April 9, 2012
5:30 p.m.

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

Her Honor Mayor Kitty Piercy called the April 9, 2012, work session of the Eugene City Council to order.

**A. WORK SESSION:
ConnectOregon Project Applications**

Transportation Planning Engineer Chris Henry joined the council for the item. He sought direction from the City Council for the projects to be submitted for funding through the State of Oregon's ConnectOregon Program. He reviewed the applicable criteria and the projects proposed for Lane County. Councilors asked questions clarifying the details of the projects and agreed on the following priorities for Mayor Piercy, as the City's representative to the Lane Area Commission on Transportation (ACT), to share with the ACT: 1) City of Eugene, Eugene Airport; 2) City of Creswell, Creswell Airport; 3) City of Creswell, Creswell Airport; 4) Lost Creek Rock Products LLC; and 5) Fuel Logistics LLC.

B. COMMITTEE REPORTS

Mayor Piercy recognized City staff's excellent work cleaning up after the March snow storm. She also noted the recent Arbor Day celebration and the City's recognition as a Tree City USA. She reported that more than 100 residents planted trees in the community on Arbor Day. She called attention to the 2012 opening of Saturday Market on April 7.

Mr. Farr reported the March Human Rights Commission (HRC) meeting included discussion of possible areas of collaboration with the Sustainability Commission, including the proposed West Eugene EmX route. The HRC discussed whether the issue was a human rights issue and agreed that diminished services were more of a human rights issue than the route. He anticipated that the HRC would continue to discuss the issue and would seek to collaborate with other commissions on the third leg of the Triple Bottom Line, social equity.

Mr. Zelenka recalled that the council asked the Sustainability Commission to look into the potential of more local car sharing opportunities. He reported that as a result of those efforts, Lane Transit District had issued a Request for Proposals and selected "We Car" as a provider. There were now four We Car locations in Eugene-Springfield. He described the general location of the cars and how they could be reserved for use. He also noted the installation of electric vehicle charging stations throughout the community.

Mr. Zelenka reported that the Sustainability Commission had drafted a letter to the council asking it to oppose the passage of coal trains through the community because of the public health issues associated with coal dust, the impact of the trains on the neighborhoods they passed through, the impact of coal dust on crops, and climate change.

Continuing, Mr. Zelenka said the Sustainability Commission continued to reach out to the HRC regarding human rights issues. He anticipated the commission would make recommendations to the council regarding Envision Eugene and the proposed Capstone project. He noted the commission would soon have four vacancies. Kathy Jaworski was the new chair. He commended the work of outgoing chair Josh Skov.

Mr. Poling reported that Travel Lane County was holding weekly Tuesday Tastings at Gateway Center and Travel Lane County intended to restart its children's Adventure Club soon.

Mr. Pryor said that the Lane Council of Governments (LCOG) Board of Directors had narrowed the executive director candidates to two finalists. He said the organization's executive committee would meet on April 12 to discuss the budget, the budgetary challenges faced by member organizations, and what common ground they could find to ensure the continued survival of LCOG. He thought it was in the City's best interest to keep the organization going.

Mr. Zelenka reported that the Metropolitan Planning Committee (MPC) met with the local representative to the Oregon Transportation Commission, Mark Frohnmayr, who discussed the Oregon Department of Transportation (ODOT) Sustainable Transportation Initiative and alternative models for funding transportation projects. The MPC also approved the Metropolitan Transportation Improvement Plan and received a report from staff of the metropolitan planning organization that the Eugene-Springfield area was in compliance with federal air standards. The MPC was working on the greenhouse gas scenario planning required as part of Senate Bill 2001.

Also speaking to the work of the MPC, Mayor Piercy said the ACT and MPC agreed that the MPC's project priorities would be folded into the ACT's priorities in the order in which they came from the MPC. Differences between the two bodies would be resolved through meetings of their leadership.

Ms. Ortiz reported that ODOT had agreed fund sidewalk construction on one side of Highway 99 from the rail overpass to Roosevelt Boulevard and then onto Garfield Street. She also reported she was receiving calls from North Seneca Street residents who are experiencing flooding because of a lack of drainage. She hoped the City addressed that issue.

Ms. Ortiz said that Mr. Farr and she were joined by Lane County Commissioners Rob Handy and Jay Bozievich, Eugene Water & Electric Board Commissioner Rich Cunningham, and State Representative Val Hoyle at a very well-attended meeting of the Active Bethel Citizens. She wished her granddaughter a happy birthday.

Mr. Poling reported that the Harlow Neighborhood Association would hold a candidates forum for the Lane County commissioners race at the North Park Community Church on April 19 at 6 p.m. He said the association, Bertha Holt Elementary, Parents of Bertha Holt, North Park Community Church, Willakenzie Evangelical Church, Trader Joes, and Papa's Pizza partnered on a successful food drive for 70 elementary school children who qualified for the free lunch program.

Mr. Poling said he was receiving complaints about bad activities and garbage at the 105 overpass at Coburg Road and Oakway and asked City Manager Jon Ruiz to follow up with ODOT.

City Manager Ruiz reported that Peggy Keppler of Public Works one of ten public works professionals from across North America selected as an American Public Works Association Top 10 Leader for 2012. Public works professionals from throughout North America were recognized each year by their peers for their outstanding contribution and leadership and it was an achievement to be selected. City Manager Ruiz reported that Eugene Police Chief Pete Kerns was selected by the Oregon Association of Chiefs of Police to receive its top award for his efforts last year in response to the shooting of Officer Kilcullen, Occupy Eugene, and downtown public safety.

**C. WORK SESSION:
Capstone Collegiate Communities Student Housing Development Proposal**

The council was joined by Assistant City Manager Sarah Medary and Senior Planner Nan Laurence. Ms. Laurence provided an update on the public outreach done by Capstone Development in regard to its proposed development in downtown Eugene at the site of the former Eugene Clinic. She noted the major areas of concern expressed by residents and the responses offered by Capstone, which were summarized in Attachment B of the meeting packet, *Capstone Student Housing Proposal Questions and Answers*.

Mr. Brown asked questions for follow-up clarifying the amount of private equity in the project, projected enrollment levels at the University of Oregon, the current rental housing vacancy rate, the student housing vacancy rate, projected student enrollment for fall 2012, the University's housing construction plans, and the property's purchase price and sale price.

Responding to a question from Mr. Brown regarding Eugene Code Section 2.597, which stated the council would specify the percentage and duration of the Multi-Unit Property Tax Exemption (MUPTE), City Attorney Glenn Klein said nothing in State statute spoke to a percentage of the exemption and the City could not grant an exemption not authorized by State law. State law allowed the City to grant the exemption for less than a ten-year period. He believed that the reference to percentages was intended to refer to the portion of the property that was residential. Mr. Brown disagreed with City Attorney Klein's conclusions.

Mr. Zelenka requested information about the cost of both project phases. He anticipated that the project would be funded by institutional investors who would be unlikely to retain the project past the expiration of the MUPTE, and advocated for mandating onsite management for apartment developments of a certain size through the Eugene Code. He believed that such a regulation needed to be citywide rather than confined to a specific project, and should be based on beds. He was unsure the requirement should be retroactive and suggested that a definition of onsite management was needed. He asked for information about other jurisdictions that required onsite management for large apartment complexes.

Mr. Brown expressed skepticism that, given its past history, Capstone Collegiate Communities would continue to manage the development much past its construction and it would be sold by its investors. His research indicated that management ratings for former Capstone projects were dismal. He questioned whether Phase 2 of the project would be built and asked how that affected the MUPTE. Ms. Laurence said staff would address that question when the council considered the MUPTE application.

Mayor Piercy hoped staff's consideration of the project included consideration of capital improvements that facilitated bicycle mobility between the development and university.

Mayor Piercy observed that all the downtown projects in process had required a public investment. The question was whether the City was receiving a return on its investment. She wanted information about the project's impact on local employment and questioned whether it was possible to reduce the number of bedrooms per unit. She suggested incentives could be built in to the rent to encourage students to use alternatives like bicycles or We Car. She advocated for state of the art bicycle accommodations in the development to increase bicycle use. Mayor Piercy recommended that the council define more fully what it meant when it discussed "community benefits."

Mr. Brown said the City should be aggressive in its negotiations with the developer regarding the rate of return on investment and realize true community benefit. He also suggested the City, rather than the project owner, should benefit from any mortgage interest rate decreases. The City of Portland required developers who exceeded a profit in excess of an agreed upon threshold to pay that profit to the City; developers could also pay it back by providing below-market rate housing for a period following the expiration of the exemption.

Mr. Zelenka wanted to hear more about Portland's MUPTE rules. He questioned how the City could know for sure that the project would not be built in the absence of the MUPTE. He encouraged the developer to consider LEED construction and the potential of constructing garages that could be converted to another use. He determined from Ms. Laurence that staff had discussed locating a police substation on the site with the developers and they were interested.

Mr. Farr left the meeting for another commitment.

Mayor Piercy suggested the council needed to define "community benefit." She considered, for example, the developer's offer to widen the sidewalks serving Olive Plaza to be a community benefit but did not think that councilors were in concurrence as to the term's meaning.

Mr. Brown asked for information about other Capstone projects that had received similar tax abatements.

Mr. Clark suggested the chief benefit of the development would be that it was built and housed people. He pointed out that in ten years the property would begin to pay tax revenues to the City. He believed the proposed development supported many council goals.

Ms. Ortiz declared a potential conflict of interest due to her employment with PeaceHealth, the owner of the property in question.

Ms. Ortiz was concerned about the potential that the building currently on the site would remain unoccupied. If the project went forward it would create new jobs and ensure the site was redeveloped, which she considered a community benefit.

Ms. Taylor questioned how the City Council could know something else would not be built on the site in the future that provided more community benefit.

Mr. Zelenka asked if the construction jobs could be filled by local residents. Ms. Laurence said she would follow-up. She understood the developer was already in discussions with local contractors.

Mr. Pryor recommended that the council focus on reaching common agreement with the developer over the things that provided common benefit to both parties. He recommended against an approach that was overly proscriptive.

Mr. Brown believed that the development would take tenants from existing landlords who paid property taxes, which he did not think was fair. He questioned whether the number of projected jobs was worth the projected tax exemption. He expressed concern about the manner in which housing was proposed to be massed on two city blocks and asked how that benefited the neighborhood. He said he would be more supportive of the development if economic times were better, but instead it was a time of scarcity and the City needed revenue. He did not believe the developers would continue to own the development and they would not be part of the community in the future. He believed if the City was to grant an exemption of such a magnitude it should be to someone who intended to stay in the community.

Mr. Poling agreed with Mr. Pryor's remarks. He supported the project, saying it was exactly what was the community needed. He believed downtown was starting to "come back" and the project would inject more life into the area and spur more businesses to locate in the core.

Mayor Piercy adjourned the meeting at 7:21 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

April 9, 2012
7:30 p.m.

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

COUNCILORS ABSENT: Pat Farr.

Her Honor Mayor Kitty Piercy called the April 9, 2012, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Steven Michael Todd, homeless, criticized the Downtown Guides for not being aware that he was allowed to be in certain parts of downtown. He said he was a human being but the police continued to wake people up and kicked them out of downtown at 3 a.m. in the morning.

Jerry Smith, Ward 1, a member of the Opportunity Eugene Task Force, opposed the City's closure of the Occupy Eugene encampment, terming it evil. He objected that the City fined homeless people who had no money. He said many people in Lane County had no money at all and should not be punished for being poor.

Carol Berg Caldwell, Ward 3, discussed her observations at Municipal Court and commended the court for being open to her suggestions for improvements. She shared some of her suggestions and submitted a copy of the flier regarding discovery developed by Municipal Court staff at her suggestion. She shared some suggestions for improving the flier.

Michael Kasahun, Ward 8, shared his experience with the Eugene Police and reported he had approached the Police Auditor's Office because he did not believe the police report of his arrest was reviewed by the sergeant as required. He believed the Eugene police lacked understanding of how to deal with African American males. He had met with Chief Pete Kerns and other department members to discuss his concerns. He asked the council to review the six-month limitation policy imposed by Police Auditor Mark Gissiner's Office so that Mr. Gissiner could review his case.

Irene Cardenas, homeless, suggested that addicts and mentally ill people would benefit from housing that honored their personal lifestyle choices. She recommended that if homeless shelters were to refer people to treatment that the treatment be effective as medication often made things worse. She advocated for harmonious treatments and interactions and provided the council with fliers regarding the Open Dialogue approach, which she considered effective.

Garrett Dunlavy, Ward 3, a student at the University of Oregon, was joined by **Nick Beradi**, Education Coordinator for the University's Sustainability Center. They shared the center's plans for Earth Week on campus and solicited the community and council's involvement.

Dennis Gabrielson, Creswell, offered a failing grade to the council and manager for spending money on Occupy Eugene, for contracting with outside attorneys, and for allowing Occupy Eugene to camp without permits or bonds. He submitted a graph showing the percentage differences in exempt and represented City employee salaries over time.

Carla Newbre, Ward 1, a member of the Opportunity Eugene Task Force, endorsed the task force's recommendations. She had asked staff to forward the specific committee reports to the council to ensure the details did not get lost and asked the council to request them if they had not been provided. She endorsed a homeless camp site based on the Dignity Village model in Portland and the formation of a Homeless Commission.

Kimberly Gladen, Ward 1, referred to assertions that more downtown benches were needed and called attention to the 74 existing benches downtown, most of which she seldom saw used. She asked why people did not congregate at the Free Speech Plaza, which had more than 200 feet of bench space and was completely unused. People had been sitting on handicapped access ramps, which puzzled her. Ms. Gladen suggested that people needed to be educated as to the location of downtown benches. She also recommended that people seek out nearby public parks, which also had benches. Ms. Gladen congratulated the council for the bicycle racks downtown and called for more of them. She suggested the City solicit suggestions for their location from downtown business owners.

Mark Rust, Ward 5, expressed concern about the proposal to expand the urban growth boundary to accommodate job growth in the Clear Lake Road area, suggesting it did not make sense to place all industrial employment in one place. He was also concerned about the infrastructure that would be needed to serve that land and suggested the decision to stop the West Eugene Parkway precluded much growth to the west. Regarding the public need for school and parkland, he suggested that the City consider expanding into the Lane Community Council basin given the City-owned parkland in that area. Mr. Rust suggested that placing 500 new homes at the headwaters of the Willow Creek might not be the best idea, noting that much of the land in the land was purchased to be preserved for natural use. He encouraged the council to keep the potential of Goshen in mind for industrial growth.

Eugene Drix, Ward 3, was grateful that the downtown pits had been filled and for the Public Forum. He was glad that Eugene was not Portland. He said change was inevitable, although sometimes it was not noticed. He was still trying to brand the community and suggested that if everyone shaved their eyebrows that might help; if it did not work out they could always grow back. He noted that alleys in his neighborhood, the West University Neighborhood, had been dated when paved and he thought that was useful.

Robin Bloomgarden, Ward 8, posited a situation involving an emergency that left residents homeless but the council was unable to act because of restrictive codes that took years to change. She said the community had a homeless crisis. The homeless were unwanted and illegal but they wanted someplace to be and somewhere to store their belongings while they attended school, looked for work, or ate at The Dining Room. She encouraged the City to identify a homeless camping site and modify its zoning and building codes quickly so the homeless had a place to be now.

David Ivan Piccioni, Ward X, was concerned about trees being cut in Eugene to accommodate construction activities and infrastructure development. If a tree had to be cut for some unavoidable reason, Mr. Piccioni recommended that alternatives be considered first and that the trees that were removed be replaced.

Mayor Piercy closed the Public Forum. She thanked those who offered comments and said the council would discuss the recommendations of the Opportunity Eugene Task Force on April 11. She thanked Ms. Berg Caldwell for her work with Municipal Court and thanked the University of Oregon students for sharing information about Earth Week. Mayor Piercy invited people with general questions about City operations to contact its Public Service Officer at the City Manager's Office. She said the City of Eugene had an Urban Forestry Program and trees were important to the community, as evidenced by the recent Arbor Day activities. The City had a policy of replacing trees and the council was notified of all tree removals.

Ms. Ortiz concurred with Mayor Piercy about the importance of urban trees. She thanked those who offered testimony on a variety of issues. She invited Mr. Kasahun to contact her to discuss his concerns.

Councilor Taylor thanked those who testified. She believed Eugene needed a stronger tree ordinance and suggested it was preferable to reroute sidewalks than to remove trees. She believed only urgent reasons should compel the removal of a tree.

Speaking to the issue of benches, Councilor Taylor believed downtown needed more places to sit. She suggested that there could be stationary tables and movable chairs that residents could place as they chose while they talked, drank, and ate.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes**
 - December 12, 2011, Regular Meeting
 - January 11, 2012, Work Session
 - January 18, 2012, Work Session
 - January 25, 2012, Work Session
 - February 11, 2012, Workshop
 - February 13, 2012, Work Session
- B. Approval of Tentative Working Agenda**
- C. Approval of Neighborhood Matching Grants for Fiscal Year 2012**
- D. Ratification of Intergovernmental Relations Committee Minutes of March 6, 2012**

Mayor Piercy and Councilor Poling pulled Item C.

Councilor Brown, seconded by Councilor Taylor, moved to approve the items on the Consent Calendar with the exception of Item C. Roll call vote: The motion passed unanimously, 7:0.

At the request of Councilor Zelenka, Cindy Clarke of the Neighborhood Program reviewed the successful applications being funded through the Neighborhood Matching Grants Program.

Councilor Poling commended the Willakenzie Grange project.

Roll call vote; item C passed unanimously, 7:0.

**3. ACTION:
Adoption of a Resolution Initiating Celebrations Acknowledging the 150th Anniversary of
the Incorporation of Eugene**

Mayor Piercy shared the story of Eugene's incorporation as recounted by Lucia Moore, Nina McCornack, and Gladys McCready in *The Story of Eugene*. She reviewed the resolution before the council.

Councilor Brown, seconded by Councilor Taylor, moved to adopt Resolution 5056 initiating celebrations acknowledging the 150th anniversary of the incorporation of Eugene.

Councilor Ortiz recalled her request to staff that all Eugene's history be told, both the glorious and inglorious. She supported the motion.

Roll call vote: The motion passed unanimously, 7:0.

Mayor Piercy adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

May 14, 2012
5:30 p.m.

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

Her Honor Mayor Kitty Piercy called the May 14, 2012, work session of the Eugene City Council to order.

A. COMMITTEE REPORTS

Mr. Pryor reported that the Housing Policy Board (HPB) had one remaining land bank site. The HPB planned to fund property renovations this year, which could involve the purchase and renovation of foreclosed properties that would then be used for affordable housing.

Ms. Ortiz reported on the Public Safety Coordinating Council’s Juvenile Justice Committee, which had been discussing the issue of disproportionate minority contacts and the lack of beds at John Serbu Youth Campus. She referred the council to an article she provided that indicated one child in three had some form of police contact before they reached age 23. Ms. Ortiz noted that the “Rites of Passage” summer academies would again take place at Lane Community College this year.

Mr. Brown reported that the Metropolitan Wastewater Management Commission’s ecosystem restoration riparian shade projects encountered a temporary funding snag as the agency learned that administrative expenses could not be paid for by the Environmental Protection Agency grant. The projects were intended to lower water temperatures before water passed the wastewater treatment plant to prevent high water temperatures that harmed fish.

Mayor Piercy reported on the recent Lane Area Commission on Transportation (ACT) meeting, saying State Senator Floyd Prozanski provided a presentation on a proposed Territorial Road intended to enhance safety conditions on the road and sought feedback on the project from the ACT. The ACT had learned that the Oregon Department of Transportation (ODOT) was seeking to break down its program ‘silos’ and had combined two grants programs and formed an Active Transportation Section to integrate programs and funding sources to promote multi-modal and sustainable transportation solutions. ODOT was also taking a new approach to prioritization of projects in the State Transportation Improvement Program that expanded the role of the ACT and shifted the agency’s focus from highways to more multi-modal needs.

Mr. Farr reported on the recent dedication ceremony for two homes being renovated to house returning veterans, and noted that City Jon Manager Ruiz was instrumental the renovations happen. The project was the result of a partnership between St. Vincent de Paul, the Bethel School District, the Lane County Homebuilders Association, and the City of Eugene.

Ms. Taylor was happy to hear of ODOT's shift in focus. She said everyone should ride the train when they got the chance and suggested that all the councilors should go by rail when traveling to the upcoming League of Cities meeting in Salem. Ms. Taylor expressed a wish that the City could return the foreclosed properties mentioned by Mr. Farr to their original owners.

Ms. Taylor asked Assistant City Manager Sarah Medary to follow-up on a constituent inquiry about why the Fire Department purchased fuel where it did and if there was a City policy governing such purchases.

Ms. Taylor had attended a recent meeting of the Southeast Neighbors and reported there was a good turnout because residents were upset to hear about the possible development of a parcel containing the Amazon headwaters, which Ms. Taylor considered vital to the community's air and water.

Mayor Piercy requested information on the proposed development mentioned by Ms. Taylor.

Mr. Poling reported that State Representative Nancy Nathanson had provided a synopsis of the last legislative session at the recent meeting of the Harlow Neighborhood Association and Eugene Water & Electric Board (EWEB) Commissioner John Brown discussed the utility's proposed rate increase and encouraged residents to offer public input to the EWEB board. Those present also heard a report on the success of the Harlow Serves food program. Recently retired Police Captain Rich Stronach was recognized by the neighborhood association for his efforts, and the association elected Jennifer Yeh as its new chair, Mark Callahan as vice chair, and Chelsea Clinton as secretary-treasurer.

Mr. Poling said that in lieu of cancelled National Night Out, the Harlow Neighborhood Association would hold its annual party at the North Park Community Church on June 16. He announced the grand opening of Willakenzie Crossing on June 26.

Mr. Pryor announced that the City's Intergovernmental Relations Director Brenda Wilson had been hired as the Lane Council of Governments' new executive director and she would start in her new position on July 1.

Ms. Ortiz reported that she had toured North Seneca Road with City Manager Ruiz and staff was working toward a resolution of the drainage issues affecting the street. She reported that the Trainsong Neighbors were interested in beautifying the City-owned corner at Roosevelt and Garfield formerly occupied by a grocery store and she had toured the site with some neighbors to discuss options. She said the neighbors living near Ferndale Park were pushing to get that park developed and she promised to share their concerns with Parks and Open Space Manager Johnny Medlin. She had recently learned Mr. Medlin would be retiring soon.

Mr. Zelenka announced the June 15 meeting of the Fairmount Neighbors and the June 16 meetings of Laurel Hill Valley Citizens and South University Neighborhood Association.

Mr. Brown reported that he had joined Mayor Piercy in greeting the Sister City Delegation from Kathmandu and accompanied participants on a portion of their tour. He emphasized that the delegation was here to learn, and shared the group's itinerary, which included the County transfer station in Glenwood and Short Mountain Landfill.

Mayor Piercy shared some gifts from the delegation and encouraged residents to view the gifts the City had received from its sister cities, which were displayed in the Council Chamber.

Mayor Piercy reported that a large delegation from Nashville, Tennessee had visited Eugene to see the EmX system.

Assistant City Manager Sarah Medary reported that City Manager Ruiz was in Washington, DC, with Police Chief Pete Kerns and the family of fallen officer Chris Kilcullen representing Eugene in Washington for National Police Week. Officer Kilcullen's name was added to the national memorial.

**B. WORK SESSION:
Tri-Annual Report to City Council from Police Auditor**

Police Auditor Mark Gissiner led the council through a PowerPoint presentation with highlights from his tri-annual report. Councilors asked questions clarifying Mr. Gissiner's presentation and thanked him for his service.

C. EXECUTIVE SESSION

Pursuant to Oregon Revised Statute 192.660(2)(h), the Eugene City Council met in executive session.

Mayor Piercy adjourned the meeting at 7:13 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)

MINUTES

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

May 21, 2012
7:30 p.m.

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

COUNCILORS ABSENT: Alan Zelenka.

Her Honor Mayor Kitty Piercy called the May 21, 2012, regular meeting of the Eugene City Council and the Eugene Urban Renewal Agency (URA) to order.

**1. PUBLIC HEARING AND POSSIBLE ACTION:
An Ordinance Concerning Location of City Hall and Municipal Court; Amending Sections 1.010 and 2.772 of the Eugene Code, 1971; and Providing an Immediate Effective Date**

City Manager Jon Ruiz introduced the item, a public hearing regarding minor code amendments that added a definition of City Hall to the Eugene Code clarifying that “City Hall” meant the offices of the Mayor and City Manager, and granting authority to the City Manager to establish where Municipal Court could be held.

Mayor Piercy opened the public hearing. There being no requests to speak, Mayor Piercy closed the public hearing. She invited council questions and comments.

Councilor Brown determined from City Manager Ruiz that the City Manager's Office and City Council would move to the Lane County Public Service Building and that the council would hold a work session on the subject of the future of City Hall before the summer recess.

Councilor Taylor was concerned that the council had not discussed the two reports it received regarding City Hall. She feared the building could be left empty for some time and advocated for a decision about the building before it was vacated. She determined from City Manager Ruiz that the council’s summer discussion would encompass those reports. City Manager Ruiz reminded the council that the timeline for leaving the building was driven by the termination of steam heating downtown. He shared Councilor Taylor’s concerns and assured her it was not his intent to leave the block vacant for an extended period of time.

Mr. Clark called the council’s attention to a recent article in *The Register-Guard* discussing the Eugene Water & Electric Board’s purchase of a property to serve as a possible new headquarters.

Mayor Piercy determined that no councilor objected to taking immediate action.

Councilor Brown, seconded by Councilor Farr, moved to adopt Council Bill 5701, concerning the location of City Hall and Municipal Court; amending sections of the Eugene Code, 1971, and providing an immediate effective date. Roll call vote: The motion passed unanimously, 7:0.

Mayor Piercy asked that the council be provided with a timeline for the City's plans to vacate City Hall.

2. PUBLIC HEARING:

An Ordinance Concerning the Rental Housing Code; Amending Section 8.440 of the Eugene Code, 1971; and Repealing the Rental Housing Code Sunset Date

City Manager Ruiz introduced the topic of the hearing, a code amendment to remove the sunset from the Rental Housing Code found in Section 8.440 of the Eugene Code and to provide for multi-year billing.

Mayor Piercy opened the public hearing.

David Russell, Ward 2, asked the council to retain the Rental Housing Code's sunset clause to allow the council an opportunity to consider issues related to the code. He believed in personal responsibility on the part of landlords and tenants and opposed governmental interference in that relationship.

Dennis Casady, Ward 2, served as a landlord representative on the subcommittee of the Housing Policy Board (HPB) charged to review the Rental Housing Code. He reported that the subcommittee recommended the program be extended for four years to accommodate a two-year billing process to save administrative costs and that the sunset be retained. Mr. Casady agreed about the sunset, suggesting its retention would help address the trust issues that existed between landlords and the City, highlighted by the council's April action to eliminate the sunset after the subcommittee and staff's recommendation to the contrary. He questioned the extent of the items proposed to be regulated by the code and said window screens were not a sign of habitability. He would no longer provide appliances to his tenants if they were regulated by the Rental Housing Code.

Robin Bloomgarden, Ward 7, asked what was done for tenants with the money raised by the Rental Housing Program and how she could find out how the money was spent. She understood that some councilors wanted to mandate licensed professional management for apartment units of ten or more and questioned why she would not be allowed to manage her properties as she chose. Such a requirement would cause her to raise her rents and make it harder for people to find decent places to live. She supported retention of the sunset.

Scott Smith, Ward 5, encouraged the council to retain the sunset and avoid adding additional requirements to the code. He did not think the complaints the City received rose to the level of need expressed by the original proponents of the code. The cost per complaint was very high compared to any benefit provided by the program. He believed the code worked against housing affordability and housing diversity. He encouraged the council to review the *Housing Wanted* section of Craigslist to see the types of low-income housing that people sought. Those residents' choices were further restricted by the code. He questioned the program's high administrative costs.

Vikki Perpnan, Springfield, advocated for the Rental Housing Code on behalf of low-income people because low-income people lacked access to legal services, were unaware of their rights under the law, and had few attorneys available to assist them.

Michael Steffen, Ward 2, Rental Owners Association of Lane County, was concerned that the council rejected the recommendations of City staff and the HPB subcommittee about the sunset. He said the association had hesitated to participate in the subcommittee process because a lack of faith that its perspective would carry any weight with the council or staff. The association was assured by City staff that the council wanted its input. That did not appear to be the case as some councilors appeared to believe they knew better than the subcommittee. Mr. Steffen believed the sunset provision was the only leverage landlords had. He did not think a council discussion was an adequate substitute to protect landlords' interest. He asked that the sunset be retained.

John Van Landingham, Ward 7, a member of the HPB subcommittee, supported a four-year sunset as opposed to a mandatory council discussion as a way to build trust with landlords. He had supported a sunset at the subcommittee level for two reasons: 1) the subcommittee recommended some significant changes that would be worthwhile to revisit; and 2) the sunset was important to landlords and its retention would build trust. He recommended that the council not fight over process; the sunset was a process issue while the substance of the matter was the code.

Jim Welsh, Eugene Association of Realtors, said his organization favored a fair, equitable code that addressed real problems without overburdening the tenant or landlord. He believed the code addressed a problem that already had a solution provided by State law. He realized there were problem landlords that caused a problem for all, but he did not think that justified the code. He suggested that if the code was justified the program would not be carrying a surplus. He advocated for retention of the sunset.

Eric Hall, Ward 7, supported the recommendations of the HPB regarding the Rental Housing Code. He shared a graphic entitled "The Shelter Ladder" that illustrated a range of housing types to demonstrate that the code had hidden effects that could potentially cause some existing housing stock to become illegal and could reduce residents' housing options. Mr. Hall recommended that the code be revised to focus on conflict resolution rather than shelter standards.

Mayor Piercy closed the public hearing. She thanked those who offered testimony. She expressed support for the Rental Housing Code. She suggested the lack of complaints demonstrated that the code was working. Mayor Piercy said throughout history, people in position of making policy were asked to trade safety and justice for basic services. She maintained it was the council's job to ensure the most challenged of citizens had the same protections as others. She committed to looking carefully at the issue of the sunset.

Councilor Ortiz indicated she was reconsidering her earlier vote of support for eliminating the sunset and asked City Attorney Glenn Klein to prepare a motion reflecting that position.

Councilor Poling supported retention of the sunset clause. Speaking to further code revisions proposed by Councilor Zelenka, Councilor Poling said he believed the regulation of energy-efficient appliances was not related to the intent of the Rental Housing Code and observed that there often times when a repair could not logistically be completed within ten days. He called for ordinance language that recognized the latter fact.

Councilor Pryor concurred with the remarks of Mr. Van Landingham. He said the HPB had been interested in a compromise resolution. He believed that the Rental Housing Code was needed and emphasized the need for trust between the City and landlords as the basis for a good, enforceable code. He wanted to retain the sunset because it was the result of careful and thoughtful deliberation on the part of the subcommittee, HPB, and staff, and its retention did not compromise the value of the code but would restore trust with the community.

Councilor Farr indicated his concurrence with the remarks of Mayor Piercy, Councilor Ortiz, and Councilor Pryor and expressed appreciation for Mr. Van Landingham's testimony. He emphasized the negative impact that City actions adding to the cost of rental housing had on the community's supply of affordable housing.

Councilor Brown supported the Rental Housing Code and continued to support elimination of the sunset clause in favor of a mandatory council discussion about the code. He thanked Ms. Perpignan for her testimony on behalf of tenants, many of whom were afraid to complain for fear of reprisals from their landlord. He believed that a ten-day requirement for repairs could be imposed by the council with the understanding that emergencies happened.

Councilor Taylor recalled that the current Rental Housing Code was the result of the effort of many students who had since left the community. She said the residents who needed the code were not present at the hearing to voice their support. They did not have time to follow the council's actions and so were not present to advocate for elimination of the sunset. She thought it was important to eliminate the sunset so the code's proponents did not have to request its continuance every few years. She continued to question why the \$10 fee per unit was considered a hardship by landlords.

Councilor Taylor suggested City standards for subsidized housing were too high and might need to be reconsidered.

Speaking to Councilor Taylor's remarks, Councilor Farr noted Mr. Van Landingham, who provided legal representation for low-income tenants and advocated on their behalf, spoke in support of the sunset.

3. PUBLIC HEARING:

Resolution 5058 Electing to Receive State Revenue Sharing Funds Pursuant to Section 221.770 of the Oregon Revised Statutes; Resolution 5059 Certifying that the City of Eugene Provides the Municipal Services Required by Oregon Revised Statutes Section 221.760 in Order to Receive State Shared Revenues; and Resolution 5060 Adopting the Budget, Making Appropriations, Determining, Levying and Categorizing the Annual Ad Valorem Property Tax Levy for the City of Eugene for the Fiscal Year Beginning July 1, 2012, and Ending June 30, 2012

City Manager Jon Ruiz introduced the item, a public hearing on a resolution adopting the budget for fiscal year 2013.

Mayor Piercy opened the public hearing.

Zachary Vishanoff distributed copies of an article from the May 12 edition of *The Register-Guard* entitled "Courts closed under bridge pending road repair." He questioned the suitability of the current location of the basketball courts in Washington-Jefferson Park for that or any purpose, including a skateboard facility, given the condition of the Washington-Jefferson Bridge. Mr. Vishanoff wanted the City Council to secure condition reports from the Oregon Department of Transportation regarding that bridge and the new I-5 bridge to gauge their suitability for a skate park and suggested that "Skate Eugene" be asked to study both sites.

Mayor Piercy closed the public hearing.

Councilor Brown, seconded by Councilor Farr, moved to adopt Resolution 5058 electing to receive State revenue sharing funds pursuant to Section 221.770 of Oregon Revised Statutes. Roll call vote: The motion passed unanimously, 7:0.

Councilor Brown, seconded by Councilor Farr, moved to adopt Resolution 5059 certifying that the City of Eugene provides the municipal services required by Oregon Revised Statutes Section 221.760.

Councilor Farr noted the Budget Committee's decision to retain an engine crew at Station 2 to ensure that response times and back-up response capacity were maintained.

Roll call vote: The motion passed unanimously, 7:0.

Councilor Brown, seconded by Councilor Farr, moved to adopt Resolution 5060 adopting the budget, making appropriations, determining, levying, and categorizing the annual ad valorem property tax levy for the City of Eugene for the fiscal year beginning July 1, 2012, and ending June 30, 2012. Roll call vote: The motion passed unanimously, 7:0.

Mayor Piercy thanked the Budget Committee and City staff for their work on the budget. She said the committee's decisions had not been easy but she believed the committee dealt responsibly with the organization's challenges. In spite of those challenges, the council, committee, and staff had managed to maintain an even course for the organization.

Mayor Piercy adjourned the council meeting and convened a meeting of the Urban Renewal Agency.

**4. PUBLIC HEARING:
Resolution 1064 of the Urban Renewal Agency of the City of Eugene Adopting the Budget, Making Appropriations, and Declaring the Amount of Tax to be Certified for the Fiscal Year Beginning July 1, 2012, and Ending June 30, 2013**

Mayor Piercy opened the public hearing. There being no requests to speak, she closed the public hearing.

Councilor Brown, seconded by Councilor Farr, moved to adopt Resolution 1065 of the Urban Renewal Agency of the City of Eugene adopting the budget and making appropriations for the fiscal year beginning July 1, 2012, and ending June 30, 2013. Roll call vote: The motion passed unanimously, 7:0.

Mayor Piercy adjourned the meeting at 8:26 p.m.

Respectfully submitted,

Beth Forrest
City Recorder

(Recorded by Kimberly Young)