



**Eugene City Council**

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Eugene, OR 97401-2793  
541-682-5010 • 541-682-5414 Fax  
www.eugene-or.gov

# EUGENE CITY COUNCIL AGENDA

June 23, 2014

**5:30 p.m. CITY COUNCIL WORK SESSION**

**Harris Hall**

**125 East 8<sup>th</sup> Avenue**

**Eugene, Oregon 97401**

**7:30 p.m. CITY COUNCIL MEETING**

**Harris Hall**

**125 East 8<sup>th</sup> Avenue**

**Eugene, Oregon 97401**

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**Meeting of June 23, 2014;  
Her Honor Mayor Kitty Piercy Presiding**

**Councilors**

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

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**CITY COUNCIL WORK SESSION**

**Harris Hall**

**5:30 p.m. A. EXECUTIVE SESSION: Pursuant to ORS 192.660(2)(i)**

**6:00 p.m. B. WORK SESSION:**

## City Manager Performance Evaluation

### CITY COUNCIL MEETING Harris Hall

1. **CEREMONIAL MATTERS**
2. **PUBLIC FORUM**
3. **CONSENT CALENDAR**  
*(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)*
  - A. **Approval of City Council Minutes**
  - B. **Approval of Tentative Working Agenda**
4. **PUBLIC HEARING:**  
**An Ordinance Amending Ordinance No. 20508 to Extend the Temporary Suspension of Multiple Unit Property Tax Exemptions under Sections 2.945 and 2.947 of the Eugene Code, 1971, through November 30, 2014**
5. **ACTION:**  
**An Ordinance Concerning Deer Fencing; and Amending Sections 9.2750 and 9.2751 of the Eugene Code, 1971, and Section 4.996 of that Code (City File CA 14-1)**
6. **ACTION:**  
**Action on Ordinance Concerning Restrictions on Fireworks; Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of That Code, and Providing for an Immediate Effective Date and  
Action on an Ordinance Concerning Unruly Gatherings and Amending Section 4.670 of the Eugene Code, and Providing for an Immediate Effective Date**

*\*time approximate*

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

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

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

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





# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY




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## Work Session: City Manager Annual Performance Review

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Meeting Date: June 23, 2014  
 Department: Central Services, Human Resources  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: B  
 Staff Contact: Denise Smith  
 Contact Telephone Number: 541-682-5731

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### ISSUE STATEMENT

Jon Ruiz was hired as the Eugene City Manager on April 14, 2008. This agenda item is for the council to conduct City Manager Ruiz's annual performance review. The two-part format agreed upon by the council and City Manager Ruiz includes an executive session followed by a public session. During the executive session, councilors will review the results of the feedback gathered, share their overall performance feedback, and discuss final comments. Based on the discussion, the City Manager will submit his proposed goals for the coming year to the council.

### BACKGROUND

This year's feedback process includes a couple of key questions, framed from the agreed-upon performance dimensions, which were sent to the executive leaders of each City department, other City employees who had worked on projects with the City Manager, union leadership and an identified group of community leaders. City Councilors also are completing their own evaluation forms. A summary of this feedback and the City Manager's self-evaluation are being sent to the council in advance of this work session.

Human Resources is compiling this information to support the City Council in getting a well-rounded view of the performance of the City Manager this past year. Human Resources will also calculate the compensation adjustment based on the City Manager contract language. With respect to compensation, the contract provides that the City Manager will receive (1) whatever Cost of Living Adjustment (COLA) that non-represented employees receive, and (2) a merit and deferred compensation adjustment based on the ratings that the council gives to the City Manager, "unless the council determines that the City's budget situation is sufficiently ominous that no merit or deferred compensation increase should be made." The calculation related to any compensation adjustment will be included in the notebook containing the evaluation forms and summaries that will be provided to each elected official.

### RELATED CITY POLICIES

The City Council has historically conducted an annual performance review of the City Manager.

**SUGGESTED MOTION**

*None.*

**ATTACHMENTS**

Notebooks containing the following information will be provided under separate cover:

- A. Copies of the compiled feedback summaries
- B. Individual comments from city councilors
- C. Copy of an overall summary of the councilors' review comments and ratings to go into the section of the notebook labeled "Mayor and Council Comments"
- D. Compensation information based on final ratings

**FOR MORE INFORMATION**

Staff Contact: Denise Smith, Human Resources

Telephone: 541-682-5731

Staff E-Mail: [denise.d.smith@ci.eugene.or.us](mailto:denise.d.smith@ci.eugene.or.us)

Staff Contact: Alana Holmes, Human Resources & City Manager's Office

Telephone: 541-682-5765/5406

Staff E-Mail: [Alana.m.holmes@ci.eugene.or.us](mailto:Alana.m.holmes@ci.eugene.or.us)

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Ceremonial Matters

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Meeting Date: June 23, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 1  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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#### **ISSUE STATEMENT**

This item is to acknowledge awards and achievements and inform the public of proclamations signed by the Mayor. No action is required by the City Council.

#### **BACKGROUND**

At its 1997 fall process session, the council agreed to include a monthly agenda item entitled "Ceremonial Matters." From time to time, the Mayor is asked to sign proclamations or acknowledge awards received, which serve to encourage and educate the community about important issues and events.

#### **CITY MANAGER'S RECOMMENDATION**

This is an information item only.

#### **ATTACHMENTS**

None.

#### **FOR MORE INFORMATION**

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



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Public Forum

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Meeting Date: June 23, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2  
Staff Contact: Beth Forrest  
Contact Telephone Number: 541-682-5882

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#### **ISSUE STATEMENT**

This segment allows citizens the opportunity to express opinions and provide information to the council. Testimony presented during the Public Forum should be on City-related issues and should not address items which have already been heard by a Hearings Official, or are on the present agenda as a public hearing item.

#### **SUGGESTED MOTION**

No action is required; this is an informational item only.

#### **FOR MORE INFORMATION**

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



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Approval of City Council Minutes

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Meeting Date: June 9, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3A  
Staff Contact: Kris Bloch  
Contact Telephone Number: 541-682-8497

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#### **ISSUE STATEMENT**

This is a routine item to approve City Council minutes.

#### **SUGGESTED MOTION**

Move to approve the minutes of the June 3, 2014, Joint Elected Officials Public Hearing, June 9, 2014, Work Session and Meeting, and June 11, 2014, Work Session.

#### **ATTACHMENTS**

- A. June 3, 2014, Joint Elected Officials Public Hearing
- B. June 9, 2014, Work Session and Meeting
- C. June 11, 2014, Work Session

#### **FOR MORE INFORMATION**

Staff Contact: Kris Bloch  
Telephone: 541-682-8497  
Staff E-Mail: [kris.d.bloch@ci.eugene.or.us](mailto:kris.d.bloch@ci.eugene.or.us)





## ATTACHMENT A

## MINUTES

**Eugene City Council  
Joint Public Hearing with Lane County Board of Commissioners  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**June 3, 2014  
6:00 p.m.**

**Councilors present:** George Brown, Betty Taylor, Alan Zelenka, Chris Pryor, Claire Syrett, Greg Evans, George Poling, Mike Clark

**Commissioners present:** Jay Bozievich, Sid Leiken, Pete Sorenson, Pat Farr, Faye Stewart

Mayor Kitty Piercy opened the June 3, 2014, City Council public hearing.

Commission Chair Pat Farr opened the June 3, 2014, Lane County Commissioner public hearing.

**1. PUBLIC HEARING: City/County Partnership Opportunity**

1. Jack Gray – Supports land exchange; overwhelming support from board members.
2. Kasey White – Supports land exchange; square model will present better opportunities.
3. Brad Stangeland – Supports land exchange; excellent economic impact.
4. Hannah Goldrich – Supports land exchange; farmers’ market is vital part of community.
5. Carl Berg – Supports land exchange; positive impact for community.
6. Linda Perrine – Supports land exchange; potential win/win for all stakeholders.
7. Bill Snyder – Supports land exchange; plays vital role in economic development in community.
8. Lynne Fessenden – Supports land exchange; enhances local food security.
9. Colleen Bauman – Supports land exchange; progress is finally happening.
10. Kim Still – Supports land exchange; concept of a downtown market is compelling.
11. Megan Kemple – Supports land exchange; current configuration is awkward and not accessible.
12. Brittany Quick-Warner – Supports land exchange; provides good redevelopment opportunity.
13. Eric Hall – Has concerns about historic impacts and long-term consequences of proposal.
14. Katharine Hunt – Supports land exchange; good progress being made.
15. W. Scott Bartlett – Has concerns about legality of exchange and lack of due diligence.
16. Vincent Jordan – Supports land exchange; keeps money in the community.

Discussion:

- Request made for more information on rationale for land swap proposal.
- Request made for more information on financing to build market facilities.
- Support expressed for involving courts in land swap discussion.
- Support expressed for a one-stop government center.
- Request made for information about pros and cons of using Urban Renewal District.
- Request made for information about overlay zones relative to floor-area ratios.

**PUBLIC HEARING:**

**Ordinance 1: An Ordinance Concerning Envision Eugene Residential Redesignation to Redesignate and Rezone Annexed Residential Properties by Amending the Eugene-Springfield Metropolitan Area General Plan Lane Use Diagram; Amending the Eugene**

**Zoning Map; Amending the Willow Creek Special Area Study Diagram and Text Pursuant to Section 9.7750(4) of the Eugene Code, 1971; Amending Section 9.9710 of the Eugene Code, 1971; and Adopting a Severability Clause.**

**Ordinance 2: An Ordinance Concerning Envision Eugene Residential Redesignation to Redesignate and Rezone Unannexed Residential Properties by Amending the Eugene-Springfield Metropolitan Area General Plan Land Use Diagram; Amending the Eugene Zoning Map; Amending the Willow Creek Special Area Study Diagram and Text; Amending the River Road-Santa Clara Urban Facilities Plan Diagram; and Adopting a Severability Clause; and Providing an Effective Date.**

**(Envision Eugene Implementation: Residential Re-Designation, Eugene Files MA 13-2, RA 13-1, Z 13-7, CA 13-5 and Lane County file PA13-05615)**

Irving Road/Eagles:

1. Susan Tavakolian – Supports ordinance; reasonable strategy to achieve Envision Eugene goals.
2. Greg Kaminski – Supports ordinance noting challenge of turning part of property into park.

Crow Road Study Area:

1. Mike Reeder – Supports ordinance noting appreciation for work of staff.

Willamette Street/Rest Haven:

1. Nathan Simmons – Has concerns with environmental impact and buffer zone.
2. David Berg – Has concerns with deforestation and drainage issues along property's ridgeline.
3. Kate Dubach – Has concerns about neighborhood and environmental impacts.
4. John Sihler – Supports ordinance; is concerned with ridgeline area and wants it protected.
5. Maram Epstein – Supports efforts to protect historical and cultural aspects of property.
6. Heather Sielicki – Supports ordinance with protections for ridgeline area.
7. Mary Leighton – Supports ordinance with close oversight of development on property.

**MOTION and VOTE:** Commissioner Stewart, seconded by Commissioner Leiken, moved the 2<sup>nd</sup> reading and set the 3<sup>rd</sup> reading for ordinance PA: 1311 for July 8, 2014, of the Board of Commissioners and leaving the record open until June 17 at 5:00 p.m.  
**PASSED: 5-0**

**MOTION AND VOTE:** Councilor Pryor, seconded by Councilor Syrett, moved to leave the record open for two weeks after the public hearing, closing on June 17, 2014, at 5:00 p.m. **PASSED: 8-0**

The meeting adjourned at 7:33 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

## ATTACHMENT B

## MINUTES

Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401

June 9, 2014  
5:30 p.m.

**Councilors Present:** George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett (*via phone*), Chris Pryor

Mayor Piercy called the June 9, 2014, City Council work session to order.

**A. EXECUTIVE SESSION – Pursuant to ORS 192.660(2)(e)**

The City Council met in executive session pursuant to ORS 192.660(2)(e). The council returned to public session.

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to authorize the City Manager to enter into the purchase and sales agreement with 4J related to Civic Stadium. **PASSED 6:2**, Councilors Clark and Poling opposed.

**B. WORK SESSION: Prohibited Acts in Downtown Activity Zone**

AIC Planning and Development Director Sarah Medary and Police Lieutenant Eric Klinko gave a PowerPoint presentation on the history and context of downtown development and the proposed changes to Kesey Square.

Council discussion:

- There is difference of opinion about whether Kesey Square is a park.
- Enforcement tools are already in place; no further restrictions are needed
- Explore installation of Portland Loo or other restroom facility.
- Kesey Square is one of the few remaining public places.
- Problems with Kesey Square well-documented; park designation is reasonable.
- New restrictions on dogs should be applied citywide.

**MOTION and VOTE:** Councilor Clark, seconded by Councilor Poling, moved to direct the City Manager to bring back to Council appropriate action steps to designate Kesey Square as a City park. **PASSED 5:3**, Councilors Brown, Taylor, Syrett opposed.

The work session adjourned at 7:15 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Record

MINUTES – Eugene City Council  
Work Session and Meeting

June 9, 2014

Page 1

## MINUTES

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**June 9, 2014  
7:30 p.m.**

**Councilors Present:** George Brown, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett (*via phone*), Chris Pryor

Mayor Piercy opened the June 9, 2014, City Council meeting.

### **1. PLEDGE OF ALLEGIANCE TO THE FLAG**

In recognition of Flag Day, Councilor Evans led a recitation of the Pledge of Allegiance to the Flag.

### **2. PUBLIC FORUM**

1. Steven Hiatt – Closing of Kesey Square is a direct attack on unhoused; ban food carts.
2. Alley Valkyrie – Opposed to closing of Kesey Square; need curfew in University district.
3. Jennifer Frenzer-Knowlton – Consider ways to help people, not punish them.
4. Vallen Krimboa - Proposed sick leave ordinance will ensure a healthy environment.
5. Michael Adams – Eugene is militarizing its laws; against downtown smoking ban.
6. Sue Sierralupe – Occupy Medical saves the City \$10,000 a week; need to support patients.
7. Rev. Wayne Martin – Closure of Whoville was an assault.
8. Plaedo Wellman – Opposed to closing of Kesey Square; attack on all of Eugene.
9. William Ward – Opposed to tax credits; costs City of Eugene.
10. Brain Palmer – Opposed to sick leave ordinance; ordinance is a popularity contest.
11. Ralph Parshall – Opposed to sick leave ordinance; spend time on living wage jobs.
12. Eric Richardson – Supported sick leave ordinance as means to increase equity.
13. Ryan Stearns – Arrested last night for illegal camping; has no place to go.
14. Barb Prentice – City has lots of ideas on where you can't sleep but not where you can.
15. Art Bowman – City has patchwork laws to keep a specific class out of downtown.
16. Jean Stacey – Enforce laws to control behavior rather than close public space.
17. Emily Semple – Opposed to closing Kesey Square; not afraid to walk downtown.
18. Vickie Nelson – Inquired about hand-washing stations and bathrooms in Kesey Square.
19. Ruben Garcia – City needs to take time to research sick leave ordinance.
20. Sabra Marcroft – Homeless advocates are carrying the City on their backs.

#### Council discussion:

- Public health concerns with smoking downtown.
- Language for sick leave ordinance not drafted yet; no decisions have been made.
- Data on crimes and maintenance for downtown needed before moving forward.

3. **CONSENT CALENDAR**

**MOTION AND VOTE:** Councilor Pryor, seconded by Councilor Syrett, moved to approve the items on the Consent Calendar. **PASSED 8:0.**

4. **PUBLIC HEARING: Resolution Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2013 and Ending June, 2014**

1. John Barofsky –Funding for City Hall is most important consideration.

Council discussion:

- Will probably have a budget deficit next year; should save funds until then.
- Further discussion on funding is needed before moving forward.
- Further conversation about Human Services Funding is needed.
- Interest in passing a library levy funding option.

Action on this item was deferred until the July 11, 2014, work session.

*The Mayor adjourned the meeting of the Eugene City Council and convened a meeting of the Eugene Urban Renewal Agency.*

5. **PUBLIC HEARING AND ACTION: Resolution Adopting a Supplemental Budget; Making Appropriations for the Urban Renewal Agency for the City of Eugene for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014**

**MOTION AND VOTE:** Councilor Pryor, seconded by Councilor Taylor, move to adopt Resolution 1071, adopting a Supplemental Budget; making appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014. **PASSED 8:0**

*The Mayor adjourned the meeting of the Eugene Urban Renewal Agency and reconvened the meeting of the Eugene City Council.*

6. **PUBLIC HEARING AND ACTION: Resolution Electing to Receive State Revenue Sharing Funds Pursuant to Section 221.770 of Oregon Revised Statutes; a Resolution 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 a Resolution 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, 2014 and Ending June 30, 2015**

1. Carol Hildebrand – Thankful branch libraries will remain open; supports library levy.
2. Juan Carlos Valle – Human Rights Office is trusted by underrepresented communities.
3. Connie Regali – Maintain essential library functions; supports library levy.
4. Ken Beeson – Supported FY15 budget and opportunities to stabilize funding for HSC.
5. Rose Wilde – Remove one-time funding for Human Services Commission.

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to adopt Resolution 5106, electing to receive state revenue sharing funds pursuant to Section 221.770 of Oregon Revised Statutes. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to adopt Resolution 5107, certifying that the City of Eugene provides the municipal services required by Oregon Revised Statutes Section 221.760. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to adopt Resolution 5108, 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, 2014 and ending June 30, 2015. **PASSED 8:0**

*The Mayor adjourned the meeting of the Eugene City Council and convenes a meeting of the Eugene Urban Renewal Agency.*

**7. PUBLIC HEARING AND ACTION: Resolution 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, 2014 and Ending June 30, 2015**

1. John Barofsky – Riverfront Research District will come of age in the next few years.

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to adopt Resolution 1072, a resolution of the Urban Renewal Agency of the City of Eugene adopting the budget and making appropriations for the fiscal year beginning July 1, 2014, and ending June 30, 2015. **PASSED 8:0**

*The Mayor adjourned the meeting of the Eugene Urban Renewal Agency and reconvened the meeting of the Eugene City Council.*

**8.. ACTION: Appointments to Boards, Commissions and Committees**

Budget Committee

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Ken Beeson to Position 1 on the Budget Committee for a three-year term beginning July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Chelsea Clinton to Position 2 on the Budget Committee for a three-year term beginning July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Joshua Skov to Position 7 on the Budget Committee, for a three-year term beginning July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

Civilian Review Board

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Eric Van Houten to Position 1 on the Civilian Review Board, for a three-year term beginning July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Maurie Denner to Position 2 on the Civilian Review Board for a three-year term beginning July 1, 2014, and ending on June 30, 2017.

**SUBSTITUTE MOTION and VOTE:** Councilor Taylor, seconded by Councilor Zelenka, moved to substitute Raquel Hecht. **FAILED 3:5**, Councilors Taylor, Zelenka, and Syrett in support.

**VOTE on MAIN MOTION: PASSED 7:1**, Councilor Taylor opposed.

#### Historic Review Board

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Catherine (Kay) Porter to Position 3 on the Historic Review Board for a four-year term beginning July 1, 2014, and ending on June 30, 2018. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Sarah Shmigelsky to Position 5 on the Historic Review Board for a four-year term beginning July 1, 2014, and ending on June 30, 2018. **PASSED 8:0**

#### Human Rights Commission

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Richie Weinman to Position 1 on the Human Rights Commission, a three-year term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Christopher Nunes to Position 2 on the Human Rights Commission, a three-year term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Ken Neubeck to Position 3 on the Human Rights Commission, a three-year term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION:** Councilor Pryor, seconded by Councilor Poling, moved to appoint Aria Seligmann to Position 4 on the Human Rights Commission, for a three-year term beginning on July 1, 2013, and ending on June 30, 2016.

**SUBSTITUTE MOTION and VOTE:** Councilor Brown, seconded by Councilor Taylor, moved to substitute Jennifer Frenzer-Knowlton. **PASSED 5:4** Councilors Brown, Taylor, Evans, and Syrett in support. Mayor Piercy broke tie in support.

**VOTE on MAIN MOTION: PASSED 7:1**, Councilor Poling opposed.

#### Lane Regional Air Protection Agency

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Scott Lucas to Position 2 on the Lane Regional Air Protection Agency, for a three-year term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Jeannine Parisi to Position 4 on the Lane Regional Air Protection Agency, for a three-year term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

Planning Commission

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Kristen Taylor to Position 4 on the Planning Commission for a four-year term beginning July 1, 2013, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint John Jaworski to Position 5 on the Planning Commission for a four-year term beginning July 1, 2013, and ending on June 30, 2017. **PASSED 8:0**

Sustainability Commission

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint David Tam to Position 1 on the Sustainability Commission for a partial term beginning July 1, 2014, and ending on June 30, 2017.

**SUBSTITUTE MOTION:** Councilor Brown, seconded by Councilor Taylor, moved to substitute Justin Overdevest. **FAILED 3:5**, Councilors Brown, Taylor, and Syrett in support.

**VOTE on MAIN MOTION: PASSED 8:0**

Toxics Board

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Amber Everly to Position 2, an industry representative on the Toxics Board for a three-year term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Lisa Arkin to Position 4, an advocacy representative on the Toxics Board for a three-year term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Andree Phelps to Position 7, a neutral representative on the Toxics Board for a three-year term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

Whilamut Natural Area Citizen Planning Committee

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to reappoint Theresa Brand to Position 1 on the Whilamut Natural Area Citizen Planning Committee, for a term beginning July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Allison Camp to Position 2 on the Whilamut Natural Area Citizen Planning Committee, for a term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Carolyn (Elizabeth) Koch to Position 4 on the Whilamut Natural Area Citizen Planning Committee, for a term beginning on July 1, 2014, and ending on June 30, 2015. **PASSED 8:0**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint David Sonnichsen to Position 9 on the Whilamut Natural Area Citizen Planning Committee, for a term beginning on July 1, 2014, and ending on June 30, 2017. **PASSED 8:0**



**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to appoint Timothy Werth to Position 10 on the Whilamut Natural Area Citizen Planning Committee, for a term beginning on July 1, 2014, and ending on June 30, 2015. **PASSED 8:0**

*Position 8 on the Whilamut Natural Area Citizen Planning Committee, a term beginning on July 1, 2014, and ending on June 30, 2017, was reopened for recruitment.*

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder



## ATTACHMENT C

## MINUTES

**Eugene City Council  
Harris Hall, 125 East 8<sup>th</sup> Avenue  
Eugene, Oregon 97401**

**June 11, 2014  
12:00p.m.**

**Councilors Present:** George Brown, Betty Taylor, Alan Zelenka (*via phone*), George Poling, Mike Clark, Greg Evans, Chris Pryor

**Councilors Absent:** Claire Syrett

Mayor Piercy opened the June 11, 2014, City Council work session.

**A. ACTION: Resolution Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014.**

**MOTION and VOTE:** Councilor Pryor, seconded by Councilor Taylor, moved to adopt Resolution 5105, adopting a Supplemental Budget; making appropriations for the City of Eugene for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014.

**PASSED 6:1** Councilor Brown opposed.

**B. WORK SESSION: Glass Recycling**

Waste Prevention and Green Building Manager Ethan Nelson gave a PowerPoint presentation and video on glass recycling, guiding policies and future direction.

Council discussion:

- Job creation potential would be supported by market rate.
- Eugene could be a regional recycling hub.
- Innovative way to do economic development.
- Need more economic research to inform further council discussion.

**MOTION and VOTE:** Councilor Zelenka, seconded by Councilor Taylor, moved to have the City Manager bring back for Council approval the scope for a study to investigate the economic feasibility and job-creating potential of resources recovery and recycling new businesses in Eugene, including glass and plastic and other waste stream materials that have the potential to be supported by market prices. Include in the scope potential incentives and other actions the City could provide or take to entice such businesses to locate in Eugene. **PASSED 7:0**

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

- Resolution of City/Emerald Aquatics contract.
- City recognized as America's Most Bee Friendly City.
- Eugene recognized nationally as bike-friendly community.
- Request to be a Maker Mayor by Manufacturing Alliance Communities.
- Hard work of staff and volunteers at NUSA conference recognized.
- Eugene peace movement promoted at First Friday event and Tibet night.
- We Are Bethel celebration was very well-attended.
- Madison Meadows had a nice, well-attended event.
- Update on Sick Leave Task Force meetings.
- Governor signed Declaration of Cooperation related to RAIN initiative.
- Update on LaneACT projects and activities.
- Eric Jones was on the cover of the National Public Works Magazine
- City contributing to Mayor's Challenge to End Homelessness.
- Thoughts and prayers conveyed to family of North Eugene High School student who died in skateboarding accident

The meeting adjourned at 1:03 p.m.

Respectfully submitted,

Chuck Crockett  
Deputy City Recorder

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Approval of Tentative Working Agenda

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Meeting Date: June 23, 2014  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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#### **ISSUE STATEMENT**

This is a routine item to approve City Council Tentative Working Agenda.

#### **BACKGROUND**

On July 31, 2000, the City Council held a process session and discussed the Operating Agreements. Section 2, notes in part that, "The City Manager shall recommend monthly to the council which items should be placed on the council agenda. This recommendation shall be placed on the consent calendar at the regular City Council meetings (regular meetings are those meetings held on the second and fourth Monday of each month in the Council Chamber). If the recommendation contained in the consent calendar is approved, the items shall be brought before the council on a future agenda. If there are concerns about an item, the item may be pulled from the consent calendar at the request of any councilor or the Mayor. A vote shall occur to determine if the item should be included as future council business." Scheduling of this item is in accordance with the Council Operating Agreements.

#### **RELATED CITY POLICIES**

There are no policy issues related to this item.

#### **COUNCIL OPTIONS**

The council may choose to approve, amend or not approve the tentative agenda.

#### **CITY MANAGER'S RECOMMENDATION**

Staff has no recommendation on this item.

#### **SUGGESTED MOTION**

Move to approve the items on the Tentative Working Agenda.

**ATTACHMENTS**

A. Tentative Working Agenda

**FOR MORE INFORMATION**

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

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 16, 2014

|   |                             |                         |
|---|-----------------------------|-------------------------|
| <b>JUNE 23</b>  | <b>MONDAY</b>               |                         |
| <b>5:30 p.m.</b>  | <b>Council Work Session</b> |                         |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                         |
| A. WS: City Manager Performance Evaluation                              |                             | 45 mins – CS/Smith      |
| <b>7:30 p.m.</b>  | <b>Council Meeting</b>      |                         |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                         |
| 1. Ceremonial Matters   |                             | CS/Bloch                |
| 2. Public Forum   |                             | CS/Forrest              |
| 3. Consent Calendar   |                             | PDD/Braud               |
| a. Approval of City Council Minutes                                     |                             | PDD/Brown               |
| b. Approval of Tentative Working Agenda                                 |                             | EPD/Fellman             |
| 4. PH: MUPTE Suspension Extension Ordinance                             |                             |                         |
| 5. Action: Ordinance Concerning Deer Fencing (CA 14-1)                  |                             |                         |
| 6. Action: Ordinances Related to Fireworks                              |                             |                         |
| <b>JUNE 25</b>  | <b>WEDNESDAY</b>            |                         |
| <b>Noon</b>   | <b>Council Work Session</b> |                         |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                         |
| A. Action: MUPTE Suspension Extension Ordinance                         |                             | 30 mins – PDD/Braud     |
| B. WS: Police Auditor Performance Evaluation                            |                             | 60 mins – CS/Smith      |
| <b>JULY 9</b>   | <b>WEDNESDAY</b>            |                         |
| <b>12:00 p.m.</b>   | <b>Council Work Session</b> |                         |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                         |
| A. WS: Beltline Highway Facility Plan                                   |                             | 45 mins – PW/Henry      |
| B. WS and Possible Action: Envision Eugene – Residential Re-Designation |                             | 45 mins – PDD/O'Donnell |
| <b>JULY 14</b>  | <b>MONDAY</b>               |                         |
| <b>5:30 p.m.</b>  | <b>Council Work Session</b> |                         |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                         |
| A. WS: City Hall Update   |                             | 90 mins – CS/Penwell    |
| <b>7:30 p.m.</b>  | <b>Council Meeting</b>      |                         |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                         |
| 1. Pledge of Allegiance to the Flag (Independence Day)                  |                             |                         |
| 2. Public Forum   |                             |                         |
| 3. Consent Calendar   |                             |                         |
| a. Approval of City Council Minutes                                     |                             | CS/Bloch                |
| b. Approval of Tentative Working Agenda                                 |                             | CS/Forrest              |
| c. Approval of Revised CILT Resolution                                  |                             | CS/Hammit               |
| 4. Action: Envision Eugene – Residential Re-Designations                |                             | PDD/O'Donnell           |
| 5. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC          |                             |                         |
| <b>JULY 16</b>  | <b>WEDNESDAY</b>            |                         |
| <b>Noon</b>   | <b>Council Work Session</b> |                         |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                         |
| A. WS: Fossil Fuel Divestment Initiative                                |                             | 45 mins – CS/Miller     |
| B. WS: Police Auditor/CRB Annual Report                                 |                             | 45 mins – PA/Gissiner   |

A=action; PH=public hearing; WS=work session

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 16, 2014

|                |               |
|----------------|---------------|
| <b>JULY 21</b> | <b>MONDAY</b> |
|----------------|---------------|

|  |                               |              |
|--|-------------------------------|--------------|
| <b>7:30 p.m.</b>   | <b>Council Public Hearing</b> |              |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |              |
| 1. PH: Ordinance Adopting Changes to the Public Contracting Code           |                               | CS/Silvers   |
| 2. PH: Proposed code changes related to Eugene skateboard and bicycle laws |                               | PW/Shoemaker |
| 3. PH: Sick Leave Ordinance  |                               | CS/Dedrick   |
| 4. PH: Ordinance Concerning Climate Recovery                               |                               | CS/McRae     |

|                |                  |
|----------------|------------------|
| <b>JULY 23</b> | <b>WEDNESDAY</b> |
|----------------|------------------|

|                                |                                  |              |
|--------------------------------|----------------------------------|--------------|
| <b>Noon</b>                    | <b>Council Work Session</b>      |              |
| <b>Harris Hall</b>             | <b>Expected Absences: Taylor</b> |              |
| A. WS: Joint Meeting with EWEB |                                  | 90 mins - CS |

|                |               |
|----------------|---------------|
| <b>JULY 28</b> | <b>MONDAY</b> |
|----------------|---------------|

|   |                             |                      |
|---|-----------------------------|----------------------|
| <b>5:30 p.m.</b>  | <b>Council Work Session</b> |                      |
| <b>Harris Hall</b>  | <b>Expected Absences:</b>   |                      |
| A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager |                             | 30 mins              |
| B. WS: Sick Leave Ordinance   |                             | 60 mins – CS/Dedrick |

|  |                           |              |
|--|---------------------------|--------------|
| <b>7:30 p.m.</b>   | <b>Council Meeting</b>    |              |
| <b>Harris Hall</b>   | <b>Expected Absences:</b> |              |
| 1. Public Forum  |                           |              |
| 2. Consent Calendar  |                           |              |
| a. Approval of City Council Minutes  |                           | CS/Bloch     |
| b. Approval of Tentative Working Agenda  |                           | CS/Forrest   |
| c. Annexation Resolution: Westside Baptist Church / 1375 Irving Rd (A 13-5)    |                           | PDD/Taylor   |
| d. Annexation Resolution: Van Slyke / 4010 County Farm Rd (A 14-2)             |                           | PDD/Taylor   |
| e. Annexation Resolution: Daniels Lathen Trust / 3825 Gilham Rd (A 14-3)       |                           | PDD/Taylor   |
| 3. Action: Ordinance Adopting Changes to the Public Contracting Code           |                           | CS/Silvers   |
| 4. Action: Sick Leave Ordinance  |                           | CS/Dedrick   |
| 5. Action: Proposed code changes related to Eugene skateboard and bicycle laws |                           | PW/Shoemaker |

|                |                  |
|----------------|------------------|
| <b>JULY 30</b> | <b>WEDNESDAY</b> |
|----------------|------------------|

|                             |                             |                      |
|-----------------------------|-----------------------------|----------------------|
| <b>Noon</b>                 | <b>Council Work Session</b> |                      |
| <b>Harris Hall</b>          | <b>Expected Absences:</b>   |                      |
| A. WS: Sick Leave Ordinance |                             | 90 mins – CS/Dedrick |

COUNCIL BREAK: July 31, 2014 – September 8, 2014

|                    |               |
|--------------------|---------------|
| <b>SEPTEMBER 8</b> | <b>MONDAY</b> |
|--------------------|---------------|

|  |                             |  |
|--|-----------------------------|--|
| <b>5:30 p.m.</b>   | <b>Council Work Session</b> |  |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>   |  |
| A. Committee Reports: PC, Lane Metro, Lane Workforce, LTD/EmX, OMPOC, McKenzie Watershed |                             |  |
| B. WS:   |                             |  |
| C. WS:   |                             |  |

|   |                           |            |
|---|---------------------------|------------|
| <b>7:30 p.m.</b>                        | <b>Council Meeting</b>    |            |
| <b>Harris Hall</b>                      | <b>Expected Absences:</b> |            |
| 1. Public Forum                         |                           |            |
| 2. Consent Calendar                     |                           |            |
| a. Approval of City Council Minutes     |                           | CS/Bloch   |
| b. Approval of Tentative Working Agenda |                           | CS/Forrest |

A=action; PH=public hearing; WS=work session



# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 16, 2014

|  |                               |                     |
|--|-------------------------------|---------------------|
| <b>SEPTEMBER 10</b>  | <b>WEDNESDAY</b>              |                     |
| <b>Noon</b>  | <b>Council Work Session</b>   |                     |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |                     |
| A. WS:   |                               |                     |
| B. WS:   |                               |                     |
| <b>SEPTEMBER 15</b>  | <b>MONDAY</b>                 |                     |
| <b>7:30 p.m.</b>   | <b>Council Public Hearing</b> |                     |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |                     |
| 1. PH: Ordinance on MUPTE Program Revisions  |                               | PDD/Braud           |
| <b>SEPTEMBER 17</b>  | <b>WEDNESDAY</b>              |                     |
| <b>Noon</b>  | <b>Council Work Session</b>   |                     |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |                     |
| A. WS:   |                               |                     |
| B. WS:   |                               |                     |
| <b>SEPTEMBER 22</b>  | <b>MONDAY</b>                 |                     |
| <b>5:30 p.m.</b>   | <b>Council Work Session</b>   |                     |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |                     |
| A. Committee Reports and Items of Interest from Mayor, City Council and City Manager |                               | 30 mins             |
| A. WS: Transportation System Plan Update   |                               | 45 mins – PW/Yeiter |
| B. WS:   |                               |                     |
| <b>7:30 p.m.</b>   | <b>Council Meeting</b>        |                     |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |                     |
| 1. Public Forum  |                               |                     |
| 2. Consent Calendar  |                               |                     |
| a. Approval of City Council Minutes  |                               | CS/Bloch            |
| b. Approval of Tentative Working Agenda  |                               | CS/Forrest          |
| 3. Action: Ordinance on MUPTE Program Revisions                                      |                               | PDD/Braud           |
| <b>SEPTEMBER 24</b>  | <b>WEDNESDAY</b>              |                     |
| <b>Noon</b>  | <b>Council Work Session</b>   |                     |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |                     |
| A. WS:   |                               |                     |
| B. WS:   |                               |                     |
| <b>OCTOBER 8</b>   | <b>WEDNESDAY</b>              |                     |
| <b>12:00 p.m.</b>  | <b>Council Work Session</b>   |                     |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |                     |
| A. WS:   |                               |                     |
| B. WS:   |                               |                     |
| <b>OCTOBER 13</b>  | <b>MONDAY</b>                 |                     |
| <b>5:30 p.m.</b>   | <b>Council Work Session</b>   |                     |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>     |                     |
| A. Committee Reports: HRC, SC, Travel LC, HSC, LCOG, MPC, PSCC                       |                               | 30 mins             |
| B. WS:   |                               |                     |

A=action; PH=public hearing; WS=work session

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 16, 2014

**7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**  
 1. Public Forum  
 2. Consent Calendar  
     a. Approval of City Council Minutes  
     b. Approval of Tentative Working Agenda

CS/Bloch  
CS/Forrest

|                   |                  |
|-------------------|------------------|
| <b>OCTOBER 15</b> | <b>WEDNESDAY</b> |
|-------------------|------------------|

**Noon Council Work Session**  
**Harris Hall Expected Absences:**  
 A. WS:  
 B. WS:

|                   |               |
|-------------------|---------------|
| <b>OCTOBER 20</b> | <b>MONDAY</b> |
|-------------------|---------------|

**7:30 p.m. Council Public Hearing**  
**Harris Hall Expected Absences:**  
 1. PH:

|                   |                  |
|-------------------|------------------|
| <b>OCTOBER 22</b> | <b>WEDNESDAY</b> |
|-------------------|------------------|

**Noon Council Work Session**  
**Harris Hall Expected Absences:**  
 A. WS:  
 B. WS:

|                   |               |
|-------------------|---------------|
| <b>OCTOBER 27</b> | <b>MONDAY</b> |
|-------------------|---------------|

**5:30 p.m. Council Work Session**  
**Harris Hall Expected Absences:**  
 A. Committee Reports and Items of Interest from Mayor, City Council, and City Manager 30 mins  
 B. WS:

**7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**  
 1. Public Forum  
 2. Consent Calendar  
     a. Approval of City Council Minutes  
     b. Approval of Tentative Working Agenda

CS/Bloch  
CS/Forrest

|                   |                  |
|-------------------|------------------|
| <b>OCTOBER 29</b> | <b>WEDNESDAY</b> |
|-------------------|------------------|

**Noon Council Work Session**  
**Harris Hall Expected Absences:**  
 A. WS:  
 B. WS:

|                    |               |
|--------------------|---------------|
| <b>NOVEMBER 10</b> | <b>MONDAY</b> |
|--------------------|---------------|

**5:30 p.m. Council Work Session**  
**Harris Hall Expected Absences:**  
 A. Committee Reports: Chamber of Commerce, HPB, LRAPA, MWMC  
 B. WS:  
 C. WS:

# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 16, 2014

- 7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**
1. Pledge of Allegiance to the Flag (Veterans Day)
  2. Public Forum
  3. Consent Calendar
    - a. Approval of City Council Minutes
    - b. Approval of Tentative Working Agenda

CS/Bloch  
CS/Forrest

|                    |                  |
|--------------------|------------------|
| <b>NOVEMBER 12</b> | <b>WEDNESDAY</b> |
|--------------------|------------------|

- |                    |                             |
|--------------------|-----------------------------|
| <b>Noon</b>        | <b>Council Work Session</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>   |
| A. WS:             |                             |
| B. WS:             |                             |

|                    |               |
|--------------------|---------------|
| <b>NOVEMBER 17</b> | <b>MONDAY</b> |
|--------------------|---------------|

- |                    |                               |
|--------------------|-------------------------------|
| <b>7:30 p.m.</b>   | <b>Council Public Hearing</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>     |
| 1. PH:             |                               |

|                    |                  |
|--------------------|------------------|
| <b>NOVEMBER 19</b> | <b>WEDNESDAY</b> |
|--------------------|------------------|

- |                    |                             |
|--------------------|-----------------------------|
| <b>Noon</b>        | <b>Council Work Session</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>   |
| A. WS:             |                             |
| B. WS:             |                             |

|                    |               |
|--------------------|---------------|
| <b>NOVEMBER 24</b> | <b>MONDAY</b> |
|--------------------|---------------|

- |  |                             |
|--|-----------------------------|
| <b>5:30 p.m.</b>   | <b>Council Work Session</b> |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>   |
| A. Committee Reports and Items of Interest from Mayor, City Council and City Manager | 30 mins                     |
| A. WS: Transportation System Plan Update   | 45 mins – PW/Yeiter         |
| B. WS:   |                             |

- 7:30 p.m. Council Meeting**  
**Harris Hall Expected Absences:**
1. Public Forum
  2. Consent Calendar
    - a. Approval of City Council Minutes
    - b. Approval of Tentative Working Agenda
  3. Action: Ordinance on MUPTE Program Revisions

CS/Bloch  
CS/Forrest  
PDD/Braud

|                    |                  |
|--------------------|------------------|
| <b>NOVEMBER 26</b> | <b>WEDNESDAY</b> |
|--------------------|------------------|

- |                    |                             |
|--------------------|-----------------------------|
| <b>Noon</b>        | <b>Council Work Session</b> |
| <b>Harris Hall</b> | <b>Expected Absences:</b>   |
| A. WS:             |                             |
| B. WS:             |                             |

|                   |               |
|-------------------|---------------|
| <b>DECEMBER 8</b> | <b>MONDAY</b> |
|-------------------|---------------|

- |  |                             |
|--|-----------------------------|
| <b>5:30 p.m.</b>   | <b>Council Work Session</b> |
| <b>Harris Hall</b>   | <b>Expected Absences:</b>   |
| A. Committee Reports: PC, Lane Metro, Lane Workforce, LTD/EmX, OMPOC, McKenzie Watershed |                             |
| B. WS:   |                             |
| C. WS:   |                             |

A=action; PH=public hearing; WS=work session

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# EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

June 16, 2014

**7:30 p.m.**  
**Harris Hall**

**Council Meeting**  
**Expected Absences:**

1. Public Forum
2. Consent Calendar
  - a. Approval of City Council Minutes
  - b. Approval of Tentative Working Agenda

CS/Bloch  
CS/Forrest

**DECEMBER 10**

**WEDNESDAY**

**Noon**  
**Harris Hall**

**Council Work Session**  
**Expected Absences:**

- A. WS:
- B. WS:

COUNCIL BREAK: December 11, 2014 – January 2015

## ON THE RADAR

### Work Session Polls/Council Requests

### Status

- |   |                    |
|---|--------------------|
| 1. Downtown smoking ban (Evans) .....             | Approved, date TBD |
| 2. Cell Phone Towers (Taylor) .....               | Approved, date TBD |
| 3. Train Quiet Zones (Syrett) .....               | Approved, date TBD |
| 4. Island at Crest Drive and Lincoln Street ..... | Approved, date TBD |

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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Public Hearing: An Ordinance Amending Ordinance No. 20508 to Extend the Temporary Suspension of Multiple Unit Property Tax Exemptions under Sections 2.945 and 2.947 of the Eugene Code, 1971, through November 30, 2014

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Meeting Date: June 23, 2014  
 Department: Planning & Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
 Staff Contact: Denny Braud  
 Staff Telephone: 541-682-5536

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### ISSUE STATEMENT

This public hearing is an opportunity to hear from the community about the proposal to extend the suspension of the Multi-Unit Property Tax Exemption (MUPTE) program. The extended suspension to November 30, 2014, would provide additional time for the council to consider options for modifying the MUPTE program criteria.

### BACKGROUND

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

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

The City Council provided direction to reach out to the neighborhood organizations to secure their input on the various program revisions that are being considered. In May, two meetings were held to collect feedback from neighborhood leaders on proposed changes. Revisions to the program are still underway, and an additional meeting with neighborhood leaders is scheduled for June 25 from 7:00 – 8:30 p.m. at the Downtown Public Library's Tykeson Room.

Item 4.

Based on the input received so far, it is evident that more time is needed to work with neighborhood leaders on issues related to MUPTE and Envision Eugene and for them to work with their memberships. Therefore, an extension of the MUPTE program suspension is needed. In order to extend the suspension while the revision process continues, the council will hold a public hearing on extending the suspension until November 30, 2014. At its June 25 work session, the City Council is scheduled to take action on extending the suspension.

**COUNCIL OPTIONS**

No formal action is required at this public hearing. Council action is scheduled for June 25, 2014.

**CITY MANAGER'S RECOMMENDATION**

This item is scheduled for public hearing only. No recommendation is being made at this time.

**SUGGESTED MOTION**

No motion proposed for the public hearing.

**ATTACHMENTS**

A. Draft Ordinance

**FOR MORE INFORMATION**

Staff Contact: Denny Braud  
Telephone: 541-682-5536  
Staff E-Mail: [denny.braud@ci.eugene.or.us](mailto:denny.braud@ci.eugene.or.us)

Draft Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 20508 TO EXTEND THE TEMPORARY SUSPENSION OF MULTIPLE UNIT PROPERTY TAX EXEMPTIONS UNDER SECTIONS 2.945 AND 2.947 OF THE EUGENE CODE, 1971, THROUGH NOVEMBER 30, 2014.**

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

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

**B.** On February 27, 2013, Ordinance No. 20508 was adopted suspending the MUPTE program until July 1, 2013, to allow Council time to evaluate the MUPTE program and determine whether changes should be made to the program. Since that time, suspension of the MUPTE program has been extended, most recently by Ordinance No. 20515, which extended the sunset date of the MUPTE program suspension to July 31, 2014.

**C.** The suspension should be extended until November 30, 2014, to allow Council more time to develop and adopt revisions to the program and have the revisions become effective before the suspension expires.

**NOW, THEREFORE,**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The findings set forth above are adopted.

**Section 2.** Section 3 of Ordinance No. 20508 is amended by extending the sunset date to November 30, 2014.

**Passed by the City Council this**

**Approved by the Mayor this**

**\_\_ day of June, 2014**

**\_\_\_ day of June, 2014**

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**





# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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Action: An Ordinance Concerning Deer Fencing; and Amending Sections 9.2750 and 9.2751 of the Eugene Code, 1971, and Section 4.996 of that Code. (City File CA 14-1)

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Meeting Date: June 23, 2014  
 Department: Planning & Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 5  
 Staff Contact: Kristie Brown  
 Contact Telephone Number: 541-682-6041

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### ISSUE STATEMENT

The City Council will take action on land use code amendments related to deer fencing standards within the city limits.

### BACKGROUND

Last year, the City Council initiated code amendments related to deer fencing at the request of residential property owners in south Eugene who asked that the City consider allowing for higher fences to prevent deer from destroying vegetable and flower gardens. While fencing is currently allowed in residential zones, this amendment is intended to increase the allowable height of fencing in front and interior yard setbacks to prevent damage to gardens from deer, while still addressing neighborhood livability issues. These amendments will help to implement strategies of the City of Eugene Food Security Scoping and Resource Plan, Envision Eugene, and the Climate and Energy Action Plan. More specifically, these amendments remove barriers to the development of home-grown food sources.

Specifically, the amendments propose the following in the R-1 Low Density Residential zone:

- Increase the fence height allowance in the front yard from 3.5 feet to eight feet.
- Increase the fence height allowance in the interior yard from six feet to eight feet.
- The increased height allowance would be limited to a wire fencing material to allow for a clear (unobstructed) view through the fence.

The formal public process began with a Planning Commission public hearing on May 6, 2014, to consider the proposed amendments, where two people provided testimony in support of the amendments. Subsequently, the Planning Commission voted unanimously (5-0) to recommend approval of the land use code amendments, as modified through their deliberations. The attached ordinance, Attachment A, represents the Planning Commission's recommendation. On June 16, 2014, the City Council held a public hearing to consider the proposed amendments. At the public hearing, two people spoke in support of the amendments.

**RELATED CITY POLICIES**

Findings addressing consistency with related City policies, including provisions of the Metro Plan and applicable refinement plans, are included as an Exhibit A to the draft ordinance. These are also consistent with the City of Eugene Food Security Scoping and Resource Plan and support a strategy in Envision Eugene under the Climate Change and Energy Resiliency pillar and the Climate and Energy Action Plan.

**COUNCIL OPTIONS**

The City Council may consider the following options:

1. Approve the ordinance
2. Approve the ordinance with specific modifications as determined by the City Council
3. Deny the ordinance

**CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council approve the ordinance as provided in Attachment A.

**SUGGESTED MOTION**

Move to adopt Council Bill 5118, an ordinance concerning deer fencing contained in Attachment A.

**ATTACHMENTS**

- A. Proposed Ordinance and Findings

**FOR MORE INFORMATION**

Staff Contact: Kristie Brown  
Telephone: 541-682-6041  
Staff E-Mail: kristie.a.brown@ci.eugene.or.us

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING DEER FENCING; AMENDING SECTIONS 9.2750 AND 9.2751 OF THE EUGENE CODE, 1971; AND PROVIDING FOR AN EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The development standard for “Fences” in Table 9.2750 of Section 9.2750 of the Eugene Code, 1971, is amended to provide as follows:

**9.2750 Residential Zone Development Standards.** In addition to applicable provisions contained elsewhere in this code, the development standards listed in this section and in EC 9.2751 to EC 9.2777 shall apply to all development in residential zones. In cases of conflicts, standards specifically applicable in the residential zone shall apply.

The following Table 9.2750 sets forth the residential zone development standards, subject to the special development standards in EC 9.2751.

| <b>Table 9.2750 Residential Zone Development Standards<br/>(See EC 9.2751 Special Development Standards for Table 9.2750.)</b> |                              |              |            |            |            |
|--|------------------------------|--------------|------------|------------|------------|
|  | <b>R-1</b>                   | <b>R-1.5</b> | <b>R-2</b> | <b>R-3</b> | <b>R-4</b> |
| <b>Fences (14)</b>   |                              |              |            |            |            |
| (Maximum Height Within Interior Yard Setbacks)   | 6 feet                       | 42 inches    | 6 feet     | 6 feet     | 6 feet     |
| (Maximum Height within Front Yard Setbacks)  | 42 inches                    | 42 inches    | 42 inches  | 42 inches  | 42 inches  |
| <b>Deer Fencing</b>  | <b>See EC 9.2751(14) (c)</b> | --           | --         | --         | --         |

**Section 2.** Subsection (14) of Section 9.2751 of the Eugene Code, 1971, is amended to provide as follows:

**9.2751 Special Development Standards for Table 9.2750.**  
**(14) Fences.**

- (a) Types. The type of fence (including walls or screens) used is subject to specific requirements stated in the landscape standards beginning at EC 9.6200 Purpose of Landscape Standards. The standards apply to walls, fences, and screens of all types including open, solid, wood, metal, wire, masonry or other material. Use of barbed wire and electric fencing is regulated in EC 6.010(d) Fences.
- (b) Location and Heights.
  1. **Except as provided in subsection (c) below,** [F] fences up to 42 inches in height are permitted within the required front yard

setback. For corner lots or double frontage lots, a fence between 42 inches and 6 feet in height is permitted within one of the two front yard setbacks, so long as for corner lots, this fence cannot extend past a line created by an extension of the front wall of the dwelling. **(See Figure 9.2751(14)(b)1.)**

2. ***Except as provided in subsection (c) below, [F]fences up to 6 feet in height are permitted within the required interior yard setback.***
  3. ***The height of fences that are not located within the required setback areas is the same as the regular height limits of the zone.***
  4. ***Fences must meet the standards in EC 9.6780 Vision Clearance Area.***
- (c) Deer Fencing. *The following standards apply in the R-1 zone to fencing in the front and interior yards that is intended to protect property from damage by deer and/or other animals. The purpose of these standards is to allow for increased opportunities for urban agriculture in otherwise under-utilized front and interior yards while encouraging compatibility with a low-density residential environment.***
1. ***Deer fencing up to a maximum height of 8 feet above grade is permitted in the front and interior yard setbacks.***
  2. ***Deer fencing may extend above any fence that meets allowable fence heights per subsection (b) of this section if the portion above allowable height provides a clear view through the fence. For the purposes of this subsection, a clear view fence shall be unobstructed to both light and air and shall have a minimum open area between wire strands of 8 square inches with a minimum of 2 inches in any one dimension. In addition, no horizontal component (such as wood or metal), other than tension wire, may be used as part of a deer fence.***
  3. ***Permitted deer fencing materials include wire fencing (such as field fence, hog or cattle panels) and wire strand with a maximum diameter of ¼ inch that is open and visible through the material. Chain link and polypropylene or plastic fencing materials are prohibited as a deer fencing material.***
  4. ***Vertical posts must be a minimum of 3.5 feet apart and each post shall be no more than 8 inches in any one dimension.***
  5. ***Deer fencing shall be installed and maintained in a manner that prevents sagging.***

**Section 3.** The findings set forth in Exhibit A attached to this Ordinance are adopted as findings in support of this Ordinance.

**Section 4.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in

other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 6.** This Ordinance shall take effect pursuant to Section 32 of the Eugene Charter 2002, or on the date of its acknowledgement as provided in ORS 197.625, whichever is later.

**Passed by the City Council this**

\_\_\_ day of June, 2014

**Approved by the Mayor this**

\_\_\_ day of June, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

Exhibit A

**Findings**

**Deer Fencing Code Amendment (CA 14-1)**

**Eugene Code Section 9.8065 requires that the proposed ordinance comply with the following approval criteria (in bold and *italics*):**

**(1) *The amendment is consistent with applicable statewide planning goals adopted by the Land Conservation and Development Commission.***

*Goal 1 - Citizen Involvement.* *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has acknowledged provisions for citizen involvement which insure the opportunity for citizens to be involved in all phases of the planning process and set out requirements for such involvement. The proposed action does not amend the citizen involvement provisions. The process for adopting these amendments complies with Goal 1 because it is consistent with, and will not change the City's existing and acknowledged citizen involvement provisions.

The Planning Commission public hearing on the amendments was duly noticed. Notice of the public hearing was also published in the Register Guard. The City Council then held a duly noticed public hearing to consider approval, modification, or denial of the amendments. These processes afford ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendments are consistent with Statewide Planning Goal 1.

*Goal 2 - Land Use Planning.* *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.*

The City's acknowledged land use code specifies the procedures and criteria to be used for decisions and actions related to land use applications. The amendments do not change the planning process, policy framework or information relied on in making decisions and actions related to land use applications. The record also shows that there is an adequate factual base for the amendments. There are no Goal 2 Exceptions required for the amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

*Goal 3 - Agricultural Lands.* *To preserve agricultural lands.*

The amendments do not affect any land designated for agricultural use. Therefore, Statewide Planning Goal 3 does not apply.

*Goal 4 - Forest Lands.* *To conserve forest lands.*

The amendments do not affect any land designated for forest use. Therefore, Statewide Planning Goal 4 does not apply.

*Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources.* *To conserve open space and protect natural and scenic resources.*

*OAR 660-023-0250(3) provides: Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

Exhibit A

- (a) *The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;*
- (b) *The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or*
- (c) *The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.*

The amendments do not create or amend the City's adopted inventory of Goal 5 resources, and does not amend any code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5. The amendments do not allow new uses that could be conflicting uses with a significant Goal 5 resource site and does not amend the acknowledged UGB. Therefore, the amendments are consistent with Statewide Planning Goal 5.

*Goal 6 - Air, Water and Land Resource Quality.* *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The amendments do not affect the City's protections for clean air, water or land resources. Therefore, Statewide Planning Goal 6 does not apply.

*Goal 7 - Areas Subject to Natural Disasters and Hazards.* *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, landslides, earthquakes and related hazards, tsunamis and wildfires. The Goal prohibits a development in natural hazard areas without appropriate safeguards. The amendments do not alter or affect the City's existing restrictions and approval criteria regarding development in areas subject to natural disasters and hazards. Therefore, Statewide Planning Goal 7 does not apply.

*Goal 8 - Recreational Needs.* *To satisfy the recreational needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. The amendments do not alter or affect the City's provisions for recreation areas, facilities or recreational opportunities. Therefore, Statewide Planning Goal 8 does not apply.

*Goal 9 - Economic Development.* *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The Administrative Rule for Statewide Planning Goal 9 (OAR 660, Division 9) requires cities to evaluate the supply and demand of commercial land relative to community economic objectives. The Eugene Commercial Land Study (October 1992) was adopted by the City of Eugene as a refinement of the Metro Plan, and complies with the requirements of Goal 9 and its Administrative Rule. The amendments do not affect the amount of land designated or zoned for commercial use and will have no direct impact on the existing supply of or any existing commercially designated land. Therefore, Goal 9 does not apply to the amendments.

*Goal 10 - Housing.* *To provide for the housing needs of citizens of the state.*

Exhibit A

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The amendments do not impact the supply or availability of residential lands included in the City's documented supply of "buildable land" that is available for residential development as inventoried in the acknowledged 1999 Residential Lands Study. Therefore, Goal 10 does not apply to the amendments.

Goal 11- Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The amendments do not affect the City's provision of public facilities and services. Therefore, Statewide Planning Goal 11 does not apply.

Goal 12- Transportation. *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented through the Transportation Planning Rule (TPR, OAR 660-12). TransPlan provides the regional policy framework through which the TPR is enacted at the local level. The amendments will not significantly affect any transportation facility. The level of development currently permitted through existing code and zoning regulations will remain the same. No change in the functional classification of streets will result from the amendments. In addition, no changes are proposed to the standards that implement the functional classification system. Therefore, the amendments are consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

The amendments do not affect any of the City's energy conservation measures or programs. Therefore, Statewide Planning Goal 13 does not apply.

Goal 14 - Urbanization. *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the City's provisions regarding the transition of land from rural to urban uses. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The amendments do not include any changes that affect the regulation of areas within the adopted Willamette River Greenway boundaries. Therefore, Statewide Planning Goal 15 does not apply.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

The amendments do not include any changes related to coastal, ocean, estuarine, or beach and dune resources. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

**(2) *The amendment is consistent with applicable provisions of the Metro Plan and applicable adopted refinement plans.***

The amendments do not include any change in adopted land use designations or policy, nor does it change any requirements in the City's land use code concerning compliance with the Metro Plan and applicable refinement plans. There are no policies or other applicable provisions in the Metro Plan or adopted refinement plans that

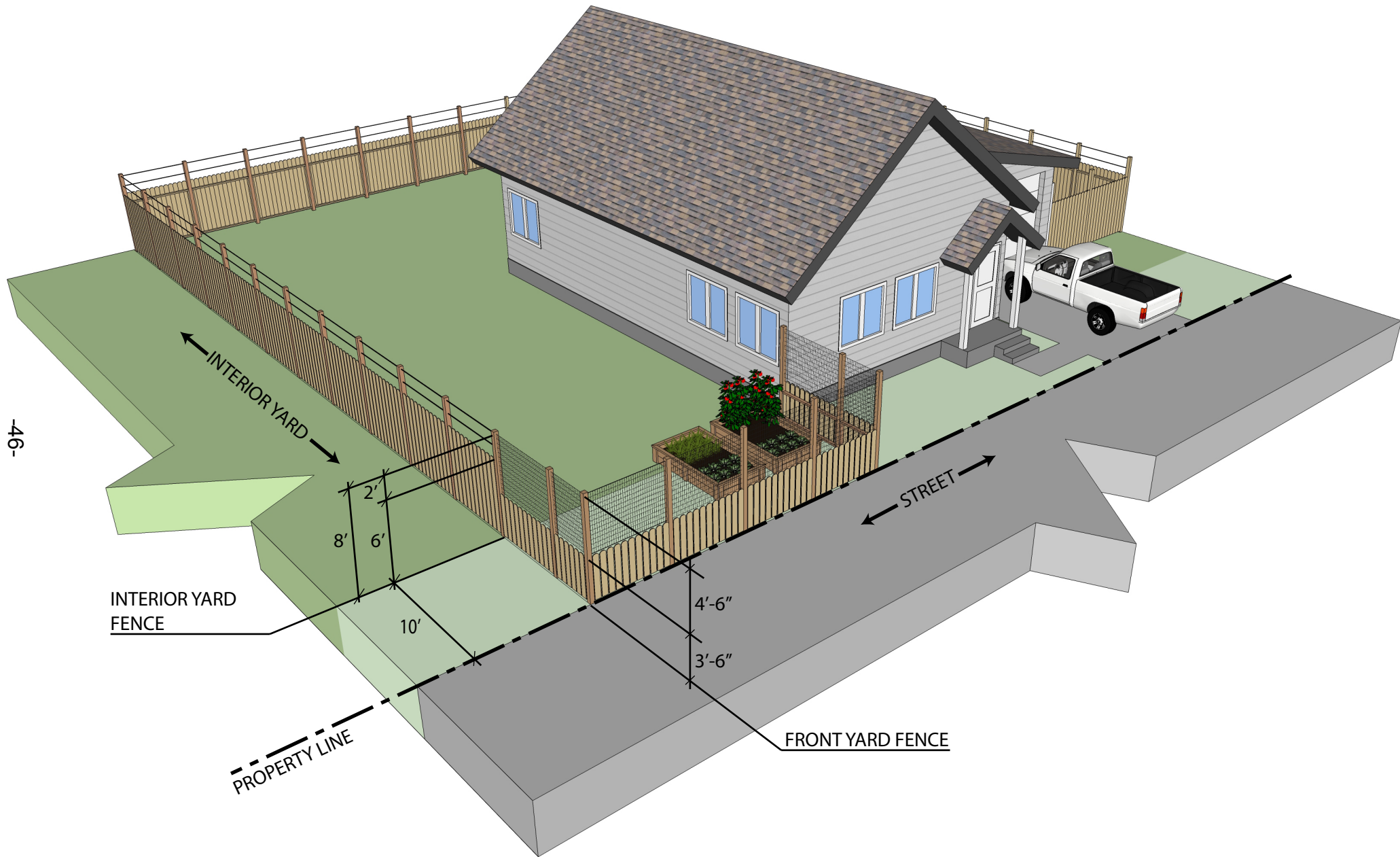


Exhibit A

specifically serve as mandatory approval criteria in this instance or otherwise limit the expiration period for approved land use applications. Therefore, the amendments comply with the above criterion.

**(3) *The amendment is consistent with EC 9.3020 Criteria for Establishment of an S Special Area Zone, in the case of establishment of a special area zone.***

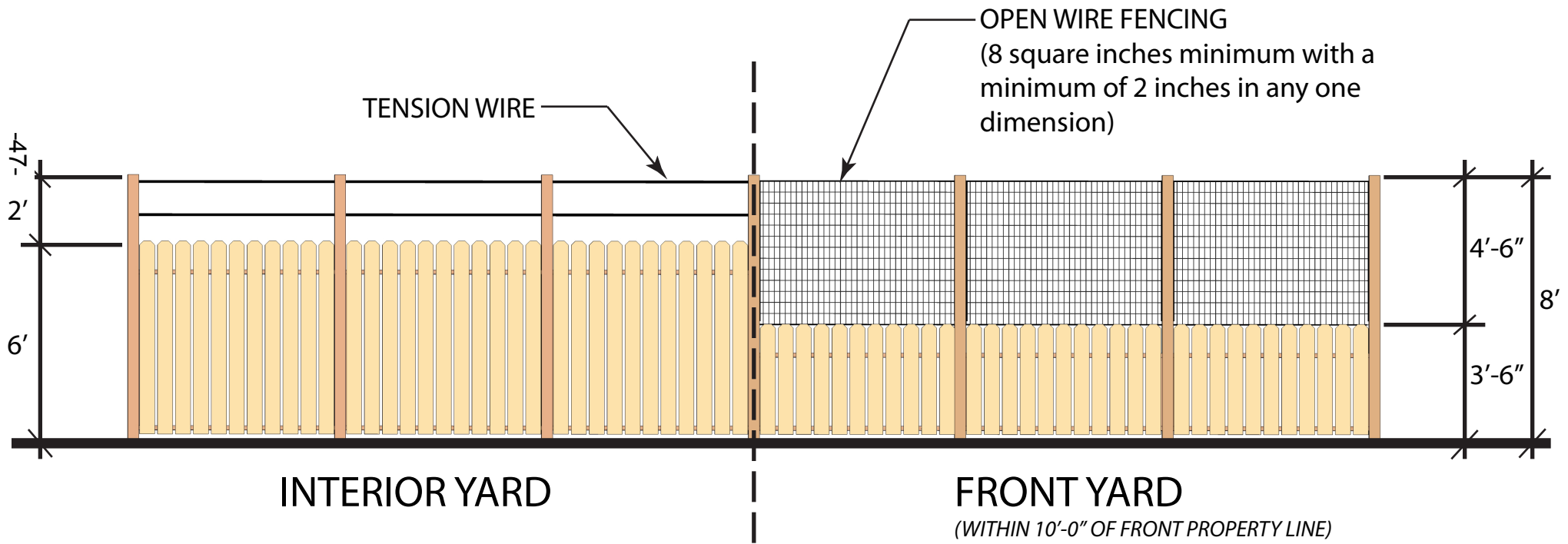
The amendments do not establish a special area zone. Therefore, this criterion does not apply.



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# PROPOSED DEER FENCE REQUIREMENTS





**PROPOSED DEER FENCE REQUIREMENTS**



# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY




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Action: Ordinance Concerning Restrictions on Fireworks; Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of That Code, and Providing for an Immediate Effective Date

*and*

Ordinance Concerning Unruly Gatherings and Amending Section 4.670 of the Eugene Code, and Providing for an Immediate Effective Date

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Meeting Date: June 23, 2014  
 Department: Fire and Police  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 6  
 Staff Contact: Al Gerard; Scott Fellman  
 Contact Telephone Number: 541-726-2294; 541-682-5114

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### ISSUE STATEMENT

The City Council has asked for options for increased enforcement and education regarding the illegal discharge of fireworks. Attached are two ordinances to respond to that request. The first ordinance establishes a limit for the discharge of legal fireworks for July 3 – 5, and December 31 and January 1, and the second defines the illegal discharge of fireworks as an offense which defines an “unruly gathering.” A provision has been included in these draft ordinances establishing an immediate effective date.

### BACKGROUND

The discharge of fireworks within the City of Eugene has progressively become a bigger issue of concern with the occurrence of these disturbances becoming more common. At the January 27 and May 12 work sessions, the City Council discussed options for increasing enforcement and public education aimed at reducing the negative impacts in the community of the illegal discharge of fireworks. A public hearing was held on June 16, 2014.

The first ordinance would clarify that legal fireworks are only legally discharged for the three day period July 3 through July 5, and on December 31 and January 1. It also establishes a maximum fine for this violation of \$500. Actual fines would be established by the Municipal Court.

The second ordinance amends the regulations related to unruly gatherings. In January 2013, the City Council adopted Ordinance 20504, aimed at curtailing unruly gatherings throughout the community. It appears that the strategy of holding the party host and, ultimately, the property owner accountable is having a deterring effect on the negative behaviors stemming from unruly gatherings. This ordinance adds the illegal discharge of fireworks to the list of offenses which, in combination with alcohol served and another listed offense, would constitute an unruly gathering.

These ordinances are being brought back to the City Council for action with a provision for an immediate effective date. Pursuant to Section 32 (2) of Eugene Charter of 2002, with two-thirds of the Council voting in the affirmative, this ordinance can be adopted with an immediate effective date. This immediate effective date is proposed to reduce the risk of serious physical injury and property damage from illegal fireworks during the 2014 Fourth of July holiday period.

### **RELATED CITY POLICIES**

Council Goals - A community where all people are safe, valued and welcome; decreased property crime, and a greater sense of safety

### **COUNCIL OPTIONS**

- Council may adopt one or both ordinances with two thirds voting in the affirmative to be effective immediately.
- Council may adopt one or both ordinances with a simple majority, resulting in a 30-day effective date.
- Council may amend the ordinance.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the council adopt the ordinances as drafted, with the immediate effective date.

### **SUGGESTED MOTION(s)**

- 1) I move to adopt Council Bill 5121, an Ordinance Concerning Restrictions on Fireworks; Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of That Code, and Providing for an Immediate Effective Date.
- 2) I move to adopt Council Bill 5120, an Ordinance Concerning Unruly Gatherings, Amending Section 4.670 of the Eugene Code, and Providing an Immediate Effective Date.

### **ATTACHMENTS**

- A. Proposed Ordinance Concerning Restrictions on Fireworks; Adding Section 4.934 to the Eugene Code and Amending Section 4.990 of that Code, and Providing for an Immediate Effective Date
- B. Proposed Ordinance Concerning Unruly Gatherings, Amending Section 4.670 of the Eugene Code, and Providing an Emergency Effective Date

### **FOR MORE INFORMATION**

Staff Contact: Al Gerard, Fire Marshal

Telephone: 541-726-2294

Staff E-Mail: [agerard@springfield-or.gov](mailto:agerard@springfield-or.gov)

Scott Fellman, Lieutenant

541-682-5114

[scott.r.fellman@ci.eugene.or.us](mailto:scott.r.fellman@ci.eugene.or.us)







ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING RESTRICTIONS ON FIREWORKS; ADDING SECTION 4.934 TO THE EUGENE CODE, 1971; AMENDING SECTION 4.990 OF THAT CODE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 4.934 of the Eugene Code, 1971, is added to provide as follows:

**4.934** ***Fireworks Restrictions.*** *In addition to restrictions on the sale, possession, use, detonation or explosion of fireworks under state law, it is unlawful to use, light, detonate, display or explode any fireworks anywhere in the city at any time except on January 1, July 3, 4, 5, and December 31. For purposes of this section, “fireworks” has the meaning given in Oregon Administrative Rule 837-012-0610 (2014).*

**Section 2.** Subsection (1) of Section 4.990 of the Eugene Code, 1971, is amended by adding the following entry to the list of penalties to provide as follows:

**4.990** **Penalties - Specific.**

**(1)** Violation of the following sections is punishable by fine or confinement in jail, or both, up to the amounts indicated opposite each. In addition, the court may order any treatment, related to the violation, deemed necessary for rehabilitation of the offender and the safety of the community.

| <u>Section</u> | <u>Penalty</u>  |
|----------------|-----------------|
| <b>4.934</b>   | <b>500 fine</b> |

**Section 3.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

**Section 4.** Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor’s veto. An immediate effective date is necessary to prevent risk of

physical injury, property damage and community disturbance on the days before and after the Fourth of July weekend.

**Passed by the City Council this**

\_\_\_ day of \_\_\_\_\_, 2014

**Approved by the Mayor this**

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING UNRULY GATHERINGS; AMENDING SECTION 4.670 OF THE EUGENE CODE, 1971; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The definition of “Unruly gathering” in Section 4.670 of the Eugene Code, 1971, is amended to provide as follows:

**4.670**      **Unruly Gatherings - Definitions.** As used in sections 4.672, 4.990(1), and 4.996(5) and (6) of this code, the following words and phrases mean:

**Unruly gathering.** A party or gathering where alcohol is served or consumed, and where any two or more of the following behaviors occur on the property where the gathering takes place or on adjacent property:

- (a) Any violation of state or city of Eugene laws relating to the sale, service, possession or consumption of alcoholic liquor;
- (b) Assault, as defined in section 4.729 of this code;
- (c) Menacing, as defined in section 4.730 of this code;
- (d) Harassment, as defined in section 4.726 of this code;
- (e) Intimidation, as defined in section 4.731 of this code;
- (f) Disorderly conduct, as defined in section 4.725 of this code;
- (g) Noise disturbance, as defined in sections 4.080 – 4.084 of this code;
- (h) Criminal mischief, as defined in sections 4.780 and 4.782 of this code;
- (i) Public urination or defecation, as defined in section 4.770 of this code; ~~and~~
- (j) Littering, as defined in section 6.805 of this code, by a person who attended the party or gathering[-]; **and**
- (k) ***Unlawful use or explosion of fireworks, as prohibited by ORS 480.120 or section 4.934 of this code.***

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

**Section 3.** Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor’s veto. An immediate effective date is necessary to reduce the risk of

serious physical injury and property damage from illegal fireworks during the upcoming Fourth of July holiday weekend.

**Passed by the City Council this**

\_\_\_ day of \_\_\_\_\_, 2014

**Approved by the Mayor this**

\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**