

MINUTES

Eugene City Council Hybrid Meeting Eugene, Oregon 97401

July 11, 2022
7:30 p.m.

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Randy Groves, Claire Syrett, Greg Evans

Mayor Vinis opened the July 11, 2022, meeting of the Eugene City Council in hybrid format at 101 W. 10th Avenue, Suite 114, Eugene, OR 97401.

1. COMMITTEE REPORTS AND ITEMS OF INTEREST

- Councilor Syrett – noted the Intergovernmental Relations Committee met on July 6, 2022, and is preparing for the 2023 legislative session; reported that the committee went over the legislative policy document, the underlying document that it works from to identify priorities, and made a draft of what the priorities will be for City of Eugene staff to pay attention to during the upcoming legislative session; stated the committee also went over the League of Oregon Cities priorities and focus; noted that the next committee meeting will work further on this and the full list will be shared with Council when complete.
- Mayor Vinis – noted that she and Councilor Keating attended a ribbon-cutting for a new mural, a tribute to the Kalapuya people and the stewardship of the land, at Dr. Edwin Coleman, Jr. Community Center wall; encouraged others to visit the mural.

2. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- April 18, 2022, Public Hearing
- May 9, 2022, Work Session
- May 9, 2022, Meeting
- May 11, 2022, Work Session
- May 18, 2022, Public Hearing
- May 24, 2022, Special Meeting
- June 8, 2022, Work Session
- June 15, 2022, Work Session

B. Approval of City Council Tentative Agenda

C. Appointment of Civilian Review Board Representative to Police Commission

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to approve the items on Consent Calendar 1. **PASSED: 8:0**

3. PUBLIC FORUM

1. Natalie Gillard – spoke in favor of fossil-free Eugene and building electrification.
2. Thomas Newman – spoke in favor of building electrification and active transportation.
3. Ann Turner – spoke in favor of building electrification.
4. Melissa Hebin – spoke in favor of building electrification.
5. Lin Woodrich – spoke regarding Bethel area evacuation plans.
6. Bowe Johnson – spoke in favor of building electrification.
7. Joann Shotola – spoke against proposed renter protections.
8. Susan Ten Pas – spoke in support of a fireworks ban.
9. Victoria Whalen – spoke in support of building electrification.
10. Tom Peck – spoke in favor of banning new natural gas connections.
11. Jeremy Aasum – spoke in favor of the public health overlay.
12. Kari Norgaard – spoke in favor of building electrification.
13. Todd Boyle – spoke regarding issues with middle housing parking.
14. Richard Locke – spoke about Atlantic Street and safe sleep sites.
15. Ali Lee – spoke in favor of building electrification.
16. Kathryn Dunn – spoke against proposed renter protections.
17. Sophia Larabee – spoke in favor of building electrification.
18. Paige Hopkins - spoke in favor of building electrification.
19. Jim Neu – spoke in favor of banning fireworks and building electrification.
20. Laurie Powell - spoke in favor of banning fireworks and building electrification.
21. Mason Leavitt – spoke in favor of building electrification and fossil-free Eugene.
22. Bethany Cotton – spoke in favor of building electrification.
23. Nancy Ahnert – spoke to climate action and support for building electrification.
24. Jacqui Treiger – spoke to climate action and support for building electrification.
25. Jan Fillinger – spoke in favor of building electrification and against fossil fuel use.
26. Danny Noonan – spoke in favor of building electrification.
27. Valerie Rosenberg – spoke in favor of building electrification.
28. Aidan Bassett – spoke in favor of building electrification.
29. Chuck Areford – spoke about climate change and in favor of building electrification.
30. Dwayne Swezey – spoke about having to close his business due to issues with transient behaviors.
31. Meta Maxwell – spoke in opposition to EmX expansion and Moving Ahead.
32. Zach Mulholland – spoke in favor of building electrification.
33. Natalie Crowder – spoke in opposition to EmX and Moving Ahead.
34. William Smith – spoke regarding the health dangers of 5g and Wi-Fi.
35. Allen Hancock – spoke in favor of the street bond renewal.
36. Sue Wolling – spoke in favor of the street bond renewal.

Council Discussion

- Councilor Syrett – expressed appreciation for hearing from Ward 7 residents; stated the importance of reporting fireworks to ensure that proper documentation is made so that the reports can be used for future enforcement deployments; noted that there is more than one shelter in Eugene that is resident-managed; stated that it is very common for municipalities to have an intersection between the thing they are trying to create and the activity in the community that is generating that, and therefore logical to add a fee for landlords to pay, in order to add more renter’s rights education.

- Councilor Groves – noted that Atlantic Street is a good working and unconventional model; expressed sympathy for and apologized to Mr. Swezey for the experience that was shared in the forum; noted that the City of Eugene has made good progress but has a long way to go in correcting the issues with bad behaviors of some unhoused individuals.
- Councilor Semple – expressed appreciation for the pro-electrification speakers; apologized to Mr. Swezey for his experience with bad behavior by some unhoused individuals; noted that Atlantic Street is impressive.
- Councilor Zelenka – noted that on Wednesday July 13, 2022, the Oregon Global Warming Commission meeting will be presenting some interesting analysis showing where Oregon is in meeting its greenhouse gas emissions reduction goal.

4. CONSENT CALENDAR 2

A. Adoption of a Resolution Annexing Land at River Loop 1 Road and River Loop 2 Road for the Santa Clara Community Park

MOTION AND VOTE: Councilor Syrett, seconded by Councilor Keating, moved to approve the items on Consent Calendar 2. **PASSED 8:0**

5. POSSIBLE ACTION: Renter Protections - Phase 1

City Manager Sarah Medary introduced the topic and gave background information regarding the topic.

MOTION: Councilor Syrett, seconded by Councilor Keating, moved to adopt an Ordinance Concerning Rental Housing and Amending Sections 8.405, 8.415, 8.425, 8.430, and 8.440 of the Eugene Code, 1971.

Council Discussion

- Councilor Groves – noted he has met with both tenants and landlords throughout this process to try to find common ground; stated that he would like to have representative from each side, landlords and tenants, come together to try to find common ground on which to protect tenants and to take into account the risks landlords assume; noted he saw two rental homes for sale on his drive in to the meeting; stated that Council must be careful with the next steps that it takes.
- Councilor Syrett – asked staff to clarify if photos are the only method used to validate withholding a security deposit; stated she is satisfied with the Phase 1 list; noted that the screening cap would have to come before Council to change the cost in the future; noted that the housing navigator is not duplicative and would be for community members who are not involved in social services.
- Councilor Zelenka – asked if staff had a response to the three questions he emailed prior to the meeting; asked staff to provide examples of additional enforcement paths that were mentioned in Attachment C; stated he does not think that using the court is a good path for enforcement; asked how the specific screening fee would be located in the administrative rule and if it could be located in both the administrative rule and in an ordinance; asked for an estimate of the annual cost for navigator and administration in dollars

per year and the increase that would mean for the current \$10 fee; noted that he recently walked around his house and video recorded everything in every room and it took one minute and 28 seconds to do; said it did not seem overly burdensome for a landlord to document property and damages; stated that in Attachment D staff provided research that shows there was an increase in multi-family units and an overall decrease in single-family units in Portland from 2015 to 2020; asked staff to speak to the information in the reports previously mentioned.

- Councilor Clark – noted that he believes the intention of the proposed protections are good but this ordinance will make it harder and more expensive for tenants; noted that in his work, he sees rentals being sold, causing tenant evictions every week; stated that the proposed ordinance will make it too hard for landlords to remain in business in Eugene; urged Council to vote against this item.
- Councilor Evans – asked staff if there is any local data regarding racial discrimination in evictions or access to rental housing; inquired if the person hired would be responsible for developing, gathering, housing and analyzing the information for baseline data; asked staff what the additional data will be used for; asked if there will be any kind of punitive action for those determined to be engaging in discriminatory actions; asked staff to send him notes about how it will be handled if a landlord is determined to have discriminated against a tenant or potential tenant.
- Councilor Syrett – clarified that if the \$10 screening fee item was put into an administrative order, then the City Manager could change it without Council approval.

MOTION TO AMEND: Councilor Groves, seconded by Councilor Clark, moved to amend section three of the ordinance to change the maximum applicant screening charge from ten dollars to twenty-five dollars so that Eugene Code 8.425 sub 14 reads as follows: the amount of any applicant screening charge may not exceed the amount of an applicant screening charge allowed by ORS 90.295 or \$25, whichever is less.

Council Discussion

- Councilor Groves – noted that he is making this motion to try to strike a balance between tenants and landlords; stated he finds elements from both sides compelling and he does not know what a good balancing point would be; noted that landlords have told him it costs more than \$45 to do the basics to screen applicants, while tenants often apply for multiple properties and must pay each time which is unaffordable for many; noted a desire for mediation between landlord and tenant groups to implement a good strategy to move forward.
- Councilor Keating – noted he will not support the motion; stated he has heard from landlords that it does not cost more than \$25 to run a proper background check and it can be done for \$10; noted concern about a landlord creating new names for fees to get around the ordinance; noted that the \$10 fee cap keeps it affordable for applicants.
- Councilor Zelenka – noted state laws regarding an application fee refund; stated that suing landlords is not a good way to enforce fee refunds; noted that some bad actors

are causing a problem; stated that ideally fees should be refunded if the applicant is rejected; noted that the system does not work the way it should and this proposal may fix it; asked what happens if a landlord charges 100 applicants the \$10 fee; clarified that the only way to recoup the fee is to sue the landlord; noted that many people, including Councilor Keating, have reported having to pay hundreds of dollars in their rental search; asked Councilor Groves to clarify how an increase to a \$25 fee allowance will help prevent applicants from having to pay large amounts when searching for a rental.

- Councilor Evans – asked if there is a happy medium in creating a claw back to allow an applicant to recoup all or part of the fee if they are denied the rental unit; noted that the fees should not be an additional revenue source.
- Councilor Syrett – noted that Council has heard from landlords who do not have any issue with the fee cap; noted that having the renter enforce the fee caps is not ideal; noted that the ordinance would limit any fee charged prior to an application, not just a screening fee; stated the public process has been fair and transparent throughout and a mediated process is not needed.
- Councilor Clark – noted the housing subcommittee process was not fairly represented by both sides and did not allow for full and free conversation; stated that Council cannot decide between \$10 and \$25 which shows that the ordinance is not right yet as these details should have been agreed to before this time.
- Councilor Yeh – noted that she and Councilor Groves recently participated in a Chamber of Commerce/Council meeting that included a man who does screening fees; noted that screening fees are not intended to be revenue-generating, however the man they spoke with said many landlords use it as an income generator; stated that capping the fee at \$10 will help to discourage landlords from using it as an income-generating item; noted she will not support increasing in the fee cap to \$25.
- Councilor Semple - asked staff to clarify how many applications landlords screen; stated that \$10 may not cover the entire cost of screening but would discourage accepting and screening multiple applicants.
- Councilor Zelenka – asked how revenue generating can be prevented; noted that applicants would have to know how many people were screened and then sue the landlord to recover their application fee which would cost them more than the fee itself; noted that some landlords do not charge a fee; stated the cap can be revisited at a future date.

VOTE ON MOTION TO AMEND: FAILED 3:5, opposed by councilors Semple, Syrett, Keating, Yeh and Evans

VOTE ON MAIN MOTION: PASSED 6:2, opposed by councilors Groves and Clark

The meeting was adjourned at 10:02 p.m.

Respectfully submitted,



Katie LaSala
City Recorder

(Recorded by Sara McKinney)

Link to the webcast of this City Council meeting [here](#).