

MINUTES

**Eugene City Council
Harris Hall, 125 East 8th Avenue
Eugene, Oregon 97401**

**July 23, 2018
7:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Claire Syrett, Chris Pyror

Mayor Vinis opened the July 23, 2018, meeting of the Eugene City Council.

1. PUBLIC FORUM

1. Ralph McDonald - spoke about the proposed resolution from the Sustainability Commission.
2. Howard Saxion - talked about Sustainability Commission request regarding Northwest Natural Gas.
3. Todd Boyle - addressed and made comments about Council's housing tools and strategies process.
4. Brad Foster - asked Council to decrease parking requirements for new housing to discourage cars.
5. John Thielking - spoke about separation of families, homeless issues, and plastics recycling.
6. Debby McGee - asked Council to stop the use of natural gas in our city.
7. Jim Neu - talked about the large-lever shareholder meetings for the Climate Action Plan.
8. Patty Hine - discussed the CRO process and large-lever shareholder meetings.
9. Kelsey Weilbrenner - supported the property exemption for Ya Po Ah Terrace.
10. Bob Wiese - supported the property exemption for Ya Po Ah Terrace.
11. Philip Dochow - supported the property exemption for Ya Po Ah Terrace.
12. Krystal Abrams - encouraged Council to make Eugene a Bee City USA.
13. Shawn Boles - addressed aesthetics in Eugene.
14. David Piccioni - spoke against implementing the Smoking Ban downtown.
15. Lisa Arkin - encouraged Council to make Eugene a Bee City USA.
16. Kristen Bartels - spoke about recycling concerns and changes related to compacted materials.
17. Kimberly Gladen - supported the smoking ban and a safer downtown, including drug enforcement.
18. Christina Chapman - voiced concern about treatment of homeless people in the community.
19. Brian White - shared support for proposed code clarifications defining compacted trash.
20. Eric Jackson - spoke about code enforcements and necessities related to homelessness.

Council Discussion

- Information requested about compacting rates being altered by an administrative order and how Council could potentially weigh in.
- Appreciation expressed to individuals from Ya Po Ah Terrace for coming to make comments about the importance of approving LIRHPTE.
- The Sustainability Commission recommendation will be forwarded to Council at a later date.
- Gratitude expressed to John Thielking for continuing to come to Council with so many creative ideas.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes
 - a. June 20, 2018, Work Session
 - b. June 25, 2018, Work Session
 - c. June 25, 2018, Meeting
 - d. June 27, 2018, Work Session

- B. Approval of Tentative Working Agenda
- C. Adopting a Resolution Approving a Low-Income Rental Housing Property Tax Exemption for Ya Po Ah Terrace
- D. Appointments to Historic Review Board
- E. City Manager Pay Adjustment and Contract Amendment

Councilor Taylor pulled Item E from the Consent Calendar.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to approve the items on the Consent Calendar, except for Item E. **PASSED 8:0**

Council Discussion

- Important to note that giving the City Manager an \$11,000 pay adjustment raise is close to the income of people staying at Ya Po Ah Terrace; this is too much.
- Consider re-examining how Council conducts evaluations during a process session.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to approve Consent Calendar Item E. **PASSED 7:1**, Councilor Taylor opposed.

3. PUBLIC HEARING AND POSSIBLE ACTION: An Ordinance Extending the term of Ordinance No. 20397 granting to Comcast of Oregon II, Inc. a franchise for operation of a cable telecommunications system, and providing an effective date.

City Manager Jon Ruiz introduced the Public Hearing topic.

Mayor Vinis opened the public hearing. No one signed up to speak for this Public Hearing. Mayor Vinis closed the public hearing.

MOTION AND VOTE: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5197, an ordinance extending the term of Comcast franchise agreement. **PASSED 8:0**

4. ACTION: An Ordinance Concerning the Skinner Butte Height Limitation Area, and Amending Section 9.6715 of the Eugene Code, 1971 (City File CA 18-3)

Mayor Vinis made statements related to the subsequent three Council actions, stating that the records for the quasi-judicial decisions had closed the week before. Council continued to receive emails related to these decisions and there are legal issues to address; the ex-parte contacts and whether the emails will be included in the record.

Council Discussion

- Each Councilor made a statement related to emails they had read after the record closed and stated that they could still be impartial.
- Obie Companies has chosen not to rebut the ex-parte contacts.

Assistant City Attorney Lauren Sommers addressed the quasi-judicial records for the subsequent actions and the steps Council could take to address the testimony submitted after the record was closed.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to reject all testimony received by the City regarding the proposed Skinner Butte Height Limitation Ordinance and the proposed Gordon Hotel Sign Ordinance (CA 18-3) following the close of the records for those ordinances on Monday, July 16, 2018.

Council Discussion

- Question about what would happen if Council wanted to accept the testimony submitted after the record was closed.
- Council could re-open the record, but would not be able to take action tonight.

SUBSTITUTE MOTION: Councilor Taylor moved to substitute to leave the record open for both of the records until the first meeting in September. There was not a second.

VOTE ON ORIGINAL MOTION: PASSED 7:1, Councilor Taylor opposed.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5192, an Ordinance Concerning the Skinner Butte Height Limitation Area.

Council Discussion

- The proposed project has merit, however, the design could go forward without the change. Oppose filling the street with buildings that tall.
- Question asked about the sign ordinance change in relation to the height limitation approval.
- It is important to think of these actions as separate issues, especially because one applies to all development in the corridor and the other requires an exemption.
- The community has made it clear that they would like to build up instead of building out and increasing the height limitation supports this.
- Question asked about how the height limitation would affect potential sign use.

VOTE: PASSED 8:0

5. ACTION: An Ordinance Concerning a Roof Sign for Property Identified as Map/Tax Lot 17-03-31-11-02800 (City File CA 18-3)

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5193, an Uncodified Ordinance Concerning the Gordon Hotel Sign.

Council Discussion

- Information requested about whether the proposed sign will be a neon type or LED lit sign and if there are limitations on how bright it could be.
- Support granting waiver, but the City needs to review its sign code and design review process.
- More time needed to think about this rather than making an exception for one project.

VOTE: PASSED 8:0

6. ACTION: An Ordinance Vacating East 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between East 5th Alley and East 6th Avenue, and providing for an effective date (City File VRI 18-2)

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5194, an ordinance vacating the portion of East 5th Alley, located between Pearl Street and Oak Street, and a portion of Pearl Alley, located between East 5th Alley and East 6th Avenue, and providing for an effective date.

Council Discussion

- An AIS with attached ordinance and findings was distributed; there are no changes from the original AIS.

VOTE: PASSED 8:0

7. **ACTION: An Ordinance Concerning the Location of Recreational Retail Marijuana Uses and Amending Sections 9.2160, 9.2161, 9.2450, 9.2451, 9.3115, 9.3116, 9.3146, 9.3210, 9.3211, 9.3515, 9.3810, 9.3811, 9.3910 and 9.3911 of the Eugene Code, 1971. (City File CA 18-4)**

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5195, an Ordinance Concerning the Location of Recreational Retail Marijuana Uses.

Council Discussion

- Do not believe Council should intervene in the marketplace or treat these businesses differently than other legal businesses.
- Statistics from EPD do not show increase in crime around marijuana retail shops.
- Supportive of the ordinance, but would like to explore mitigating any unintended consequences that result from this ordinance.
- Important to ensure that downtown is healthy and attractive to a broad range of visitors.
- Passing this ordinance will have little effect because the current shops are already grandfathered in.

VOTE: PASSED 5:3, Councilors Taylor, Zelenka, and Syrett opposed.

8. **ACTION : An Ordinance Concerning the Prohibition of Smoking on Public Right-of-Way Adjacent to Opted-In Properties; the Prohibition of Smoking Within the Downtown Core and Allowing for Properties to Opt-Out; and Amending Section 6.230 of the Eugene Code, 1971.**

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt Council Bill 5196, an Ordinance Concerning the Prohibition of Smoking on Public Right-of-way Adjacent to Opted-In Properties; the Prohibition of Smoking Within the Downtown Core and Allowing for Properties to Opt-Out.

MOTION TO AMEND: Councilor Semple, seconded by Councilor Clark, moved to delete ordinance Section 2 in its entirety.

Council Discussion

- Concern expressed that the Council is singling out downtown and showing that it cares more about the health of individuals downtown; would like the ban to be citywide.
- There hasn't been a real discussion about the science of this proposal or the affects it may have on downtown.
- A smoke-free downtown is not arbitrary, but is based on valid research regarding smart public health policy; eliminating smoke where there are large concentrations of people is prudent.

VOTE ON MOTION TO AMEND: FAILED 3:5, Councilors Semple, Taylor, and Clark in favor.

MOTION TO SUBSTITUTE: Councilor Semple, seconded by Councilor Clark, moved to substitute the following motion for the motion to adopt the ordinance: Move to direct the City Manager to schedule a public hearing on an ordinance prohibiting smoking on public rights-of-way citywide and allowing for properties to opt-out.

Council Discussion

- If smoking is bad enough to ban downtown, it should be banned citywide.
- This ordinance will create two different classes of people; if we're trying to get more people to live downtown, this will constrain some people from doing so.
- Do not believe that the Council and public had enough time to think about this vote.

VOTE ON SUBSTITUTE MOTION: FAILED 3:5, Councilors Semple, Taylor, and Clark in favor.

Council Discussion

- If this passes, not sure where people are going to go to smoke, especially if they don't have a home or if they work downtown.
- Voting in favor of the ordinance only because it includes the opt-out provision.

VOTE ON ORIGINAL MOTION: PASSED 6:2, Councilors Taylor and Clark opposed.

9. ACTION: A Resolution Designating Eugene as a BEE CITY USA Affiliate

Council Discussion

- Gratitude expressed for a Beyond Toxics for their hard work dedicated to this resolution as well as parks staff who have gone above and beyond to protect pollinators.
- The City is already implementing the policies included in the Bee City designation and this resolution will make sure it continues and strengthens these policies.

MOTION: Councilor Clark, seconded by Councilor Taylor, moved to adopt the resolution designating Eugene as a BEE CITY USA affiliate.

Council Discussion

- Happy to support this resolution and promote protecting pollinators.
- This is a feel good action and the right thing to do.

VOTE: PASSED 8:0

MOTION: Councilor Semple, seconded by Councilor Evans, moved to extend the open record period for the Moore Measure 49 Claim until 5:00pm on Friday, July 27th, 2018 and to extend the claimant's rebuttal period until 5:00pm on Friday, August 3rd, 2018.

Council Discussion

- Was asked to put this motion forward because Planning has information coming out that has been delayed until tomorrow and want people to have enough time to read the information and respond.

VOTE: PASSED 8:0

The meeting adjourned at 9:28 p.m.

Respectfully submitted,



Elena Domingo
Deputy City Recorder