

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: April 26, 2010
Department: City Manager's Office
www.eugene-or.gov

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

ISSUE STATEMENT

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

SUGGESTED MOTION

Move to approve the minutes of the January 13, 2010, Work Session; January 20, 2010, Work Session; February 8, 2010, Work Session; February 16, 2010, Work Session; February 22, 2010, Work Session, and February 22, 2010, Regular Meeting.

ATTACHMENTS

- A. January 13, 2010, Work Session
- B. January 20, 2010, Work Session
- C. February 8, 2010, Work Session
- D. February 16, 2010, Work Session
- E. February 22, 2010, Work Session
- F. February 22, 2010, Regular Meeting

FOR MORE INFORMATION

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

MINUTES

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

January 13, 2010
12:00 p.m.

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

COUNCILORS ABSENT: Jennifer Solomon

Mayor Piercy called the work session meeting of the Eugene City Council to order at 12:00 p.m.

A. WORK SESSION: Adoption of Resolution 4998 Adopting Inflationary Adjustments to Systems Development Charges for Parks System, and Local Wastewater System, Stormwater System and Transportation System; Superseding Administrative Order 58-08-02-F; and Amending Resolution No. 4900

Ms. Piercy noted that the work session agenda item regarding Eugene City Council Resolution 4998 regarding systems development charges (SDC) had been carried over from the council's January 11, 2010, regular meeting.

Assistant City Manager Sarah Medary introduced Assistant City Attorney Kathryn Brotherton.

City Engineer Mark Schoening reminded the council that Resolution 4998 had been carried over from their January 11 meeting in order to get a better sense of the financial impact of deferment of inflationary adjustments on SDC's. He noted that a memorandum previously sent to the council regarding the SDC's showed a range of four local systems as well as the revenue that would be lost if the implementation of the inflationary adjustments was delayed from April until July 1, 2010, and also from April until October 1, 2010. He stated that the range of the potential lost revenue was based on revenues received in 2009. He further stated that the majority of the revenue losses from the four systems would be incurred by the Parks system.

Ms. Piercy noted the tabled motion regarding Resolution 4998 from the January 11 council meeting.

Ms. Brotherton, responding to a question from Mr. Clark, stated there were two motions currently on the table, a motion to adopt Resolution 4998 and a motion to amend the same.

Mr. Clark asked if any measurement existed for comparing the deferment of inflationary adjustments of SDC's and the impact of higher and lower SDC's on development in general in similar municipalities. Mr. Schoening responded that City staff had surveyed other communities throughout the State of Oregon and found Eugene to be in the "mid to low-mid" range in terms of the assessment of SDC's. He was unaware of any analyses specifically designed to determine if SDC's were or were not a significant barrier to development.

Mr. Clark noted that the figures reflected in the aforementioned memorandum to the council were significantly different than those presented by staff at the January 11 council meeting. He noted that the figures from the memorandum had apparently been based on the comparative level of development activity evidenced in 2009. Mr. Schoening clarified for Mr. Clark that the lower figures had been based on development activity in 2009, and the higher figures had been based on development activity in 2008.

Mr. Clark noted he had made the amended motion at the January 11, 2010, regular council meeting out of a desire to improve the chances for economic recovery and job creation in the area.

Mr. Zelenka joined the meeting via telephone at 12:05 p.m.

Mr. Pryor asked if any other similar jurisdictions had waived SDC's in a manner similar to that under discussion. Mr. Schoening responded that the City of Springfield had postponed, but not waived, SDC's on single-family homes.

Mr. Pryor did not know how many projects SDC's might actually delay but further averred that the amount of money that might ultimately be collected from those SDC's was potentially very significant.

Public Works Engineering Management Analyst Nancy Burns elaborated upon Mr. Schoening's earlier comments regarding SDC's in Springfield and understood that those charges were only postponed at the request of developers. She further noted that recent increases to Springfield's SDC's were now in full effect and that Springfield's SDC's for a single-family development were approximately 27 percent higher than what had been proposed for Eugene.

Mr. Pryor sympathized with local developers who were paying large amounts of money to initiate or complete projects but noted that he would support the increase to the SDC's.

Ms. Piercy commented that it was important to strike a balance between the encouragement of responsible property development in the community and the real community needs that were met by the revenue generated by local SDC's.

Mr. Brown indicated he had not heard from any local developers that an increase to SDC's would be a "deal breaker" with respect to their projects. He noted that he would support the motion.

Mr. Poling noted that, unlike past council work sessions which addressed SDC's, a comparison chart regarding the SDC increases had not been provided as part of the agenda item summary materials.

Mr. Poling asked if staff had heard any feedback from area developers regarding the proposed SDC increases. Mr. Schoening responded there had been no such feedback.

Mr. Poling believed that the SDC increases would ultimately be passed on to consumers and would not necessarily directly affect developers themselves. He believed that the City would be better off not delaying the SDC increases and indicated that he would not support the amended motion from the January 11, 2010, regular council meeting.

Ms. Ortiz noted she shared several of the concerns that had already been raised by the other council members.

Mr. Schoening, responding to a request from Mr. Zelenka, briefly recapped the revenue information he had stated earlier in the meeting.

Mr. Zelenka stated he was not inclined to support the amendment.

Mr. Clark commented he had spoken with various area developers and believed that they had suffered a substantial loss in membership over the course of the last year. He further noted that he had made the motion under discussion out of a desire to remove barriers to local development.

Mr. Clark asked why certain Springfield developers had chosen not to take advantage of SDC deferrals. Ms. Burns believed that Springfield developers had not utilized the SDC deferrals because there were still liens on the properties in question.

Mr. Clark offered to withdraw his amended motion that had been tabled from the January 11 council meeting. Ms Solomon, as the second to that motion, was not present to provide her consent. Absent Ms. Solomon's consent on the matter, Ms. Brotherton advised that the council simply vote on the motion.

Ms. Piercy called for a vote on the previously tabled amendment. The amendment failed; 7:0.

Ms. Piercy called for a vote on the previously tabled motion. The motion passed un-animously, 7:0.

B. WORK SESSION: Adoption of Federal Priority Project Lists

Intergovernmental Relations (IGR) Manager Brenda Wilson briefly described how the federal appropriations process worked and also briefly discussed how the City of Eugene generally participated in the United Front Partners of Lane County federal priority process.

Ms. Wilson reported that the City of Cottage Grove had recently withdrawn from its participation in the United Front process.

Ms. Wilson described the United Front partnership process and how it had financially benefited a variety of local areas and interests. She noted that the list of federal priorities projects developed as part of that ongoing process had been thoroughly reviewed by the City's IGR Committee before it was taken before the Eugene City Council for final action.

Ms. Wilson noted that the amount of available congressionally delegated spending appropriations or "earmarks" had gone down by approximately 6 percent from FY06. She briefly discussed how such appropriations had been processed by the City's congressional delegations since that time.

Ms. Wilson described how the Delta Ponds project request had been funded with American Recovery and Reinvestment Act (ARRA) funds and further noted how representatives from the federal office of the U.S. Army Corps of Engineers had participated in that process.

Ms. Wilson recommended that she and her United Front colleagues continue to travel to Washington, D.C. to pursue additional federal funding for local projects. She maintained that such efforts would continue to yield significant benefits for Eugene and the surrounding communities.

Ms. Wilson described for the benefit of the council the various federal priority projects that had been listed as part of the agenda item summary materials. She noted that the projects had been divided into three categories: Updates and Programmatic Requests; FY11 Appropriations Requests; and Reauthorization Requests.

Ms. Wilson hoped that additional funding for the projects under consideration might become available once the Federal Transportation Reauthorization bill currently under a continuing resolution was formally passed.

Ms. Wilson described the updates and programmatic requests included in the federal priorities project list and noted that those items were intended to provide information for the congressional delegations on the various funds that had already been committed. She noted that the updates also provided an opportunity for the United Front partners' congressional delegation to provide policy input on those projects funded with federal dollars.

Ms. Wilson provided information and updates regarding the various FY 11 Appropriations Requests and Reauthorization Requests included in the federal priorities project list. She noted that the Reauthorization Requests which had concerned certain area transportation projects had been carried over from earlier federal funding efforts from December of 2007.

Ms. Wilson noted that a late addition appropriation request which had not been listed in the agenda item summary materials concerned a request for \$750,000 for teen courts in Lane County. She noted that that request had garnered strong support from all of the United Front partner agencies.

Ms. Piercy expressed the City and the council's appreciation to the congressional delegation for their work in facilitating federal funding for local improvement projects. She hoped that the general public could be made better aware of the complicated nature of the federal funding mechanisms that affected the aforementioned projects.

Ms. Piercy asked if Ms. Taylor, in her capacity as Chair of the IGR Committee, had any additional comments or perspectives to provide regarding the federal priority project lists. Ms. Taylor responded that Ms. Wilson had provided sufficient information regarding the project lists and that no further comments were necessary.

Ms. Ortiz stated that Ms. Wilson's explanation of the various areas of the federal priorities project lists had been very well articulated. She further thanked Ms. Wilson for her explanations of how the United Front partner agencies had contributed to the aforementioned projects.

Mr. Poling asked how much it cost each year for the City of Eugene to participate in the United Front's congressional delegation efforts. Ms. Wilson replied that it had cost the City \$4,050 the previous year for her travel expenses, to print and ship the information packets for the congressional delegation, and also to hold a reception for Representative Peter DeFazio.

Ms. Wilson noted that the return on investment was substantial and gave as an example that the City of Eugene received a \$150,000 earmark last year for a regional simulator training center.

Mr. Polling expressed that the City's financial investment in the United Front process was relatively minimal particularly when considered in relation to the benefits which the United Front process had yielded.

Ms. Wilson, responding to a question from Mr. Polling, commented that the federal priorities project list had been developed with the assistance of City of Eugene staff and in conjunction with reviews of the capital improvement project (CIP) list.

Ms. Wilson, responding to a question from Mr. Polling, described how the teen courts project she had

previously referenced was used by the City of Eugene and Lane County.

Ms. Wilson, responding to a question from Mr. Polling, described how the Delta Ponds project had been funded by the American Recovery and Reinvestment Act (ARRA).

Mr. Poling noted the Council had recently heard recommendations from a member of the Sustainability Commission and asked if any of them might be applied to the West Bank Path and Pathway Lighting project included in the reauthorization requests. Ms. Wilson was not aware of the Sustainability Commission's recommendations and stated she might speak with the City's transportation staff to see if any of that group's recommendations might be incorporated in the future.

Mr. Polling hoped that Ms. Wilson and City staff would continue to pursue every available avenue for federal funding of local projects.

Ms. Piercy noted that the Sustainability Commission had recommended that the council focus its energies on enhancing transit, bicycle and pedestrian transportation areas.

Mr. Clark thanked Ms. Wilson and the City's IGR staff for their efforts regarding the federal priority project lists.

Mr. Clark asked if the Lane County's Secure Rural Schools (SRS) initiative had been funded with federal congressional appropriation dollars. Ms. Wilson answered that that program had indeed been the recipient of federal funding and that a request for renewed or alternative funding for that initiative was expected.

Ms. Wilson, responding to a request from Mr. Clark regarding the Beltline Road and Corridor study included in the reauthorization requests, described how the City of Eugene was currently seeking \$18 million in federal funding for its portion of the project.

Mr. Clark asked if the process for the Beltline Road and Corridor study might be moved along faster. Ms. Wilson responded that with current funding mechanisms there was no way to accelerate the study. She further noted that Representative DeFazio had given the highest priority to the funding bill related to the Beltline study.

Ms. Wilson, responding to a question from Mr. Clark, reported that the Forest Legacy project included under the FY11 Appropriations Request section of the federal priority list was a program directed to purchase two properties of high environmental quality as part of the Ridgeline plan. She briefly described how each of the properties had been evaluated with respect to their purchase prices. She further described that the properties were located in the Ridgeline area and used a map to demonstrate their precise locations.

Ms. Taylor asked if the IGR staff or the United Front congressional delegation had investigated how federal funding mechanisms might be used to improve local transit systems and neighborhood bus services. Ms. Wilson replied that such projects were normally generated by LTD and that federal funding processes were not typically directed toward the operation of local transit systems.

Ms. Taylor was concerned that in the past, council involvement with respect to projects on the federal priority list had come at the end of the funding process. She hoped that the council and staff might find ways to provide input earlier in the federal funding process. Ms. Wilson commented that the council was welcome to offer input on the ongoing federal funding processes in the future.

Mr. Clark believed that the City currently faced a significant reduction in SDC revenue and asked if there were any venues available to use congressional appropriations or similar earmarks to fund the development of local park lands. Ms. Wilson responded that the federal government had generally determined that park land development was primarily a local concern and was not subject to federal funding mechanisms. Ms. Wilson further commented on the continued importance of relating to the public how federal funds could be used for projects such as Forest Legacy but not for local park land development.

Mr. Clark requested further clarification regarding the nature of the Metro Waterways General Investigative Study included in the Updates and Programmatic requests portion of the federal priority project list. Ms. Wilson replied that the Metro Waterways project was intended to restore natural habitats along the Amazon Creek waterways and to protect and improve local water resources in those areas.

Mr. Clark understood that the Metro Waterways project concerned the aesthetic, recreational and ecological preservation of the Amazon Creek waterway areas and was not singularly focused on water quality protection. Ms. Wilson concurred with Mr. Clark's understanding of the matter.

Ms. Medary, responding to a comment from Mr. Clark regarding the Metro Waterways project, stated that some but not all of the stormwater in West Eugene drained into the Amazon Creek after it had been treated. Ms. Medary further commented that the Metro Waterways project addressed habitat improvements, water quality improvements and recreational access.

Ms. Piercy commented that she and the Council members continued to be fully committed to their goal of developing a park within one-half-mile of each neighborhood area in the City. She further noted it was the goal of the council to ensure the establishment of good parks and services throughout the community.

Ms. Piercy averred that the continued preservation and enhancement of the Amazon Creek waterways would contribute to the continued economic and environmental prosperity of Eugene.

Ms. Medary reminded those present that the Metro Waterways General Investigative Study addressed not only Amazon Creek and Cedar Creek, but also a multitude of other water bodies in Eugene and the surrounding communities.

Mr. Clark, seconded by Ms. Taylor, moved to adopt the 2010 Federal Priority Project List recommendations. The motion passed unanimously, 7:0.

Ms. Piercy adjourned the meeting at 1:18 p.m.

Respectfully submitted,

Jon Ruiz
City Manager

(Recorded by Wade Hicks)

MINUTES

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

January 20, 2010
12:00 p.m.

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

Mayor Piercy called the work session meeting of the Eugene City Council to order at 12:00 p.m.

A. WORK SESSION – Functional Consolidation of Fire Departments

Ms. Piercy noted that although a motion regarding the functional consolidation of the fire departments was included in the agenda item summary materials, the work session was only intended to serve the purposes of discussion surrounding the matter.

Ms. Piercy noted that the council had not had any significant opportunities to discuss the fire department consolidation before the public.

City Manager Jon Ruiz reminded those present that a second City Council goal-setting session had been scheduled for January 23, 2010.

Mr. Ruiz noted the importance of the consolidation discussion to the community and noted that it represented an excellent opportunity to demonstrate to the public how the fire department services of Eugene and Springfield could be better coordinated. He further noted that the functional consolidation discussion was comprised of three distinct elements: 1) the ambulance fund; 2) the implementation of operational consolidation strategies designed to improve system efficiencies, and 3) the actual merger of the Springfield and Eugene fire department. Mr. Ruiz noted that staff was primarily interested in the council's feedback regarding the actual merger of the two entities.

Eugene Fire/EMS Chief Randy Groves described the basis for the proposed consolidation of the Eugene and Springfield Fire Departments. He further noted that staff intended to continue the use of the Three-Battalion System which had been successfully implemented in June of 2007, for the purposes of a consolidation of Eugene and Springfield's respective emergency response capabilities.

Chief Groves described how elements of the operational consolidation of the two departments had progressed thus far.

Chief Groves reported that Emergency Services Consulting International (ESCI) had been commissioned in 2009 to perform a feasibility study on further consolidation efforts. Chief Groves briefly described the results of the ESCI study for the benefit and information of those present and noted that those results strongly endorsed the functional consolidation of the two fire departments.

Chief Groves stated that the next step towards functional consolidation involved the integration of the administrative and support functions of the two fire departments. He further stated that the consolidated administrative functions included the fire marshal's office, training programs, ambulance billing, the designation of a single deputy chief to oversee shift operations, and an alignment of each department's special operations. He proceeded to describe the remaining elements of the proposed functional consolidation.

Chief Groves stated that the governance evaluation of the proposed functional consolidation might be performed under a metro-governance model or the formation of a special purpose district. He further stated that the ESCI study had favored the creation of a special purpose district.

Mr. Clark thanked Chief Groves for his presentation and commended him and his staff for their efforts regarding the proposed functional consolidation.

Mr. Clark noted that Chief Groves and other Fire/EMS staff had recently had the opportunity to review the Tualatin Valley Fire Department's district model and asked how the service delivery elements of that district-based model differed from a municipality model. Chief Groves maintained that the service delivery levels for residents from the two models were essentially the same.

Mr. Clark appreciated the savings that had been suggested by the personnel efficiencies that were involved in the functional consolidation. He remained cautious but optimistic regarding the remainder of the functional consolidation and hoped that both agencies would proceed in incremental steps toward full consolidation.

Chief Groves clarified for Mr. Clark that the first steps of the functional consolidation of the Eugene and Springfield Fire Departments would come in the form of an intergovernmental agreement similar to the one that had been used in 2007, to consolidate emergency response capabilities. He expressed that the remainder of the functional consolidation would indeed be carried out using a "phased-in approach" for each main element of the functional consolidation.

Ms. Ortiz recognized that Springfield Fire Chief Dennis Murphy was in attendance at the meeting as was EWEB Commissioner Bob Cassidy and the president of the local Eugene firefighter's union.

Ms. Ortiz maintained that the one of the main challenges faced by both Eugene and Springfield was that one part of the community often wanted "to grow faster than the other." She hoped that such a challenge would be carefully considered as the functional consolidation progressed. Chief Groves recognized Ms. Ortiz's concerns and noted that he and other staff had carefully considered the growth management policies of communities similar to Eugene/Springfield such as Livermore and Pleasanton, California.

Ms. Ortiz asked if compensation for leadership positions within a consolidated fire department would increase. Chief Groves responded that compensation for leadership positions within a merged organization would fall in line with the wage parameters already set up by similarly sized fire departments.

Chief Groves expressed that a merger of the Eugene and Springfield fire departments would mean significant cost savings to each organization which would result from increased efficiencies and the elimination of various redundancies.

Ms. Ortiz thanked Chief Groves for his responses and input.

Mr. Pryor indicated he had been reassured by Chief Groves' presentation that overall fire department service levels would be enhanced by the functional consolidation. He further indicated that the benefits of further consolidation had already been demonstrated by the successful implementation of the Three-Battalion System at various levels.

Mr. Pryor maintained that Chief Groves had made a strong case for the consolidation of core services for the cities of Eugene and Springfield.

Mr. Pryor believed the functional consolidation would ultimately result in better service, increased accountability, and significant cost savings. He further suggested that the Eugene and Springfield City Councils would need to carefully consider the opportunities that came out of the fire department consolidation.

Mr. Polling believed that the timing and financial considerations for the functional consolidation were ideal. He hoped that the Eugene and Springfield organizations would continue to work closely with one another in order to determine the best possible solutions regarding funding and governance.

Mr. Brown expressed that the projected savings from the functional consolidation were very attractive.

Chief Groves, responding to Mr. Brown's comment, briefly reviewed and detailed the projected savings from the consolidation that had been enumerated thus far.

Mr. Brown asked if there was any significant difference in the pay scale for the firefighter unions for Eugene and Springfield. Chief Groves responded that the compensation packages for union members from each municipality had evolved over time and were ultimately "not that far apart."

Mr. Brown referenced Chief Groves' earlier comments regarding the Livermore and Pleasanton fire departments and asked if the proposed consolidation might involve a similar joint powers authority (JPA). Chief Groves responded that the Eugene and Springfield fire departments did not have the authority to form a JPA as part of the functional consolidation although most of the functions of a JPA could be adopted under ORS 193.

Chief Groves, responding to a request from Mr. Brown, noted that he could send the council members a link to the Livermore and Pleasanton fire department website if they so desired. He further noted that site visits to that department and the Tualatin Valley Fire and Rescue District for interested parties might be possible.

Chief Groves briefly referenced the growth management concerns of Eugene and Springfield and maintained that a municipality that tended to grow upward instead of outward generally demanded more resources with respect to fire safety and emergency response services.

Ms. Piercy agreed with Chief Groves' comment and further hoped that the council's conversations regarding the proposed consolidation would continue to be respectful of the policy differences and public concerns of both Eugene and Springfield.

Mr. Zelenka appreciated the collaborative nature of the consolidation efforts. He was concerned that the cost savings, while real and appreciable, did not appear to be very large.

Mr. Zelenka asked if the consolidation would send a merged fire department into a new group of wage comparables for department personnel. Chief Groves responded that the market that the Eugene and

Springfield fire departments currently occupied was similar to many of the same jurisdictions they would be compared to as a merged organization. He noted that Senate Bill 750 had resulted in certain restrictions on public collective bargaining processes and that the Eugene and Springfield departments were limited in the number and nature of markets to which they could compare themselves.

Mr. Zelenka noted his concern that large unforeseen pay discrepancies between the two jurisdictions might wipe out any potential savings.

Mr. Zelenka asked if the efficiencies regarding the proposed consolidation had been quantified in any way. Chief Groves responded that certain quantifications regarding training efficiencies had already been quantified and enumerated.

Ms. Taylor believed that certain training and purchasing efficiencies might be achieved between the two jurisdictions without formally consolidating them.

Ms. Taylor was concerned that the functional consolidation of the two fire departments would result in "more governments" and that it would be harder for the public to be involved in such processes.

Ms. Taylor asked if the functional consolidation would result in a significantly increased work load for Chief Groves. Chief Groves believed that the consolidation might change the focus of some of his duties as fire chief but that his overall workload would remain about the same. He added that some of his responsibilities might be assumed by deputy chiefs of the consolidated fire department, but that it would not be necessary to add completely new deputy chief positions.

Chief Groves, responding to a comment from Ms. Taylor, stated that no pay raise for his position had been built into the plans for the functional consolidation process for the two fire departments.

Chief Groves, responding to a question from Ms. Taylor, noted that the chief of the consolidated fire department would report to the City Managers of both Eugene and Springfield. Ms. Taylor maintained that such an organizational structure sounded complicated.

Chief Groves, responding to a comment from Ms. Taylor, maintained that although the fire departments of Eugene and Springfield had provided very good service separately, the functional consolidation would allow for even greater improvements.

Mr. Ruiz noted that the enhanced training protocols for a consolidated fire department would result in a significant number of increased efficiencies.

Ms. Taylor asked for an example of the operational efficiencies that were expected from the functional consolidation. Chief Groves responded that the implementation of the Three-Battalion system had created a "managed web of coverage" and had already resulted in faster emergency response times in both jurisdictions.

Chief Groves noted that merged training functions would also result in a number of efficiencies for a consolidated fire department.

Ms. Taylor noted her concern that the future development and growth of Springfield over a larger geographic area might mean it would take more time and money for a consolidated fire department to respond to emergencies. Chief Groves responded that as the territories and population of Springfield grew in the future, newer fire department stations would be added into the fire department. He added that

those new stations would be paid for by whatever jurisdiction was experiencing growth.

Mr. Ruiz noted that the conversation surrounding the functional consolidation would shift as issues of governance related to the merger were discussed in greater detail.

Ms. Piercy understood from the council's discussion that it was important to definitively determine the benefits of a consolidated fire department structure against the current capabilities of the current Eugene and Springfield fire department agencies. Chief Groves responded that a consolidated fire department would show immediate benefits in the fire chief's office, the Eugene/Springfield ambulance system, and several other areas.

Ms. Piercy recognized that there were significant funding issues involved in a functional consolidation process and hoped that the discussions surrounding the consolidation would result in innovative solutions that would result in improved services.

Chief Groves noted that a consolidated fire department would be able to shift personnel in a manner that was not currently possible between the two jurisdictions. He noted that such a capability would reduce the amount of overtime hours that might be required by the individual fire departments in order to provide sufficient coverage.

Chief Groves, responding to a question from Mr. Clark, noted that the larger ladder trucks for fire departments currently cost in excess of \$1 million. Mr. Clark expressed that a consolidated fire department would lessen the need for expensive redundant equipment.

Mr. Clark briefly addressed the funding that would be required from the two jurisdictions with respect to the functional consolidation. He hoped that the City of Eugene would be sufficiently prepared for what he believed would be a higher drain on City resources than that of Springfield.

Chief Groves responded to Mr. Clark's concerns about the current urban growth projections for Eugene and noted that Eugene's ISO rating with respect to its fire department had recently been downgraded from a two to a three because it had not kept up with various current staffing levels and technological standards. He noted that the City of Eugene continued to maintain a strong and efficient fire department but that it had "lost ground, from a grading perspective."

Mr. Clark asked what Chief Groves considered the key logical checkpoints surrounding the functional consolidation of the two fire departments. Chief Groves suggested that six- and twelve-month periods would be logical checkpoint times for the review of the functional consolidation's progress.

Mr. Ruiz responded to Mr. Clark's comments and recognized the importance of having the City of Eugene plan and balance its future resource needs with respect to the City's fire department, regardless of any plans to consolidate with the Springfield fire department.

Chief Groves, responding to a question from Ms. Ortiz, noted that Eugene's fire department billing office staff was under an AFSCME contract. He further noted that Eugene and Springfield staff had been in contact with AFSCME regarding the proposed consolidation and that the unions had generally been supportive of the merger.

Ms. Ortiz briefly noted her concerns regarding the various ambulance billing agencies used by Eugene, Springfield and other areas of Lane County. She hoped that the functional consolidation process would not have a negative effect on those partner agencies.

Ms. Ortiz was pleased there was a commitment to continue investigations into mass purchasing strategies for equipment with respect to the functional consolidation plans. Chief Groves added that he hoped that the functional consolidation process would result in a standardization of specifications for all equipment being used throughout the two jurisdictions.

Chief Groves believed that the jurisdictions of Eugene and Springfield were better situated to consolidate than they had ever been before, primarily because of the success of the Three-Battalion System. He noted that the system had fostered an increased understanding and respect for the relationship between the two jurisdictions and had indicated ways in which a merged system would continue to provide exceptional life safety and emergency response services.

Mr. Ruiz noted that more detailed examinations into how the various governance, technical and administrative processes of the Eugene and Springfield organizations related to one another would occur as the functional consolidation process for the fire departments progressed.

Chief Groves responding to Mr. Ruiz's comment, noted that the functional consolidation process represented numerous opportunities for cooperation and collaboration between Eugene and Springfield.

Mr. Zelenka hoped that the proposed functional consolidation might be performed under the metro-governance model rather than a special purpose district. Mr. Zelenka worried that a special district might compete with other demands on Eugene's general fund.

Mr. Zelenka felt that more public input regarding the proposed functional consolidation was needed as many members of the community had only just recently become engaged with the functional consolidation process.

Mr. Zelenka hoped that any problems involved with ambulance funding would be solved before the functional consolidation process for the fire departments moved forward.

Chief Groves responded to Mr. Zelenka's comments and noted that the Ambulance Transport System Joint Elected Officials Task Force conducted a series of nine public forums during which it was determined that the merger proposal was a higher priority than the ambulance funding concerns. He noted that other public engagement events had yielded similar findings.

Ms. Piercy recognized the need for further public input regarding the proposed functional consolidation and noted that the public's feedback would continue to be heard and carefully considered.

Mr. Pryor briefly discussed the various methods in which a consolidated fire department might be funded.

Mr. Pryor asked for greater clarification regarding the manner in which a special purpose district for a consolidated fire department might be funded. Chief Groves responded that the funding for a special purpose district would primarily come from a shifting of Eugene and Springfield's funding resources rather than from tax increases. He briefly described a funding example that had been provided by ESCI with respect to a special district that had been formed in Clackamas County.

Mr. Pryor assumed that a consolidated fire department would utilize a funding structure based on the populations of the Eugene/Springfield service areas.

Chief Groves briefly commented on how Eugene's Fire/EMS Department already provided fire and rescue protection to five contract areas while the Springfield FLS division provided service to three

contract areas.

Chief Groves, responding to Mr. Pryor's comment, noted that an evaluation of how the Eugene/Springfield populations would affect the funding of a consolidated fire department would be part of the next steps after the functional consolidation process.

Ms. Piercy thanked Chief Groves for his presentation and comments.

Ms. Piercy commended the staff members of the Eugene and Springfield fire departments for their work in developing the functional consolidation planning process.

Ms. Piercy reiterated that both she and the City Council wanted to hear more from the public about how they felt about the functional consolidation of the Eugene and Springfield fire departments.

Ms. Piercy adjourned the meeting at 1:15 p.m.

Respectfully submitted,

Jon Ruiz
City Manager

(Recorded by Wade Hicks)

MINUTES

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

February 8, 2010
 5:30 p.m.

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

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

**A. WORK SESSION:
 Federal Surface Transportation Program – Urban Funds**

Mayor Piercy said she and Mr. Zelenka served on the Metropolitan Policy Committee (MPC) and it was their responsibility to represent the transportation goals for the City. She wanted to ensure that the councilors had an opportunity to give input. She noted that the council had made a commitment to using flexible dollars in the Surface Transportation Program – Urban Funds (STP-U) for road preservation. She wanted everyone to be aware of this and how it affected what they did on the MPC. She recommended that they discuss whether they wanted to continue the commitment to preservation or whether they wanted to have some flexibility to use the funding for other projects.

City Engineer Mark Schoening stated that the Metropolitan Planning Organization (MPO) had initiated the process to allocate STP-U funds for the federal Fiscal Year (FY) 2011-2013, with the MPC scheduled to take action on the allocation on April 8. He said under the existing framework, between \$3.18 million and \$5.28 million would be available in the category for project development, preservation, and modernization projects.

Mr. Schoening related that, consistent with council policy, staff had developed and prioritized a list of preservation projects. He said the Coburg Road project was at the top of the list, primarily because it was between two segments scheduled to be maintained with the bond measure funding. Martin Luther King Boulevard and Hilyard Street were the other two projects, in order of priority. He explained that when the MPO allocated funds in the past, Eugene had received approximately half of those funds. He said the three projects were at an estimated cost of \$2.77 million, or approximately half of the high end of what could potentially be allocated.

Continuing, Mr. Schoening said at the time the council had established the policy, the backlog had been \$94 million. He stated that the preservation backlog had exceeded \$107 million, according to the most recent data analysis from 2009. He related that though the backlog had increased, quite a bit of progress had been made and they had established several funding sources between the federal STP dollars, the gas tax, the bond measure, and the reimbursement component of the transportation Systems Development Charge (SDC). He noted that when the SDC had been identified as a source for pavement preservation it was estimated to provide \$700,000 in annual revenue, but with the decline in development that number had fallen to between \$150,000 and \$200,000. He said even though progress had been made, a long-term sustainable

source for funds for pavement preservation had still not been established. Because of this, it was staff's recommendation to continue to prioritize pavement preservation for federal STP-U funds.

Mr. Schoening had provided data on how much the City had spent on bicycle and pedestrian improvements in the past five years at the request of Mr. Zelenka. He said it totaled \$12.5 million over five years and represented a wide range of funding sources, including federal transportation enhancement funds, federal earmarked funds, federal STP-U funds, some of the stimulus funds that had come to the City in the past year, Oregon Department of Transportation (ODOT) bicycle and pedestrian grant funds, bond measure revenue, transportation SDCs, Community Development Block Grant (CDBG) funds, and, more recently, a Safe Routes to School program. He noted that the latter was a new state program that used federal funds. He said what was not included in the summary were the bicycle/pedestrian improvements that were part of the urban standard projects, such as the Court House District, the Crest Drive/Friendly Street/Storey Boulevard project, the Elmira Road/Maple Street project, and the Chad Drive project, or the money used for accessible pedestrian signals and access ramps, paid for primarily out of CDBG funds. He stated that *Alternative Projects for STP-U Funding* was listed in *Attachment A*.

Mr. Poling asked if the alternative projects would be in addition or in lieu of the suggested projects. Mr. Schoening replied that the alternative projects would be in lieu of those recommended.

Mr. Poling asked if it would be possible to get more than \$2.7 million. Mr. Schoening responded that historically the MPC would allocate funding at a lower level and then, when it became clear how much federal STP-U funding would be available, the MPC refined and added to the allocations.

Mr. Poling related that the council had received a number of emails in response to the Sustainability Commission's recommendations. He said while they were noteworthy, because of the backlog of pavement preservation, he thought it important to maintain the current infrastructure. He supported the staff recommendation.

Mayor Piercy supported the projects before them, unless council feedback indicated that they should do otherwise. She added that she would not want people to think that because they supported those projects there was not strong support for the bicycle conveyance infrastructure. She pointed out that the list of proposed bicycle improvements was long and there were other sources to seek funding for those types of projects.

Mr. Clark said the list of bicycle improvements was impressive and it showed the City's leadership on that front. His concerns lay with making sure they maintained preservation as a high priority for the present. He considered this a high priority because of cost, if needs were not addressed quickly enough, the cost would escalate and the City would lose its ability to do other things. He supported the staff recommendations.

Mr. Pryor indicated that because the backlog of pavement preservation projects was significant and impacted many people it was still his top priority. He underscored that this did not mean he did not want the other projects to go forward. He wanted to do so to the greatest degree they could with other sources of money.

Mr. Zelenka thanked Mr. Schoening for the memorandum. He averred that the City did spend a lot of money on bicycles, but it also spent a great deal of money on cars. To him, the issue was one of flexibility. When he read the policy, it discussed preservation in terms of existing capital transportation infrastructure and it did not say roads. He thought this could be construed to include bicycle and pedestrian paths because

this was part of transportation. He pointed to Lane Transit District (LTD) route reductions and greenhouse gas planning and the work he had done on the Governor's task force as examples of emerging issues that needed to be taken into consideration. He felt that the existing policy constrained Eugene.

In response to a question from Mr. Brown, Mr. Schoening stated that STP-U funds had been used for the North Bank Path overlay and three like projects.

Mr. Brown said in reviewing the list of the three priority projects he wondered if it would hurt to add a couple of bicycle projects, perhaps in the fourth and fifth places on a list. Mr. Schoening reiterated that the \$5.28 million would be the amount shared by all of the MPO areas, which included Coburg and Springfield and historically Eugene received about half of the allocation. Mr. Brown ascertained that to add a bicycle project would mean that one of the recommended projects would have to come off the list.

Ms. Taylor commented that she had not noticed that Martin Luther King Boulevard was in bad shape and asked if it was. Mr. Schoening replied that all three projects were for roads that needed an overlay prior to failing.

Ms. Taylor thought Hilyard Street should be higher on the list. She indicated that she would not be in favor of flexibility to use the STP-U funding for new roads. She would support being more flexible when it came to more preservation projects or more bicycle paths.

Ms. Ortiz commented that the three examples on the list of pedestrian and bicycle projects on *Attachment A* were not very comprehensive. She thought if they were going to look for ways to increase the usability of bicycle paths, West Eugene was "sorely underutilized." She said she would look to the *Pedestrian and Bicycle Master Plan Update* to see how to get safely from West Eugene to town. She would support discussing a little more flexibility when it came to the STP-U funding, but she also felt they needed to address the road and pothole issues.

Mayor Piercy related that there had been a discussion at the MPC of being conscious of moving in the direction of preservation and greenhouse gas emission reductions as well as determining some metrics to see what they were accomplishing. She passed around copies of an application that a sub-group of the MPC had put together that sought to indicate where any project was "moving the dial" on those issues. She said it would come before the MPC for approval in the coming week.

Mr. Zelenka asked Mr. Schoening to describe the process that the funding went through.

Mr. Schoening pointed to the timeline on the second page of the Agenda Item Summary (AIS) and briefly highlighted it. Mr. Zelenka surmised that all of the jurisdictions made their recommendations and then the staff committee convened to sort them out and the MPC made the final decision.

Mr. Zelenka related that he had asked Mr. Schoening about two projects listed in *Attachment A*, the Martin Luther King Boulevard Corridor and Coburg Road Corridor, both of which contained pedestrian enhancements and the latter included safety improvements for bicycles. Mr. Schoening had, at his request, estimated the costs to be approximately \$200,000. Mr. Zelenka thought adding those two projects to the pavement preservation projects would provide them with "a better bang for the buck." He supported doing so and intended to add them as an amendment.

In response to a question from Ms. Ortiz, Mr. Schoening affirmed that it would be more cost effective to include the pedestrian and bicycle amenities with the pavement preservation projects.

Mr. Clark asked if Mr. Zelenka's amendment would increase the chance that the City would not be able to do a project at this point and would have to spend more on it in the future. Mr. Schoening responded that the chance this would happen was small. Mr. Clark said he would be happy to add that amendment to the motion.

Mr. Clark, seconded by Ms. Taylor, moved to approve submittal of Surface Transportation Program – Urban funding applications for the Hilyard Street, Martin Luther King Boulevard, and Coburg Road pavement preservation projects as well as the pedestrian and bicycle projects on Martin Luther King Boulevard and Coburg Road.

Mr. Poling asked if it would be possible to drop the last two projects if it appeared the City would not get full funding. Mr. Schoening replied that if the City was allocated less funding, the Hilyard Street project would need to be dropped or they would have to scale back the Martin Luther King Boulevard project. He noted that the Coburg Road project needed to go forward because of the preservation work that was also being done on that road using bond money. He said it was possible that they could put in more local funds should they want to fund all three.

Mr. Poling surmised that the most likely scenario in the event that the funding allocation was less than the projects would cost would be that the Hilyard Street project would be dropped from the list for the current round of STP-U funding.

Mr. Zelenka said Eugene's share would be between \$1.6 and \$2.6 million. He pointed out that the staff proposal would cost \$2.77 million and with \$200,000 more for the bicycle/pedestrian amenities this made \$2.97 million. He thought that if the money from STP-U came in at \$3.1 million, the City would be down to one project anyway given that its allocation was half of that. He noted that this had happened all three years he had served on the MPC.

In response to a question from Mr. Pryor, Mr. Schoening said he understood the direction to be that if full funding was not allocated, the Hilyard Street project would be deferred first and then the scope of the Martin Luther King Boulevard project would be reduced. Mr. Pryor commented that he wanted to do the project that had the best outcome. He would be interested in knowing what material impact there would be to shortening the Martin Luther King Boulevard project, for instance. Mr. Schoening thought the most likely outcome would be that some other funding source would be tapped to complete the project, such as the local gas tax, and a project that was not even on the table at the present meeting would be deferred.

Mr. Pryor was willing to support the addition of the bicycle/pedestrian amenities to the motion, but he wanted them to be the first things to be backed out if the City did not receive enough money.

Ms. Taylor asked why Hilyard Street was on the bottom of the list. Mr. Schoening replied that Coburg Road had been on the top of the list because of the gap that needed to be filled between the two bond measure projects. He said the difference between the Hilyard Street and Martin Luther King Boulevard projects had to do with magnitude in that the latter was estimated at \$1.8 million and Hilyard Street was only projected to cost \$800,000. He said it appeared that the pieces would come together for the larger of the two projects.

Ms. Taylor asked when Hilyard Street would be fixed in that case. Mr. Schoening did not know the answer at this point. He pointed out that Hilyard Street had been upgraded between 13th and 24th Avenues a couple of years earlier and, with bond money, it had been upgraded between 24th and 30th Avenues. Ms. Taylor commented that she knew where there were potholes on the road beyond 30th Avenue.

Mayor Piercy said what constituted a real road was a conveyance that met a multi-modal purpose. She felt the community supported a multi-modal transportation system. She echoed the concern that if the work was not done now it would cost more, later.

Mr. Zelenka observed that many streets needed to be fixed. He likened taking one project out of the queue to taking one bucket of water out of the ocean. He clarified that the project on the list for Hilyard Street was for the stretch of the street in front of the hospital. He said the area beyond what had already been done was in the queue to be reconstructed in 2011. He liked the idea of taking five to ten percent of STP-U money and putting it into bicycle and pedestrian projects. He reiterated that coordinating the bicycle/pedestrian projects with the road projects would make them cheaper to accomplish.

Mr. Clark asked if it was more cost-effective to build-in the bicycle/pedestrian amenities and shorten the length of the project on Martin Luther King Boulevard. Mr. Schoening responded that he did not think that this was how they would proceed. He thought they would augment the funding with local gas tax revenue and defer another project.

Mr. Clark ascertained from Mr. Schoening that he did not think the specific direction to back-out the bicycle/pedestrian projects needed to be included in the motion as an amendment.

Mr. Poling wanted to be clear that if the City did not receive the full amount of STP-U funding, the first things to come off the list of the projects should be the bicycle/pedestrian amenities. He declared that the people wanted the streets fixed and this should be the primary use of the funding.

Mr. Poling, seconded by Ms. Solomon, moved to amend the motion to include that, should the complete funding needed for the list of projects not be allocated to the City, the first things to come off the list should be the bicycle/pedestrian amenities for Martin Luther King Boulevard and Coburg Road.

Mr. Zelenka preferred to leave this up to the discretion of the professional staff. He said staff would be making adjustments to the projects and the council should not be micro-managing it. He would leave it up to Mr. Schoening and his professional judgment to make the STP-U funding work within the priorities they had stated.

The motion to amend failed, 5:3; Mr. Poling, Ms. Solomon, and Mr. Clark voting in favor.

The main motion passed unanimously, 8:0.

B. WORK SESSION:

Safe and Efficient Streets through Access Management

Peggy Keppler, Development Review Manager for the Engineering Division of the Public Works Department, recalled that three years earlier the City Council had asked staff to initiate some regulatory changes to the land use code that would allow them to implement access management on the arterial and

collector streets. She said after the council meeting in 2006, staff had done research and looked at different access management codes and policies across the nation. They had put together a list of strategies they felt were appropriate for the Eugene area. She related that they took that list to a department advisory committee. She said there were two primary strategies: a reduction in the number of conflict points on arterial and collector streets and to ensure the access points were spaced far enough apart that it did not interfere with traffic flow. She explained that the Planning Commission had reviewed the policies and weighed in on them and then they had developed the draft code. She noted that they also met with several different stakeholder groups, including the realtors and the Homebuilders Association. She said they had sent notice to a little over 10,000 property owners on the arterial and collector streets to make them aware of the public hearing on this item, held on August 25 with the Planning Commission. She stated that the new code would not make changes on any existing properties; the code would only be implemented when a building permit was applied for. They had received approximately 200 calls regarding this notice and staff had responded to them. She said in some cases, the input they received caused them to reconsider some of the ordinance and make changes.

Mayor Piercy thanked Ms. Keppler and staff for their work.

Ms. Solomon found the explanation to be very helpful. She asked for the member list of the department advisory committee.

In response to a question from Ms. Solomon, Ms. Keppler stated that staff had put together a citizen involvement plan, which they had presented to the Planning Commission and to which the commission had provided input. She said the advisory committee had met four or five times during the process and they had met with interested parties.

Ms. Solomon understood from the AIS that staff had provided examples to the Planning Commission of how the proposed amendments would apply to properties. She said it would be helpful to her to see those examples.

Ms. Keppler explained that they had put a property on the board and had walked through the code as it applied to the property so that the commissioners could see how it would be impacted by the proposed code amendments. She thought they could do the same exercise for the council prior to the public hearing.

Ms. Solomon ascertained that her colleagues were interested in a visual example. She suggested that staff bring three examples.

Mr. Zelenka wanted to emphasize that seeing a visual example of how it would work would benefit the conversation. He also wanted to underscore that they had been working on this for three years. He acknowledged that it was a large body of work and thanked staff “for slogging through this.”

Ms. Keppler related that one thing they observed was that there were only a few properties that would experience a real impact. She cited one property, as an example, that was a commercial site and the changes in the code would change the development proposal so that the driveway would be moved from where the owner originally intended to place it.

**C. WORK SESSION:
Auditor Report on Taser Case Involving Asian Student**

Police Auditor Mark Gissiner commented that valuable lessons had been learned from this incident. He recapped the events of that night. He had been contacted by Captain Rich Stronach regarding the incident and Mayor Piercy and Mr. Brown had been contacted as well. He did not expect to receive a complaint from the individual who had been Tased.

Mr. Gissiner stated that the interviews with the officer and the landlord of the apartment complex involved in the incident had been conducted in his presence. He had participated in the interviews with the Chinese students, which were somewhat hampered by the language barrier. He had also reviewed the Taser video of the incident and the recording of the 911 call that had been made. Seven of the Eugene Police Department (EPD) policies and procedures were most appropriate for this case, and they fell into the following policy categories:

- The use of force policy
- The Taser policy
- The search and seizure policy
- The policy related to probable cause to detain
- The language competency policy

He added that he had gone to the apartment since the Tasing incident on two occasions to understand the scene of the incident.

Mr. Gissiner stated that with regard to the entry of the apartment, his assessment had been made more difficult because policy on warrantless entry to homes was lacking in the current EPD policies and procedures. His experience in such policies was that the more specificity they contained, the better the officers understood their obligations and responsibilities. He said there were some constitutional issues involved in such cases and there were eight to ten Supreme Court cases that spoke to them. He had referred to the Illinois v. Rodriguez case for this case because it discussed who had authority over a property and how to enter that property. He had used this assessment to determine whether the officers had appropriately entered the property based on a reasonable belief that there were authority figures backed by other evidence that would cause a reasonable officer to believe that these authority figures had control over the property. He said this circumstance segued into the belief that anyone on that property would be there unlawfully.

Continuing, Mr. Gissiner spoke regarding the use of force and the use of the Taser. He referred to the Graham v. Connor case which established a reasonable standard to evaluate an officer's use of force. He explained that it was based on a reasonable officer standard which evaluated the severity of the crime, whether the suspect posed an immediate threat to the safety of the officer or others, or if the suspect actively resisted or attempted to evade the police by flight. He said the EPD policy also elaborated on these basic standards. He considered it to be coincidental that a particular officer was involved; the evaluation was to be made without deference to a particular individual. He underscored that the incident was supposed to be evaluated from the standpoint of a reasonable officer on the scene, rather than 20-20 hindsight, and the totality of circumstances that they needed to consider. He said they needed to recognize that officers were forced to make split second decisions in circumstances that were tense, uncertain, and rapidly evolving. He thought this incident would be a great case to use as a use of force case and this was under consideration as the Police Commission considers the use of force policy.

Mr. Gissiner had assessed both the officer's report on the incident and that of the Chinese student. He said they now knew that the Chinese students had spent nearly 24 hours traveling to Eugene and were exhausted. He had reviewed the Taser tape and considered it a good tool for the Taser, though not a panacea. Based on

this, he had tried to take all of the standards and apply them to the incident. He had provided his analysis to the Police Chief.

Mr. Gissiner stated that there was a policy regarding language competency and he had reviewed it. He had found it difficult to tie that policy to a warrantless entry to a home. He had shared some policies from other cities with the Police Chief that addressed that issue well. He remarked that everyone appreciated the sanctity of their homes and did not want those rights infringed upon. He said they needed to ensure that EPD officers had a clear understanding of what their responsibilities were in these types of circumstances. He felt the Chief had an appreciation of this. He stated that interactions with divergent populations were very important to the Chief and the department would work to handle that better and to reduce the possibility of a similar incident occurring in the future. He observed that police officers had 200,000 to 300,000 contacts in a year and said it would be unrealistic to think that all of the contacts would go smoothly. Nonetheless, they could try to reduce the problems by improving training, policy, procedures, and thought processes with regard to these kinds of issues. He noted that he had posted the recommendations for changes to the policies and procedures on the Police Auditor web site.

Ms. Ortiz thanked Mr. Gissiner for the report. She asked if there was any advocacy from the volunteer community on behalf of complainants. Mr. Gissiner replied that it was not the responsibility of the auditor's office to advocate, it was their responsibility to monitor and evaluate the investigative process and to make recommendations on training, policies, and procedures.

Ms. Ortiz said historically the Human Rights Commission (HRC) had a component of advocacy that helped people process such incidents. She agreed that the Police Auditor should not serve in the role of an advocate, but she felt the City needed to offer some kind of advocacy to help people through this type of process. She recalled the program that the City used to have and noted that being an advocate only meant that they provided help to the people and not that an advocate would have an opinion one way or another.

Mr. Gissiner stated that the auditor's office served as an advocate for a fair process and for insuring that investigations were thorough and unbiased and that there were subsequent improvements to policies, procedures, and community relations.

Mr. Clark noted that he and Mr. Brown served as the council liaisons to the Police Commission. He asked if all of the systems were in place for them to bring pieces related to warrantless entry and language competency to the commission to develop policy. Mr. Gissiner responded that the 9th Circuit Court had issued a rapid policy directive regarding the use of Tasers. He was hopeful that warrantless entry to homes would be done "expeditiously." He considered that to be very important and wanted the policies to be crystal clear to the officers and in the training manuals.

Mr. Brown had been disturbed that the incident had not been reported more widely and that the HRC had not been contacted. He was glad that the problems were being identified and steps were being taken to remediate them. He agreed that the department needed a clear policy on warrantless entry.

Mr. Gissiner related that a different judge had ruled on a Taser case in Hawaii. He said the ruling was very different from the previous ruling. He called it unfortunate because it sent different messages to the officers.

Mr. Zelenka commended the auditor's handling of this case. He asked how the case would play out at this point. Mr. Gissiner replied that the Civilian Review Board (CRB) was authorized to review and discuss the chief's adjudication and whether or not they agreed with it.

Mr. Zelenka asked what happened with policy issues that were raised by a case. Mr. Gissiner responded that he was not certain that this particular case would cause direct changes to policies, but the chief had issued a policy directive after the 9th Circuit Court ruling regarding Taser use.

Chief of Police Pete Kerns stated that the policy was in the queue along with other policies. He said they would be addressing warrantless entry policies in a memorandum to the division manager in charge of policy and internal affairs. He related that they had also contracted with an attorney to provide ongoing training to officers regarding search and seizure and other legal matters.

Mr. Pryor appreciated the presentation. He felt it important to focus on the best possible outcomes. He believed that Chief Kerns and Mr. Gissiner shared this goal. He recalled being asked if he knew the difference between discipline, which meant learning, and punishment, which meant hurting someone. He stressed that they were not seeking punishment or revenge. He said if they were seeking discipline, it was because they wanted a disciplined, effective, organized police department. He appreciated that Mr. Gissiner had approached the situation from the standpoint of determining what they needed to learn from it.

Ms. Solomon found the presentation to be very helpful. It sounded to her like training was the issue in this case. She said if officers were not being trained for all circumstances, it made her wonder how they could be in violation of policy. Mr. Gissiner replied that this case would have been difficult to predict and place in a textbook. He had not faced a case like this one previously. He said there were still certain expectations for how threat assessments were conducted and these could be addressed by training.

Ms. Taylor asked if the council could put a moratorium on the use of Tasers. City Attorney Glenn Klein explained that it would require an ordinance.

Ms. Taylor supported such a moratorium. She cited the Tasing case that arose from the demonstration on Kesey Square in May, 2008, and asked what policies were involved, and questioned whether having different policies would have led to a different outcome. Mr. Gissiner replied that he was not prepared for that question. He offered to review the case and discuss the policies at a future point.

In response to a question from Ms. Taylor, Mr. Gissiner stated that there was a policy on warrantless entry into homes that covered a number of different circumstances. He said a reasonable belief an emergency was happening in a home or that an intruder was in the home were examples of grounds for warrantless entry.

Mayor Piercy wanted to stress that the students in this case were not at fault. She stated that they had been innocent victims of misidentification and underscored how very sorry she and her colleagues were that the incident had happened. She averred that they could not apologize enough.

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Jon Ruiz
City Manager

(Recorded by Ruth Atcherson)

ATTACHMENT D

EUGENE WATER & ELECTRIC BOARD
WORK SESSION
EWEB Training Room – 500 East 4th Avenue
February 16, 2010
5:30 p.m.

- Board Members Present: John Brown, President; Rich Cunningham, Vice President; Ron Farmer, Bob Cassidy, Joann Ernst, Commissioners.
- City Councilors Present: Kitty Piercy, Mayor; Mike Clark, George Poling, Andrea Ortiz, Chris Pryor, Betty Taylor, Jennifer Solomon, Eugene City Councilors.
- City Councilors Absent: Alan Zelenka, Eugene City Councilor.
- Others Present: Randy Berggren, Debra Smith, Sheila Crawford, Lance Robertson, Jim Wiley, Clay Norris, Tom Buckhouse, Gene Austin, Jeannine Parisi, Mark Freeman, Mike Logan, Cathy Bloom, Patty Boyle, Tom Williams, Felicity Fahy, Mark Oberle, Bill Welch, Will Bondioli, John Yanov, Megan Capper, Steve Mangan, and Judy Chase of the EWEB staff; Jon Ruiz, Ethan Nelson, Jeff Petry, Brenda Wilson, Beth Forrest, City of Eugene staff; Bob Parker, University of Oregon; Ruth Atcherson, City of Eugene minutes recorder.

President Brown convened the joint work session of the Eugene Water & Electric Board (EWEB) and the Eugene City Council.

Mayor Kitty Piercy convened the Eugene City Council.

Welcome and Agenda Review

President Brown welcomed the Eugene Councilors to the table and asked those present to introduce themselves.

Mayor Piercy noted that Councilor Alan Zelenka was out of town and not able to be present.

Steam Transition Project Update

Ethan Nelson, City of Eugene Building and Permit Services Division, initiated the presentation of the *Downtown Eugene Retrofit Program*, with PowerPoint, hard copies of which were provided to everyone present. He underscored that the three objectives of the Downtown Eugene Retrofit Program (DERP) were to transition existing steam customers off the system, to increase financing options, and to leverage and coordinate public and private resources. He stated that the federal funding sought to achieve two goals: to fundamentally and permanently transform energy markets in a way that made energy efficiency and renewable energy options the first choice and to sustain projects beyond grant monies. He said City of Eugene staff had worked in coordination with EWEB staff on a proposal for funding, and the proposal for assistance for the steam transition project had been included as a sub-applicant in a City of Portland grant.

Mike Logan, Key Accounts Program Manager for EWEB, reviewed the project area. He stressed that the

grant funding, if awarded, would aid in leveraging other funding mechanisms. He stated that efficiency retrofits would allow EWEB to address the inefficient steam system built in 1932, position it to be taken off line and cut energy usage by 40 percent for the buildings themselves by 2012.

Mr. Nelson highlighted the federal grant request. He said the financial products would include credit enhancement which would help participants secure loans, direct credit distribution and the establishment of a revolving E-Loan program, the loan terms for which would be linked with those offered by the Oregon Department of Energy (ODOE) loan program. He noted that the E-loan was limited by the Energy Efficiency and Conservation Block Grant program which directed that no more than 20 percent be allocated into revolving loan programs. He stated that \$207,000 would be allocated for building audits, to be completed by a third party, estimated to be \$1,000 each, and \$40,000 would be dedicated to an outreach campaign.

Mr. Logan stated that in addition to the steam production savings and distribution losses, by taking the all-fuels approach, leveraging the programs and working with the agencies, they were identifying a potential energy savings of 17 million kilowatt hours (kWh). He explained that this translated to the amount of energy that it would take to power 1,300 homes for a year. He also related that the consultant had estimated that 800 jobs would be created by this work, over the course of six years which was believed to be conservative.

Mr. Nelson outlined the funding sources and what funding was projected to come from them and the grant funding, from a slide entitled "*Ramping Up for Retrofits*" Leverage.

Mr. Logan showed a graph of how an actual large customer would be affected by a change from steam usage that indicated a 50 percent savings, should the customer change to a heat pump. He discussed the implications of the three-year contract with PeaceHealth. He said the contract gave EWEB the ability to work with its other steam customers, including the City of Eugene. He reviewed the projected timeline. He stated that the primary source of funding would be the ODOE through its Small Scale Energy Loan Program (SELP) and once the building reports were delivered, EWEB would be working with each customer to move immediately to the design and construction phase when they were ready. He noted that EWEB was paying \$250,000 for the engineering study and they were positioning customers with the recommendations for least- cost options, which ODOE wanted to see. They anticipated that the total loan cost would be \$12 to \$15 million, though not all customers would qualify for credit and they were seeking other means of credit for them.

Mr. Logan showed a slide that indicated what phase of the process each downtown building was in. He noted that staff would be making site visits to the Atrium Building and City Hall in March.

President Brown opened the floor for questions and comments.

Mayor Piercy asked if staff predicted that the grant would be approved. Mr. Nelson replied that they believed the City of Eugene had a very good chance. He said while there was \$380 million available throughout the country, the requirements were that energy codes should meet a certain criteria and Oregon was one of only three or four states that had updated its codes and met that requirement. He added that the steam transition project also looked good because it was a mandate and the transition was deliverable.

Mayor Piercy related that the Portland project had been mentioned all over the country. She remarked that one question they would hear was in regard to a continued dependence on fossil fuel. Mr. Logan responded that EWEB was burning 2.5 million therms of natural gas at present and much was being lost through

inefficiency. He said the technology today was much more efficient and would save fuel. He pointed out that the first three loans were for high efficiency heat pumps. He noted that the Hult Center had formerly run with a system that had a 67 percent efficiency rate and now was running with a system that had more than a 90 percent efficiency rate.

Mr. G. Brown asked how the steam was being produced at present. Mr. Logan replied that the fuel used was natural gas. In response to a follow-up question, Mr. Logan affirmed that at one time the steam plant had used biomass fuel called hog fuel.

In response to a question from Eugene City Manager Jon Ruiz, Mr. Nelson stated that the Federal DOE would make an announcement on March 15 regarding the grant awards. He explained that part of the negotiation with Portland was to be a sub-applicant because it was felt that it would be more beneficial to do so. He said the sub-applicant status meant that if Portland received \$75 million, Eugene would receive \$6 million, and if Portland received less, Eugene would receive proportionately less.

Ms. Ortiz thanked staff for the presentation. She confirmed that the intention was to keep the steam utility in operation at least until the contract with PeaceHealth ended, in 2011. She asked what kinds of programs there would be for those that could not afford to convert. Mr. Logan replied that the steam utility had two boilers. He said he had not calculated what it would cost if they had to reduce the output to one boiler because it was dependent on where an entity that was not off the system was located on the line and how much steam was needed. He stated that they planned to decommission portions of the system, starting at the perimeter and working toward the core. He underscored that they were still moving toward the goal of having the steam utility completely shut down by 2012. While he was not certain of the cost of running only one boiler, he knew it would cost more to continue on that basis.

EWEB General Manager Randy Berggren said staff had discussed this and understood that it would not be a wise investment to do so. He thought EWEB would be open to figure out a creative way to avoid this kind of waste. He considered this possibility to be another complexity in a project that was already complex.

Ms. Ortiz asked if PeaceHealth was part of the scoping for the conversion plan. Mr. Logan responded that PeaceHealth had not been included in the original scope of work. He said PeaceHealth was interested in having a site assessment completed by the end of the year.

President Brown asked if the funds would be allowed to be used to help with asbestos abatement. Mr. Logan replied that the first ODOE loan included a significant portion for asbestos abatement.

Mr. Nelson stated that one component of the grant program was to bring municipalities, local jurisdictions, and utilities to work together on a combined approach for energy efficiency. He remarked that whether or not they did receive the grant, the application process had catalyzed the collaboration between EWEB and the City.

Mr. Farmer observed that every time a customer went off the steam system, the cost per customer went up; the last customer on the system would receive a "horrendous" heating bill.

Introduction to Electric Vehicle Initiatives

Mayor Piercy invited Eugene Parking Services Manager Jeff Petry, and Bob Parker, from the University of Oregon, to the table. She noted that Nissan had chosen Oregon for a project that involved the deployment of 1,000 electric vehicles and helping to put 2,500 charging stations into place.

Jeannine Parisi, Community and Local Government Outreach Coordinator for EWEB, highlighted the *Introduction to Electric Vehicle Initiatives* with PowerPoint, hard copies of which were provided to everyone present. She said the high level overview was due in part to rapidly changing technology. She remarked that it would not surprise her if the information they imparted was out-of-date in three months. She recommended a website called www.pluginamerica.org which contained pictures of all electric vehicles available on the market.

Ms. Parisi discussed the pros and cons of electric vehicles. She noted that one of the cons was the initial cost of a vehicle, which could be \$40,000 or more. She said Oregon driving patterns were one reason electric vehicles were well-suited, with most trips in major metropolitan areas well under the national 40-mile average. She noted that Oregon also featured sustainability and clean air initiatives and the Business Energy Tax Credits (BETC) and hybrid tax credits, among others. She noted that Oregon had the highest *per capita* ownership of hybrid cars in the nation.

Ms. Parisi showed a slide of the design concept for the Lane Community College (LCC) electric car charging station. She discussed the three levels of charging that would be required for electric vehicles.

Mr. Petry stated that there was about \$100 million in grants from the DOE as part of the American Recovery and Reinvestment Act (ARRA). He related that a grant for Oregon cities to install electric vehicle charging stations in 2009 had been applied for and denied because the infrastructure was not ready. He said now, with ARRA funds, Oregon was one of five test sites for a project managed by a company in Arizona called eTec. He explained that it was a three-year grant that had begun in October.

Ms. Parisi noted that the cities involved included Portland, Albany, Salem, Corvallis, and Eugene.

Mr. Petry reported that eTec expected to have 75 percent of the charging stations installed by October, 2010, but the City still did not know what exactly was being installed. He said the City would be working on localized deployment guidelines and planned to hold a stakeholder workshop in early April. He reviewed the draft timeline, which was projected to culminate in an evaluation to be completed by mid-year 2012.

Mr. Parker explained that the University was partnering with the City of Eugene and EWEB to conduct a preliminary investigation into what this meant for the communities. He said the Community Planning Workshop (CPW), through the University, had applied for money from the Oregon Transportation Research Education Consortium (OTREC) and received funding for a local electric vehicle assessment. He related that six graduate students were helping with the project.

Mr. Parker reviewed potential implications for cities. He noted that travel behavior could be affected by the economic nature of electric vehicles, though the battery technology was still expensive. He said another issue was infrastructure investment. He related that most manufacturers would send cars out with charging

infrastructure, but there was also a need for external infrastructure that was visible and available. He noted that one thing to consider was what role would be appropriate for local government.

Mr. Parker said there would be implications to the power industry since electric vehicles were shifting the energy burden from the fossil fuel sector to the electric sector. He also pointed out that installation of a number of charging stations in the downtown area, as an example, could overwhelm the system.

In response to a question from Mr. Cassidy, Mr. Parker clarified that the capital investment for the batteries required for electric vehicles made a potential station to exchange batteries cost prohibitive. He noted that the batteries for the Nissan LEAF cost between \$28,000 and \$35,000. He said the current literature suggested that lithium ion technology would not improve quickly enough over the next decade or two to make a big difference.

Ms. Ernst considered this to be a great opportunity for utilities. She declared that utilities should be as proactive as possible. She discussed the smart grid technology, which she surmised would mean that the cars could be plugged back into the grid when not in use and the power used.

Mr. G. Brown asked what the range of the Nissan LEAF was. Ms. Parisi replied that it could go 100 miles per charge. In response to a follow-up question from Mr. G. Brown, Ms. Parisi stated that it would cost \$1 or \$2 to drive 80 miles in an electric vehicle and \$16 to drive a gas-fueled vehicle the same distance.

Mr. Farmer remarked that the challenge for the utility lay in that if electric cars became successful they would have to determine where the power would come from. He explained that the northwest was on the brink of running out of power but was facing a potential increase in demand from electric cars. He related that the Bonneville Power Administration (BPA) contracts for all utilities in the northwest were being renewed in 2011. He said basically the utilities had been allocated the amount of power they were receiving now and anything above that would have to be purchased on the open market, either by the BPA or by the individual utility. He pointed out that hydroelectric power, though cheap, was not likely to proliferate; it was unlikely that more dams would be built at this point. He said where they would get the power, should the utility be faced with a huge demand, and how much it would cost, were issues to consider. The challenge they faced lay in resource planning.

Ms. Ortiz expressed concern that the revenue from the gas tax would fall and this meant there would be less money for streets. She pointed out that EWEB paid a Contribution in Lieu of Tax (CILT) and asked that they consider this drop in revenue when thinking about their budget.

Ms. Parisi said this was an issue on the state level, because gas tax revenue had dropped statewide.

President Brown surmised that the City would charge franchise fees for infrastructure installed on public rights-of-way. Mr. Parker responded that those were questions that would have to be sorted out. He said at this point it appeared that a number of different entities would jump into the market and it would likely be messy for perhaps the first ten years.

Ms. Taylor expressed concern about people whose garages were no longer used to house cars and where they could charge their vehicles. Ms. Parisi replied that a charging station could be outside a house. She said the biggest constraint would be panel capacity, especially in older homes.

President Brown passed out a sample of what could be a proposed joint resolution so that the council could consider it at a point in the future.

General Discussion

President Brown stated that they would not be able to discuss the master planning process because of the *ex parte* contact issue.

Mr. Clark had noted that for the present the administrative arm was planned to remain on the current site. He understood that this was the sentiment of a previous board and wondered if the current commissioners were in agreement with this. Mr. Berggren responded that they were continuing the conversation and were still evaluating what it might cost to build an administration building. He believed they would ultimately decide to collocate the administrative arm and the operation center at some point in the future, but he was not certain if they would do so in five years, ten years, or more.

Mr. Clark asked if the Board had made any statement on it. President Brown replied that he had challenged the Board to discuss this sooner rather than later and they planned to do so.

Mr. Farmer noted that he had been the lone vote in favor of moving the administrative arm to the Roosevelt Boulevard site several years earlier.

Mr. Berggren stated that this would be included in the discussion planned for the Strategic Planning Session scheduled for March 23.

In response to Mr. Clark, President Brown clarified that if EWEB declared the property surplus, the City would have a 30-day right-of-refusal and then, if the City wanted the property, it would have five years to decide what to do with it.

Acknowledgement of the Planned Retirement of Randy Berggren

Mayor Piercy recalled that in 1994, Fortune Magazine had featured four transformational leaders and Mr. Berggren had been one of those profiled. She said his management style had been lauded for helping to guide the utility through a rough patch following the dismissal of his predecessor. She underscored that he had been the longest serving General Manager in EWEB's 99-year history. She shared that under Mr. Berggren's guidance and innovation, EWEB had approved the largest bond measure in the utility's history to help fund renewable energy and conservation projects and had done so with 75 percent voter approval, and the utility continued to lead the nation in energy conservation programs leaving customers with more than 60 megawatts (mW) of power, equal to 20 percent of Eugene's entire energy use. She underscored that under his leadership EWEB had become one of the first utilities to invest in wind energy, had created one of the most robust Low-Income Energy Assistance Programs (LIEAP) in the nation, and had launched a major effort to upgrade the City's water and electric systems. She also applauded the Roosevelt Operations Center for being a Leading in Energy and Environmental Design (LEED) certified Gold project. She commended him for his leadership through the West Coast energy crisis and for rebuilding reserves since then. She congratulated Mr. Berggren, on behalf of the City

and all of EWEB's customers, for his leadership, vision, and dedication to keeping lights on and clean water flowing. She declared that he continued a long history of steady, strong, and solid leadership of the utility. She wished him well in his retirement and thanked him very much.

Mr. Berggren received a round of applause and was presented with a commemorative cake. He expressed appreciation for the acknowledgement, but wanted to underscore that he'd had a lot of help. President Brown adjourned the work session of the Eugene Water & Electric Board at 6:50 p.m.

Mayor Kitty Piercy adjourned the work session of the Eugene City Council at 6:50 p.m.

(Minutes written by Ruth Atcherson)

MINUTES

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

February 22, 2010
 5:30 p.m.

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

Her Honor Mayor Kitty Piercy called the work session of the Eugene City Council to order. She noted that the meeting was a continuation of the council's February 10 work session on the City Manager's recommendations for downtown projects and funding options. She reviewed the council's actions on February 10, related to additional lighting, automated behavior crime reporting software and cameras, use of Springfield jail beds and funding for the downtown safety initiative.

Regarding the remaining recommendations for downtown, City Manager Jon Ruiz drew the council's attention to a handout that contained revisions to some of the proposed motions. The revisions were based on the council's February 10 discussion and provided clarity, but did not change the content.

**A. WORK SESSION:
 Downtown Projects – Tools**

Mr. Poling offered the revised language provided by the City Manager as friendly amendments to the February 10, 2010, work session motions. Mr. Clark and Ms. Taylor accepted the amendment.

Ms. Piercy explained that the February 10 motions still on the table would be considered separately and she would read each motion prior to the council's deliberation and action.

Motion 1.d.

I move to present to the Urban Renewal Agency Board for its review a proposed amendment to the downtown urban renewal plan that would 1) restrict the use of tax increment funds and increase the spending limit to pay for (i) the Broadway Place Garage's debt, thereby freeing up funding for additional police officers *for downtown public safety and property crime reduction*, and (ii) *not more than three other projects if their inclusion is approved by later motions* ~~specified in the motion below~~, and 2) terminate the downtown urban renewal district as soon as the projects are paid for or sufficient funds are collected to fund those projects. In addition, present to the council, at the same time that the City Manager brings forward a draft amendment to the urban renewal plan, an analysis of both a local option levy and a general obligation bond, instead of tax increment financing, to fund the specified projects.

Mr. Brown objected to a councilor calling the question at the February 10 work session and a majority of members concurring. He did not feel the urban renewal plan should be amended because the timeline was

too short and several deadlines had already passed. He said it took 100 days to craft an urban renewal plan amendment before it came to the council and the last election date was May 18. He said the amendment was referable to the ballot and believed that is what would occur. He regretted that voters would be forced to collect signatures to refer the amendment.

Ms. Ortiz thanked staff for the clarifications to motions. She reminded Mr. Brown that calling the question was an acceptable action under the council's operating procedures and she supported it because a council member had to leave early and requested that further action be delayed. She felt it was respectful and acknowledged that councilors had other obligations and commitments.

Mr. Clark commented that he was generally opposed to tax increment financing as a way to fund City business, but would support the motion because it would provide the council with information on the available options to facilitate decisions on how to proceed with improving downtown.

Ms. Taylor pointed out that Lane Community College (LCC) already had a presence in downtown and being opposed to urban renewal did not equate to being opposed to LCC. She said there were other ways to assist LCC with a new building.

Ms. Piercy related that she had spoken to many people in the community and most were aware that LCC's downtown facility was outdated and small. LCC's interest in building a new energy center downtown was an opportunity for the community to move in the direction of revitalizing downtown and she was pleased to explore options for making that happen.

Mr. Zelenka pointed out that the motion did not commit the council to a particular course of action; it was a request for information on funding options so the council could determine which approach was best suited to achieving its goals.

Mr. Brown reiterated his concern that the council was ignoring the deadlines for referral to the ballot. Planning and Development Executive Director Susan Muir said the tentative timeline for an urban renewal plan amendment, should the council take action at its March 8 meeting, included notifying taxing districts on March 12, and providing copies of the proposed amendments and an invitation to comment. She said a postcard would be sent to the general public announcing the proposed amendments and the public hearing date and all materials would be posted on the City's website. The amendments would be reviewed by the Planning Commission on March 29 and by the Eugene Redevelopment Advisory Committee (ERAC) on April 1. The council could hold a public hearing on the ordinance amending the plan on April 19 and conduct a work session on April 21 to review comments from taxing districts, jurisdictions, the Planning Commission and ERAC and the public. She said staff would provide refined plan amendments to the council on April 27, along with financial analyses and recommendations. The council could adopt the ordinance amending the plan on May 10 and the signature process would need to be completed by June 9. She said the deadline for the November 2, 2010, election was July 15 and the plan could be referred to that ballot.

Mr. Brown said the money in the urban renewal fund would be lost July 1 because it was the start of a new fiscal year. City Attorney Glenn Klein explained that if the council acted before the end of the current fiscal year the urban renewal agency would retain the funds until it was determined whether the plan was referred to the ballot, and if referred, whether voters accepted or rejected the plan. If rejected, the collection of tax increment funds would cease and the money would be returned to jurisdictions.

Mr. Brown asserted that he interpreted the statute differently. He questioned why the council would want to pursue that course of action instead of ending the urban renewal district now. He said the City's General Fund would receive \$800,000 annually if the district was eliminated and could use those funds to hire new police officers and assist with hunger and homelessness.

Ms. Taylor preferred to assist LCC with existing funds, including current urban renewal funds and Facility Reserve, instead of increasing the urban renewal debt limit or extending the time.

Ms. Ortiz stated she was willing to do what was necessary to help LCC with a new downtown facility.

Mr. Zelenka asked how much was currently available in urban renewal funds. Mr. Klein said that as of June 30, 2009, there was slightly more than \$11 million in the two urban renewal districts; \$3 million of that was in the Riverfront district, leaving \$8 million in the downtown district. He said the \$8 million was composed of \$2.1 million in the downtown revitalization loan program, leaving \$5.9 million in tax increment funds. He noted that some of the \$5.9 million had subsequently been used for the final debt payment on the library. Without a plan amendment, the current spending limit would allow for the use of only \$500,000 of the remaining tax increment funds; the remainder would have to be returned to the County for redistribution to taxing districts, including the school district. He said the school district's share would become an offset to State school funding, resulting in a very small net gain to the district.

Mr. Ruiz said that updated information on urban renewal funds would be provided during the budget process.

Ms. Piercy urged the council to keep in mind its broader goals in the community as it pursued downtown projects and the impacts of moving funds around in the budget. She strongly supported the LCC project because of its education and economic development benefits and the creation of jobs. She said homelessness issues could be addressed by providing employment opportunities and it was important to accomplish all goals in a balanced and thoughtful way.

Mr. Pryor asked if approving the tax increment financing option would increase residents' property taxes. Mr. Klein said that approving the proposed urban renewal plan amendments would not result in any increase in property taxes. He said passing the motion would result in an analysis from staff that would address those types of questions.

Mr. Pryor noted that a general obligation bond or local option levy would increase property taxes.

Mr. Brown asserted that there were sufficient funds currently available to assist LCC and asked for an interpretation of ORS 457 to clarify his understanding that if bonded debt was satisfied and there was no plan amendment, all funds were returned to the jurisdictions. He supported the LCC project, but would not vote to extend the urban renewal district because there was already funding available for the things the council wanted to accomplish.

Ms. Taylor asked for an accounting of exactly how much would be returned to taxing districts. She was certain there were ways to find funds, such as the Facility Reserve, that could be used to help LCC. She said that property tax bills had information on them about both urban renewal districts and possibly higher County taxes could be avoided if the urban renewal funds were not being diverted from the County. She said LCC would also receive more funding if urban renewal was eliminated.

Mr. Brown urged the council to select the one most important project to support instead of trying to address many issues. He hoped the LCC project could be separated from the list and funds used to make it happen.

Mr. Zelenka was interested in reviewing the analysis and comparison of funding options that would result from passage of the motion as that would inform the council's decisions. He would support the motion.

The motion as amended passed, 6:2; Mr. Brown and Ms. Taylor voting no.

Motion 1.e.

I move to bring back to the council this spring a proposed ordinance requiring vacant properties to pay Downtown Service District fees \$350,000 in revenue.

Ms. Ortiz observed that the motion did not initiate fees; it only authorized a review of funding strategies.

Mr. Poling asked for information on the downtown vacancy rate.

Mr. Clark asked staff to determine from the owners of vacant property if the payment of fees would influence their future decision-making.

The motion passed, 7:1; Mr. Clark voting no.

Motion 1.f.

I move to work with Downtown Eugene, Inc. and the Chamber of Commerce on partnerships and other funding strategies with a goal of achieving \$350,000 in revenue.

Ms. Muir explained that the intent was to bring all stakeholders to the table to attempt to close gaps in funding for downtown public safety through public/private partnerships. Mr. Ruiz added that one option to be discussed was expanding the size of the downtown service district.

Ms. Taylor felt the wording of the motion was too vague.

Mr. Brown said he did not understand the implications of the motion and could not support it. Mr. Ruiz said it was part of the \$2.2 million package to support the downtown public safety initiative. Strategies that were recommended would come back to the council for action.

Mr. Brown saw the downtown guides being phased out if more police officers were assigned to downtown and that was his preference. He could not support the motion.

Ms. Piercy pointed out the intent was to bring people together to consider strategies with a goal of achieving additional funding.

Mr. Zelenka asked if the intent was to ask DEI and the Chamber to contribute to funding downtown public safety. Mr. Ruiz said the City would participate in conversations to identify additional resources and ways to make the best use of those that already existed, such as the guides. Ms. Muir added that the Downtown Safety Task Team had based its recommendation on the success of a similar effort in the Portland metro area.

The motion passed, 6:2; Mr. Brown and Ms. Taylor voting no.

Motion 1.g.

I move to direct the City Manager to limit new annual expenditures for the downtown safety initiative to \$2.2 million.

Mr. Ruiz explained that the amended motion was in response to the council's direction to specify the amount of funds related to downtown public safety.

Mr. Clark remarked that the public safety needs were massive and the package represented a good initial step. He was reluctant to place limits on future efforts based on new opportunities, revenues or solutions. Mr. Ruiz said the intent of the limitation was related to the current initiative being proposed. Mr. Klein added that the language placed limits on the City Manager, not the council; the council could decide to spend additional funds in the future or take other action in the future.

Mr. Zelenka said he had requested the motion because the initial recommendations did not include any direction to the City Manager with respect to cost. He said there were real budget constraints on what could be spent and the motion placed limits on the current downtown public safety proposal, not future actions the council might take.

Ms. Taylor said she found the language confusing and thought it could be reinterpreted to mean the council approved spending that amount instead of establishing a limit on expenditures. She said it was not clear what the funds would be used for.

Ms. Ortiz would support the motion, but noted there were other areas in the community with pressing public safety needs.

Mr. Pryor said it was helpful to have a dollar figure attached to the proposal in order to understand the financial implications of council action. He did not see it placing limitations on future discussions of public safety.

Mr. Zelenka agreed with Ms. Ortiz that there were significant public safety problems in other areas, particularly related to property crime, which is why he wanted to place a financial limitation on the downtown initiative. He said people wanted to feel safe in their neighborhoods and that needed to be addressed as well.

The amended motion passed, 7:1; Mr. Clark voting no.

Motion 2.

I move to include for the proposed downtown Lane Community College development at 10th Avenue and Charnelton Street, \$8 million as part of the proposed urban renewal plan amendment, a portion of which can facilitate a public plaza or open space area at that site and potentially a downtown public safety substation.

Mr. Brown asked if LCC was supportive of a public safety substation at its facility. Mr. Ruiz said that LCC was open to the suggestion as long as it was not a dominant feature.

Mr. Poling asked if funding for the LCC development would be included in the analysis of all three funding options that staff would provide to the council. Mr. Ruiz said it would be included.

Mr. Zelenka offered a friendly amendment to incorporate language in motions 2, 3 and 4 that included \$8 million for the LCC development as part of a UR plan

amendment, general obligation bond, or local option levy. Mr. Clark and Ms. Taylor accepted the amendment.

The amended motion passed, 6:2; Mr. Brown and Ms. Taylor voting no.

Motion 3.

I move to include as part of the proposed urban renewal plan amendment, *general obligation bond or local option levy* an additional \$500,000 for improvements to the Park Blocks to enhance that area for the Farmers' Market.

Ms. Piercy commented that there were discussions under way in the community about the future of the Farmers' Market and she hoped the council would be involved in those before making a final decision with respect to including the market in any of the funding strategies.

Mr. Zelenka hoped the Park Street area could become a plaza area similar to the plaza at Willamette Street and Broadway.

Ms. Taylor said she was willing to discuss the proposal later but could not support it at this time. She said the council was trying to do too many things, all of which were leading toward urban renewal.

Ms. Solomon asked if Ms. Piercy's point was that if the Farmers' Market relocated outside of downtown, the \$500,000 might not be needed. Ms. Piercy said she felt a discussion with the Farmers' Market was necessary before any funding decision was made.

Ms. Solomon remarked that a majority of Farmers' Market participants were not Eugene residents and she had concerns about subsidizing their activities when that assistance was not being provided to other groups that were Eugene citizens or to downtown business owners.

Mr. Brown reiterated his concern that there were too many projects under consideration. He acknowledged that the Farmers' Market and Saturday Market were very popular and brought many people downtown, but felt that the public would consider the markets a low priority given other community needs. He said it was a misuse of the urban renewal plan to amend it for improvements to benefit the Farmers' Market. He said the \$500,000 remaining in the current spending limit could be available if the district was terminated.

Mr. Poling agreed that a majority of Farmers' Market sellers were not Eugene residents, but at least 90 percent of the consumers were. He supported affirmative action to improve the Farmers' Market and encourage purchase of locally grown food.

Ms. Piercy noted that supporting the Farmers' Market was consistent with the council's food security goal. She said there had been a number of comments about there being too many projects and activities under consideration and emphasized that the initiative addressed three areas—public safety, social services and economic development—in a carefully crafted, strategic approach to improving downtown.

Mr. Pryor concurred that the sellers at Farmers' Market might not be local, but the buyers were. He shared the example of how Walla Walla, Washington had invested significantly in its farmers' market to benefit the community. He appreciated the strategic approach to downtown revitalization and supported the motion.

Ms. Taylor commended the Farmers' Market but could not support tying it to urban renewal.

The amended motion passed, 5:3; Mr. Brown, Ms. Taylor and Ms. Solomon voting no.

Motion 4.

I move that if the Veteran's Affairs (VA) pursues PeaceHealth's Willamette Street site for a new VA Clinic, include the VA Clinic as part of the proposed urban renewal plan amendment, *general obligation bond and local option levy*. The amended motion passed, 6:2; Mr. Brown and Ms. Taylor voting no.

Motion 5.

I move to pursue additional grant opportunities for steam conversion and electric vehicle charging stations. The motion passed unanimously, 8:0.

Mr. Ruiz said the information and analyses would be presented to the council at its March 8, 2010, work session.

Ms. Taylor, seconded by Mr. Zelenka, moved to ask the City Manager to look for all other sources of funding for LCC, including the Facility Reserve, for the council's consideration.

Ms. Taylor clarified that the research could include existing urban renewal funds, but not a general obligation bond or local option levy.

Mr. Poling, seconded by Ms. Solomon, moved to strike the words "Facility Reserve." The amendment passed, 5:3; Ms. Taylor, Mr. Zelenka and Mr. Brown voting no.

The motion as amended passed, 7:1; Mr. Brown voting no.

Mr. Poling announced that his appointment to the Sustainability Commission, Brian Erickson, had declined and he was appointing Kathi Jaworski in his place.

The meeting adjourned at 6:40 p.m.

Respectfully submitted,

Jon Ruiz
City Manager

(Recorded by Lynn Taylor)

M I N U T E S

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

February 22, 2010
 7:30 p.m.

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

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

1. PUBLIC FORUM

Mayor Piercy reviewed procedures for providing comments.

Paul Cziko, Bailey Avenue, Eugene, University of Oregon graduate student, spoke to the Riverfront Research Park. He said part of the council's vision and values was stewardship of the community's physical assets and natural resources. Twenty-one years ago a contentious plan was approved by the City of Eugene to completely develop the University's riverfront property, with minimal public involvement. He said up to ten buildings were proposed on open space, wildlife habitat and public land. He said building heights were limited to six stories, which was nearly half as tall as Skinner Butte. He had not spoken to anyone who was aware of plans for the lands they enjoyed for recreation as that plan was developed by a previous generation. He said construction of the first building was already planned and asked the council to prevent any construction until the master plan for the park was revised to reflect current community values. He noted that any development would nullify the efforts under way to develop a master plan for the Eugene Water & Electric Board (EWEB) site and connect people to the river.

Gail Carlson, Irwin Way, Eugene, a member of the Save Lane County Oregon State University (OSU) Extension Service Political Action Committee, asked the council to support Ballot Measure 2158 on the May 2010. She said the property tax would allow all Lane County citizens to continue to benefit from the resources offered by Oregon State University Extension Service. She said the measure would create a local tax option of \$.05 per \$1,000 of assessed value, or \$10 per year on a home assessed at \$200,000. The expenditure of those tax dollars would be tied to measurable outcomes and subject to annual audits. She said the measure would allow the Lane County Extension service to maintain its level of services and hire additional support staff. She listed the services provided to the community and asked each member of the council to pledge support and encourage others to do the same.

Drix, High Street, Eugene, commented on the coming of spring. He was pleased with the prospect of projects downtown that would develop the two vacant, excavated sites. He commended the City's arborist and encouraged everyone in the community to plant big leaf maples.

Joseph Newton, Cross Place, Eugene, said the downtown public library was the result of a quarter century of community effort and the adjacent site should also reflect community values. He said Lane Community College (LCC) had an investment in the community and its values and was stepping up to develop the site. He said LCC could be trusted to develop the site in a way that was in harmony with the community and met

the needs of the neighborhood, and furthered LCC's vision of extending education to the broadest possible segment of the population. He urged the council to support LCC's efforts.

George Cole, West 11th Avenue, Eugene, said he was a lifelong Eugene resident. He owned property on the south side of West 11th Avenue, east and west of Conger Street, and it was occupied by a family business that had been in existence for over 50 years and supported his family well. He had tried to assemble his property so that it could be developed and if EmX was routed along Amazon Creek it would destroy that potential. He was also concerned that a bus rapid transit corridor was being developed when there was no funding to operate it after it was developed. He said that would hurt those who relied on the bus for transportation. He said the cost of construction and the cost to riders should be closely examined.

Majeska Seese-Green, Eugene, commented on the topic of homeless camping and Eugene Code provisions related to overnight sleeping. She was working on a pilot project for ACT Lane County. She said the County's recent count of homeless people indicated the population was over 4,000. Regarding the vehicle camping program, she said many homeless people did not have a vehicle and should not have to acquire one in order to be in the program. She said the code addressed camping on private property with the owner's permission, but imposed many conditions, including sanitary facilities. Failure to meet those conditions subjected the property owner to fines. She said there were some homeless people who slept on properties near her house and they did not have access to sanitary facilities, but were somehow managing and were good citizens in the neighborhood. She asked the council to address the onerous fines to which property owners who wanted to provide space to homeless people could be subject.

Tabatha Bailey, West 6th Avenue, Eugene, stated that she was currently homeless and was speaking on behalf of others who were homeless. She said people did camp out and there were sanitary facilities they could use. She said some places barred people with pets and that was one of the reasons for the camping program. She said many people regarded their pets as part of their family. She said there were more facilities for homeless people with alcohol and drug problems than for those who did not abuse substances and it would be helpful if more property owners were able to provide space. It would be safer for everyone.

Steve Dodrill, West 13th Avenue, Eugene, staff chair of the Lane County OSU Extension Service, said that 65 percent of the people who used the service were Eugene residents. He said the Extension Service partnered with the City on the compost specialist program, which had been highly successful for 13 years. He said work through the compost and master gardener programs, promoted sustainability and was consistent with the work of the Sustainability Commission. He explained the services provided statewide through the OSU Extension Service. He said the offices in some counties had been closed due to loss of local funding and the Lane County office, which had provided services since 1914, had struggled to remain open after its local funding was lost in 2008. He distributed information about the funding situation and asked the council to help spread the word to their constituents about supporting the Extension Service.

Karren Cholewinski, West 13th Avenue, Eugene, Lane County OSU Extension Service, explained the nutrition education program. She said the program had been in place since the mid-1970s and worked with local school districts, human service agencies, housing organizations and many other community partners to help educate people about proper nutrition. It was particularly important to help young people develop healthy lifestyles and habits to reverse the increasing incidence of childhood obesity. She hoped the council would support the Extension Service and its work.

Allen Hancock, Alder Street, Eugene, commented on the Riverfront Research Park. He said many decades ago Oregonians recognized the value of public participation in land use decisions and better results were achieved when people were involved. He said examples of that were the West Eugene Collaborative and the

EWEB master planning process. He said the City Council formally established the Riverfront Research Park Commission many years ago for the purpose of engaging the public in development of the park property. Unfortunately that commission had not met in decades and as a result there was proposed development on public lands without public involvement. He used an aerial photograph to illustrate the proposed development site along the Willamette River and pointed out an equally large site within the Riverfront Research Park master plan that could adequately contain the proposed structure. He encouraged the council to visit the site and use its urban renewal authority to gain access to the site from Franklin Boulevard.

Mayor Piercy closed the public forum and thanked those who spoke. She called for comments and questions from the council.

Councilor Clark also thanked those who spoke and appreciated the suggestions offered on various topics. He was interested in receiving additional information on the funding options the Extension Service had pursued to date.

Councilor Ortiz thanked those who spoke and reminded everyone that Project Homeless Connect was still seeking volunteers to help staff the event. She said it was helpful to hear from citizens about projects like EmX.

Councilor Zelenka appreciated comments about the Riverfront Research Park. He supported the Extension Service and was interested in learning more about its funding situation. He encouraged people to volunteer at Project Homeless Connect on March 18.

Ms. Solomon thanked speakers and offered her support for the OSU Extension Service. She was familiar with the master woodland forest management program and amazed at the rich mix of services provided and the wide range of people who were reached. She felt that \$10 per household per year was a great value.

2. CONSENT CALENDAR

A. Approval of City Council Minutes of November 18, 2009, Work Session

B. Approval of Tentative Working Agenda

C. Ratification of Intergovernmental Relations Committee Minutes of January 27, 2010, and February 3, 2010

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

3. ACTION: Ratification of Unanimous Intergovernmental Relations (IGR) Committee Actions and Discussion and Action on Non-Unanimous IGR Actions on Legislative Policy from February 3, 2010

Councilor Clark, seconded by Councilor Taylor, moved to ratify the IGR Committee's unanimous actions on bills and approval of staff recommendations in the February 3, 2010, IGR Bill Reports for bills not pulled for discussion at those IGR meetings. The motion passed unanimously, 8:0.

Intergovernmental Relations Manager Brenda Wilson explained that the legislative session was coming to an end, but there was still action pending and she would pursue whatever course of action the council directed. She said that House Bill 3609 would permit an enterprise zone sponsor to relax the minimum employment

requirements and extend the tax exemption period for a maximum of two years under very severe economic conditions. She said the bill was proposed by a representative from Albany at the request of a local business unable to meet the minimum enterprise zone employment requirements due to the poor economy. The State statute did not currently permit enterprise zone sponsors to relax requirements or extend the time period.

Ms. Wilson said staff had recommended a Support position on the bill to the IGR Committee because it met one of the City's adopted legislative priorities to support efforts to allow additional local flexibility in enterprise zone criteria. She emphasized that HB 3609 did not mandate that flexibility; it merely provided additional tools for local sponsors should they choose to adopt them. During the IGR Committee meeting Councilor Taylor wanted to take an Oppose position on the bill but instead moved to either a Neutral or Monitor position; Councilor Poling voted against that motion. Ms. Wilson said the bill passed the House unanimously and after being passed by the Senate was scheduled to return to the House for concurrence. She said there was wide support for the bill from local government.

Councilor Clark, seconded by Councilor Taylor, moved to adopt a Monitor position on HB 3609.

Councilor Clark said he had moved the IGR Committee's majority motion as was the practice, but would offer an amendment if one was not forthcoming from another councilor.

Councilor Ortiz said she supported enterprise zones and was trying to meet Councilor Taylor halfway by voting for a neutral position because at the time of the IGR Committee's discussion the bill's status was uncertain. She said the council's previous discussions of enterprise zones had explored the need for more local flexibility with regard to establishing community standards.

Councilor Ortiz, seconded by Councilor Poling, moved to amend the motion and adopt the staff recommendation of a Priority 3 Support for HB 3609.

Councilor Zelenka said he was opposed to enterprise zones because they did not accomplish what they were intended to. He favored more local ownership and community standards, but would oppose the motion.

Councilor Poling thanked Councilor Ortiz for her motion. He pointed out that the bill did not change any of the requirements specified in the City's enterprise zone; it merely granted the City more flexibility to act in the event of another downturn in the economy.

The amendment passed, 5:3; councilors Brown, Taylor and Zelenka voting no.

The motion as amended passed, 5:3; councilors Brown, Taylor and Zelenka voting no.

4. ACTION: Approval of Minutes, Findings and Recommendations from the Hearings Official and Adoption of an Ordinance Levying Assessments for Paving, and Constructing Curbs, Gutters, Sidewalks, Street Lights, Stormwater Drainage, and Water quality Facilities on Elmira Road from Bertelsen Road to Maple Street and on Maple Street from Elmira Road to Roosevelt Boulevard; and Providing an Immediate Effective Date (Contract 2009-18)(Job #4275)

Mayor Piercy announced that a public hearing on the assessment ordinance was held by the Hearings Official and therefore it was the first time the ordinance had been presented to the council. She said action

could be taken only if all councilors agreed and asked if there were any objections to voting on the ordinance. There were no objections.

Councilor Clark, seconded by Councilor Taylor, moved to approve the February 5, 2010, Minutes, Findings and Recommendations of the Hearings Official.

Councilor Ortiz asked if discussions of the council's subcommittee on assessment policies would affect the council's action on the item. City Attorney Glenn Klein said that any recommendations by the subcommittee and subsequent agreement by the council would only apply to future projects, not existing projects.

The motion passed unanimously, 8:0.

Councilor Clark, seconded by Councilor Taylor, moved that the City Council adopt Council Bill 5017, an ordinance levying assessments for improvements on Elmira Road and Maple Street.

Councilor Ortiz asked staff to explain the difference between the amounts assessed to different owners and noted there were 35 absent property owners along the street among the 105 people who were assessed. She also asked staff to elaborate on the request from LANCO Investments. Principal Civil Engineer Michelle Cahill stated that the assessment code required the City to assess property based on its frontage along the road, with a minimum of 50 feet, and that formed the baseline for assessment calculations. She said there were a number of properties that were eligible for low-income subsidy, which reduced their assessments. Those owners with the lower assessment were eligible for the subsidy program. With respect to LANCO Investments, she said the property owner had proposed not being assessed because a power pole blocked panhandle access. She said the City built a driveway at that location and believed the owner could use it to access the property with typical vehicles and should therefore be assessed.

Councilor Ortiz thanked the City department that had worked on the project to improve Elmira Road and Maple Drive. She appreciated efforts to make the assessment costs affordable to property owners.

Councilor Solomon also thanked staff for working closely with neighbors on the project and working through their concerns. She was very pleased with the final results.

The motion passed, 7:1; Councilor Clark voting no.

5. ACTION:

Approval of Minutes, Findings and Recommendations from the Hearings Official and Adoption of an Ordinance Levying Assessments for Paving, and Constructing Curbs, Gutters, Sidewalks, Medians, Traffic Signal, Street Lights, Street Trees, Stormwater Drainage Facilities, Stormwater Water Quality Bioswales, Wastewater Facilities, and Related Improvements on Chad Drive and Old Coburg Road from the East End of Chad Drive to North Game Farm Road; and Providing an Immediate Effective Date (Contract 2009-27)(Job #3923)

Mayor Piercy announced that a public hearing on the assessment ordinance was held by the Hearings Official and therefore it was the first time the ordinance had been presented to the council. She said action could be taken only if all councilors agreed and asked if there were any objections to voting on the ordinance. There were no objections.

Councilor Clark, seconded by Councilor Taylor, moved to approve the Minutes, Findings and Recommendations of the Hearings Official of February 5, 2010. The motion passed unanimously, 8:0.

Councilor Clark, seconded by Councilor Taylor, moved that the City Council adopt Council Bill 5028, an ordinance levying assessments for improvements on Chad Drive and Old Coburg Road. The motion passed 7:1; Councilor Clark voting no.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Jon Ruiz
City Manager

(Recorded by Lynn Taylor)