



**Eugene City Council**

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www.eugene-or.gov

# **AMENDED AGENDA EUGENE CITY COUNCIL**

**October 14, 2019**

**7:30 p.m. CITY COUNCIL MEETING**  
**Harris Hall, 125 East 8<sup>th</sup> Avenue**  
**Eugene, Oregon 97401**

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**Meeting of October 14, 2019;**  
**Her Honor Mayor Lucy Vinis Presiding**

**Councilors**

Betty Taylor, President  
Greg Evans  
Mike Clark  
Jennifer Yeh

Emily Semple, Vice President  
Chris Pryor  
Claire Syrett  
Alan Zelenka

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***Note: This amended agenda reflects the addition of Item 2C.***

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

- 1. PUBLIC FORUM**
- 2. CONSENT CALENDAR**
  - A. Approval of City Council Minutes**
  - B. Approval of Tentative Working Agenda**
  - C. Approval of Amendment to City Manager's Employment Agreement**
- 3. ACTION: An Ordinance Concerning Protections for Individuals and Amending Section 2.497 of the Eugene Code, 1971.**
- 4. ACTION: Resolution in Support of the Youth-Led Climate Strike**

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

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Public Forum

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Meeting Date: October 14, 2019  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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### ISSUE STATEMENT

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

### SUGGESTED MOTION

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

### FOR MORE INFORMATION

Staff Contact: Beth Forrest  
Telephone: 541-682-5882  
Staff E-Mail: [bforrest@eugene-or.gov](mailto:bforrest@eugene-or.gov)

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of City Council Minutes

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Meeting Date: October 14, 2019  
Department: Central Services  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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### ISSUE STATEMENT

This is a routine item to approve City Council minutes.

### SUGGESTED MOTION

Move to approve the minutes for the work sessions on September 9, 11, 16, and 18 of 2019; the meeting on September 9, 2019; and the public hearing on September 16, 2019.

### ATTACHMENTS

- A. September 9, 2019, Work Session
- B. September 9, 2019, Meeting
- C. September 11, 2019, Work Session
- D. September 16, 2019, Work Session
- E. September 16, 2019, Public Hearing
- F. September 18, 2019, Work Session

### FOR MORE INFORMATION

Staff Contact: Beth Forrest  
Telephone: 541-682-5882  
Staff E-Mail: [bforrest@eugene-or.gov](mailto:bforrest@eugene-or.gov)

**MINUTES**

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

**September 9, 2019  
5:30 p.m.**

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

Councilor Taylor opened the September 9, 2019, Work Session of the Eugene City Council in Mayor Vinis' absence.

**1. Committee Reports and Items of Interest**

**MOTION:** Councilor Taylor, seconded by Councilor Clark, moved to direct the City Manager to not begin a process for complying with HB 001 and, instead, work to obtain a legislative repeal of HB 2001 during the 2020 legislative session.

**Council Discussion**

- Councilor Taylor – stated her objections to House Bill 2001, noting that it pre-empts local control.
- Councilor Clark – supported Councilor Taylor's motion; expressed disapproval for HB 2001 related to housing affordability and housing costs.
- Councilor Evans – recounted historical conversation about the bill and supported compliance with the law while working towards revision or repeal; discussed the timeframe for compliance with the bill's requirements; voiced support for motion in principle but practical opposition to the motion because of law passed.
- Councilor Pryor – discussed reasons why Council doesn't support HB 2001; expressed concern about not beginning a plan for complying with the law; opposed the intended motion and encouraged compliance, followed by work to repeal or revise the law.
- Councilor Syrett- said she would not support the motion because the City has an obligation to comply with a duly processed law; discussed previous work with the City lobbyist and efforts opposing bill; expressed concern that the motion could cause uncertainty in development efforts.
- Councilor Semple – expressed disapproval of motion despite opposition to law; asked how much time it would take to be compliant with the law and how much time would it take to repeal the law; inquired about the consequences if the City has no plan in place for compliance while waiting for repeal; expressed desire to fight the bill but hesitancy as it has already passed; supported moving forward with compliance while working toward revision or repeal.

*Councilor Zelenka arrived at 5:50 p.m.*

- Councilor Taylor – clarified the timing implications of the motion, noting that HB2001 passed by only one vote.
- Councilor Clark – inquired about potential model ordinance from Governor, Covenants, Conditions, and Restrictions (CCR) considerations and litigation concerns; expressed support for intended motion because of how this bill will be dealt with in the courts; voiced support for effort to fight the bill due to its negative impact on Eugene citizens.

- Councilor Semple – asked how long it would take to get the organization in compliance with the law and whether efforts to repeal can be started on a parallel track.

**MOTION TO AMEND:** Councilor Semple, seconded by Councilor Pryor, moved to amend the motion to “I move to direct the City Manager to work to obtain a legislative repeal of HB 2001 during the 2020 legislative session.

- Councilor Zelenka – shared reasons for opposition to HB2001; discussed considerations about how the City can work to repeal the law; requested information from City Attorney regarding what recourse the City has on preemption.

**VOTE ON MOTION TO AMEND: PASSED 5:3, Councilors Yeh, Taylor, and Syrett opposed.**

**VOTE ON MAIN MOTION AS AMENDED:** Move to direct the City Manager to work to obtain a legislative repeal of HB 2001 during the 2020 legislative session.  
**PASSED 5:3, Councilors Yeh, Pryor, and Syrett opposed.**

- Councilor Evans – asked for clarification of the motion as amended.
- Councilor Yeh – announced that she was working with Oregon Recovers to bring a resolution to council on prevention, treatment and recovery support for those suffering from the disease of addiction; announced upcoming Lane County Walk for Recovery.

## 2. **WORK SESSION: Eugene Airport Master Plan**

Airport Director Tim Doll, Assistant Airport Director Cathryn Stephens, and Steve Domino and Michael Becker from Reynold, Smith and Hills Company presented the updated Airport Master Plan for the Eugene Airport. The 20-year, forward-looking document requires City Council to initiate a refinement plan update process to adopt the Eugene Airport Master Plan as a refinement to the Metro Plan.

### Council Discussion

- Councilor Syrett – expressed appreciation for recalibration of airport, noting vision is appropriate for growth and safety; expressed curiosity about moving general aviation to the north end; inquired about consolidation of general aviation and movement of other airport partners; inquired about realignment of left turn into airport.
- Councilor Zelenka - asked about the increase of airport use and why there has been a jump; asked about the percentage of passengers who go to Portland instead of using Eugene; inquired about and discussed funding mechanisms, including not using General Fund money to support expansion; raised questions about the breakdown of PAL 1 costs.
- Councilor Clark – expressed appreciation for the information; asked whether “people” versus freight flights were considered in the presentation; discussed industrial opportunities in the area, retail considerations, and competitor challenges, noting they might make Eugene more attractive for freight and inquiring if these concepts were considered; asked how Eugene’s climate recovery ordinance fits in with AMP, particularly related to fuel use; asked for more information on fuel use.
- Councilor Evans – inquired if hotel development is a part of the AMP or if is tangential to the AMP; asked whether Eugene could ever be considered as an aviation hub and if it was part of a plan to relieve pressure on the Portland airport; inquired about what other commercial retail development is being considered as part of AMP; asked about public transit options to and from the airport.
- Councilor Zelenka – asked about the AMP’s nexus with the 2021 games and how it could impact travelers and transportation needs.

- Councilor Syrett – noted that there are currently no alternatives to the fuels used for aviation; expressed appreciation for efforts to address climate recovery goals by focusing on those areas of the airport and airport services the City controls; asked council and staff to be mindful that significant airport growth isn't seen as a positive development by everyone in the community.
- Councilor Taylor – expressed support for flying out of Eugene, noting it is more efficient and reduces the number of vehicles travelling on the highway.
- Councilor Evans – said there are alternative fuels being developed for airplanes and supported efforts to adapt to new technologies.
- Councilor Clark – shared his thoughts about some of the inconsequential actions taken by the City to address climate change while it does nothing to address the major polluters.

**MOTION AND VOTE:** Councilor Semple, seconded by Councilor Pryor, moved to initiate a process to consider adopting the updated Eugene Airport Master Plan as refinement to the Metro Plan. **PASSED, 8:0.**

The City Manager advised the council that the Sign Code work session would be rescheduled.

#### **Council Discussion**

- Council Pryor - discussed the need and process for a code amendment related to digital sign work session and will encourage a prompt rescheduling of the topic.

The meeting adjourned at 6:48 p.m.

Respectfully submitted,

Beth Forrest  
City Recorder

*(Recorded by Samantha Roberts)*

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

**MINUTES**

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

**September 9, 2019  
7:30 p.m.**

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

Councilor Taylor opened the September 9, 2019, meeting of the Eugene City Council in Mayor Vinis' absence.

**1. PUBLIC FORUM**

1. Sabrina Siegel – spoke in opposition to 5G.
2. Barbara Wade – spoke in opposition to 5G.
3. Joshua Korn – spoke in opposition to 5G.
4. Victor Odilivak – spoke in opposition to 5G.
5. Robin Bloomgarden – spoke in opposition to 5G.
6. Pete Knox – expressed support for MUPTE application in an upcoming council discussion.
7. Tiffany Edwards – expressed support for MUPTE application in an upcoming council discussion.
8. Ralph Parshall – expressed support for MUPTE application in an upcoming council discussion.
9. Bill Whalen – expressed reasons for support for the proposed MUPTE application.
10. Alexis Biddle – shared reasons for support of ADUs in providing more affordable housing.
11. Chelsea Jennings – shared reasons for support of ADU development in Eugene.
12. William O'Brien – spoke in opposition of 5G.
13. Amy Pincus – spoke about residential elder care and related concerns about regulations.
14. Abe Luedtke – voiced concerns about urgency of council's climate recovery goal development.
15. Dover Sikes – spoke in opposition to use of natural gas and climate recovery goals.
16. Ryan Moore – expressed support for ADU development and those speaking about climate.
17. Tim Morris – shared reasons for supporting ADU development.
18. David Igl – spoke about Dunn Report and for the City Council to ....
19. Otis Root – spoke in support of the homeless and related issues to homelessness.
20. Dimitria Hawn – discussed work with Oregon Recovers and supported proposed resolution.
21. Kimalyn Brown – discussed work with Oregon Recovers and supported proposed resolution.
22. Teri Morgan – discussed work with Oregon Recovers and supported proposed resolution.
23. Bonnie Windham – discussed work with Oregon Recovers and supported proposed resolution.
24. Debra McGee – spoke about climate recovery ordinance and NW Natural franchise agreement.
25. Linda Perrine – spoke about climate recovery ordinance and NW Natural franchise agreement.
26. Linda Heyl – expressed need for work sessions related to CRO and natural gas concerns.
27. Jim Neu – discussed reduction of use of natural gas in lieu of electric resources.
28. Sherri Schultz – spoke to reasons for support of ADU development.
29. Eric Jackson – spoke in support of legal homeless camping and criminalization.
30. Erik Parrish – spoke to reasons for support of MUPTE application.
31. Jerry Harris – expressed reasons for support of MUPTE application.
32. Malcom Wilson – discussed work of Upper Willamette Water and environmental quality.
33. Matt McRae – discussed expectations for climate recovery goals and NW Natural agreements.
34. Claire Barnum – expressed reasons for support of MUPTE application.
35. Chad Barczak – expressed reasons for support of MUPTE application.



Council Discussion:

- Councilor Taylor – spoke about the work the city is currently doing regarding 5G.
- Councilor Pryor – expressed appreciation for speakers and especially for the Oregon Recovers group, noting his previous work with addiction and recovery services; spoke about the many factual inaccuracies in a recent op ed piece in the *Register-Guard*.
- Councilor Semple – expressed appreciation for the amount of work represented in the speakers' comments; spoke about the need to address homelessness, including shelter and bathrooms; asked that emails sent to the council about homelessness include ideas or suggestions for solutions.

**2. CONSENT CALENDAR**

**A. Approval of City Council Minutes**

July 8, 2019, Work Session  
July 8, 2019, Meeting  
July 10, 2019, Work Session  
July 15, 2019, Joint Work Session  
July 15, 2019, Public Hearing  
July 17, 2019, Work Session  
July 22, 2019, Work Session  
July 22, 2019, Meeting  
July 24, 2019, Work Session

**B. Approval of Tentative Working Agenda**

**C. Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-25-21, Tax Lot 3200, Located at 112 and 114 Hansen Lane) (City File: Craig and Holly Kohler; A 19-3)**

**D. Adoption of a Resolution Annexing Land to the City of Eugene (Assessor's Map 17-04-02-42, Tax Lot 402; Located 187 Swain Lane) (City File: Therrell, Mathew; A 19-2)**

**E. Adoption of a Resolution Annexing Rights-of-Way to the City of Eugene (Sections of: Harvey Avenue; Maynard Avenue from River Road West: Hatton Avenue West to Parnell Drive; Manzana Street from Howard South: and Evergreen Drive from Howard Avenue South to Rosetta Avenue.) (Hatton Annexation; A 19-4)**

**MOTION:** Councilor Semple, seconded by Councilor Pryor, moved to approve the items on the Consent Calendar.

Council Discussion

- Councilor Clark – expressed desire to pull item E from Consent Calendar.

**VOTE ON MAIN MOTION EXCEPT ITEM E: PASSED 8:0**

Council Discussion

- Councilor Clark – asked if there was a timing issue requiring Item E to be voted on at this meeting; discussed desire to allow neighbors to provide council with feedback; supported rescheduling in two weeks.

**MOTION AND VOTE:** Councilor Clark, seconded by Councilor Semple, moved to postpone voting on Item E until September 23. **PASSED 8:0**

The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Beth Forrest  
City Recorder

*(Recorded by Samantha Roberts)*

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

**MINUTES**

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

**September 11, 2019  
12:00 p.m.**

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

Councilor Taylor opened the September 11, 2019, Work Session of the Eugene City Council in Mayor Vinis' absence.

**1. WORK SESSION AND POSSIBLE ACTION: Ferry St. Manor – Application for Multiple-Unit Property Tax Exemption for Mixed-Use Property**

Business Development Analyst Amanda D'Souza, Community Development Director, Michael Kinnison, and Economic Development Planner, Anne Fifield, presented information to council about a request for a Multi-Unit Property Tax Exemption for the Ferry St. Manor project, a proposed multi-unit housing development located at 1040 and 1050 Ferry Street.

Discussion

- Councilor Semple – inquired about the boundaries of the MUPTE; inquired about parking for the building associated with the MUPTE; expressed concern about the plan for Ferry Street Manor and Eugene Manor to share parking; expressed opposition to parking situation and inquired about alternatives; asked how developers will emphasize alternative modes of transportation, what month construction would begin; and what would happen if developers don't maintain the rates during the exemption period; asked about risks for the City regarding rental rates and potential upcoming recession; asked about a response to the minority report; expressed appreciation for project but hesitancy about investment and parking; expressed concern about tax exemptions.
- Councilor Clark – expressed appreciation for Councilor Semple's comments; discussed council development of public benefits criteria and how this project fits within those criteria; asked how the project tests concepts developed through conversations with neighborhood association and local developers.
- Councilor Pryor – discussed rent control bill restrictions to allay fears of increasing rents; discussed work in rewriting MUPTE requirements (public benefits) and support for MUPTE based on compliance with rules developed; expressed confidence in developers; shared concerns related to parking downtown but said it should not stall the project; discussed what could be developed on the lot instead of housing.
- Councilor Evans – inquired about the tax history of lot related to revenue the City has received from the lot.
- Councilor Syrett – asked if tax dollars are given to developers, whether the current property tax would continue to be paid during the exemption period, and if the developer would pay System Development Charges for parks, transportation and infrastructure; inquired rhetorically if project would take away from ability to pay for subsidized affordable housing; noted general community disapproval of MUPTE and other tax breaks in light of community needs; expressed reasons for approval of project and MUPTE.
- Councilor Zelenka – asked how student housing provision works for project; expressed support for the student housing provision despite lack of faith in that particular test;

expressed appreciation for aspects of the project; discussed history of MUPTE applications within his experience on council and opinions about projects that received and didn't receive a MUPTE in similar locations; asked questions related to necessity of MUPTE program; raised the concept of "but for" test.

- Councilor Taylor – asked whether there was a provision about using gas or electric energy; asked about eligibility for vacation rental use; inquired about 18-month validation related to green building requirements and the potential for extensions; inquired about moderate income rental rates for affordable rents; discussed concerns about affordability of moderate income rental units and to which units these belong; discussed concern regarding timing of approval and belief that the community and council need more time to learn about the project; discussed desire to postpone action until further consideration.
- Councilor Syrett – spoke to points by Councilor Zelenka regarding student housing and general program skepticism; noted the council has the option to review the MUPTE program and revisit the program criteria; shared reasons for preferring projects that include a financial contribution rather than providing subsidized units as part of MUPTE application.
- Councilor Yeh – expressed support for the project given developer's meeting or exceeding exceeding program requirements; expressed concern about issues that are raised after-the-fact if developers are meeting the requirements set by councilors.
- Councilor Zelenka – reiterated comments about student housing and the "but for" test; discussed rent considerations and disapproval of the provision; reiterated concerns about parking downtown; expressed opposition to application.
- Councilor Clark – discussed report created regarding student MUPTE applications and current property tax revenue and impact on the City; cited reasons for rebutting Councilor Zelenka's "but for" test concern; expressed agreement with Councilor Yeh's comments regarding council-imposed requirements for MUPTE applications.
- Councilor Pryor – discussed Councilor Zelenka's concerns regarding student housing provision and appreciation for provision; discussed appreciation about concerns about "but for" test discussed by Councilor Zelenka, and support for the conclusion determined by the project's financial analysis; discussed historical approval of MUPTE applications considered by council and support for approval of applications being considered by council only after meeting MUPTE requirements.
- Councilor Zelenka – discussed "but for" test further and difficulty in using that test to determine if there is true financial need for MUPTE in developing a property; expressed lack of faith in the test for determining the need for tax break.
- Councilor Taylor – discussed contracted financial advisor's potential lack of familiarity with Eugene; expressed agreement with parking concerns in downtown and need for council consideration; commented on Councilor Pryor's comments related to approval of MUPTE application by council after requirements met; expressed belief that not all properties of tax breaks will represent a return on investment.
- Councilor Syrett – commented on concerns about parking downtown; discussed reality of rental rates of downtown market rate units; discussed Councilor Zelenka's comments on properties which did not receive a MUPTE versus those that did in similar areas and further research on outcomes of these properties and the MUPTE program's viability.
- Councilor Clark – inquired about requirement regarding parking provision by developer in the downtown area they are located; discussed parking related to developer ownership of nearby properties.
- Councilor Pryor – asked what would happen if council took no action at all and council's role in approval or denial of application; reiterated support for MUPTE application based on program requirements and timelines.

- Councilor Taylor – commented on Councilor Pryor’s comments related to MUPTE application approval timelines.
- Mayor Vinis – reiterated comments made by Councilor Pryor, Clark, Syrett and Yeh regarding MUPTE requirements; expressed appreciation for development of housing in downtown core and for requirements being consistent and reliable for developers wanting to build in the community; expressed support for reviewing MUPTE requirements separate from approval of a specific application.

**MOTION AND VOTE:** Councilor Taylor, seconded by Semple, moved to postpone vote for approval of application until the next meeting. **FAILED** 3:5, Councilors Semple, Pryor, Yeh, Clark and Evans opposed.

**MOTION AND VOTE:** Councilor Semple, seconded by Councilor Pryor, moved to adopt a resolution approving a multiple-unit property tax exemption for residential property located at 1040 and 1050 Ferry Street, Eugene, Oregon (Applicant RNS Management, LLC. **PASSED** 5:3, Councilors Taylor, Semple, and Zelenka opposed.

The meeting adjourned at 1:17 p.m.

Respectfully submitted,

Beth Forrest  
City Recorder

*(Recorded by Samantha Roberts)*

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

MINUTES

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

September 16, 2019  
5:30 p.m.

**Councilors Present:** Betty Taylor, Emily Semple, Alan Zelenka (*via telephone*), Mike Clark, Greg Evans, Chris Pryor, Claire Syrett, Jennifer Yeh

Councilor Taylor opened the September 16, 2019, work session of the Eugene City Council. Mayor Vinis attended the meeting by phone.

- 1. WORK SESSION: An Ordinance Concerning Accessory Dwellings; Replacing the Term “Secondary Dwelling” with “Accessory Dwelling” Throughout the Eugene Code 1971; Making Additional Amendments to Sections 9.0500, 9.2010, 9.2011, 9.2740, 9.2741, 9.2750, 9.2751, 9.2775, 9.3060, 9.3115, 9.3125, 9.3210, 9.3215, 9.3310, 9.3510, 9.3615, 9.3810, 9.3811, 9.3815, 9.3910, 9.3915, 9.6410, and 9.8030 of that Code; and Addressing the Oregon Land Use Board Of Appeals’ Remand of Ordinance Nos. 20594 And 20595.**

**MOTION:** Councilor Taylor, seconded by Councilor Semple, moved to not take action on the ordinance at the work session.

Council Discussion

- Councilor Clark – agreed with the motion in principal, but also thought the vote could be reversed later in the meeting by the majority.
- Councilor Semple – expressed disappointment that the ordinance was drafted through a straw poll; would like to give more time for residents to comment.
- Councilor Evans – wanted more time to consider the motions Councilor Yeh emailed prior to the meeting; would like to consider how Senate Bill 1051 and House Bill 2001 overlap and pass an ordinance that plans for them both.
- Councilor Syrett – asked for clarification on what was included in the previous public hearing regarding the ordinance and changes made to the draft since that time; was not amenable to the motion.
- Councilor Pryor – affirmed that the ordinance was not significantly different from what was included in the previous public hearing; asked for clarification on whether the City was currently out of compliance with State law; did not support the motion.
- Councilor Zelenka – said he thought a public hearing or more time to hear from constituents at the next public forum would be helpful.
- Councilor Clark – thought some of the changes to the ordinance were significant; preferred not to move quickly, but to have more time for people to weigh in at the next public forum or public hearing.

- Councilor Semple – asked for clarification about the dates when code amendments must be in place; asked what the process would be locally if HB 2001 were to be repealed in the next legislative session; reminded everyone that council instructed staff to work on advocating for a repeal of HB 2001.
- Mayor Vinis – reminded everyone that the topic was on the agenda for “possible action” and council has the option not to vote on a topic at any time.
- Councilor Taylor – wanted more time to respond to public concerns on the topic.
- Councilor Syrett – noted that not all councilors were in favor of changing the regulations on ADUs simply because the state legislature was requiring it, but that some members wanted to make it easier for ADUs to be built.

**VOTE: PASSED 5:3**, Councilors Yeh, Syrett and Pryor opposed.

Principal Planner Alissa Hunter Hansen gave an overview of the history of council’s discussion of the topic and listed which regulations were included in the previous public hearing. Deputy City Attorney Emily Jerome reviewed the cases appealed to the Land Use Board of Appeals over the summer and explained that the parking regulations had been eliminated from the draft ordinance to comply with State law in time for the deadline at the end of the calendar year.

- Councilor Clark – asked whether council could prohibit ADUs from becoming short-term rentals and any other standards council could include to protect the stability and integrity of neighborhoods; shared plan to introduce a motion to explore the creation of a 10-year property tax exemption on any additional structural value for anyone who builds an ADU

**MOTION:** Councilor Clark, seconded by Councilor Syrett, moved to direct the City Manager to return to council with language that would allow a 10-year property tax exemption for any additional property value from building an ADU.

- Councilor Clark – said he thought a property tax exemption would make ADUs more affordable to build.
- Councilor Syrett –seconded the motion because she would like to make ADUs more financially accessible to residents; would be interested in strategies.
- Councilor Yeh – wanted to know what other options might accomplish the same outcomes, such as waiving system development charges; proposed friendly amendment— accepted by Councilor Clark and Councilor Syrett—that would include additional strategies to ease the development costs of ADUs.
- Councilor Semple – said she was not supportive of a tax exemption but would be supportive of a reduction in system development charges.
- Councilor Pryor – supported the idea of a property tax exemption, but not of reduced SDCs because people building new properties should be required to fund the community benefits.
- Councilor Evans – echoed Councilor Pryor’s sentiments, noting a gap between the current SDCs and park needs; was supportive of a tax exemption.
- Councilor Clark – disagreed that there was need for more SDCs to fund parks.



- Councilor Zelenka – asked for clarification of the motion
- Councilor Clark – said he wanted to incentivize the building of ADUs; would prefer action on the ordinance to happen at the same time council acts to incentivize ADUs.

**RESTATED MOTION (*with friendly amendment*):** Move to direct the City Manager to come back with a memo addressing a 10-year property tax exemption for any additional property value attained from an ADU, an SDC discount or credit for ADUs, and other financial incentives identified by staff.

- Councilor Taylor – requested clarification on whether the motion was to be voted upon that evening.
- Councilor Zelenka - requested clarification on whether the City already had SDC credits for ADUs; sought confirmation that a tax exemption would only apply to the city of Eugene portion of the property taxes and which SDCs could be reduced.
- Mayor Vinis – questioned whether there was time to prepare the research memo and also take action on the ADU regulations prior to the State’s deadline.
- Councilor Syrett – said she did not think the concurrent work on the ADU incentives and regulations was necessary and preferred the two conversations to happen sequentially.
- Councilor Semple – said she was not supportive of a property tax exemption, but was willing to vote for the motion in order to move the entire topic of ADU incentives forward for staff to work on.

**VOTE: PASSED 6:2,** Councilors Taylor and Zelenka opposed.

**MOTION:** Councilor Yeh, seconded by Councilor Syrett, moved to direct the City Manager to revise the draft ordinance to eliminate the ADU standards for the AG, R-1, R-2, R-3, R-4 and S-E zones that apply only to flag lots, making ADUs on flag lots in those zones subject to the same flag lot standards that apply on regular (non-flag lot) lots in the same zone.

- Councilor Yeh – said she found special regulations for flag lots to be unreasonable.
- Councilor Clark – noted the motion, if passed, would reverse the R-1 code amendments from 2014; planned to vote against the motion because he thought it would make the conversation about ADUs more complex, thereby further delaying the building of them.
- Councilor Pryor – recalled that the 2014 code amendments had significant impact in the number of ADUs built; planned to vote for the motion because it would make ADUs more viable.
- Councilor Syrett – said she voted against the code changes in 2014 because they were deliberately designed to restrict ADU development; thought loosening regulations would help to support families and homeowners to build more ADUs, though she did not expect it to be a high number.
- Councilor Taylor – said she thought council should take care not to reverse previous decisions.



- Councilor Zelenka – asked staff which specific standards for flag lots the motion would impact; asked what council’s ability was to restrict lot size standards under HB2001.
- Councilor Semple – asked how many flag lots would be impacted by the motion; asked how density would be calculated with ADUs; thought that flag lots should be treated differently.
- Councilor Clark – wanted to protect the property values and land rights of R-1 homeowners with the 2014 code amendments; noted there seemed to be differences of opinion on what livability means to different people.

**MOTION:** Councilor Evans, seconded by Councilor Syrett, moved to table the motion on flag lots. **VOTE: PASSED 5:3**, Councilors Yeh, Syrett and Pryor opposed.

- Councilor Syrett – noted there was a previous successful effort in 2014 to limit how many people could live in a neighborhood; thought reducing regulations and making ADUs more affordable could increase the numbers of them, but still thought the numbers would be few.
- Councilor Taylor – said people chose their neighborhoods because they were less dense.
- Councilor Clark – clarified that his concerns were about what percentage of the neighborhood is homeowners as opposed to renters; said more renters could result in a different neighborhood character.
- Councilor Yeh – thought the land use code was not the place to address undesirable behaviors and that the City should not presume that renters were bad neighbors; thought council had talked about the topic for a long time and, while they had not reached consensus, they needed to make a decision.
- Councilor Pryor – questioned whether there was a mutually exclusive choice between density and livability; felt the community needed to have a conversation about what livability means in the 21<sup>st</sup> century compared to what it meant in the 20<sup>th</sup> century; said council needed to confront the rate of growth it now faces.
- Councilor Zelenka – noted that the impact of the ordinance may vary by neighborhood; asked staff whether there was a way to have different rules for different parts of the city.

The meeting adjourned at 7:01 p.m.

Respectfully submitted,

Beth Forrest  
City Recorder

(Recorded by Cas Casados)

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

MINUTES

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

September 16, 2019  
7:30 p.m.

**Councilors Present:** Betty Taylor, Emily Semple, Mike Clark, Greg Evans, Chris Pryor, Claire Syrett, Jennifer Yeh, Alan Zelenka (*via phone*)

Councilor Taylor opened the September 16, 2019, public hearing of the Eugene City Council in Mayor Vinis' absence.

1. **PUBLIC HEARING: An Ordinance Concerning Protections for Individuals and Amending Section 2.497 of the Eugene Code, 1971.**

Speakers

1. Michael Gannon – expressed frustration about communication systems.

Council Discussion:

- Councilor Syrett – asked why a motion was not included in the materials for the public hearing, noting that she was interested in taking immediate action on the ordinance.

**MOTION:** Councilor Syrett, seconded by Councilor Semple, moved to adopt the ordinance concerning protections of individuals and amending section 2.497 of the Eugene Code, 1971.

- Councilor Clark – expressed concern about not having more time to review the proposed ordinance.
- Councilor Syrett – withdrew her motion.

The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Beth Forrest  
City Recorder

(Recorded by Cas Casados)

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

**MINUTES**

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

**September 18, 2019  
12:00 p.m.**

**Councilors Present:** Betty Taylor, Emily Semple, Mike Clark, Chris Pryor, Claire Syrett, Jennifer Yeh

**Councilors Absent:** Alan Zelenka, Greg Evans

Councilor Taylor opened the September 18, 2019, work session of the Eugene City Council in Mayor Vinis' absence.

**1. WORK SESSION: Digital Signs**

Senior Planner Jenessa Dragovich introduced the topic, defining digital signs, providing some examples, and outlining the benefits, drawbacks, and regulation options.

**Council Discussion**

- Councilor Semple – expressed concern about the safety of digital signs, particularly considering the City's Vision Zero policy; would prefer to reduce signage for both safety and aesthetic reasons; asked staff for the legal minimum of what the City would be required to change.
- Councilor Syrett – asked when Springfield changed its code to allow digital signs; asked whether there could be a limit on the number of digital billboards within the city, and whether those signs could be limited to billboards currently in existence; supported digital signs generally, though would like their number to be limited.
- Councilor Yeh – requested input from the Vision Zero advisory body; asked for a copy of the City of Springfield's code; asked about the energy use difference between lighting for existing billboards and digital signs; asked staff how the City could use the billboards for Amber Alerts and nonprofit use; noted that digital signs make advertising less expensive for nonprofits and small businesses; expressed support for the draft motion contained in the materials.
- Councilor Pryor – asked staff for statistics on accidents associated with digital signs; thought the content of a sign determined its level of distraction, not the medium itself; supported exploration of regulations to address and enable new technology.
- Councilor Clark – supported the motion, noting that digital signs were economical and effective for mass communication; thought they could be a helpful tool for communicating with residents in emergency situations.
- Councilor Taylor – agreed with Councilor Semple that digital billboards were distracting and not aesthetically pleasing; supported efforts to limit or reduce the number of signs; supported making the message on the Hult Center readerboard static.
- Councilor Syrett – said that opinions about what is attractive or distracting are subjective; would also like to receive the answers to Councilor Yeh's questions; noted that regulations are key to maintaining livability and public safety.

**MOTION AND VOTE:** Councilor Pryor, seconded by Councilor Syrett, moved to initiate land use code amendments to allow digital billboards and digital readerboards within the city and to implement changes to the sign regulations identified by staff that are legally required or necessary to clarify the current regulations. **PASSED 4:2**, Councilors Taylor and Semple opposed.

## **2. WORK SESSION: Alley Access Lots**

Principal Planner Alissa Hunter Hansen introduced the topic, explaining what an alley access lot is, where they are permitted, and the standards that currently apply to them.

### Council Discussion

- Councilor Pryor – thought the issue needed to be addressed within the confines of House Bill 2001; supported opportunities to add to the community’s housing stock while ensuring and protecting neighborhood livability.
- Councilor Syrett – expressed concern that many building requirements for alley access lots were different from regular lots; supported looking at regulations that only mitigate unique issues such as size and privacy considerations.
- Councilor Semple – supported efforts to create more housing, including on alley lots; agreed that regulations for building on alley access lots should be the same as regular lots except where unique aspects need to be addressed; asked questions about who is responsible for maintaining and improving the alleys, what width an alley is required to be, and what parking requirements there are for alley lots.
- Councilor Clark – noted that tiny or smaller homes are not necessarily more affordable; construction and operation costs are expensive.
- Councilor Taylor – said the restrictions on alley access lots make a lot of sense and are the product of a detailed process; warned against making casual changes to current laws.

The meeting adjourned at 1:07 p.m.

Respectfully submitted,

Beth Forrest

(Recorded by Cas Casados)

[View the webcast of this work session here.](#)

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of Tentative Working Agenda

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Meeting Date: October 14, 2019  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

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

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### ISSUE STATEMENT

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

### BACKGROUND

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

### RELATED CITY POLICIES

There are no policy issues related to this item.

### COUNCIL OPTIONS

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

### CITY MANAGER'S RECOMMENDATION

The City Manager has no recommendation on this item.

### SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

**ATTACHMENTS**

A. Tentative Working Agenda

**FOR MORE INFORMATION**

Staff Contact: Beth Forrest

Telephone: 541-682-5882











Staff E-Mail: [bforrest@eugene-or.gov](mailto:bforrest@eugene-or.gov)



# City Council Tentative Agenda

**Updated October 3, 2019**

Meeting Location: Harris Hall, 125 East 8<sup>th</sup> Avenue, unless otherwise noted

October 2019						
Date	Day	Time	Title		Length	Dept. Contact
9-Oct	Wednesday	12 pm		Parks and Recreation SDC Methodology Update (Work Session)	45 mins	Carolyn Burke, PW
				Small Cell Technology (Work Session)	45 mins	Scott Milovich, PW
Expected absences for 10/9: none						
14-Oct	Monday	5:30 pm		Committee Reports and Items of Interest	45 mins	Fabio Andrade, CS
				Human Rights Commission Annual Report and Work Plan (Work Session)		
				Riverfront and Downtown Urban Renewal Overview (Work Session)	45 mins	Michael Kinnison, PDD
		7:30 pm		Public Forum		Jen Van Der Haeghen, CS
	Ordinance on Data Collection and Protection of Individuals (Action)					
	Resolution on Youth Led Climate Strike (Action)					
Expected absences for 10/14: Yeh						
16-Oct	Wednesday	12 pm		CAP 2.0 – Transportation Fuels Gap Strategy (Work Session)	45 mins	Chelsea Clinton, CS
				Rivers to Ridges Update (Work Session)	45 mins	Craig Carnagey, PW
Expected absences for 10/16: Yeh						



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



















Committee Reports/Items of Interest








Ceremonial Matters

October 15, 2019 Pledge of Allegiance


21-Oct	Monday	5:00 p.m.	MovingAhead Open House Harris Hall Lobby			
		7:30 pm		MovingAhead w/LTD Board (Joint Public Hearing)		Chris Henry, PW
Expected absences for 10/21: none						
23-Oct	Wednesday	12 pm		Accessory Dwelling Units (Work Session)	90 mins	Alissa Hansen, PDD
Expected absences for 10/23: none						
28-Oct	Monday	5:30 p.m.		Committee Reports and Items of Interest	45 mins	Michael Kinnison, PDD
				Riverfront Urban Renewal Follow-Up (Work Session)		
				NW Natural Update and CAP 2.0 Energy in Buildings Gap Strategies (Work Session)		
		7:30 pm		Public Forum		
Expected absences for 10/28: none						
30-Oct	Wednesday	12 pm		Downtown Fiber Update (Work Session)	45 mins	Anne Fifield, PDD
				Town Square Update (Work Session)	45 mins	Will Dowdy, PDD
Expected absences for 10/30: none						

November 2019					
Date	Day	Time	Title	Length	Dept. Contact
12-Nov	Tuesday	5:30 pm	 Committee Reports and Items of Interest		Randi Bowers-Payne, CS
			 Emergency Management Update (Work Session)	45 mins	
			 CAP 2.0 Gap Strategies (Work Session)	45 mins	
		7:30 pm	 Pledge of Allegiance to the Flag		Will Dowdy, PDD
 Public Forum					
 Town Square (Public Hearing & Poss. Action)					
Expected absences for 11/12: none			Meeting Location: Bascom/Tykeson Room, Library		
13-Nov	Wednesday	12 pm	 Riverfront Urban Renewal Follow-Up #2 (Work Session)	45 mins	Michael Kinnison, PDD
			 Process Session (Work Session)	45 mins	Beth Forrest, CS
Expected absences for 11/13: none					






18-Nov	Monday	5:30 pm	 Sustainability Commission Annual Report and Work Plan (Work Session)  URA – Steam Plant Deal Points (Work Session)	45 mins 45 mins	Mark Nystrom, CS Amanda D'Souza, PDD
		7:30 pm	 Ordinance on Polystyrene (Public Hearing)  Ordinance on Plastic Bags (Public Hearing)  Ordinance on CAP 2.0 (Public Hearing)		Anna Reid, PDD Anna Reid, PDD Chelsea Clinton, CS

*Expected absences for 11/18: none*

20-Nov	Wednesday	12 pm	 Transit Tomorrow (Work Session)  Eugene/Springfield Consolidated Plan (Work Session)	45 mins 45 mins	Rob Inerfeld, PW Stephanie Jennings, PDD
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*Expected absences for 11/20: Taylor, Evans, Semple*

25-Nov	Monday	5:30 p.m.	 Committee Reports and Items of Interest  Community Safety Update (Work Session)  2021 Update (Work Session)	60 mins 30 mins	Kristie Hammitt, CS Stephanie Scafa, PW
		7:30 pm	 Public Forum  Ordinance on Polystyrene (Action)  Ordinance on Plastic Bags (Action)		Anna Reid, PDD Anna Reid, PDD








*Expected absences for 11/25: none*

27-Nov	Wednesday	12 pm	<b>** MEETING CANCELLED **</b>		
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



*Expected absences for 11/27: none*












December 2019					
Date	Day	Time	Title	Length	Dept. Contact
9-Dec	Monday	5:30 pm	 Committee Reports and Items of Interest  Downtown Activity Zone (Work Session)  TBD (Work Session)	45 mins 45 mins	Michael Kinnison, PDD







October 14, 2019, Meeting – Item 2B












9-Dec	Monday	7:30 pm	 Public Forum  Resolution Acknowledging Receipt of FY19 Comprehensive Annual Financial Report (Consent Calendar)  URA – Resolution Acknowledging Receipt of FY19 URA Annual Financial Report (Action)  Supplemental Budget #1 (Public Hearing and Action)  URA Supplemental Budget #1 (Public Hearing and Action)		Finn Cronin, CS  Finn Cronin, CS  Vicki Silvers, CS  Vicki Silvers, CS
<i>Expected absences for 12/09: none</i>					
11-Dec	Wednesday	12 pm	 CAP 2.0 Final Action (Action)  Short-Term Vacation Rentals (Work Session)	45 mins 45 mins	Chelsea Clinton, CS Lydia Kaye, PDD
<i>Expected absences for 12/11: none</i>					







### Council Break: December 12 – January 8

January 2020					
Date	Day	Time	Title	Length	Dept. Contact
8-Jan	Wednesday	5:30 pm	2020 State of the City		Elena Domingo, CS
Expected absences for 1/8: none			Hult Center – Soreng Theater		
13-Jan	Monday	5:30 pm	 Committee Reports and Items of Interest	45 mins	
			 TBD (Work Session)		
			 TBD (Work Session)	45 mins	
		7:30 pm	 Election of Council Officers for 2020		
 Public Forum					
Expected absences for 1/13: none					
15-Jan	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 1/15: none					

21-Jan	Tuesday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)		
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 1/21: none					Location: TBD
22-Jan	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 1/22: Evans					
27-Jan	Monday	5:30 p.m.	 Committee Reports and Items of Interest		
			 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Public Forum		
Expected absences for 1/27: none					
29-Jan	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 1/29: none					

February 2020						
Date	Day	Time	Title		Length	Dept. Contact
10-Feb	Monday	5:30 pm		Committee Reports and Items of Interest	45 mins	
				TBD (Work Session)		
				TBD (Work Session)	45 mins	
		7:30 pm		Public Forum		
Expected absences for 2/10: none						
12-Feb	Wednesday	12 pm		TBD (Work Session)	45 mins	
				TBD (Work Session)	45 mins	
			Expected absences for 2/12: none			

18-Feb	Tuesday	5:30 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)		
		7:30 pm	 TBD (Public Hearing)		
Expected absences for 2/18: none					Location: TBD
19-Feb	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 2/19: none					
24-Feb	Monday	5:30 p.m.	 Committee Reports and Items of Interest		
			 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
		7:30 pm	 Public Forum		
Expected absences for 2/14: none					
26-Feb	Wednesday	12 pm	 TBD (Work Session)	45 mins	
			 TBD (Work Session)	45 mins	
Expected absences for 2/26: none					

March 2020						
Date	Day	Time	Title		Length	Dept. Contact
9-Mar	Monday	5:30 pm		Committee Reports and Items of Interest	45 mins	
				TBD (Work Session)		
				TBD (Work Session)	45 mins	
		7:30 pm		Public Forum		
Expected absences for 3/9: none						
11-Mar	Wednesday	12 pm		TBD (Work Session)	45 mins	
				TBD (Work Session)	45 mins	
Expected absences for 3/11: none						

## Council Break: March 12 – April 8



Work Session



Action



Public Hearing



Public Forum



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Data Collection/Protection of Individuals and Groups – <i>Action 10/14/19</i>	Syrett	7/19/18
Update Sign Code for Digital Display Technology – <i>follow-up TBD</i>	Pryor	2/14/19
Short-term Vacation Rentals – <i>follow-up TBD</i>	Taylor	5/23/19
5G/Small Cell – include experience of other cities – <i>scheduled 10/9/19</i>	Clark	5/20/19
Follow-Up Work Sessions to be Scheduled		
TAC Implementation		
Commercial Setbacks		

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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## Approval of Amendment to City Manager's Employment Agreement

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Meeting Date: October 14, 2019  
Department: City Attorney's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2C  
Staff Contact: Kathryn Brotherton  
Contact Telephone Number: 541-682-8447

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### ISSUE STATEMENT

Paragraph 7.1 of the City Manager's employment agreement prohibits him, within one year of his employment with the City, from accepting employment from, or receiving any financial gain from, any private or public entity engaged in an activity, occupation or industry over which the City had regulatory authority during the City Manager's term of employment with the City.

Over the past few years, Jon Ruiz has taught a course at the University of Oregon regarding public sector leadership. The UO has asked him to teach the course again this spring. In order for Jon to teach at the UO after his October 18, 2019, retirement, council would need to authorize an amendment to 7.1.

### SUGGESTED MOTION

Move to approve an amendment to the City Manager's employment agreement that allows him to continue teaching classes at the UO and allows him to undertake similar types of employment after receiving written approval from the Council President, and to authorize the Council President to execute an amendment consistent with this motion.

### FOR MORE INFORMATION

Staff Contact: Kathryn Brotherton, City Attorney  
Telephone: 541-682-8447  
Staff E-Mail: [KBrotherton@eugene-or.gov](mailto:KBrotherton@eugene-or.gov)

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Action: An Ordinance Concerning Protections for Individuals and  
Amending Section 2.497 of the Eugene Code, 1971.

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Meeting Date: October 14, 2019

Agenda Item Number: 3

Department: Central Services

Staff Contacts: Jennifer Lleras Van Der Haeghen and Becky DeWitt

[www.eugene-or.gov](http://www.eugene-or.gov)

Contact Telephone Number: 541-682-5619

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## ISSUE STATEMENT

The City Council established an Ordinance for the Protection of Individuals in March 2017. This ordinance provides certain protections for all Eugene residents, including immigrants. Following the passage of this ordinance the Eugene City Council requested a work session to better understand which individually identifiable data is collected and how it's maintained. This information was provided in June 2018 to help City Council determine whether there are amendments to this ordinance that it would like to adopt. Following that presentation and discussion, the council requested that staff draft potential language for amendment adoption to limit the information that is collected and maintained related to individually identifiable immigration status information. In July 2019, the City Council received a presentation with an update on the existing ordinance and was presented with draft language to amend the existing ordinance. Council voted unanimously to move the draft language, which would limit the information collected and maintained related to individually identifiable immigration status, to a public hearing. That public hearing took place on September 16, 2019.

## BACKGROUND

At the November 14, 2016, meeting, City Council passed Council Resolution No. 5174, "declaring the City of Eugene's commitment to being a welcoming, inclusive, and safe community for everyone." In response to continued community interest, City Council, at their December 12, 2016, meeting, directed the Mayor to form an ad hoc committee to establish concepts, goals and outcomes for a potential ordinance. The Ad Hoc Committee met twice in late January and early February 2017 and presented their proposed outcomes for an ordinance to council at the February 22, 2017, work session.

At the February 22, 2017, work session, council passed a motion to bring back a proposed ordinance for public hearing that would adopt the provisions of Oregon Revised Statutes 181A.820 and 181A.250 related to law enforcement personnel; expand the applicability of ORS 181A.820 to cover all other City employees; and prohibit all other City employees from collecting and maintaining information regarding political, religious or social views of individuals.

On March 13, 2017, the Eugene City Council unanimously passed the Protections for Individuals Ordinance (Ordinance 20579). This ordinance provides certain protections for all Eugene residents, including immigrants. This action put provisions of an existing state law into City code, preventing the use of City resources (moneys, equipment or personnel) to detect or apprehend individuals whose only violation of the law is that they are present in the United States in violation of federal immigration laws. Beyond the ordinance, the Mayor's Ad Hoc Committee proposed an expansion that would require the City of Eugene be prohibited from collecting individually identifiable information as it related to 16 categories. These categories included immigration status, race, ethnicity, national origin, gender, gender identity, sexual orientation, housing status, disability, association, activities, organization, corporation, business, partnership or group.

In May 2018, to better understand the potential impact of amending the ordinance, the City Manager directed City departments to review their existing policies and practices regarding data collection pertaining to the 16 categories and report back on a series of questions in order to equip council with the information needed to make a well-informed decision on potential amendments to Ordinance 20579.

In June 2018, this information was presented to the City Council at a work session. The presentation included data gathered from each City of Eugene department. This data was thorough but not fully comprehensive due to time and capacity limitations. From the data provided, staff found that the City of Eugene is primarily collecting data in three core categories. Those categories include (1) when information is legally required, (2) in service provision, and (3) to advance equity goals. There were two areas where collection of individually identifiable information was more prevalent: in employment-related processes and in program service delivery where a person's individual experience may qualify them for services (e.g., a person has a disability or is currently unhoused). Based on the information collected, immigration status information was only collected in employment-related processes and/or when shared voluntarily. At the work session, City Council requested staff return to codify language that would limit City employees from collecting or maintaining individually identifiable immigration status in certain circumstances. Council also asked that the City Manager put policies in place to address collection and maintenance of individually identifiable immigration status as an interim measure until it could act on potential amendments.

In September 2018, the City Manager signed Administrative Order No. 21-18-09 Establishing City Policy Prohibiting Collection and Maintenance of Immigration Status by City Employees Except in Certain Circumstances. This action confirmed a commitment to City of Eugene law enforcement personnel fully implementing the Eugene Code Sections 2.495 and 2.497 regarding immigration status information and prohibited City of Eugene employees from collecting or maintaining immigration status information, except when voluntarily provided or required to comply with state or federal law.

Upon the adoption of Administrative Order No. 21-18-09, City staff received electronic communications about the order through their Executive Directors. In some cases, especially with City staff who have a high level of community engagement at public events, training was offered on how to properly adhere to the ordinance and administrative order in their daily



activities. This training was developed with guidance from the City Attorney's Office and was provided by the Office of Human Rights and Neighborhood Involvement.

In July 2019, City Council received an overview of past actions on this topic, reviewed language for a potential amendment to the Protections of Individuals Ordinance, and learned about administrative policies that would be added to the City of Eugene Administrative Policy Manual, which all staff are required to adhere to in their course of work. Council voted unanimously to move the draft language limiting the information collected and maintained related to individually-identifiable immigration status to a public hearing.

At the September 16, 2019, public hearing, one person provided comment.

### **PREVIOUS COUNCIL DIRECTION**

#### [February 22, 2017, Work Session](#)

Council passed a motion to bring back a proposed ordinance for public hearing that would adopt the provisions of ORS 181A.820 and 181A.250 related to law enforcement personnel; expand the applicability of ORS 181A.820 to cover all other City employees; and prohibit all other City employees from collecting and maintaining information regarding political, religious or social views of individuals.

#### [March 13, 2017, Meeting](#)

Council adopted an Ordinance for the Protections of Individuals.

#### [June 13, 2018, Work Session](#)

Council received an update on the Ordinance for Protection of Individuals and Groups; directed staff to return with language to consider that would strengthen protections for immigrants.

#### [July 24, 2019, Work Session](#)

Council voted to move draft language limiting the information collected and maintained related to individually-identifiable immigration status to a public hearing.

#### [September 16, 2019, Public Hearing](#)

Public Hearing on code amendments to Ordinance 20579.

### **COUNCIL OPTIONS**

The Council may choose to:

1. Vote to adopt the amendments to Ordinance 20579.
2. Take no action at this time.

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

The City Manager Recommends adopting the amendments to the ordinance.

**SUGGESTED MOTION**

Move to adopt An Ordinance Concerning Protections for Individuals and Amending Section 2.497 of the Eugene Code, 1971.

**ATTACHMENTS**

- A. Protections for Individuals Ordinance (Ordinance 20579)
- B. Draft Code Amendment to 2.947
- C. Administrative Order No. 21-18-09

**FOR MORE INFORMATION**

Staff Contact: Jennifer Lleras Van Der Haeghen  
Telephone: 541-682-5619  
Staff E-Mail: [jvanderhaeghen@eugene-or.gov](mailto:jvanderhaeghen@eugene-or.gov)



**COUNCIL ORDINANCE NO. 20579**

**COUNCIL BILL 5173**

**AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS  
AND ADDING SECTIONS 2.495 AND 2.497 TO THE EUGENE CODE,  
1971.**

**ADOPTED: March 13, 2017**

**SIGNED: March 15, 2017**

**PASSED: 5:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Taylor, Poling, Evans**

Although Section 2 of this Ordinance contains an immediate effective date, the Ordinance actually will take effect after 30 days. Only five councilors voted to approve the Ordinance; under the Eugene Charter, enactment of an immediate effective date requires that six councilors vote yes.

**EFFECTIVE: April 15, 2017**



## ORDINANCE NO. 20579

### AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS AND ADDING SECTIONS 2.495 AND 2.497 TO THE EUGENE CODE, 1971.

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

**Section 1.** Sections 2.495 and 2.497 are added to the Eugene Code, 1971, to provide as follows:

**2.495      Protections for Individuals.**

- (1) The city shall not use city law enforcement moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
- (2) Notwithstanding subsection (1) of this section, city law enforcement personnel may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
  - (a) Verify the immigration status of a person if the person is arrested for any criminal offense; or
  - (b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
- (3) Notwithstanding subsection (1) of this section, city law enforcement personnel may arrest any person who:
  - (a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
  - (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
- (4) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.
- (5) All non-law enforcement personnel working for the city also shall not use city moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.

**2.497      Information Not to Be Collected or Maintained.**

- (1) No city law enforcement personnel may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of

criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

- (2) No non-law enforcement personnel working for the city may collect or maintain information about the political, religious or social views of any individual.

**Section 2.** Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary in light of the recent directives from the federal government related to enforcement of immigration laws.

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

Passed by the City Council this

13<sup>th</sup> day of March, 2017

Beth Louest  
City Recorder

Approved by the Mayor this

15 day of March, 2017

Lucy Vinis  
Mayor

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

**AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS AND  
AMENDING SECTION 2.497 OF THE EUGENE CODE, 1971.**

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

**Section 1.** Section 2.497 of the Eugene Code, 1971, is amended to provide as follows:

**2.497      Information Not to Be Collected or Maintained.**

- (1) No city law enforcement personnel may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.
- (2) No non-law enforcement personnel working for the city may collect or maintain information about the political, religious or social views of any individual.
- (3) ***No city employee may collect or maintain individually identifiable immigration status information unless (a) such collection and maintenance is required to comply with state or federal law; (b) the individually identifiable immigration status information is voluntarily provided to the city by the individual; or (c) the information is provided to the city as part of a city application process for employment or a contract with the city, or a business permit or license from the city.***

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

**Passed by the City Council this**

\_\_\_\_\_ day of \_\_\_\_\_, 2019

**Approved by the Mayor this**

\_\_\_\_\_ day of \_\_\_\_\_, 2019

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

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



**ADMINISTRATIVE ORDER NO. 21-18-09**  
**of the**  
**City Manager of the City of Eugene, Oregon**

**ESTABLISHING CITY POLICY PROHIBITING COLLECTION AND  
MAINTENANCE OF IMMIGRATION STATUS BY CITY EMPLOYEES  
EXCEPT IN CERTAIN CIRCUMSTANCES.**

**The City Manager of the City of Eugene finds that:**

**A.** Under the provisions of Chapter IV, Section 16 of the Eugene Charter of 2002, the City Manager is designated as the administrative head of the City, specifically authorized to organize, and, as deemed necessary, disband and reorganize various City departments, and to enforce all ordinances of the City.

**B.** The City of Eugene has a long history of welcoming immigrants. On November 14, 2016, the City of Eugene again demonstrated its dedication to embracing humanitarian efforts by the City Council's adoption of Resolution No. 5154, declaring the City's commitment to serve as a place of refuge for refugees from around the world.

**C.** On March 13, 2017, the City Council adopted the Protections for Individuals Ordinance (Ordinance No. 20579). The ordinance adopted into City Code the provisions of ORS 181A.820 prohibiting law enforcement personnel from using City resources (moneys, equipment or personnel) to detect or apprehend individuals whose only violation of the law is that they are present in the United States in violation of federal immigration law; expanded the applicability of ORS 181A.820 to cover all non-law enforcement City employees; adopted into City Code the provisions of ORS 181A.850 prohibiting law enforcement personnel from collecting or maintaining certain information on individuals and groups unless directly related to a criminal investigation; and, expanded ORS 181A.850 to cover all non-law enforcement City employees from collecting and maintaining information regarding political, religious or social views of individuals.

**D.** On June 13, 2018, the City Council held a work session regarding the type of demographic data information that the City gathers and uses in the delivery of services to the community. Information provided during that work session revealed that, generally, City employees collect individually identifiable immigration status information only when doing so is needed to comply with state or federal law, or when the information is voluntarily provided to the City.

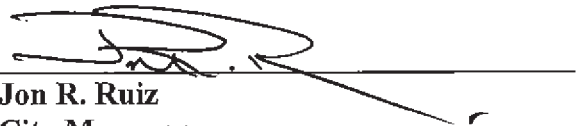
**E.** In keeping with the City's dedicated commitment to protecting and respecting all persons, it is important to ensure that all City employees collect and maintain individually identifiable immigration status information only when absolutely necessary to do so.

**NOW, THEREFORE, based upon the above findings, I order that:**

**Section 1.** City of Eugene law enforcement personnel shall continue to fully implement the provisions of Eugene Code Sections 2.495 and 2.497 regarding immigration status information. In addition, all other City employees are prohibited from collecting or maintaining individually identifiable immigration status information unless such collection and maintenance is required to comply with state or federal law, or if the individually identifiable immigration status information is voluntarily provided to the City by the individual.

**Section 2.** The Executive Director for each City department shall convey this Policy to employees within their Department.

**Dated and effective this 7<sup>th</sup> day of September, 2018.**

  
**Jon R. Ruiz**  
**City Manager**



**Item 4:**

**Action: Resolution on Youth-Led  
Climate Strike**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION IN SUPPORT OF THE YOUTH-LED CLIMATE STRIKE  
EUGENE, OREGON ON SEPTEMBER 20 BEGINNING A WEEK OF  
CLIMATE AWARENESS ACTIONS THROUGH SEPTEMBER 27, 2019,  
DECLARING A CLIMATE EMERGENCY, AND CALLING FOR FULL  
IMPLEMENTATION OF THE EUGENE OREGON CLIMATE  
RECOVERY ORDINANCE (CRO) AND OTHER IMMEDIATE  
MEASURES TO RESTORE A SAFE CLIMATE.**

**The City Council of the City of Eugene finds that:**

A. On April 22, 2016, world leaders from 174 countries and the European Union recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement, agreeing to keep global warming well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C.

B. On October 8, 2018, the United Nations International Panel on Climate Change released a special report which projected that limiting warming to the 1.5°C target this century will require an unprecedented transformation of every sector of the global economy over the next 12 years.

C. World Wildlife Fund's 2018 Living Planet report finds that there has been a 60% decline in global wildlife populations between 1970 and 2014.

D. According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, human activity has already severely altered 40% of the marine environment, 50% of inland waterways, and 75% of the planet's land, and it is projected that half-to-one million species are threatened with extinction.

E. The United States of America has disproportionately contributed to the climate emergency and has repeatedly obstructed global efforts to transition toward a green economy, and thus bears an extraordinary responsibility to rapidly address these existential threats.

F. Prompt transition to sustainable economic practice is critical for providing a healthy biosphere and watersheds, and for sustaining ecosystems for human populations as well as for Earth's other complexly interrelated species.

G. Marginalized populations in Eugene, Oregon and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, people with disabilities, and the unhoused are disproportionately affected by climate change, and will continue to bear an excess burden.

H. Addressing climate change fairly requires transitioning from fossil fuels to clean, renewable energy that is ecologically sustainable and equitable for all people.

I. People around the world have a fundamental right to clean, healthy and adequate air, water, and land.

J. The economy must shift from dirty energy to energy democracy that benefits people, the environment, and a clean, renewable energy economy.

K. Building a society resilient to current, expected, and potential effects of climate change will protect health, lives, ecosystems, and economies, and such resilience efforts will have the greatest positive impact if the most dramatic potential consequences of climate change are taken into account.

L. Eugene, Oregon, by enacting a Climate Recovery Ordinance into city policy, can hereby support this local youth-led climate emergency mobilization.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a  
Municipal Corporation of the State of Oregon, as follows:**

**Section 1.** The Eugene City Council declares its support for the youth-led emergency climate strike September 20 through September 27, 2019.

**Section 2.** The Eugene City Council applauds citizens, especially the youth, in their continuing efforts to take actionable steps to address the climate change emergency.

**Section 3.** This Resolution is effective immediately upon its passage by the City Council.

**The foregoing Resolution adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

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