



Eugene City Council

125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

February 27, 2017

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

Meeting of February 27, 2017;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Alan Zelenka, President
George Poling
Emily Semple
Claire Syrett

Mike Clark, Vice President
Greg Evans
Chris Pryor
Betty Taylor

7:30 p.m. MEETING OF THE EUGENE CITY COUNCIL
Harris Hall, 125 East 8th Avenue

1. PUBLIC FORUM

2. CONSENT CALENDAR

(Note: Time permitting, action on the Consent Calendar may be taken at the 5:30 p.m. work session.)

A. Approval of City Council Minutes

- January 25, 2017, Work Session
- February 8, 2017, Work Session
- February 13, 2017, Work Session and Meeting
- February 15, 2017, Work Session

B. Approval of Tentative Working Agenda

- 3. PUBLIC HEARING:
An Ordinance Concerning The Prohibition of Dogs Within The Downtown Core Except in Certain Circumstances; Amending Section 4.427 of The Eugene Code, 1971; and Providing for a Sunset Date of November 1, 2017.**
- 4. PUBLIC HEARING:
An Ordinance Concerning The Prohibition of Smoking Within The Downtown Core and Allowing Certain Properties Outside The Downtown Core to Opt In; Amending Section 6.230 of The Eugene Code, 1971; and Providing for a Sunset Date of November 1, 2017.**
- 5. ACTION:
An Ordinance Adopting Hazardous Substance User Fees for the Fiscal Year Commencing July 1, 2017**
- 6. ACTION:
An Ordinance Removing the Sunset Dates of the Rest Stop and Dusk-to-Dawn Programs**
- 7. ACTION:
An Ordinance Concerning Marijuana Tax Appeals and Amending Section 3.710 of the Eugene Code, 1971**

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.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Forum

Meeting Date: February 27, 2017
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

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

SUGGESTED MOTION

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

FOR MORE INFORMATION

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

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: February 27, 2017
Department: Central Services
www.eugene-or.gov

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

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

SUGGESTED MOTION

Move to approve the following minutes: January 25, 2017, Work Session; February 8, 2017, Work Session; February 13, 2017, Work Session and Meeting; and February 15, 2017, Work Session.

ATTACHMENTS

- A. January 25, 2017, Work Session
- B. February 8, 2017, Work Session
- C. February 13, 2017, Work Session and Meeting
- D. February 15, 2017, Work Session

FOR MORE INFORMATION

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

MINUTES

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

January 25, 2017
12:00 p.m.

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

Mayor Vinis opened the January 25, 2017, meeting of the Eugene City Council.

1. ACTION

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to put on hold the Measure 49 claim. **PASSED 7:0** (Councilor Evans not present for vote.)

2. CONSENT CLANEDAR

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to approve the items on the Consent Calendar, except items C and E.
PASSED 7:0 (Councilor Evans not present for vote)

Councilor Evans arrived at 12:08 p.m.

VOTE ON ITEM C: PASSED 8:0

Council discussion:

- Approval of fiber optic grant is a first step in moving forward with high-speed fiber plan.
- Grant will support the creation of new jobs in the downtown core.

VOTE ON ITEM E: PASSED 8:0

3. ACTION: An Ordinance Allowing a New Recreational Marijuana Facility to Locate Less Than 1,000 Feet from Looking Glass New Roads School

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to adopt Council Bill 5163, an ordinance allowing a new recreational marijuana facility to locate less than 1,000 feet from Looking Glass New Roads School (Attachment A).
PASSED 8:0

4. ACTION: Adoption of Resolution Annexing Land to the City of Eugene (Property Identified as Assessor's Map 18-02-09-20, Tax Lot 500) (Furtick; A 16-10)

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to adopt Resolution No. 5183 which approves the proposed annexation request consistent with the applicable approval criteria. **PASSED 8:0**

5. ACTION: An Ordinance Concerning the Rental Housing Code; Amending Section 8.415, 8.425 and 8.430 of the Eugene Code, 1971, and Repealing the Sunset Date

MOTION: Councilor Zelenka, seconded by Councilor Clark, moved to adopt Council Bill 5162, an ordinance amending the Rental Housing Code.

MOTION TO AMEND: Councilor Clark, seconded by Councilor Poling, moved to add a new section 7 to the ordinance to delete code 8.440. **FAILED 3-5;** Councilors Taylor, Poling, and Clark voted in favor.

Council discussion:

- Deleting 8.440 is to delete the fee; program has a surplus.
- Half of staff's time is spent on billing questions, should only cost \$150,000 in the budget.
- Program should be self-funded, but shouldn't have so many excess funds.
- In-depth review of the fees and operating costs is needed.
- Surplus funds may be used to increase outreach efforts; now have staff resources for this.
- Low number of complaints signifies the program's success; that is the goal.
- Directing the fee to the General Fund makes it vulnerable to budget cuts.
- Formal review process and strategies for outreach and operation is commendable.
- Eugene's fee is low compared to other communities.
- This is an essential service that the City should provide; helps the community as a whole.
- It is time to make the Rental Housing Code permanent, with built-in review requirements.

MOTION TO AMEND AND VOTE: Councilor Poling, seconded by Councilor Evans, moved to amend Section 3 of the Ordinance to revise subsection (5)(a)4.a. of EC 8.430 so that it reads as follows:

a. Repairs are needed to remedy the lack of essential services. Upon making this determination, the city manager shall fix a deadline for completing the repairs that is reasonable in the circumstances and is within 48 hours from issuance of the notice and order. However, if the city manager determines that the repairs cannot be completed within 48 hours, the owner or owner's agent shall, within 48 hours, submit a compliance schedule acceptable to the city. **PASSED 8:0**

Council discussion:

- Proposed amendment allows the landlords more time in the event of unavoidable circumstances or obstacles to complete repairs.
- This level of flexibility is needed to accommodate landlords who are trying to do the right thing.

MOTION TO AMEND AND VOTE: Councilor Poling, seconded by Councilor Clark, moved to (A) amend Finding C and Section 4 of the Ordinance to provide for a sunset date of April 30, 2020, so that those sections read as follows:

C. The Council has determined that the Rental Housing Code sunset date should be extended to April 30, 2020, and that revisions recommended by the Housing Policy Board be incorporated into the Rental Housing Code.

Section 4. Unless otherwise extended by action of the City Council, the sunset date and repeal of Ordinance Nos. 20329, 20408, 20480, 20494, 20568, and this Ordinance, is April 30, 2020.

and (B) to delete Section 5 of the Ordinance.

FAILED 3:5, Councilors Semple, Poling and Clark voting in favor.

Council discussion:

- Maintaining the sunset clause will require a public hearing and public comment.
- Purpose of a sunset is to ensure program review; section 5 does this already so a sunset isn't needed.
- Making program permanent is in keeping with all other cities that have similar protections.
- Vulnerable populations shouldn't have to vigilantly watch and work to keep this protection.
- Program has been renewed four times, reaffirming its effectiveness and importance.
- Advantage of a sunset is that it puts pressure on to make the program work.

VOTE ON MAIN MOTION AS AMENDED: PASSED 6:2, Councilors Poling and Clark opposed.

MOTION AND VOTE: Councilor Poling, seconded by Councilor Clark, moved to direct the City Manager to return to council with an in depth financial review and analysis of the rental housing code program, including fees charged and city operating costs, by February 1, 2018, and to schedule a public hearing for council to receive public comment on the program after the financial review. **PASSED 7:1**, Councilor Taylor opposed.

6. ACTION: A Resolution Opposing Transportation of Oil by Rail Through the City of Eugene

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to adopt Resolution 5181, opposing the transportation of oil by rail through the city of Eugene. **PASSED 6:2**, Councilors Poling and Clark opposed.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Taylor, moved to extend the meeting 10 minutes. **PASSED 6:2**, Councilors Poling and Clark opposed.

Council discussion:

- Proposed resolution is too targeted on one payload; there are other dangerous materials transported by rail.
- Oil trains are demonstrably dangerous; this is a matter of public safety and wellbeing.
- The City of Eugene has no control over federal railroad regulations.
- City has limited authority, but can make an emphatic statement on this issue; many residents are concerned about the safety and environmental hazards.
- Resolution sends a message to federal elected officials that there are significant concerns.

The meeting adjourned at 1:34 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

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

February 8, 2017
12:00 p.m.

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Claire Syrett, Chris Pryor

Councilors Absent: Greg Evans

Mayor Vinis opened the February 8, 2017, meeting of the Eugene City Council.

Councilor Syrett condemned the hate activity that occurred in the Whiteaker neighborhood over the weekend and gave information about the Whiteaker neighborhood meeting at which the incidents would be discussed.

1, ACTION:

MOTION AND VOTE: Councilor Semple, seconded by Councilor Clark, moved to reschedule the South Willamette work session from February 22 to sometime in March, to allow additional time for community outreach. In addition, a revised staff proposal will be submitted to council by February 28. **PASSED 7:0**

Council discussion:

- Residents of South Willamette area feel they haven't had enough time to review the proposal.

2. WORK SESSION: Downtown and Neighborhood Public Safety

Assistant City Manager Sarah Medary, Planning and Development Executive Director Denny Braud, and Police Chief Pete Kerns gave a PowerPoint presentation on downtown and neighborhood public safety covering what was heard from the community, an EPD overview, project updates, and next steps.

Council discussion:

- Concern expressed that major issues aren't being addressed; current efforts are just "nibbling around the edges."
- Need to identify and address inappropriate behaviors.
- Anything that is done for downtown should also work for the entire city.
- Important to hold people accountable for their actions; take greater advantage of jail beds.
- Key to success will be addressing negative and anti-social behaviors downtown.
- Addressing the issues through law enforcement isn't enough; other programming and cultural strategies are helpful.
- Creating a vibrant downtown for everyone will be a community effort.
- Consider maintain and expanding free parking downtown.

- People have to go somewhere; explore shelter options.
- Opposed to banning of dogs; if dogs don't have a license they should be asked to get one.
- Larger conversation about goals and objectives for downtown needed.
- Community Court is a key strategy to help break the cycle of misbehavior.
- Free parking has been a total failure; lots of little improvements can add up.
- Dog ban in West University has proven to be effective and successful.
- Homeless problem should not be equated with criminal activity downtown.
- Important to have constant police presence downtown; bike patrol effective.
- Proposals provide opportunities to pilot programs and target specific issues; solutions should be in place with warmer weather coming.
- More jail beds and greater police presence needed downtown; this is where resources are lacking.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to direct the City Manager to schedule a public hearing on the proposed ordinance on the dog restrictions. **PASSED 6:1**, Councilor Taylor opposed.

Council discussion:

- Agree with desired outcome; not sure if this is the appropriate mechanism to get there.
- Many laws are created to address the behaviors of a limited population; this is one thing the City can try.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to direct the City Manager to schedule a public hearing on the proposed ordinance related to expansion of smoke free areas downtown. **PASSED 5:2**, Councilors Semple and Clark opposed.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to extend the meeting an additional 10 minutes. **PASSED 7:0**

Council discussion:

- Proposed ban is unfair to bars and established businesses; 10 ft. rule is helping.
- Unfair to employees and residents who would have to walk for blocks to smoke.
- Downtown neighborhood association voted against this proposal.
- Real value of this proposal is as a public health issue.
- Second-hand smoke impacts people who have a right to be protected.
- This issue represents a collision between community and individual rights.

The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

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

February 13, 2017
5:30 p.m.

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Vinis opened the February 13, 2017, meeting of the Eugene City Council.

A. WORK SESSION: Rest Stop Process Update

City Manager's Office Division Manager Mia Cariaga and Policy Coordinator on Homelessness Regan Watjus gave a PowerPoint presentation discussing the current sunset date for the rest stop and dusk-to-dawn ordinance, outreach, work in Ward 7, and potential dispersal policy.

Council discussion:

- A more permanent place for Nightingale Health Sanctuary is needed.
- Interested in having follow-up conversation with St. Vincent de Paul about safety/management.
- Coordinate work with neighborhoods to identify sites simultaneously.
- Build a process that encourages neighborhoods to welcome a rest stop.
- Car camping program is important part aspect of program; need a way to prove it won't have impacts and is well-managed.
- Expansion of car camping program is easier than adding new rest stop sites.
- Identify the subtle differences between Portland's zoning laws and Eugene's.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to direct the City Manager to 1) stabilize current rest stops and 2) work with task teams in different wards in a phased approach, starting with interested neighborhoods, to find additional rest stops outside of Ward 7. **PASSED 8:0**

B. WORK SESSION: Downtown Wayfinding System

Library, Recreation Cultural Services Executive Director Renee Grube, Graphic Designer Kim Mast, and John Bosio from MERJE Consultants, gave a PowerPoint presentation on the downtown Eugene wayfinding project, timelines, and different design developments of the project.

Council discussion:

- Impressive work done so far; classic branding process.
- Multi-tier branding effort with identity, concept, and relationship branding.
- Excited about seeing ideas come to fruition; will improve visitors' and resident's experience.
- Different types of signage laudable; electronic displays could add advantages.
- Clear information is beneficial to everyone; seating near signs needed.

- Very elegant and effective; cover over kiosks makes sense in this climate.
- Making system accessible by different cultures and abilities is important.
- Consider including tracking mechanisms and a cell phone app.

C. Committee Reports and Items of Interest from Mayor, City Council and City Manager

Council discussion:

- League of Oregon Cities identified four priorities for this legislative session.
- Citizens are concerned about road clearing priorities for South Hills and project on 32nd and Hilyard.
- Housing Policy Board and taskforces are meeting to address housing issues.
- Envision Eugene meetings are proceeding as scheduled.
- Downtown Safety meeting at the Library was a great start to the community conversation.
- Canvassing with the Mayor was a great way to talk face to face with Ward 8 citizens.
- Cascade Economic Development District had continued talk about earthquake preparedness
- LTD Strategic Planning Committee had its first meeting.
- MWMC met and discussed DEQ compliance, Poplar Farm, and equipment.
- Compliments to EWEB and City staff for clean-up after the winter storm.
- Second briefing on Cascadia Rising intergovernmental exercise after a major quake shows we are underprepared.

D. CONSENT CALENDAR

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

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

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

**February 13, 2017
7:30 p.m.**

Councilors Present: Emily Semple, Betty Taylor, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Mayor Vinis opened the February 13, 2017, meeting of the Eugene City Council.

Candace Shorack, President of the Eugene-Jinju Sister Committee, was joined by Sukriti Agarwal, a junior at South Eugene High School and Haylee Smith, a junior at Willamette High School, to introduce the Youth Ambassador Student Exchange Program and talk about their trip to Korea.

1. PUBLIC FORUM

1. Howard Saxion – Said Sustainability Commission supports the overlay zoning for Clear Lake area.
2. Eric Suchman – Supported an ordinance making Eugene a Sanctuary City.
3. Seth Sadofsky – Supported middle housing; said planning in South Willamette area is useless.
4. Todd Kieser – Supported an ordinance making Eugene a Sanctuary City.
5. Kathy Bond – Supported efforts to help and offer better treatment to the homeless.
6. Eliza Kashinsky – Said focusing on South Willamette requires too much investment for little impact.
7. Heidi Fikstad – Supported the 1,000 foot buffer between marijuana dispensaries.
8. Mariana Paredones – Supported an ordinance making Eugene a Sanctuary City.
9. Sue Sierralupé – Supported more effort and resources for the homeless.
10. Arwen Maas-Despain – Supported public shelters and low-income permanent housing.
11. Kristin Yarris – Supported an ordinance making Eugene a Sanctuary City.
12. David Strahan – Supported shelters and more housing options for the homeless.
13. Ellen Furstner – Supported an ordinance making Eugene a Sanctuary City.
14. Carol Scherer – Supported an ordinance making Eugene a Sanctuary City.
15. Janet Ayers – Opposed to an ordinance making Eugene a Sanctuary City and housing on public land.
16. Jennifer Frenzer-Knowlton – Supported an ordinance making Eugene a Sanctuary City.
17. Charlie Swanson – Supported a resolution for better, affordable, universal health care.
18. Kathleen Filip – Supported a resolution for better, affordable, universal health care.
19. Max Rink – Supported an ordinance making Eugene a Sanctuary City.
20. Maria Bybee – Supported shelters for homeless and an ordinance making Eugene a Sanctuary City.
21. Amy Keir – Supported shelters for homeless and an ordinance making Eugene a Sanctuary City.
22. Sophie Bybee – Supported shelters for homeless and an ordinance making Eugene a Sanctuary City.
23. Caitlin Bowman – Supported shelters and more efforts for the homeless.
24. David Ivan Piccioni – Supported a resolution for better, affordable, universal health care.
25. Martie McQuain – Supported an ordinance making Eugene a Sanctuary City.
26. Rev. Adam Briddell – Supported an ordinance making Eugene a Sanctuary City.
27. Joel Iboa – Supported an ordinance making Eugene a Sanctuary City.
28. Roy Ward – Supported an ordinance making Eugene a Sanctuary City.
29. Lou Sinniger – Supported a resolution for better, affordable, universal health care.
30. Wayne Martin – Supported more efforts for the homeless and rest stops in every ward.
31. Mel Hite – Opposed to the dog ban in downtown; believes it is separation of classes.

32. David Woken – Supported an ordinance making Eugene a Sanctuary City.
33. Ruth Duemler – Supported a resolution for better, affordable, universal health care.
34. Marc Shapiro – Supported a resolution for better, affordable, universal health care.
35. Dennis Abear – Opposed to housing development on 32nd and Hilyard.
36. Michael Hejazi – Supported a resolution for better, affordable, universal health care.
37. Michael Carrigan – Supported an ordinance making Eugene a Sanctuary City.
38. Lonnie Douglas – Supported rest stops in every ward and more efforts for the homeless.
39. Sara Hubbe – Supported an ordinance making Eugene a Sanctuary City.
40. Sallie J. Eimstad – Opposed to housing development on 32nd and Hilyard.
41. Sure-on Fulton – Opposed to housing development on 32nd and Hilyard.
42. Emily Fox – Opposed to housing development on 32nd and Hilyard.
43. Lina Van Brunt – Supported an ordinance making Eugene a Sanctuary City.
44. Charmaine Rehg – Supported the dog and smoking ban in downtown.
45. Stacey D. Goldenberg – Supported an ordinance making Eugene a Sanctuary City.
46. Carol Goldenberg – Supported an ordinance making Eugene a Sanctuary City.
47. Cathy Feely – Supported the 1,000 ft. buffer zone between dispensaries; safety issues in Whiteaker.
48. Gadsby – Spoke about safety issues in Whitaker and supported more efforts to address them.
49. Sarah Pishioneri – Supported using capital funds for a shelter and homeless efforts.
50. Dr. Henry Elder – Supported a resolution for better, affordable, universal health care.

Council discussion:

- More discussion about compact development as it relates to Envision Eugene needed.
- Downtown issues caused by behavioral problems, not homelessness; need to work on both,
- Important goal is to have a public shelter; more sites for rest stops are needed.
- Need help to educate people about a public shelter and rest stops, and available funding mechanisms.
- Supportive of making Eugene a Sanctuary City; displacement issues are on the radar.
- Supportive of the 1,000 ft. buffer zone between marijuana dispensaries.
- More funding for human services is needed; public safety is a citywide issue.

2. PUBLIC HEARING: An Ordinance Concerning Marijuana Tax Appeals and Amending Section 3.710 of the Eugene Code, 1971

No testimony was presented.

4. ACTION: Disposition Process for Two Downtown/Riverfront Sites

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Clark, moved to approve the proposed RFP process for disposition of the two sites using objectives that are consistent with Attachment B. **PASSED 8:0**

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

MINUTES

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

February 15, 2017
12:00 p.m.

Councilors Present: Emily Semple, Alan Zelenka, George Poling, Mike Clark, Greg Evans, Claire Syrett, Chris Pryor

Councilors Absent: Betty Taylor

Mayor Vinis opened the February 15, 2017, meeting of the Eugene City Council.

A. WORK SESSION: Downtown Placemaking Initiative – Places for People

Senior Planner Nan Laurence, Planning Land Use Technician Matt Denberg, and Meg Walker from Project for Public Spaces gave a PowerPoint presentation discussing placemaking, community engagement, key finds, Park Block goals, Kesey Square goals, Library plaza goals, Hult plaza goals, and next steps.

Council discussion:

- Very exciting process to address issues and to imagine what could be.
- Important to translate concepts and ideas into action.
- Perception of downtown as dirty and dangerous must be dispelled; support daily cleanings.
- Combine Wayfinding and Placemaking initiatives and build on each other.
- Day use centers and many social services are underutilized.
- Information about the cost of programming winter activities downtown requested.
- Activating public spaces is good; addressing safety issues has to be the first step.
- Support the strategy of beginning a long-term campaign with community partners.
- Lighter, quicker, cheaper options as quick-start makes sense.
- Improve spaces to make less sterile and more green.
- Infrastructure improvements would be very beneficial.
- Human services are available; but enforcement of laws is inadequate.
- More culturally relevant spaces should be created.
- Create more open space for sports activities in downtown.
- First step to move forward with this visions is addressing financial needs, behavior issues and homelessness.
- Idea of temporary art, canopies, and experimental spaces are worthy.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Pryor, moved to extend the meeting 10 minutes. **PASSED 5:2**, Councilor Semple and Poling opposed.

MOTION: Councilor Zelenka, seconded by Councilor Syrett, moved to adopt Resolution 5184 supporting allocation of \$6,000,000 in lottery backed bond funds to the Eugene Civic Alliance for development of a community sports and recreation facility on the former Civic Stadium property.

Council discussion:

- There is long-standing support for recreation at this site.
- If the motion includes video lottery dollars, more input/study is needed on how it affects regional partners and their requests.
- Other projects are equally worthy; more information on ramifications needed.

MOTION AND VOTE: Councilor Zelenka, seconded by Councilor Syrett, moved to postpone until the next meeting. **PASSED 7:0**

The meeting adjourned at 1:39 p.m.

Respectfully submitted,

Chuck Crockett
Deputy City Recorder

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: February 27, 2017
Department: City Manager's Office
www.eugene-or.gov

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

ISSUE STATEMENT

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

BACKGROUND

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

RELATED CITY POLICIES

There are no policy issues related to this item.

COUNCIL OPTIONS

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

CITY MANAGER'S RECOMMENDATION

Staff has no recommendation on this item.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Beth Forrest

Telephone: 541-682-5882

Staff E-Mail: beth.l.forrest@ci.eugene.or.us

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 22, 2017

FEBRUARY 27	MONDAY
--------------------	---------------

5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest from Mayor, City Council and City Manager		30 mins
B. WS: 2035 Transportation System Plan		60 mins – PW/Inerfeld

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		CS/Forrest
2. Consent Calendar		CS/Forrest
a. Approval of City Council Minutes		PDD/Braud
b. Approval of Tentative Working Agenda		PDD/Braud
3. PH: Ordinance Concerning Prohibition of Dogs Downtown		Fire/Eppli
4. PH: Ordinance Concerning Prohibition of Smoking Downtown		CS/Watjus
5. Action: Ordinance Adopting Hazardous Substance User Fees		CAO/Klein, Brotherton
6. Action: Ordinance on Rest Stop and Dusk to Dawn Programs		
7. Action: Ordinance Concerning Code Amendment for Marijuana Tax Collection		

MARCH 6	MONDAY	** NOTE: NEW MEETING ADDED **
----------------	---------------	--------------------------------------

5:30 p.m.	Joint Elected Officials Public Hearing	
Harris Hall	Expected Absences:	
1. Joint Public Hearing on 2035 Transportation System Plan		PW/Inerfeld

MARCH 8	WEDNESDAY
----------------	------------------

Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. Action: Ordinance Concerning Prohibition of Dogs Downtown		PDD/Braud
B. Action: Ordinance Concerning Prohibition of Smoking Downtown		PDD/Braud
C. WS: South Willamette Next Steps		60 mins – PDD, CS/Harding, Lleras Van Der Haeghen

MARCH 9	THURSDAY
----------------	-----------------

5:30 p.m.	Budget Committee Meeting	
B/T Room	Expected Absences: Taylor	
A. Budget Committee Meeting		CS/Miller

MARCH 13	MONDAY
-----------------	---------------

5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences: Taylor, Evans	
A. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed		
B. WS: Street Repair Review Panel Report		45 mins – PW/Schoening
C. WS: Commercial Setback Code Requirements		45 mins – PDD/Galloway

7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences: Taylor, Evans	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
c. Approval of Vonderheit Annexation (A 16-12) – S. Louis Lane, south of Bailey Hill Road		PDD/Berg-Johansen
d. Approval of Ray Annexation (A 16-13) – Wisteria Street, east of River Road		PDD/Berg-Johansen
e. Approval of Tate Annexation (A 17-1) – Wilkes Drive, East of River Road		PDD/Berg-Johansen
3. PH and Action: Capital Improvement Program		CS/Streepey
4. PH: Ordinance on Protections for Individuals		CAO/Klein
5. Action: Ordinance on Annexation Withdrawals		PDD/Berg-Johansen

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

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 22, 2017

MARCH 15

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences: Taylor, Evans

A. WS: Parks and Recreation System Plan

45 mins – PW/Burke

B. WS: Marijuana Regulations – 1,000 Ft. Buffer

45 mins -

5:30 p.m.

Budget Committee Meeting

B/T Room

Expected Absences: Taylor, Evans

A. Budget Committee Meeting

CS/Miller

COUNCIL BREAK: MARCH 16, 2017 – APRIL 10, 2017

APRIL 10

MONDAY

5:30 p.m.

Council Work Session

Harris Hall

Expected Absences:

A. Committee Reports and Items of Interest

B. WS:

7:30 p.m.

Council Meeting

Harris Hall

Expected Absences:

1. Public Forum

2. Consent Calendar

a. Approval of City Council Minutes

CS/Forrest

b. Approval of Tentative Working Agenda

CS/Forrest

APRIL 12

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

A. WS: Inclusionary Zoning

45 mins – PDD/Jennings

B. WS:

APRIL 17

MONDAY

7:30 p.m.

Council Public Hearing

Harris Hall

Expected Absences:

1. PH:

APRIL 19

WEDNESDAY

Noon

Council Work Session

Harris Hall

Expected Absences:

A. WS: JEO Meeting with EWEB

90 mins

APRIL 24

MONDAY

5:30 p.m.

Council Work Session

Harris Hall

Expected Absences:

A. WS: Overview of Chronic Nuisance Code

45 mins – PDD/Nicholas

B. WS: Potential Renaming of Broadway Plaza

45 mins – PDD/Braud

7:30 p.m.

Council Meeting

Harris Hall

Expected Absences:

1. Public Forum

2. Consent Calendar

a. Approval of City Council Minutes

CS/Forrest

b. Approval of Tentative Working Agenda

CS/Forrest

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

F:\CMO\CC\CCAGENDA.docx

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 22, 2017

APRIL 26	WEDNESDAY
-----------------	------------------

Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS: Public Shelter for Emergency Housing		90 mins -
5:30 p.m.	Budget Committee Meeting	
B/T Room	Expected Absences:	
A. Budget Committee Meeting		CS/Miller

MAY 3	WEDNESDAY
--------------	------------------

5:30 p.m.	Budget Committee Meeting	
B/T Room	Expected Absences:	
A. Budget Committee Meeting		CS/Miller

MAY 8	MONDAY
--------------	---------------

5:30 p.m.	Council Work Session	
Harris Hall	Expected Absences:	
A. Committee Reports and Items of Interest		
B. WS:		
7:30 p.m.	Council Meeting	
Harris Hall	Expected Absences:	
1. Public Forum		
2. Consent Calendar		
a. Approval of City Council Minutes		CS/Forrest
b. Approval of Tentative Working Agenda		CS/Forrest
c. Ratification of MWMC Budget		PW/Huberd

MAY 10	WEDNESDAY
---------------	------------------

Noon	Council Work Session	
Harris Hall	Expected Absences: Evans	
A. WS:		
B. WS:		
5:30 p.m.	Budget Committee Meeting	
B/T Room	Expected Absences: Evans	
A. Budget Committee Meeting		CS/Miller

MAY 15	MONDAY
---------------	---------------

5:30 p.m.	Council Public Hearing	
Harris Hall	Expected Absences:	
A. PH:		

May 17	WEDNESDAY
---------------	------------------

Noon	Council Work Session	
Harris Hall	Expected Absences:	
A. WS:		
B. WS:		
5:30 p.m.	Budget Committee Meeting	
B/T Room	Expected Absences:	
A. Budget Committee Meeting		CS/Miller

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

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 22, 2017

May 22 MONDAY

5:30 p.m. Council Work Session
Harris Hall Expected Absences:

- A. Committee Reports and Items of Interest from Mayor, City Council and City Manager 30 mins
- B. WS:

7:30 p.m. Council Meeting
Harris Hall Expected Absences:

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

MAY 24 WEDNESDAY

Noon Council Work Session
Harris Hall Expected Absences:

- A. WS:
- B. WS:

MAY 31 WEDNESDAY

Noon Council Work Session
Harris Hall Expected Absences:

- A. WS:
- B. WS:

JUNE 12 MONDAY

5:30 p.m. Council Work Session
Harris Hall Expected Absences:

- A. Committee Reports: PC, South Willamette EDC, LTD/EmX, OMPOC, McKenzie Watershed
- B. WS:

7:30 p.m. Council Meeting
Harris Hall Expected Absences:

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

JUNE 14 WEDNESDAY

Noon Council Work Session
Harris Hall Expected Absences:

- A. WS:
- B. WS:

JUNE 19 MONDAY

5:30 p.m. Council Public Hearing
Harris Hall Expected Absences:

- A. PH:

JUNE 21 WEDNESDAY

Noon Council Work Session
Harris Hall Expected Absences:

- A. WS:
- B. WS:

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

F:\CMO\CC\CCAGENDA.docx

EUGENE CITY COUNCIL TENTATIVE WORKING AGENDA

February 22, 2017

JUNE 26	MONDAY
----------------	---------------

5:30 p.m. Council Work Session

Harris Hall

Expected Absences:

- A. Committee Reports and Items of Interest
- B. WS:

7:30 p.m.

Council Meeting

Harris Hall

Expected Absences:

- 1. Public Forum
- 2. Consent Calendar
 - a. Approval of City Council Minutes
 - b. Approval of Tentative Working Agenda
 - c. Approval of EWEB Electric System Revenue Bonds
- 3. PH and Action: FY17 Supplemental Budget #2
- 4. PH and Action: FY18 Proposed Budget

CS/Forrest
CS/Forrest
CS/Cutsogeorge
CS/Miller
CS/Miller

JUNE 28	WEDNESDAY
----------------	------------------

Noon

Council Work Session

Harris Hall

Expected Absences:

- A. WS:
- B. WS:

ON THE RADAR

Work Session Polls/Council Requests

- 1. Drones (Taylor).....
- 2. New Housing Development on Unimproved Roads (Clark).....

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning The Prohibition of Dogs Within The Downtown Core Except in Certain Circumstances; Amending Section 4.427 Of The Eugene Code, 1971; and Providing for a Sunset Date of November 1, 2017.

Meeting Date: February 27, 2017
Department: Planning & Development
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Denny Braud
Contact Telephone Number: 541-682-5536

ISSUE STATEMENT

This public hearing is an opportunity for the public to provide feedback to the Eugene City Council on a proposed ordinance to restrict dogs in an area of the downtown. The purpose of the ordinance is to promote health and safety of pedestrians and dogs in downtown.

BACKGROUND

During a November 9, 2016, work session the City Council discussed potentially regulating the large numbers of dogs that are concentrated in the high pedestrian-traffic areas downtown. This dog issue was part of a comprehensive discussion regarding the creation of a safe, clean downtown and parks that are welcoming to everyone, through environmental enhancements, police and security presence and programming activities. The dog attack of a library employee that occurred downtown this summer (that resulted in the death of the library employee's dog and injury to her) was discussed at an earlier work session as an example of the type of tragedy that might be prevented in the future if there was a restriction on dogs within the downtown area.

The current concentration of dogs and people downtown is similar to the concentration of dogs and people experienced in the University area in the late 1990s. To address the safety issues in the University area, in 1996 the City adopted an ordinance prohibiting dogs in a specific geographic area near the University and Alder St. One of a handful of exceptions to the ordinance is if the dog's owner lawfully resides within the designated area. As a result of the 1996 ordinance, the safety issues caused by the high concentration of people and dogs in this University area no longer exists.

Based on this experience, the proposed ordinance (Attachment A) would restrict dogs from the downtown core (Attachment B). The restrictions would not apply to a dog whose owner lives or works in the downtown activity zone, or to service animals.

Currently, EC 4.427(1) prohibits dogs **from being on** “Alder Street, including the sidewalks thereof, between and including the southern sidewalk of East 12th Avenue and the northern sidewalk of East 14th Avenue, nor on East 13th Avenue, including the sidewalks thereof, between and including the eastern sidewalk of Pearl Street and the eastern sidewalk of Kincaid Street.” This prohibition “does not apply to a dog owner who maintains a lawful residence within the restricted area, to a dog assisting law enforcement personnel, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle.”

Like the current dog prohibition in EC 4.427(1), the proposed dog restriction for the downtown area prohibits a “dog owner” from permitting a dog to be within a specific geographic boundary. City Code broadly defines “dog owner” to include anyone with possession of a dog. Specifically, EC 4.330 defines “dog owner” as: “Any person who is the licensed owner of a dog, or who has a right of property in a dog, or who harbors a dog or who has it in their care, possession, custody or control or who knowingly permits a dog to remain on any premises occupied by the person. . . .” Based on the current definition of “dog owner” and the proposed exception to the downtown dog prohibition for people that work downtown, a person working downtown could bring their friend’s dog to work.

Also like the current dog prohibition in EC 4.427(1), the proposed exceptions to the dog prohibition downtown include an exception for “service animals.” EC 4.330 defines a “**service animal**” as: “Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Consistent with federal rules implementing the Americans with Disabilities Act, a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual with a disability may also be considered a service animal. The work or tasks performed by a service animal must be directly related to the handlers’ disability. Examples of work or tasks include, but are not limited to, assisting individuals who are vision impaired with navigation and other tasks, alerting individuals who are hearing impaired to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”

This ordinance is one piece of a broad range of efforts aimed at improving the public’s experience and perception of downtown Eugene. Last November, Council reviewed a number of strategies and tools that have been implemented in downtown over the last year to help deter illegal behavior, support positive activity, connect those in need with appropriate services, and create a healthy, welcoming environment as well as options that could be implemented in the future. At a follow-up work session on February 8, 2017, the Council received an update on recent actions that have been taken to support a healthy, safe and welcoming downtown including:

- The establishment of a Downtown Operations Team that will coordinate City efforts to improve safety and cleanliness in the downtown area and parks through environmental enhancements, police and security presence and programing activities;

- An increase in downtown police patrol presence and the continuation of extended hours of service for the Downtown Guides (Red Hats);
- More activities in the Park Blocks including the Winter Days programming and upcoming EUGfun events this spring and summer;
- Continued efforts to connect those in need with appropriate services through the Community Court program and Community Outreach & Response Team (CORT); and
- Upcoming Placemaking and Wayfinding recommendations.

In addition to these efforts, the City is actively pursuing a number of activities to improve conditions downtown including:

- Examining how and where attended restrooms and storage facilities can be provided downtown;
- Developing plans for police response in neighborhoods adjacent to downtown in the event that criminal activity is displaced to those areas;
- Continuing the successful Park Ambassador program in the WJ Skate Park and along the city's riverfront parks;
- Increasing the cleaning efforts of downtown public spaces and city-owned facilities;
- Adding additional lighting to key areas of downtown to increase safety and create a more welcoming experience;
- Implementing short-term recommendations from Project for Public Spaces regarding programming public spaces with lighter, quicker, and cheaper interventions to create active public spaces;
- Exploring options and models for the creation of a downtown manager with downtown partners and stakeholders;
- Moving forward with the construction of an open access broadband fiber network in downtown Eugene to support the local economy and the downtown innovation district;
- Returning to Council to discuss the reinstallation of downtown parking meters and reinvestment of some of those funds in downtown.

While no single action or ordinance will provide a solution to the current challenges in downtown, the City will continue to work with the community, downtown stakeholders, and partners toward a combination strategies that will make downtown cleaner, healthier and safer.

RELATED CITY POLICIES

City Council Goals

Safe Community - A community where all people are safe, valued and welcome.

- Greater sense of safety (especially downtown)

Regional Prosperity Economic Development Plan

Strategy 5: Identify as a Place to Thrive, Priority Next Step - Urban Vitality

As we foster a creative economy, dynamic urban centers are an important asset. Eugene, Springfield and many of the smaller communities in the region, recognize the importance of supporting and enhancing vitality in their city centers. Building downtowns as places to live, work and play will support the retention and expansion of the existing business community

and be a significant asset to attract new investment. The Cities of Eugene and Springfield will continue to enhance their efforts to promote downtown vitality through development and redevelopment.

COUNCIL OPTIONS

This is public hearing. No action is needed at this time.

CITY MANAGER'S RECOMMENDATION

This is a public hearing. No recommendation is proposed at this time.

SUGGESTED MOTION

This is public hearing. No action is needed at this time.

ATTACHMENTS

- A. Proposed Ordinance
- B. Map of the Downtown Core Area

FOR MORE INFORMATION

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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE PROHIBITION OF DOGS WITHIN THE DOWNTOWN CORE EXCEPT IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 4.427 OF THE EUGENE CODE, 1971; AND PROVIDING FOR A SUNSET DATE OF NOVEMBER 1, 2017.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsections (3) and (4) of Section 4.427 of the Eugene Code, 1971, are added to provide as follows:

4.427 Dogs - Certain Areas Prohibited.

- (1) Except as provided in subsection (2) of this section, no dog owner shall permit a dog to be on Alder Street, including the sidewalks thereof, between and including the southern sidewalk of East 12th Avenue and the northern sidewalk of East 14th Avenue, nor on East 13th Avenue, including the sidewalks thereof, between and including the eastern sidewalk of Pearl Street and the eastern sidewalk of Kincaid Street.
- (2) The prohibition of subsection (1) of this section does not apply to a dog owner who maintains a lawful residence within the restricted area, to a dog assisting law enforcement personnel, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle.
- (3) ***Except as provided in subsection (4) of this section, no dog owner shall permit a dog to be within the downtown core as that area is defined in section 4.871 of this code.***
- (4) ***The prohibition in subsection (3) of this section does not apply to a dog owner who maintains a lawful residence or is employed within the downtown activity zone, to a dog assisting law enforcement, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle.***

Section 2. Section 1 of this ordinance shall sunset and be repealed, effective November 1, 2017, unless extended or made permanent by future Council action.

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.

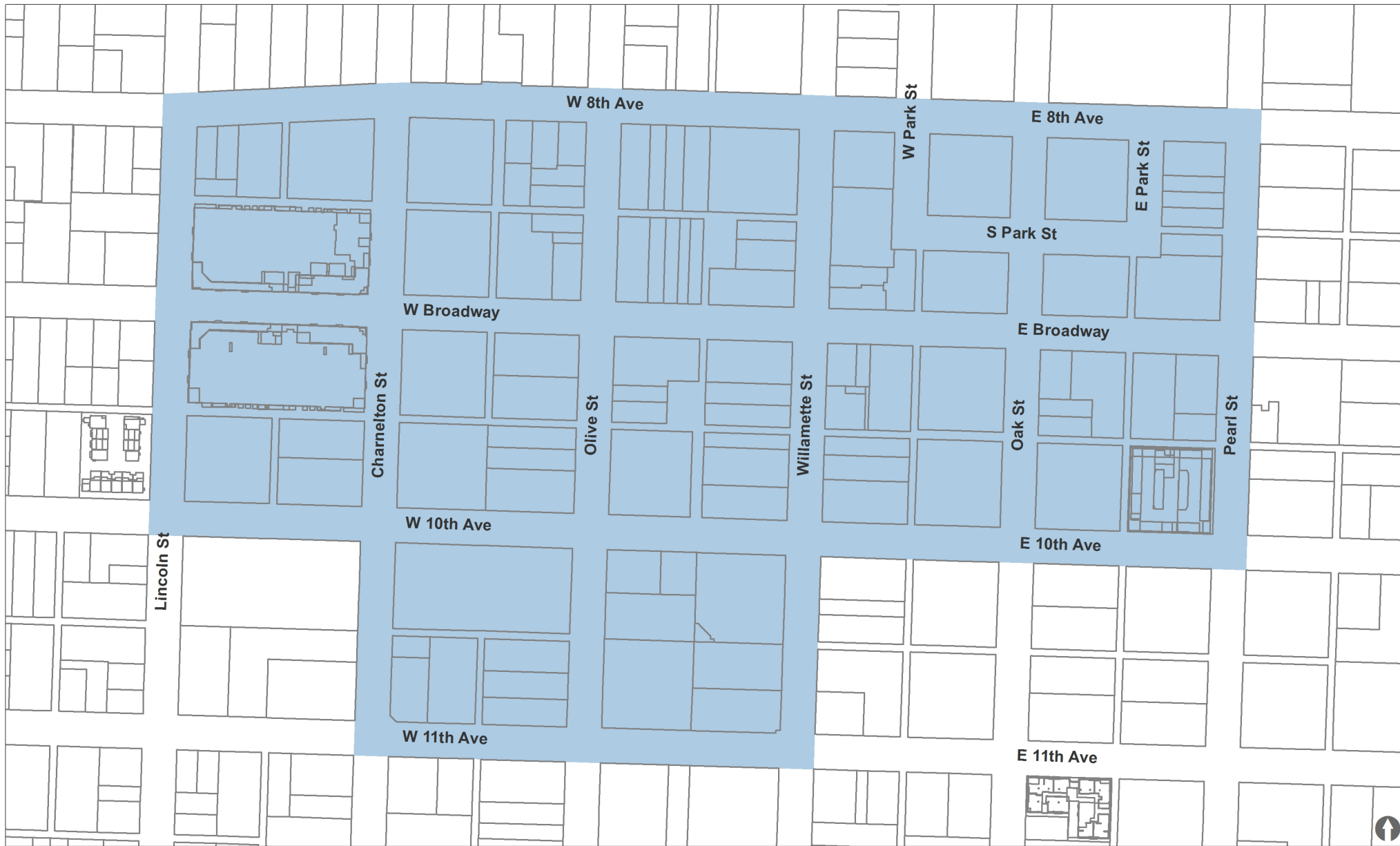
Passed by the City Council this
____ day of _____, 2017

Approved by the Mayor this
____ day of _____, 2017

City Recorder

Mayor

Downtown Core



Downtown core: Publicly-owned property and rights-of-way located within the area bounded by a line that runs from the intersection of 10th Avenue and Pearl Street, north to 8th Avenue, west on 8th Avenue to Lincoln Street, south on Lincoln Street to 10th Avenue, east on 10th Avenue to Charnelton Street, south on Charnelton Street to 11th Avenue, east on 11th Avenue to Willamette Street, north on Willamette Street to 10th Avenue, and east on 10th Avenue to Pearl Street, including sidewalks on both sides of the streets and avenues that define the area and all public improvements located therein.

0 50 Feet



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning The Prohibition of Smoking Within The Downtown Core and Allowing Certain Properties Outside The Downtown Core to Opt In; Amending Section 6.230 of The Eugene Code, 1971; and Providing for a Sunset Date of November 1, 2017.

Meeting Date: February 27, 2017
Department: Planning & Development
www.eugene-or.gov

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

ISSUE STATEMENT

This public hearing is an opportunity for the public to provide feedback to the Eugene City Council on a proposed ordinance to expand smokefree areas in the downtown. The purpose of the ordinance is to promote community health and create a more welcoming and accessible downtown core by reducing the impacts of secondhand smoke and cigarette litter.

BACKGROUND

Tobacco is the leading cause of preventable death in the United States, Oregon, and Lane County. Tobacco-related diseases kill approximately 7,000 Oregonians each year and nearly 700 people a year in Lane County alone. An additional 600 deaths are caused by secondhand smoke each year across the state. Medical expenses and lost wages due to tobacco-related disease and early death cost Lane County over \$258 million a year, or \$1,784 per household. Surveys indicate that 75% of Lane County residents believe it is important to be protected from secondhand smoke outdoors.

Preventing and reducing the impact of tobacco in Lane County is one of the top five priorities of the local Community Health Improvement Plan (CHIP). Evidence shows that increasing tobacco and smokefree environments is one of the most effective ways to reduce tobacco use and prevent secondhand smoke exposure.

Due to the enormous cost of tobacco use to society and individuals there is an increasing trend for businesses and governments to adopt policies regulating smoking or tobacco use in outdoor public spaces nationally and in Oregon. Salem, Oregon passed an ordinance that allows smoking to be prohibited on sidewalks and landscape strips within public right-of-ways that are adjacent to properties where smoking is prohibited as a policy of the property owner. Cities including Boulder, Colorado, Fort Collins, Colorado, Syracuse, New York, Ithaca, New York, Burlington, Vermont, Boise, Idaho, and San Rafael, California, have passed ordinances creating smokefree outdoor areas in their city centers and downtowns. Locally, in 2016, all City of Eugene Parks and Open Spaces became smokefree and in January 2017, Lane County acted to make all 73 county

parks and open spaces smoke and tobacco-free.

Current ordinances do not allow smoking within 10 feet of any public doorway or within 25 feet of the entrances to government buildings throughout Eugene. While these ordinances provide some level of protection from secondhand smoke indoors, they do not address outdoor smoking in high use pedestrian areas, such as downtown sidewalks, alleys and public spaces.

The proposed ordinance (Attachment A) would expand smokefree areas to include the public spaces – sidewalks, alleys, and plazas – within the defined area of the downtown core (Attachment B). The ordinance includes an option to create designated smoking areas after 6:00 p.m. and an “Opt-In” option for smokefree properties outside of the core to create smokefree areas on the public right away adjacent to their property.

The primary purpose of creating and maintaining smokefree public spaces is to protect the health and safety of the community. Expanding public smokefree areas helps prevent the dangers of secondhand smoke and encourages a reduction in tobacco usage. In addition to reducing exposure to the harmful impacts of tobacco smoke, the ordinance will provide spaces that are more accessible to everyone, including those people with respiratory diseases, such as asthma, as well as other health conditions. Furthermore, the ordinance will have a positive impact on the environment by reducing cigarette litter in local stormwater systems and waterways.

RELATED CITY POLICIES

City Council Goals

Safe Community - A community where all people are safe, valued and welcome.

- Greater sense of safety (especially downtown)

Regional Prosperity Economic Development Plan

Strategy 5: Identify as a Place to Thrive, Priority Next Step - Urban Vitality

As we foster a creative economy, dynamic urban centers are an important asset. Eugene, Springfield and many of the smaller communities in the region, recognize the importance of supporting and enhancing vitality in their city centers. Building downtowns as places to live, work and play will support the retention and expansion of the existing business community and be a significant asset to attract new investment. The Cities of Eugene and Springfield will continue to enhance their efforts to promote downtown vitality through development and redevelopment.

COUNCIL OPTIONS

This is public hearing. No action is needed at this time.

CITY MANAGER’S RECOMMENDATION

This is a public hearing. No recommendation is proposed at this time.

SUGGESTED MOTION

This is public hearing. No action is needed at this time.

ATTACHMENTS

- A. Proposed Ordinance
- B. Map of the Downtown Core Area

FOR MORE INFORMATION

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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE PROHIBITION OF SMOKING WITHIN THE DOWNTOWN CORE AND ALLOWING CERTAIN PROPERTIES OUTSIDE THE DOWNTOWN CORE TO OPT IN; AMENDING SECTION 6.230 OF THE EUGENE CODE, 1971; AND PROVIDING FOR A SUNSET DATE OF NOVEMBER 1, 2017.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (2) of Section 6.230 of the Eugene Code, 1971, is amended to provide as follows:

6.230 Smoking Prohibited in Public Places and Places of Employment.

(2) Smoking is prohibited in all public places and all places of employment within the city, including, but not limited to the following:

....

(q) Within the downtown core as that area is defined in section 4.871 of this code. Notwithstanding the prohibition contained in this section, the city manager is authorized to permit smoking after 6 p.m. in designated areas adjacent to private establishments that request such permission and that comply with the rules adopted by the city manager under section 2.019 of this code.

(r) If requested by the property owner and approved by the city manager, public rights-of-way adjacent to properties where smoking is prohibited by subsections (2)(a)-(p) and public rights-of-way adjacent to smoke free publicly owned properties. The request shall comply with the rules adopted by the city manager under section 2.019 of this code.

Section 2. Section 1 of this ordinance shall sunset and be repealed, effective November 1, 2017, unless extended or made permanent by future Council action.

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

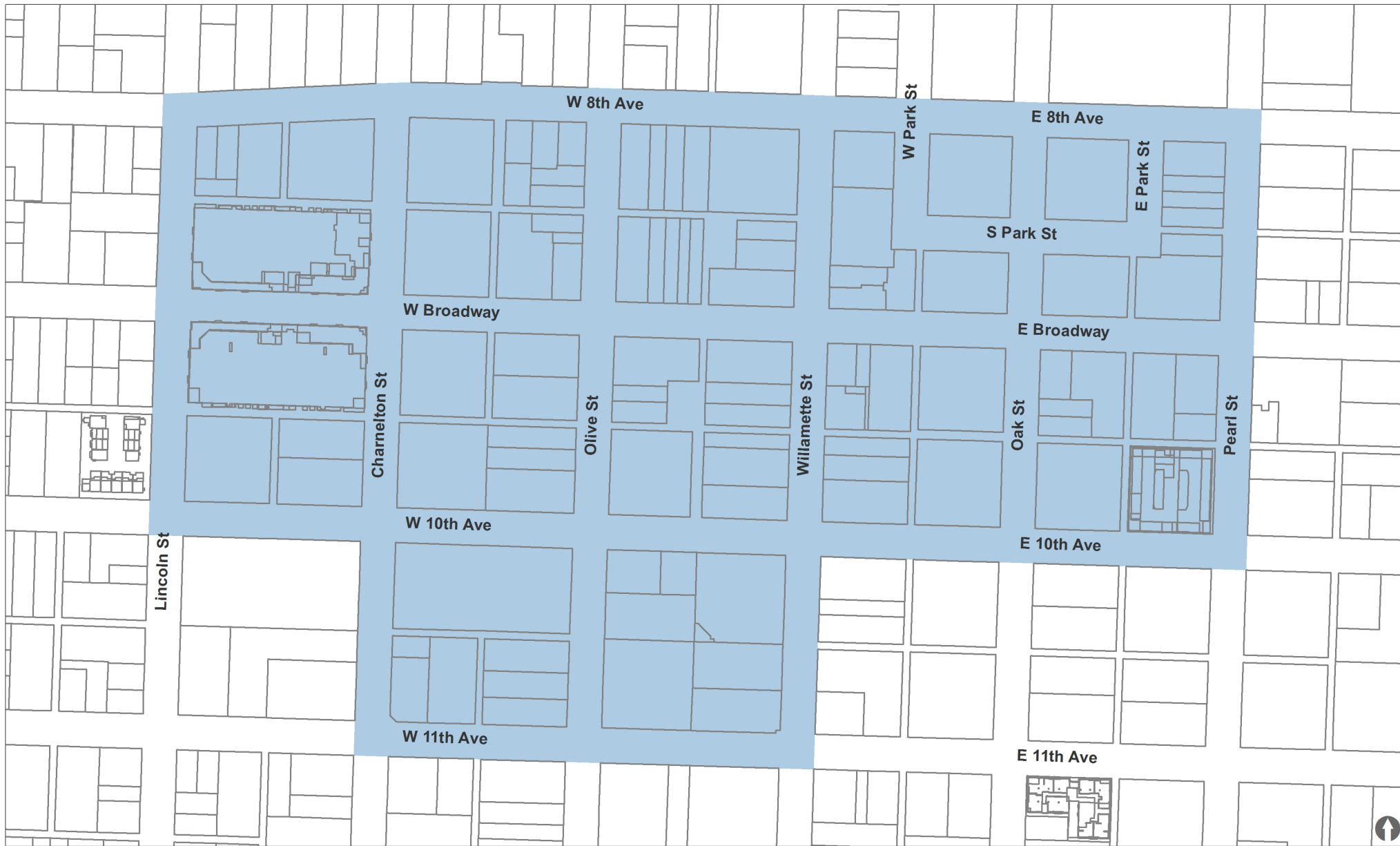
Approved by the Mayor this

___ day of _____, 2017

___ day of _____, 2017

City Recorder

Mayor



Downtown core: Publicly-owned property and rights-of-way located within the area bounded by a line that runs from the intersection of 10th Avenue and Pearl Street, north to 8th Avenue, west on 8th Avenue to Lincoln Street, south on Lincoln Street to 10th Avenue, east on 10th Avenue to Charnelton Street, south on Charnelton Street to 11th Avenue, east on 11th Avenue to Willamette Street, north on Willamette Street to 10th Avenue, and east on 10th Avenue to Pearl Street, including sidewalks on both sides of the streets and avenues that define the area and all public improvements located therein.

0 50 Feet



EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Adopting Hazardous Substance User Fees for the Fiscal Year
Commencing July 1, 2017

Meeting Date: February 27, 2017
Department: Fire
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Jo Eppli
Contact Telephone Number: 541-682-7118

ISSUE STATEMENT

In accordance with provisions of Section 54, Article VII of the Eugene City Charter and Section 3.694 of the City Code, the cost of running the Eugene Toxics Right-to-Know Program must be fully-funded by fees assessed to local manufacturing businesses that are hazardous substance users.

To support the program for fiscal year 2017-2018 (FY18), the Toxics Board recommends that City Council adopt a fee of \$63.120 per full-time-equivalent employee (FTE) employed by participating businesses in 2016, up to a maximum of \$2,000 as provided by state law. The \$63.120 is a per FTE increase of \$14.830 in comparison to last year's fee, which will maintain a staffing level at 85 percent, while keeping costs as low as possible to businesses.

BACKGROUND

Each year, beginning in 1998, Council has approved fees to support the Eugene Toxics Right-to-Know Program, first by resolution, and later, because of changes in state law, by Ordinance. Throughout the life of this program, the City has always assessed fees on the basis of number of persons employed by the participating businesses. This is because the City is prohibited by state law from charging on the basis of quantity of chemicals used.

Until 2004, the methodology was to poll the businesses at the beginning of each calendar year and ask them to calculate and report their FTE for the preceding calendar year, then divide the program's revenue requirement for the upcoming fiscal year by the total number of FTE reported, and bill accordingly, with payment due May 1 each year as provided by the Charter.

In 2004, a state-imposed fee cap of \$2,000 took effect, resulting in fee reductions for larger participating businesses, and fee increases for smaller ones. Although participating employers are still polled for their FTE figures, because of the state-imposed fee cap, those with a high number of FTE now pay a smaller amount per FTE to support the program. Previous efforts to address this perceived inequity, both locally and before the State Legislature, have been unsuccessful, and so the recommendation before Council at this time is to adopt a similar fee, similarly calculated, to those adopted in each of the past thirteen years.

Similar to previous years, the Toxics Board wants to highlight that the \$2,000 state-imposed fee cap has remained the same since going into effect in 2004. This state-imposed fee cap, coupled

with rising program costs, as well as inflation (all of which are beyond the Toxics Board's scope of control) have created a very serious structural funding issue for the program.

In a continued effort to balance the financial impact to especially small businesses with maintaining staffing at a reasonable level, the Toxics Board unanimously voted to recommend a fee of \$63.120 per FTE, which covers a budget of \$134,242.64 to support the program for FY18.

To calculate the fees for FY18, the total 2016 FTE from participating employers of 4,747.113 was used in conjunction with the revenue requirement of \$134,242.64; then taking into account the state-mandated maximum of \$2,000, resulted in a recommended fee of \$63.120 per FTE (compared to \$48.29 per FTE last year), up to \$2,000 per entity. This is a per FTE increase of \$14.830 in comparison to last year's fee, and will maintain a staffing level at 85 percent. Any business with more than 32 FTE (compared to 40 FTE last year) would pay the maximum \$2,000 fee per entity.

RELATED CITY POLICIES

Section 54, Article VII of the City Charter provides in part as follows:

- A. Each hazardous substance user shall pay an annual fee to the City of Eugene, sufficient to jointly cover the implementation of this Section, including expenses incurred by the Eugene Public Library, Fire Marshal, City of Eugene and the Toxics Board.
- B. In order that this Section be self-supporting through hazardous substance user fees, the fee amounts shall be recommended annually by the Toxics Board and approved and amended as necessary by the Eugene City Council.
- C. All fees due under this Section shall be paid by May 1 of each calendar year.

Section 3.694 of the City Code provides further for these fees.

COUNCIL OPTIONS

1. Act on the Ordinance.
2. Postpone action on the Ordinance.
3. Provide other direction.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the Ordinance.

SUGGESTED MOTION

Move to adopt Council Bill 5166, an ordinance adopting hazardous substance user fees for the fiscal year commencing July 1, 2017.

ATTACHMENTS

- A. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Jo Eppli

Telephone: 541-682-7118

Staff E-Mail: joann.c.eppli@ci.eugene.or.us

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING HAZARDOUS SUBSTANCE USER FEES
FOR THE FISCAL YEAR COMMENCING JULY 1, 2017.****The City Council of the City of Eugene finds that:**

A. Pursuant to Article VII of Amendment IV to the Eugene Charter of 2002 (the "Amendment"), the City Council has previously adopted Resolutions and Ordinances establishing fees to be paid by hazardous substance users within the City with the most recent being Ordinance No. 20562 which established fees to be paid by hazardous substance users for the fiscal year commencing July 1, 2016.

B. In accordance with other requirements of the Amendment, the City Council, by ordinance, has adopted the City's Hazardous Substance Tracking Instructions, which provide guidance to hazardous substance users in completing and submitting the reports required by the Amendment.

C. Pursuant to ORS 453.370(2)(a), the City must adopt the hazardous substance user fee schedule via ordinance after notice and public hearing. The City published and posted notice of the public hearing to be held on February 21, 2017, concerning the proposed ordinance adopting hazardous substance user fees, and such hearing was held before the Eugene City Council on that date.

D. Pursuant to ORS 453.370(2)(b), the City cannot adopt a fee schedule that imposes a fee of more than \$2,000 for any single facility in any calendar year.

E. The Toxics Board has recommended a fee of \$63.12 per FTE, not to exceed \$2,000 for any single facility for the 2017 calendar year, in order to cover the expenses of the program for the fiscal year commencing July 1, 2017.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. A fee of \$63.12 per FTE, not to exceed \$2,000 for any single facility for the 2017 calendar year, is hereby imposed as the fee to be paid by hazardous substance users within the City of Eugene.

Section 2. As used in this Ordinance, the terms "FTE" and "hazardous substance users" have the meanings ascribed to them in Section 3.692 of the Eugene Code, 1971.

Section 3. The fees collected pursuant to this Ordinance shall be used for the purpose of operating the Toxics Right-to-Know Program created by Amendment IV to the Eugene Charter of 2002 and implemented by subsequent ordinances of the City.

Passed by the City Council this

_____ day of February, 2017.

City Recorder

Approved by the Mayor this

_____ day of February, 2017.

Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Removing the Sunset Dates of the Rest Stop and Dusk-to-Dawn Programs

Meeting Date: February 27, 2017
Department: City Manager's Office
www.eugene-or.gov

Agenda Item Number: 6
Contact: Regan Watjus
Contact Telephone Number: 541-682-8442

ISSUE STATEMENT

This item provides an opportunity for the City Council to take action on an ordinance that removes the sunset date for the rest stop and Dusk-to-Dawn pilot programs. If the ordinance to remove the sunset date is approved, the establishment of any new rest stop or Dusk-to-Dawn site will still require approval from City Council. If no action is taken, the programs will sunset on March 31, 2017 and need to either be renewed or repealed. A Public Hearing on the proposed ordinance was held on February 21, 2017. Five people spoke in support of the proposed ordinance and none spoke in opposition.

BACKGROUND

Program Overview

The rest stop program was initiated by Council in September 2013 to provide a temporary housing option to the community through a low cost, safe, transitional sheltering program. The program currently supports five rest stops, each of which allows up to 20 individuals to stay and keep their belongings while they work to find more permanent housing. Managing non-profits are responsible for the day to day operations of each site. The City contributes to the program through the Council-enacted ordinance. Properties used for this purpose require Council approval. The rest stop program has served over 300 people in the last two year reporting period and helped at least 89 get into permanent housing situations.

The Dusk to Dawn program was approved by the City Council in November 2015 to provide additional sleeping options for people who are homeless. The program allows people who are experiencing homelessness to sleep overnight at City approved sites between the hours of 4:30 pm and 7:30 am. A provision was added and approved in March 2016 to allow the City Manager to consider the seasonal sunset in determining the hours of permitted overnight sleeping in the Dusk-to-Dawn program. The Dusk-to-Dawn program managed by St. Vincent de Paul has served over 300 people to date, and its capacity expanded during the recent winter months of 2016-2017 compared to the previous winter.

Previous Council Actions

The City Council has renewed the rest stop program by ordinance amendment three times. The most recent amendment to extend the program was approved in March 2016. This latest amendment also extended the Dusk-to-Dawn program, and now both programs are scheduled to sunset March 31, 2017. At the November 16, 2016 Council Work Session on this topic, Council unanimously approved a motion that the sunset date on the rest stop program should be eliminated. Therefore, a Public Hearing was held on February 21, 2017, at which 5 people spoke in support of the proposed ordinance and none spoke in opposition.

RELATED CITY POLICIES

1. Eugene Code 4.816 Permitted Overnight Sleeping.
2. Council goal for a safe community: A community where all people are safe, valued and welcome.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that City Council adopt the ordinance amendment.

SUGGESTED MOTION

Move to adopt Council Bill 5168, an ordinance removing the sunset dates of the rest stop and Dusk-to-Dawn programs.

ATTACHMENTS

A. Proposed Ordinance—An Ordinance Removing the Sunset Dates of the Rest Stop and Dusk-to-Dawn Programs.

FOR MORE INFORMATION

Staff Contact: Regan Watjus, City Manager's Office
Telephone: 541-682-8442
E-Mail: Regan.S.Watjus@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE REMOVING THE SUNSET DATES OF THE REST STOP AND DUSK-TO-DAWN PROGRAMS.

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

A. On September 25, 2013, Ordinance No. 20517 was adopted concerning permitted overnight sleeping. Section 3 of that Ordinance adopted a permitted overnight sleeping (“rest stop”) pilot program with a sunset date of March 31, 2014. The program was amended by Ordinance No. 20547. The rest stop program sunset date has been extended, most recently on March 14, 2016, by Ordinance No. 20563, which extended the sunset date to March 31, 2017.

B. On November 24, 2015, Ordinance No. 20559 was adopted establishing the permitted overnight sleeping (dusk to dawn) pilot program with a sunset date of March 31, 2016. The dusk to dawn program was amended and the sunset date extended to March 31, 2017, by Ordinance No. 20563 on March 14, 2016.

C. The Council has decided to remove the sunset date of the rest stop and dusk to dawn programs.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN that the sunset date for the rest stop program adopted in Section 3 of Ordinance No. 20517 and amended by Ordinance No. 20547, and the dusk to dawn program adopted by Ordinance No. 20559, is repealed.

Passed by the City Council this

_____ **day of February, 2017.**

Approved by the Mayor this

___ **day of February, 2017.**

City Recorder

Mayor

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Concerning Marijuana Tax Appeals and Amending Section 3.710 of the Eugene Code, 1971

Meeting Date: February 27, 2017
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 7
Staff Contact: Glenn Klein and Kathryn Brotherton
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

The City Council is scheduled to take action on an ordinance to amend the marijuana tax appeal provisions set out in Section 3.710 of the Eugene Code, 1971 (EC). The amendment allows for appeals to be processed in accordance with State of Oregon procedures if the City contracts with the State to administer the tax. Currently, EC 3.710 requires that appeals be processed as provided in EC 2.021 (Appeal Procedures).

BACKGROUND

On July 25, 2016, Council adopted Ordinance No. 20566, adding Sections 3.700 – 3.710 to the Eugene Code, 1971, imposing a three percent tax on the retail sales of recreational marijuana. The ordinance further provided that the provisions would become effective only if approved by voters at the November 2016 City election, and if so approved, the ordinance would take effect on January 1, 2017. The voters approved the provisions and the ordinance took effect on January 1, 2017.

In mid-January, the City entered into an Intergovernmental Agreement with the State of Oregon for the Department of Revenue (DOR) to administer Eugene's local tax for sales of recreational marijuana. Under the IGA, DOR is responsible for, among other administration duties, handling appeals of the local tax, and such appeals are required to be handled through the Oregon Tax Court. As currently written, EC 3.710 allows for appeals to be processed only under the City's appeal procedures in EC 2.021, which is a City process. Therefore, EC 3.710 must be amended in order for DOR to process appeals through the Oregon Tax Courts.

The public hearing on this ordinance was held on February 13, 2017. No testimony was given.

RELATED CITY POLICIES

Contracting with the State for DOR's administration of the City's recreational marijuana tax is a cost effective alternative to the City administering the tax internally, which would require additional staff time and also require implementing new security measures in order to safely collect the taxes.

COUNCIL OPTIONS

Council may adopt the proposed ordinance, or decline to adopt the proposed ordinance.

CITY MANAGER' S RECOMMENDATION

The City Manager recommends adoption of the proposed ordinance.

SUGGESTED MOTION

Move to adopt Council Bill 5164, an ordinance to amend the marijuana tax appeal provisions in the Eugene Code.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

Staff Contact: Glenn Klein or Kathryn Brotherton

Telephone: 541-682-5010

ORDINANCE NO. _____

AN ORDINANCE CONCERNING MARIJUANA TAX APPEALS AND AMENDING SECTION 3.710 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.710 of the Eugene Code, 1971, is amended to provide as follows:

3.710 **Retail Tax on Marijuana Items - Appeal.** Any person aggrieved by any decision of the tax administrator under this code may appeal the decision in the manner provided in section 2.021 of this code. The appeal shall be heard and determined as provided in section 2.021 of this code. ***However, if the city manager contracts with the State of Oregon to administer the tax, then in lieu of processing an appeal as provided in section 2.021, the city manager may provide that the appeal shall be processed in accordance with procedures adopted by the State.***

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

Approved by the Mayor this

___ day of February, 2017

___ day of February, 2017

City Recorder

Mayor