

**BOARD OF COMMISSIONERS'  
REGULAR MEETING**

August 17, 2011

1:30 p.m.

Harris Hall Main Floor

Commissioner Faye Stewart presided with Commissioners Jay Bozievich, Rob Handy, Sid Leiken and Pete Sorenson present. Acting County Administrator Alicia Hays, County Counsel Stephen Vorhes and Recording Secretary Melissa Zimmer were also present.

11. **PUBLIC HEARING**

- a. PUBLIC HEARING AND ORDER 11-8-17-5/In the Matter of Amending Lane Manual Chapter 20 Public Contracting Rules for Construction Manager/General Contractor, Design/Build, Energy Savings Performance Contracts; for General Exemption Process; for Appeals Denying Prequalification, Disqualification and Debarment, Sole Source, and for Consistency with Law and Current Practice.

Assistant County Counsel Trina Laidlaw explained that the primary purpose of the proposed rules for Lane Manual Chapter 20 is to address issues with public improvement contracts. She said public improvement contracts are to be based on formal competitive bidding, but the County has the authority to exempt a single or class of contracts from formal bids. She indicated the areas in this agenda item is for the CMCG process and design build and energy savings performance contracting. She said the law encourages public entities to take advantage of these alternative contracting methods whenever there is an evolving procurement methodology in a particular business and that has occurred within the Attorney General model rules and in the law in recognizing these three areas with exemptions.

Laidlaw indicated that the purpose of this item is to make changes in their rules to allow the County departments to be able to utilize those rules. She noted they have had one with CMGC and they added more substance to it. She indicated that they added a provision about allowing early work before the guaranteed maximum price is set by the contractor. She recalled they have had occasions in the past where that had become an issue. She explained the County Administrator would become the gate keeper and look at whether it is necessary to do the early work and not have formal competitive bids for small chunks of work before they get into the building contract. She said the rule would also add design build to their rules. She said they hadn't had one on design build because they hadn't had contractors in this community that combine the architect and the engineer and construction workers' responsibility to a single point of contact. She thought the reason to have the rule was to establish it as a foundation in case of a future opportunity.

With regard to energy savings performance contracting, Laidlaw said they had a pilot project with Corrections and for the steam conversion at the court house. She said the rule would make it so in the future if they want to use more of these energy performing savings contracts, the department wouldn't have to get a special exemption. She indicated that the legislature has already decided that particular type of contract is helpful to public entities and they could move to the RFP process. She said the department directors would have to review the project and the RFP would come before the Board for approval. She noted there were other changes. She indicated they had to publish in a statewide trade journal related to the amendments and they did that in the Daily Journal of Commerce 14 days ago. She stated that no one called or expressed an interest in presenting comments today and that was the purpose of the ad. She indicated they have fulfilled their procedural responsibilities.

Leiken viewed this as another tool in the tool box. He thought it didn't mean they had to go this route.

Commissioner Stewart opened the Public Hearing. There being no one signed up to speak, he closed the Public Hearing.

MOTION: to approve ORDER 11-8-17-5.

Handy MOVED, Leiken SECONDED.

VOTE: 5-0.

- b. PUBLIC HEARING AND ORDER 11-8-17-5/In the Matter of the Vacation of Portions of Fairgrounds Entrance Road (Co. Rd. 2253) and Fairgrounds West Entrance Road (Co. Rd. 2267), Located in the Northwest One Quarter of the Southwest One Quarter (NW1/4SW1/4) and Southwest One Quarter of the Southwest One Quarter (SW14SW1/4) of Section 31, Township 17 South, Range 3 West and the Northeast One Quarter of the Southeast One Quarter (NE1/4SE1/4) of Section 36, Township 17 South, Range 4 West of the Willamette Meridian, in Lane County, Oregon, with a Public Hearing and Adopting Findings of Fact (17-03-31-32, 17-03-31-33 & 17-04-36-41)

Mike Jackson, Surveyor, explained that this is for a proposed vacation of a certain group of County roads within the Fairgrounds. He said the Lane County Surveyor's office is responsible for managing this vacation process. He noted the initial request came to the Surveyor's Office from Management Services Administration. He said following Lane Manual 15.305, David Suchart, Management Services, and he on June 22, 2011 presented this proposal to the Roads Advisory Committee and they approved this item at that date. He added that all of the statutory requirements and advertising had been met per ORS 368 and at a previous Board discussion on July 12, Commissioner Handy requested that this agenda be placed on line and it was done.

Jackson reported the main focus is the vacation of certain roads in the Fairgrounds. He said to date he has had no one against vacating the roads. He indicated there has been other discussion about access through the Fairgrounds. He indicated the bicycling community has concerns about the two gates. He said he met with the city and they looked at the situation. He noted the city has future plans for bike routes around the Fairgrounds and through the city. He indicated that they decided to remove one segment of the vacation they initially proposed from the original agenda item to make a safer access for bicycles. He put a letter from the city in the Board's packet stating they were supporting the road vacation.

Sorenson thought it was a good decision to take out the road. He wanted to hear from the public on the narrow issues raised by the road vacation.

Handy asked what the relationship was with the City Bike Ped Master Plan. He asked if they need to make improvement to the road east of the Historical Museum. He asked who would be responsible for making upgrades and how they get it accomplished.

Jackson responded that they would need to work with the city of Eugene on that. He said the city has a plan for that area. He said they realize there are a lot of issues they have to deal with all over the city. He noted those talks have started and this hearing will enforce those to a certain extent for them to move forward.

Bozievich was concerned about the County's liability for a bikeway. He thought they are encouraging unsafe practices of bicycle traffic to run behind parked cars, through a parking lot and then down a sidewalk. He thought it was an accident waiting to happen. He thought it was better to encourage people to stay on 13<sup>th</sup> in the designated bike path. He said they need to have the ability to secure their property. He added that they need to have flexibility to be able to utilize the full property and the vacation around the old Extension Service parcel gives them one continuous piece of property that is more useful to them. He noted that the relocation of the gate to be further away from the Event Center prevents people from turning down the path accidentally.

Commissioner Stewart opened the Public Hearing.

Duncan Rhodes, Eugene, Secretary of the Whitaker Community Council, said they don't care about the vacation of the roads, but they object to the interruption of the bike path that currently comes down Monroe. He said the Whitaker Council objects to the interruption of the bike bath. He said it lessens their connectivity. He said they have 162 online signatures and 16 on paper against the closure of the gates. He said they can go around the building, but it is more difficult. He noted there is no bike lane on 13<sup>th</sup> Avenue. He said if they have to go around through the parking lot and down the east side of the property, for the County to have a buffer for a clearly marked bike lane. He asked if ADA has been

involved with this. He said they have an issue with Road 2253 going south. He said the widths through the gate on the south end need to be opened up to seven feet.

Anya Debrowolski, Eugene, said the north south connector is a vital neighborhood connector between the Friendly and College Hill neighborhoods and North Eugene. She indicated this is also a connector for pedestrians. She said in addition to the lack of lighting on 13<sup>th</sup> Avenue, there is the necessity to combine cyclists and pedestrians. She wanted that issue discussed first before they close the gates. She didn't believe the County was complying with ADA. She indicated there are mobility barriers. She said they have to open the gates up until they become an appropriately outfitted piece of the Bike and Ped Master Plan for the city until it is safe and pleasant to use. She wanted to see the city and County collaborate for a more win-win solution as opposed to a knee jerk reaction to closing the gates.

Emily Swenson Eugene, stated that the Fairgrounds are practically in her backyard. She said what concerns her the most about the gate closure is that it is a connector for children on their way to school. She heard from other parents that this route feels unsafe to them. She is concerned about the narrow sidewalk. She stated that the bike lanes need to be restriped, as it is hard to see there is a bike lane on the County road. She noted that some people attending the Fair were parking in the bike lane. She asked that a safe, direct and well marked bike and pedestrian route through and around the Fairgrounds be a priority when they are considering the future of the Fairgrounds.

Matt Lutter, Eugene, said he is a bicyclist and has been using the path through the Fairgrounds for a couple of years for commuting. He said that connection is important to connect the Friendly Area Neighbors to the Jefferson Westside and the river beyond. He commented that if those gates remain closed, it will further disconnect his neighborhood with the rest of the city. He indicated that he is on the Friendly Area Neighbors Executive Board and he also spoke as a representative for the neighborhood. He thought the gates should remain open. He added the options that are in place are not a permanent solution.

Robert Beal, Eugene, said he walks from his home on Monroe Street through the Fairgrounds. He said he has lived at his address for nine years. He said he finds it irritating for the gates to be closed. He said it affects him when the gates are closed.

Colleen Forbes, Eugene, stated that she has been living in the Whitaker Neighborhood for 20 years. She indicated that she and her children have been commuting by bike three times a week. She commented that going through the Fairgrounds has been the safest and most direct route to get to the Village School where her children attend school. She said it is unfortunate that the prospect of closing the Fairgrounds permanently has arisen and those that use the access

points are the ones that are going to be punished for the misbehavior and lack of security that is not their responsibility. She thought the alternate route going east on 13<sup>th</sup> Avenue and south on the access road is a good idea but it is not functioning right now. She noted the route is not well lit. She thought they should be able to continue to go through the Fairgrounds until a better solution is in place.

There being no one else signed up to speak, Commissioner Stewart closed the Public Hearing.

Bozievich commented that the north south access through the Fairgrounds has never been 100 percent 24/7, it has always been at the whim of whatever event is taking place on the Fairgrounds. He said the detour around the closed gates is 1,000 feet total extra distance. He indicated that West 15<sup>th</sup> Avenue is a designated bike route and it is well signed and you can reach other north south designated bike routes from there. He said they have to start locking the gate to the Fairgrounds because they have had fires started in animal stalls by homeless people and there were hypodermic needles found in areas where kids would play. He stated that they have to get control of the facility and he didn't think the option of leaving the north south gates open is an option. He said if they decided that they don't want to be in the Event Center business and they don't want to have a Fairgrounds there, there might be opportunities to reopen the pathway. He added as long as it is the desire of the citizens of Lane County to operate a successful Events Center, they need to have security for the Events Center and he doesn't think asking cyclists to go an extra 100 feet one way or the other is that big a deal. He indicated that they have to look at what the property is designed for: access for 24/7 for the cycling and pedestrian community or an Events Center.

Leiken said they are not discussing bike plans; they are discussing vacation of right of ways and not a master plan involving the city of Eugene. He said he is focused to the issue at hand. He thought there could be solutions in the future for the gates. He said he sees this as trying to protect an asset they have. He said what Jackson has brought forth makes sense to him. He supports what staff proposed.

Sorenson favored the road vacation on the two parcels. With regard to access to the Fairgrounds, he said to him it is an area of significant public ownership. He said it is owned by everyone in the County and everyone in the County should have access to the property as much as possible so they can all benefit from it. He said he lives south of the site and he walks through the Fairgrounds a lot. He said he didn't have a problem closing the site but he said there is plenty of opportunity to make it multi use. He thought the best course would be to approve the two segments and vacate those properties. He said from a standpoint of security, they will lower the vandalism if they have people going through the area. He said they are more likely to have less crime than if they keep it walled off. He thought the Lane Events Center should be moving forward with an opportunity to have people

go through the Fairgrounds property, not close it up, not wall it off and have it be accessible as much as possible.

Bozievich stated that public ownership doesn't always mean public access. He said there are times they have to deny public access for the safety of the public. He said their inability to patrol the Fairgrounds means allowing people on those Fairgrounds is also allowing them to be in an area where they can't guaranty their safety. He said they don't allow people in the Public Works maintenance yard because they have heavy trucks and forklifts, similar to the Fairgrounds. He added that they are not talking about closing all 55 acres of the site, everything south of the Amazon channel will still be open to the public and everything to the east of the Events Center and the Museum is still open to the public. He thought in this case establishing a parameter of security is justified.

MOTION: to approve ORDER 11-8-17-5.

Bozievich MOVED, Leiken SECONDED.

Handy said they have a facility and long term need to have public goodwill and support of the things they are doing at the Lane Events Center and the Fairgrounds. He said they have an opportunity to craft a plan and a reasonable solution that addresses the concerns of the Lane Events Center and the communities in the Eugene area that are asking for help. He said they need to slow down. He asked if they have the ability in Lane County to unilaterally make a change to plans that would be part of their Transportation System Plan. He said they should be talking to all of their partners. He indicated there are issues that have been brought up they need to address. He said they need to partner with the communities who are asking to address this situation before they move forward on this. He wanted to hold off on making this decision. He is disappointed that they are moving forward without addressing the issues that have been raised. He said if that is the case, he will not be supporting what is a reasonable proposal around road vacations. He said they are missing the opportunity for overall support from the community for the Fairgrounds.

Stewart recalled that this Board voted to close the Fairgrounds to public access. He stated that there are two separate issues. He said the first issue is the road vacation. He commented that it makes sense. He added the access issue is separate. He stated there is no connection with the road vacation and the path through the Fairgrounds. He said it is an opportunity for the community to state their concerns. He stated that he has done everything he could to not close the Fairgrounds. He said they hired outside security guards to come and patrol for several months and it cost several thousands of dollars. He added that they experience continued activity that is inappropriate. He indicated there were people starting fires in the animal barn that they were not able to control. He said there has been drug activity and things they needed to address and this Board addressed it at the request of Rick Reno three or four months ago. He said that

Reno reached out to the neighborhoods to discuss it. He said it was not something brought up in the dark. He toured the facility with Reno and tried to look at the different concerns. He said what he saw was that the route through the Fairgrounds was not safer than going around the Fairgrounds. He said the route around the Fairgrounds has more lighting than other routes. He said there were concerns about people being able to hide out and come after someone. He said when you allow people on bicycles to go down Monroe Street and go through the parking lot, there is a car parking issue. He said there are pictures of bicycles on 13<sup>th</sup> Avenue in front of the administration building and not through the parking lot. He thought the designated path is along 13<sup>th</sup> Avenue. He thought they could go down road 2253 and restripe that for bicycles. He said they have to balance whether or not they are going to protect an asset and they made that decision about four months ago. He indicated that today they are talking about road vacations. He doesn't see where vacating the roads is a problem. He said creating visible bike lanes and for people to work with the city along 13<sup>th</sup> Avenue would be a potential way to help. He added there is the possibility to explore a partnership with the neighborhood to see if there is a Neighborhood Watch Program that might work to meet the issues they are trying to address with vandalism. He was willing to see if that is a possibility. He noted in September they are going to have Reno come before the Board to engage the Board in a long term plan for the Fairgrounds. He was in support of the motion.

Bozievich stated that none of the vacated roads are on the TSP or the Bike Ped Master Plan. He doesn't think they will be violating any master plan documents by vacating these roads that literally go nowhere at this time.

Sorenson thought they should vacate the roads. With regard to the management of the Lane Events Center, he thinks they have issues connected to the Board's administration of that land. He said they would want to have the property open and available as it is owned by the people. He said in the past they have managers who have talked about the property as a park that has an events center connected to it. He thought people would be more likely to visit a beautiful place than a less beautiful place. He hopes they will have an opportunity to engage the neighbors to make it a more beautiful area.

Leiken said he will approve this, as this matter is about the vacation issue. He indicated that when Reno comes before the Board, Reno understands he will be asked challenging questions about the gates and the reasons behind it.

VOTE: 4-1 (Handy dissenting).

## 12. COMMISSIONERS' ANNOUNCEMENTS

Leiken announced that tonight at Emerald Valley Golf Club the Eugene Chamber of Commerce is having a business after hours. He recalled the official ribbon cutting of the Hilton Garden Inn was last week.

Bozievich attended the ribbon cutting ceremony for the first electric car charging station in the Florence area at Driftwood Shores. He indicated that it was put in completely with private funds by the homeowners association.

Sorenson noted the Lane County Fair is underway and tomorrow the commissioners will be at the Fair at 10:30 a.m. for the Senior Pie and Ice Cream Social.

Stewart announced that next Tuesday is a full day field trip of a Forest Tour on private timber lands. He noted on Wednesday the meeting will start at 8:30 at the Charnelton Building for Strategic Planning.

13. **EXECUTIVE SESSION as per ORS 192.660**

Per ORS 192.660 (2)(h) for the purpose of pending litigation.

14. **OTHER BUSINESS**

None.

There being no further business, Commissioner Stewart recessed the meeting into Executive Session at 3:10 p.m.

Melissa Zimmer  
Recording Secretary