

MINUTES

Eugene City Council
McNutt Room--City Hall

April 10, 1996
11:30 a.m.

COUNCILORS PRESENT: Tim Laue, Shawn Boles, Kevin Hornbuckle, Barbara Keller, Nancy Nathanson, Jim Torrey.

COUNCILORS ABSENT: Pat Farr, Laurie Gribkov Swanson.

I. APPROVAL OF THE ORDER OF THE AGENDA

Mr. Laue moved, seconded by Mr. Torrey, to approve the order of the agenda.

Ms. Keller suggested that members be allowed additional time for items. The Mayor indicated that members would be allowed five minutes for their items.

The motion passed unanimously, 6:0.

II. ITEMS FROM THE MAYOR, CITY COUNCIL, AND CITY MANAGER

A. Habitat for Humanity

Mr. Laue asked for council consensus to accept an application for Contingency Fund money from Habitat for Humanity. Ms. Keller asked to flag the item for further discussion at the end of the meeting, time permitting.

B. Community Policing

Mr. Laue reported a positive experience in community policing by a patrol officer at the site of a fallen tree.

C. Speeding Traffic

Mr. Torrey said that the warmer weather seemed to have increased speeding traffic and asked for increased awareness from patrol officers.

D. Conflict Resolution

Mr. Torrey complimented the Permit and Information Center (PIC) for addressing a neighborhood complaint regarding bright lighting from a restaurant onto a residence in the Coburg Road area.

E. Vortex Festival

Referring to public testimony given on April 8, Mr. Torrey said he wished there was a way for the council to respond publicly to issues raised publicly about City misconduct. City Manager Linda Norris said she would address the issue in turn.

F. Community Center for the Performing Arts

Mr. Boles asked for council consensus to accept an application for Contingency Fund money to repair the WOW Hall roof from the Community Center for the Performing Arts (CCPA). Several councilors asked for further discussion at the end of the meeting, time permitting.

G. High Speed Rail Meeting

Mr. Boles noted he could not attend the April 12 High Speed Rail Conference and encouraged attendance by other councilors.

H. Low-Income Funding

Mr. Boles asked that in scheduling discussion of the council's charge to the committee looking for a revenue stream for low-income housing, Council Officers allow enough time to hear proposals from councilors. Pam Berrian, City Manager's Office, said the item has been scheduled for April 17.

I. Extension of Noise Variance

Mr. Boles expressed his disappointment at the City's extension of a noise variance for a large chemical plant being built on wetlands without some contact with those originally concerned about it. He said criteria should be developed to apply to noise variance issuances.

J. Socialism Lecture

Mr. Hornbuckle announced that he will give a guest lecture on Socialism at 11 a.m. on April 11 at the Lane Community College (LCC) campus.

K. Defining Human Rights

Mr. Hornbuckle announced a meeting of some human rights commissioners at 9:30 a.m. on April 11 to discuss the possibility of having a town hall meeting on defining human rights.

L. Stormwater Program

Ms. Keller congratulated staff at having the City's Stormwater Program reaching finalist status in the 1996 Liveability Cities Awards Program. She reminded the council of its commitment to "clean-up our stormwater" and its postponement of the stormwater ordinance twice.

M. Masonic Cemetery

Mr. Keller expressed appreciation for the work of the Masonic Cemetery Foundation, the local arborists group, and the City's Urban Forester this weekend at the cemetery.

N. West Eugene Parkway

Ms. Keller expressed concern that there has been no "buyoff" on an environmental impact statement (EIS) for either end of the West Eugene Parkway project yet the City is moving forward with the central portion of the project that has not been approved by the council as a stand-alone project. She asked to discuss the item further at the end of the meeting, time permitting.

O. Historic Preservation Ordinance

Ms. Keller expressed the need for strengthening the Historic Preservation Ordinance and asked the council to support adding the item to a future council agenda. Mayor Bascom said officers would discuss the issue at their May 9 meeting.

P. Amazon Creek Planting

Ms. Nathanson said the second half of the tree planting project on Amazon Creek is scheduled for this coming weekend.

Q. School Crossing Guard Programs

Ms. Nathanson said she received information on school crossing guards, i.e., that it is the schools' responsibility. She said she has some ideas that she will be discussing with the Department of Public Safety (DPS) and will report back to the council. Mr. Boles asked that the issue be flagged for further discussion.

R. Speed Reader Boards

Ms. Nathanson asked for the cost of a speed reader board for purchase by the City to loan to neighborhoods, and whether it is feasible that the cost be borne by the Department of Public Safety.

S. Park Incident

Ms. Nathanson expressed concern with public testimony provided on April 8 regarding an incident at a park that involved drugs and there may have been weapons. She asked that the citizen receive

information, given the City's interest in community policing and notwithstanding the fact that some issues may be out of the City's purview.

T. Permit Fees

Ms. Nathanson wondered if the permit fee structure had ever been analyzed based on the size of the parcel or complexity of the project. Staff indicated that most of the permit fees are based on the value of the project. Ms. Norris added that the upcoming analysis of the PIC structure would address fee issues.

U. Council Board and Commission Appointments

Mayor Bascom noted she would be absent when voting on appointments to the council's boards and commissions is scheduled. She said she would submit her votes to staff, should her vote be needed to break ties. She added that there may be a need to reopen the recruitment for the Planning Commission.

V. Governor's Arts Awards Ceremony

Mayor Bascom reported on the April 7 Governor's Arts Awards Ceremony, noting that two of the seven awards were presented to local artists.

W. Ridge Line Trail

Mayor Bascom reported on her hike of the ridge line trail, from Dillard to Spring Boulevard, over the weekend. She expressed disappointment that the City lacks the funds to continue acquisition of additional ridge line parcels from Blanton Road west.

X. Leadership Training Seminar

Mayor Bascom announced a leadership training seminar she will conduct on April 13 at the University of Oregon.

Y. Council's April 18 Agenda

Ms. Norris noted that the council's meeting with John Baldwin assumes councilors have viewed the Bartlett video, adding that copies are available in her office.

E. Vortex Festival (Continued)

Addressing comments made at the April 8 public forum, Ms. Norris explained that the public forum testimony was inaccurate. She said a claim for \$12,000 against the City for alleged damage that resulted from pepper spray used by Police at the Vortex Festival was investigated by the City's Risk Management Division, and it was found there was no basis for awarding damages.

III. WORK SESSION: PUBLIC WORKS FACILITY AT 3RD AVENUE AND LINCOLN STREET

Lee Beyer, Planning and Development Department, described the area of 3rd Avenue and Lincoln Street under discussion and gave a historical perspective. He noted that the council in 1992 decided that the property would be added to its surplus and slated for disposition pending completion of the Whiteaker Refinement Plan. Mr. Beyer said the refinement plan has been completed and staff recommends the following: split the property into two sections, retain the portion with the buildings to be used to meet the short-term needs of the Department of Public Safety (DPS) and add the remaining approximately 1.5 acres to the housing land bank for development as affordable housing. He drew the council's attention to a third parcel for which staff recommend negotiating a land exchange with the owner of a private parcel immediately to the south of the City's land to increase the area available for development as housing. He noted that an approved future realignment would not interfere with the recommendations.

Doug Eveleth, Public Works Facilities, discussed DPS' short-term (approximately five years) need for the facility, including the budget to implement staff's recommendations.

Mr. Boles added that the recommendations were consistent with the Whiteaker Refinement Plan and provided opportunities to meet the short-term needs of DPS and the council's goal for compact urban growth. He urged support of staff's proposal.

Ms. Keller wondered if the project was in jeopardy without the cooperation of the owner of parcel C. Mr. Eveleth said the project was not jeopardized as the City owns the property adjacent to the subject area. Ms. Keller said facilities planning was a great idea, but questioned segregating Public Safety instead of looking at facilities planning in general. Ms. Norris said the council would be presented, in the fall, with a proposal to conduct a strategic facilities plan for the entire City. She added that it made sense to begin with DPS and use it as a prototype, while at the same time meeting its pressing need.

In response to a question from Ms. Nathanson, Ms. Norris said that the SWAT, bomb disposal, and rapid deployment unit operations were services to be moved, adding that the most critical need for patrol operations was locker space, which would be expanded in the basement of City Hall once the other operations moved. Addressing a follow-up question from Ms. Nathanson, staff said additional operating costs were minimal and additional staffing as a result of the split was not required.

Addressing a question from Mr. Torrey, Mr. Eveleth said the housing development project would move forward even if the property exchange was not negotiated. Mr. Torrey asked staff to insure that whatever land was acquired was redevelopable.

Ms. Nathanson shared Mr. Torrey's concern with the reusability of the land. She commended staff for efficiently reusing space that is already in public ownership and encouraged more of the same.

Ms. Keller cited community interest in developing the area for housing, supporting the council's dispersal policy and low-income housing. She reiterated her concern with an overall facilities plan

and suggested that the discussion be divided into three different topics: allocation of land; use by DPS of the buildings on an interim basis; and the master plan discussion.

Mr. Boles moved, seconded by Ms. Keller, to direct the City Manager to proceed with plans for short-term use of the Lincoln Street facilities for DPS services and to transfer excess property to the affordable housing land bank for use in developing neighborhood-based, owner-occupied housing. Further, the City Manager is directed to explore a potential land exchange with an adjoining property owner to improve the potential for more housing sites.

Mr. Boles said it was his intent that the housing developed at the site be compatible with the Whiteaker Refinement Plan update, including lease-to-own property.

Ms. Keller said she was supportive of the land allocation portion of the motion. She added that she remained concerned with DPS' use of the property but deferred to staff's position on that point.

Mr. Torrey thanked Mayor Bascom, Mr. Boles, and staff for preparing the item for discussion.

The motion passed unanimously, 6:0.

Ms. Keller moved, seconded by Mr. Boles, to ask staff to scope the costs of doing an overall facilities master plan, and folding-in the needs of DPS in that process.

Clarifying her motion at Mr. Boles' request, Ms. Keller said if her motion passed, she assumed that the DPS facilities planning item would not move forward.

Ms. Nathanson noted that the training facility to be built at the master station addresses part of DPS' space needs, and recalled that the discussion included that facility's potential for meeting the training needs of other jurisdictions. She urged an interjurisdictional planning approach and communication with the Public Safety Coordinating Council before investing a large amount of resources.

Mr. Torrey said he could not support the motion, adding that he was convinced staff had made note of Ms. Keller's concerns and will address them.

Mr. Hornbuckle said he supported the motion because it simply called for scoping, and, due to budget constraints, it may end up an "un-funded work plan."

Mr. Boles asked if it were possible to return a scope that reconciled the service needs within the existing infrastructure prior to moving forth with the DPS project. Ms. Norris said staff could provide the overall scoping and a time line.

Mr. Laue opposed the motion, saying it is not unusual to take a central service within an organization to test a prototype under consideration for integration into the rest of the organization.

The motion failed, 4:3; with Mayor Bascom joining councilors Laue, Nathanson, and Torrey in opposition.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to proceed with the strategic space study for DPS as a part of Supplemental Budget No. 3.

Ms. Nathanson clarified that the council's action was simply to move forward with scoping of DPS' needs before those of the rest of the organization's facilities planning, adding that her understanding is that any plan would come before the council before implementation.

Mr. Boles said Ms. Keller raised a legitimate concern in conjunction with the previous motion, adding his concern that the council will be forced to address funding overall facilities planning in the fall after having expended these monies for DPS.

The motion passed, 4:3; with Mayor Bascom joining the prevailing side, and councilors Boles, Keller and Hornbuckle opposed.

There being sufficient time, the council returned to Item II.

II. ITEMS FROM THE MAYOR, CITY COUNCIL, AND CITY MANAGER

A. Habitat for Humanity (Continued)

Mr. Laue presented the issue, adding that a permit has been issued and he urged the organization to submit the request in a timely manner as the City does not reimburse expenses.

Ms. Keller said these requests generally go through the Housing Policy Board (HPB) and, at a meeting earlier in the day, the organization had been unable to provide information requested by the Board, so the Board refused to make a recommendation to the council. She said the Board asked its Housing Development Subcommittee to work with the organization and make a recommendation to the Board or directly to the council.

Mr. Torrey supported Ms. Keller's position and suggested that the organization be asked to go through the HPB.

Mr. Boles agreed, provided the project was not jeopardized due to permitting deadlines. Staff indicated that the permit was good for 180 days, with the ability for extensions up to 180 days.

Mr. Laue moved, seconded by Mr. Torrey, to accept the application from Habitat for Humanity, but postpone council consideration until the HPB has made a recommendation. The motion passed unanimously, 6:0.

F. Community Center for the Performing Arts

Mr. Boles said members of the CCPA Board communicated their need for a new roof for the building and this request comes to the council after having exhausted all other sources. He noted that the amount requested was substantially higher than the council traditionally granted on a one-time basis for such events.

Ms. Keller expressed concern that Board members had indicated that there was no fund or plan for resources for ongoing maintenance of the facility. She asked that the application include the Board's plan for paying for ongoing maintenance.

Mr. Torrey said he favored structuring the request in such a way that the City received a refund should the facility ever be sold. He supported the facility's ability to provide services as an alternative to the Hult Center.

Ms. Nathanson said she supported the facility but wondered how this use of the Contingency Fund fit the council's goals, and how did it fit within the context of other historic structures that needed City support. She asked for information on providing the facility with a low-interest loan.

Ms. Norris said the item summary for the funding request would include the information sought by councilors.

Mr. Hornbuckle suggested placing a lien on the property as a way of insuring repayment of a loan. He supported submission of an application.

Mr. Boles summarized the discussion by saying he sensed sufficient support to accept an application. The council concurred.

Q. School Crossing Guard Programs (Continued)

Ms. Nathanson said she wished to explore with staff the types of things DPS could do with the school districts around crossing guard programs.

Mr. Boles suggested the issue be processed through the City's Intergovernmental Relations (IGR) Committee. Ms. Keller agreed that was the appropriate body for the discussion. The council concurred.

N. West Eugene Parkway (Continued)

Ms. Keller asked that a council discussion be scheduled on whether the central portion of the West Eugene Parkway is considered a stand-alone project, noting that the City is moving forward with that section even though there is no environmental approval for either end of the project.

Chris Andersen, Public Works Director, explained that the project is an Oregon Department of Transportation (ODOT) project without local funding, and that is why bidding for the first phase (the central) portion is moving forward. She said the project has been divided into four phases because of funding issues and that is the way it has appeared in the Capital Improvement Project (CIP) in the last several years. She said both the Federal Highway Administration and ODOT determined the section in question functioned in a stand-alone capacity, independent of the other phases of the project. Ms. Andersen said the other phases continued to move forward in the supplemental CIP process.

Mr. Torrey expressed concern that these types of issues negatively impact the City's ability to secure State and Federal funding.

Ms. Andersen added that the City was not administering or letting the contract because it was an ODOT project. She said the City had not invested any money in the project and its role was that of "player" within an intergovernmental agreement.

Mr. Boles said there have been substantial changes in both the ecological/environmental aspects associated with siting the project, as well as the partition into a stand-alone project, that have not been ratified by the council. He cautioned that the council may find itself in a protracted set of court-based negotiations around the issue and it would "behoove" councilors to understand the issue. He favored scheduling a council discussion, recalling that the project was approved on a split vote of the council several years ago, and the current project differs from what was authorized.

Mr. Hornbuckle said the council needs to discuss the issue, given comments around the table. The project, as being implemented, is not what the public approved. He noted that ODOT continues to refer environmentalists back to the City. He said the City has a considerable investment in the planning of the project. Mr. Hornbuckle said it was his understanding that ODOT had downgraded the project, placing the Rarger and Beltline projects ahead of it.

Addressing a question from Ms. Nathanson, Ms. Andersen said the project under discussion has not changed substantially since the council last discussed it. In response to a follow-up question, she said that concern raised in the supplemental EIS on the eastern end is tied to the capacity needs--the project will function better as an interchange, which affects other properties so it necessitates an EIS change. On the western edge, there is an alignment shift from south of the railroad tracks to north of the railroad tracks--for environmental concerns, primarily. Staff analysis shows that it is an improvement in the alignment.

In response to a question from Mr. Hornbuckle, Ms. Andersen said that the alignment shift is within the scope of the election alignment approved by voters.

Mr. Laue said that, as a new councilor, he did not feel the need to discuss the issue. He recalled that the issue was just raised at the February council trimester session and the council retained the work item.

The meeting adjourned at 1:15 p.m.

Respectfully Submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Yolanda Paule)
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