

## MINUTES

Eugene City Council  
McNutt Room--City Hall

April 17, 1996  
11:30 a.m.

**COUNCILORS PRESENT:** Tim Laue, Shawn Boles, Pat Farr, Kevin Hornbuckle, Barbara Keller, Nancy Nathanson, Laurie Swanson Gribskov, Jim Torrey.

The adjourned meeting of April 15, 1996, of the Eugene City Council was called to order; Council President Tim Laue presiding.

### I. APPROVAL OF THE ORDER OF THE AGENDA

Ms. Swanson Gribskov moved, seconded by Mr. Boles, to approve the order of the agenda. The motion passed, 7:1; with Ms. Keller opposed.

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

#### A. Metropolitan Wastewater Treatment Plant Public Hearing

Mr. Torrey announced a May 1 public hearing in the Springfield City Council Chamber at 7 p.m. on the Metropolitan Wastewater Treatment Plant rate change.

#### B. McKay Lodge Ground Breaking

Mr. Torrey said he and Councilor Keller attended the groundbreaking for McKay Lodge and encouraged others to view the plans.

#### C. Eugene Chamber of Commerce

Mr. Torrey announced that the Eugene Chamber of Commerce now has a Web page on the Internet.

#### D. Growth Management Study (GMS)

Mr. Boles said the Planning Commission together with Planning and Development Department (PDD) staff have set aside June 18 from 11 a.m. to 8 p.m. to hold an open house on the GMS. He asked councilors to contact City Manager Linda Norris if they can volunteer to participate in the activities scheduled for that event. The location is the Wheeler Pavilion at the Fairgrounds.

**E. Cost of Services Study**

Mr. Boles recalled that a memorandum was distributed on April 15 on an alternative staff proposal for a cost of services study and flagged the item for discussion at the end of the meeting, time permitting.

**F. City's Web Page**

In response to a question from Mr. Hornbuckle, Ms. Norris indicated that the City Charter has not been entered on the City's Web Page but it is on the list of things to install.

**G. Sam Bond's Garage**

Mr. Hornbuckle called attention to a poetry event on the first Monday of each month in Sam Bond's Garage in the Whiteaker neighborhood.

**H. Homelessness**

Mr. Hornbuckle said the Human Rights Commission (HRC) will raise the issue of the needs of the homeless, particularly rest rooms, with the council in the near future.

**I. Judicial System**

Ms. Nathanson recalled a presentation to the Council Committee on Public Safety (CCPS) by a municipal judge on the number of bench warrants issued and repeat offenders that overload the judicial system, and asked for periodic reports to identify trends.

**J. Amazon Creek Tree Planting**

Ms. Nathanson expressed appreciation for the adults and children who participated with the City in the tree planting event on Amazon Creek over the weekend. She asked if there were a way of capturing information on the number of times that schools participate with the City on such events.

Ms. Keller added that she was impressed with the kids from Patterson School and complimented City staff's interaction with the children. She said she hoped the council will consider making funds available for such efforts, specifically working with at-risk youth.

**K. Bethel Area Growth**

Mr. Farr noted that there was a surge of growth in the Bethel area and work at the Beltline/Barger intersection is progressing well. He added that schools are also experiencing a surge in enrollment and there will be a school bond issue in the next election.

#### **L. Lane County Public Safety Coordinating Council**

Ms. Swanson Gribkov reported on her work as co-chair of the Lane County Public Safety Coordinating Council. She flagged for the council that the CCPS has scheduled council discussion of the Sheriff's levy on the council's April 24 agenda. She added that the CCPS also recommended that council postpone its discussion on the multi-year financial strategy until after the election because of the impact that a failed Sheriff's levy might have on the City.

Ms. Norris noted that she and other interjurisdictional leaders are working with representatives of the council on long-term financial issues related to public safety.

#### **M. Hyundai Project**

Ms. Norris stated that work at the Hyundai site continues, focusing on site excavation and grading and construction of retaining walls in the parking lot area, which has caused some traffic flow problems on West 11th Avenue. She added that City staff is now reviewing foundation and structural permits for the main fabrication building and the central utility building. Site inspections have resulted in four stop-work orders to general contractors, which are not unusual for large, complex projects such as this.

#### **N. Downtown Construction Projects**

Ms. Norris said both private and public construction projects beginning downtown this summer will make transportation and parking difficult in some parts of town, adding that she has asked staff to develop a comprehensive communication plan to inform citizens about the disruptions and to provide pedestrians, cyclists, and motorists with alternative travel routes and parking options. Ms. Norris said the City is working with Lane Transit District, the Oregon Department of Transportation, and the Department of Environmental Quality on these projects and a council work session will be held in May to apprise the council of the activity.

### **III. EXECUTIVE MANAGER INPUT: CITY MANAGER EXECUTIVE RECRUITER SELECTION**

Warren Wong, Administrative Services Director, noted that executive managers, with the exception of Ms. Norris, had met and their input is based on the April 15 recruiter interviews. He clarified that Ms. Norris has removed herself from the process because she may be a candidate for the position.

Jim Johnson, Library, Recreation, and Cultural Services Director, made the staff presentation, providing the executive managers' impressions of each of the recruiters in the order in which they were interviewed on April 15. He noted that the executives ranked Donaldson, Mercer, and McIntyre, in that order of preference.

Michelle Cline, Human Resources and Risk Services, shared her experiences and observations working with each of the candidates and discussed the results of reference checks.

Mr. Wong reviewed the costs for an internal city manager candidate search, noting that it would take the equivalent of .85 FTE (full time equivalent) and cost somewhere between \$16,000 and \$22,000.

Council action was scheduled for April 29.

#### IV. WORK SESSION: FACILITY CONDITION REPORT

Vic Martin and Doug Eveleth, Public Works Facilities, presented the report. Mr. Eveleth introduced Doug Miller, Project Manager for the Facility Condition Report. Mr. Eveleth said the report presents the data in a very broad sense and staff planned considerable work sorting the data in the next few months. He noted that the index rating for the entire inventory was .20, suggesting that the inventory is in a state of 20 percent deterioration. Individual facilities rate from very poor to very good condition. Mr. Eveleth said the data can be used in the following ways: to relay replacement costs for purposes of insuring the inventory; to assign priorities in the allocation of preservation and maintenance funds; to track how the investments work; and to build future scenarios in using the model, allowing for the forecast of impact of condition using a variety of different levels of reinvestment into the building inventory. He said the report concluded the following: the inventory consists of 98 buildings; the inventory is approximately 656,000 square feet; the replacement value is about \$97.7 million (in today's dollars); the inventory is close to a "poor" condition; the average age is 39 years; and the rate of investment in preservation and maintenance does not seem to be keeping pace with the rate of deterioration. Mr. Eveleth gave the staff recommendations, as follows: 1) over the course of the summer meet with each department to discuss the buildings, including their importance to the department's mission and services; 2) hold a council work session in the fall to provide more information on the report data and input from departments, and to present a staff proposal for developing a facilities master plan relative to the general fund inventory.

Ms. Keller asked staff to make clear in suggesting repairs the distinction between deterioration and aesthetics and to give an idea of what could be expected from a well-maintained facility. She said a facilities master plan was critical.

Ms. Swanson Gribkov observed that 1) some facilities may be demolished; and 2) that the deterioration was average wear and tear. She wondered why staff focused just on General Fund (GF) facility assets and why just a master plan for those facilities. Staff noted that there were other building inventories with dedicated funds and staff hoped to take this model/approach to those inventories as well later. He noted that there was a better history in terms of tracking with the GF inventory than with other dedicated fund inventories. Some facilities have investment income that is rolled back into their building inventories.

Addressing a question from Ms. Swanson Gribkov, Chris Andersen, Public Works Director, said that both the Airport and the Wastewater Treatment Plant have equipment replacement and rehabilitation funds that are part of that fund management. She said the biggest concern is those assets funded out of the GF.

In response to a question from Mr. Farr, Ms. Norris said funds are set aside within maintenance and repair to cover emergencies, but the fund is depleted annually. The master facilities plan, she added, will address those types of issues.

Ms. Nathanson said the report was missing a historical perspective about the City's investment in building maintenance and repair and the reason for the backlog. She said the trend identified on page 13 of the report is terrible and wondered how to factor in how the trend is affected as facilities are replaced. Ms. Nathanson called the report excellent, confirming for her that the council ought to move forward with what staff is recommending. She called for some creative thinking around shared facilities.

Addressing a question from Mr. Torrey, staff said the process will lead to a council discussion on what it wants to do with the findings and staff recommendations. In response to a follow-up question, Ms. Norris confirmed that none of this will impact the current Capital Improvement Project (CIP).

Mr. Boles said he was supportive of any process that "starts to rationalize the management of the public's assets." He asked that the report include a ranking of the utilization of limited resources against the list of assets, adding that he was not interested in separating out Department of Public Safety assets. Finally, Mr. Boles said this would raise a series of policy discussions, many of which had been held in the past but people, programs, and services have always been favored over facilities.

Mr. Hornbuckle recalled that he proposed, over a year ago, that the council put an advisory question on the ballot that proposed that the Federal government cut military funding and use the money instead to fund a public works jobs bill. He said the council missed the opportunity then to have a jobs bill that would fund a local program to address the City's public infrastructure development.

Ms. Keller expressed concern about some of the numbers, specifically those associated with the Amazon and Echo Hollow pools. Ms. Norris explained that Echo Hollow, as an indoor pool, had more systems to maintain.

Mr. Laue expressed appreciation for the presentation and said he hoped the master plan moved forward as recommended by staff.

#### V. COUNCIL COMMITTEE TO FINANCE AFFORDABLE HOUSING

Mr. Laue said that the question before the council was whether it wanted to reconvene the Council Committee to Finance Affordable Housing, given the failure of the utility consumption tax.

Mr. Boles said the problem must be addressed by the council, with the following implicit conditions: there be no referral to the voters; there is a need to capitalize a fund, the interest from which could be used for addressing the long-term need; and, if a committee is convened, it should be charged with the first two conditions and given a very short time line.

Mr. Farr expressed his disappointment that the committee's previous work failed and said he was not sure that the committee could find a solution.

Mr. Hornbuckle read from February council minutes quoting Mr. Torrey that "the council's leadership ability would be measured by its success in educating the public and having it approve the tax." He said he was not in favor of reconvening the committee, suggesting instead that the council propose several different taxes to the voters and have them choose the appropriate tax for affordable housing. Mr. Hornbuckle further proposed conducting two surveys to test the electorate's willingness to approve a progressive tax.

Ms. Nathanson said she was not enthusiastic about reconvening the committee if its charge is to find another tax proposal. The committee instead could 1) look at work that has already been done and report to the council about what can be done with the \$150,000 that has been guaranteed as a budget item; 2) investigate other incentives that have been working or could work (give examples of some of those measures); and 3) suggest how the fund should be managed. Ms. Nathanson added that there were too many councillors on the committee and suggested substituting a citizen budget committee member.

Mr. Torrey said he could not support taxing the people without a vote. He said the council should put together a committee of experts to provide the council with the full range of options.

Ms. Swanson Gribkov shared her disappointment at the failure of the utility consumption tax and said she was opposed to putting forth another one. She called for involvement from other jurisdictions, adding that the council should consider trying other things before considering a new revenue source.

Ms. Keller reminded the council of her involvement in the issue, including her work on the Housing Policy Board. She cited the successful work of community organizations involved in providing affordable and low-income housing. She urged the council not to give up and accept defeat, adding that the committee should be reconvened and given more time to develop recommendations.

Ms. Keller moved, seconded by Mr. Laue, to reconvene the Council Committee on Funding Affordable Housing, with the changes in membership as suggested by Ms. Nathanson, to provide one or more recommendations to the council for funding low-income housing that takes into account the concerns raised in today's discussion.

Mr. Boles reiterated his concern with doing anything other than addressing the problem as a council directly, saying the need and strategy have been identified, and there are no additional aspects to address. He added that referring everything to the voters was not leadership, it was abdication.

Mr. Farr said he reluctantly supported the motion but reiterated his concern that the committee will not find a solution.

Mr. Torrey expressed support for the motion, saying there was a need for more analysis.

Mr. Hornbuckle said the voters should be allowed to decide what appropriate revenue source would be appropriate, adding that the analysis exists and the council knows exactly where to get the money--the people.

Ms. Keller moved, seconded by Mr. Torrey, to extend the discussion by two minutes. The motion passed, 7:1; with Ms. Swanson Gribkov opposed.

Ms. Keller called the question. The motion to vote immediately passed unanimously, 8:0.

The main motion passed; 6:2, with Mr. Hornbuckle and Mr. Boles opposed.

Mr. Laue said he felt an urgency around this issue and it was one of the council's goals. He called for a quick resolution.

#### VI. WORK SESSION: ORDINANCE CONCERNING COUNCIL MEETINGS AND ORDINANCE ADOPTIONS

Ms. Norris introduced the topic, noting that the issue was raised in a Council Officers meeting and recalled that the council raised the issue of public forums, which was referred to the Citizen Involvement Committee (CIC).

Mr. Torrey wondered if staff analysis included the total time that ordinance processes have involved the council. City Attorney Bill Gary said it is fairly rare for the council to adopt an ordinance without conducting a public hearing. He added that there was no question that the proposed ordinance restricted the discretion of the council. Mr. Torrey said he favored a public hearing for all ordinances but opposed having citizen input on every decision before the council. Mr. Gary opined that the council was not required to take public input on every decision, noting that Sections 4 and 10 of the proposed ordinance might give the impression that the opposite is true: "proponents and opponents to any issue will be given an opportunity to make presentations." He explained that that referred specifically to the council's Wednesday meetings. He noted that the practice of the council has been to allow the chair (the Mayor, most of the time) to make a decision about how to structure the debate. Mr. Gary said that the rules of procedures to be followed at all meetings (Section C) indicated that "the City Manager may introduce the subject after which the presiding officer may first invite those persons who are proponents of any matter to be considered by the council to speak thereon," followed by "opponents shall be given" the opportunity to comment. He said that if the council hears from proponents, it must hear from opponents as well as proponents, but the initial decision rests with the presiding officer. Mr. Gary said that other portions of the ordinance and State law require public hearings for certain categories of decisions, such as land use decisions. He added that his view is that the council is not required to take comment from anyone who desires to make it.

Addressing a question from Ms. Swanson Gribkov, Mr. Gary said adopting the proposed ordinance would require that public testimony be taken before adopting any ordinance. Mr. Gary added that the council may wish to include in the ordinance a mechanism for the council to declare an emergency to act without a public hearing.

In response to a question from Mr. Hornbuckle, Ms. Norris said that the request to draft the proposed ordinance revision was a request by the Mayor—an action supported by the officers, and ratified by

the full council. Mr. Hornbuckle expressed concern that there was insufficient time to discuss the proposed ordinance.

Ms. Nathanson expressed disappointment that information she requested on opportunities the public has for comment was not prepared prior to this discussion. She asked staff to delineate the things the council must take comment on and those instances where it does not have to.

Mr. Boles said the council has traditionally not created ordinances at the request of a single council member. He said that it is a waste of time to go forward with it if there is insufficient interest on the council, so historically councilors have been polled for interest from at least five members before any staff resource is expended. He wondered why that process was circumvented.

Ms. Norris explained that the typical process was to draft a proposed ordinance to give the council something to look at for its discussion, and that the council may wish to change the process.

Mr. Laue explained that the Mayor sets the agenda and it seemed entirely appropriate for her to bring this before the council because she heard complaints from the community. He added that proposed ordinances are drafted all the time "to see the implications of the language on the paper" and there are no set parameters.

Mr. Boles said he was not interested in pursuing the subject.

Ms. Nathanson said the council needed to "clean up" its procedures around public hearings.

Mr. Hornbuckle suggested that council officers schedule another work session on the issue. The council concurred.

#### **VII. APPOINTMENTS TO BUDGET COMMITTEE, HUMAN RIGHTS COMMISSION, PLANNING COMMISSION, AND HISTORIC REVIEW BOARD**

Ms. Swanson Gribkov moved, seconded by Mr. Boles, to appoint Howard Bonnett, Steve Lee, Eleanor Mulder, Craig Hawkins, and Paul Holbo to the Budget Committee. Roll call vote. The motion passed, 7:1; with Mr. Hornbuckle opposed.

Ms. Swanson Gribkov moved, seconded by Mr. Torrey, to appoint Adell McMillan and Scott Meisner to the Planning Commission, and that the third position be reopened for recruitment. Roll call vote.

Mr. Boles explained that he would not support the motion because he believed Jack Radebaugh was an adequate candidate and he should be appointed to the third position.

The motion passed, 5:3; with councilors Keller, Boles, and Hornbuckle opposed.

Ms. Swanson Gribkov moved, seconded by Mr. Boles, to appoint Marshall Peter, Scott Seibert, Neil Van Steenberg, Jennifer Boudin, and Laura Stockford to the



Human Rights Commission (HRC). Roll call vote. The motion passed, 7:1; with Mr. Hornbuckle opposed.

Mr. Hornbuckle said he favored Dorcas Beecroft, who has attended several commission meetings, over Ms. Stockford who has not.

Ms. Keller left the meeting.

Ms. Swanson Gribkov moved, seconded by Mr. Boles, to appoint Jon Belcher to Neighborhood position 3, Michel Janisch to Voter Pool position 4, and Greg Ringer to Voter Pool position 5 on the Citizen Involvement Committee. Roll call vote. The motion passed, 5:2; with Mr. Farr and Mr. Hornbuckle opposed.

Mr. Hornbuckle noted the HRC's concern with the lack of diversity on the CIC.

Mr. Swanson Gribkov moved, seconded by Mr. Boles, to appoint Christopher Ramey, Elizabeth Carter, and Gary Boyer to the Historic Review Board. Roll call vote. The motion passed, 6:1; with Mr. Hornbuckle opposed.

Mr. Boles moved, seconded by Mr. Laue, to appoint Craig Hawkins to the short term on the Budget Committee. The motion passed, 5:2; with Mr. Hornbuckle and Mr. Torrey opposed.

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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