

## MINUTES

Eugene City Council  
McNutt Room—City Hall

May 15, 1996  
11:30 a.m.

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

The adjourned meeting of May 13, 1996, of the Eugene City Council was called to order; Her Honor Mayor Ruth Bascom presiding.

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

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to approve the order of the agenda. The motion passed unanimously, 8:0.

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

#### A. I-105 Sound Walls

Ms. Swanson Gribkov noted that the I-105 sound wall has been included in the City's 1997 capital improvement project (CIP) and asked that the item be scheduled for discussion.

#### B. Lane County Levy A

Ms. Swanson Gribkov highlighted the importance of the passage of the County's Levy A.

Several councilors added their support for the levy. Mr. Farr noted that he was unopposed in his bid for reelection and pledged his campaign funds to support the levy.

#### C. Bike Thefts

Mr. Hornbuckle flagged for further discussion the problem of bicycle thefts, including the possibility of creating additional City Ordinances.

**D. Joint Elected Officials Meeting**

Mr. Farr expressed disappointment at City Council members', including his own, apparent mistrust of County officials at the last Joint Elected Officials Meeting and reaffirmed his commitment to "building bridges" between the City Council and the County Board of Commissioners.

**E. Habitat for Humanity Funding Request**

Ms. Keller flagged for further discussion a Habitat for Humanity contingency funding request.

**F. Sidewalks**

Ms. Keller said there was a need to be more flexible about the time line for installing sidewalks.

**G. Riverfront Research Park Design**

Ms. Keller expressed concern with the Riverfront Research Park Design.

**H. Library Bilingual Literacy Program**

Ms. Keller congratulated the Library on its Bilingual Literacy Program.

**I. Gay Pride Week**

Mr. Keller circulated a letter supporting gay legislative issues for individual signatures by councilors.

**J. Inspector Positions**

Mr. Boles asked for a staff response to his memorandum regarding additional inspector positions to both the council and the Budget Committee.

**K. Tree City Program**

Mr. Boles said he has asked the City's Urban Forester to attempt graft cuttings from the City's largest, oldest tree in the Owens Rose Garden and requested a staff update to council.

**L. Sister City Trip**

Mr. Boles complimented Mayor Bascom for her memorandum on her recent trip to Eugene's sister city--Kakegawa, Japan.

**M. Enterprise Zone**

Mr. Boles said he did not understand why the City Attorney's Office has not cited case law around the Enterprise Zone, as requested by a citizen, Neale Hyatt.

**N. Short Mountain Landfill**

Mr. Boles flagged for further discussion the issue of the Short Mountain Landfill Metro Plan Amendment proposal.

**O. Lane County Capital Improvement Program (CIP)**

Mr. Torrey said an expression of appreciation should be forwarded to the County Board of Commissioners for its \$2 million appropriation for the Ferry Street Bridge project through its CIP.

**P. Interjurisdictional Collaboration**

Ms. Nathansen reflected on the need for more collaboration with the City's metro area partners and community agencies, particularly in the areas of parks and open space, community development, livability issues, public safety, education and schools. She said she would propose, at this evening's Budget Committee meeting, the topic as a council trimester item.

**Q. Childcare, Inc.**

Mayor Bascom described Childcare, Inc. as an agency that provides quality child care and urged support of its fund-raising drive.

**R. Visiting Sister City Artist**

Mayor Bascom announced a visit and exhibit from May 20 to May 25 by an artist from Eugene's Sister City Chinju, Korea. She noted that a sample of his work was hung in her office.

**S. Mayor's Report**

Mayor Bascom described her presentation on affordable housing for her Mayor's Report on cable television.

There being sufficient time, the council returned to items flagged for further discussion.

**C. Bicycle Thefts (Continued)**

City Manager Linda Norris said that one of the problems in addressing the bike theft issue is insufficient staffing, so the staff team has been asked to look at options that do not require much detective and police work and are more education and prevention oriented. She added that a scoping report was forthcoming in about two weeks and invited other suggestions from the council.

Mr. Boles said public testimony asked for action comparable to that afforded the automobile by the Department of Public Safety (DPS). He indicated that he would raise related issues at the May 24 meeting of the Council Committee on Public Safety (CCPS).

Ms. Swanson Gribskov supported Mr. Hornbuckle's earlier suggestion to convene an ad hoc group to address the issue. She said she supported an approach broader than education, adding that there may be a role for the University of Oregon's Campus Security.

Mr. Hornbuckle said former councilor Paul Nicholson has suggested assigning civil authority to pursue bike thefts. He also suggested increasing penalties for the crime. He reiterated his suggestion of forming an ad hoc committee to make recommendations.

Mr. Torrey expressed his frustration at DPS's response time, saying the larger issue concerns crime in general.

Mr. Farr supported convening an ad hoc committee. He said that it was more difficult to follow up on bike thefts because bicycles are neither licensed nor registered, so the discussion should include licensing bicycles.

Mr. Laue was reluctant to form another ad hoc committee, adding a subcommittee of the CCPS was the appropriate body to address the problem. He noted that underreporting added to the problem.

Ms. Norris said the council's input will be considered in the staff's recommendations.

#### N. Short Mountain Landfill (Continued)

Mr. Boles said there was sufficient confusion around both the route and costs associated with the Short Mountain Landfill Metro Plan Amendment to warrant further review by the Planning Commission.

Mr. Boles moved, seconded by Ms. Keller, to direct the Planning Commission to revisit the Short Mountain issue, with particular attention to costs and routes associated with the alternatives.

Ms. Nathanson ascertained that the motion's intent was to look at the other proposals as well.

Ms. Swanson Gribskov questioned the time line. Ms. Norris said the commission's time line had been adjusted and there was sufficient time for the review.

The motion passed unanimously, 8:0.

### III. OPTIONS: INDOOR SOCCER FACILITY SITING

Library, Recreation, and Cultural Services (LRCS) Executive Director Jim Johnson introduced the topic and explained that the briefing statement identified the following three policy issues for the council's consideration: 1) an indoor soccer center and appropriate use for the Razor Park site; 2) should the City change sites and actively pursue a partnership with the Lane County Fair Board; and 3) should the City begin its involvement with indoor soccer by starting a temporary soccer center in Expo Hall #5 at the Fairgrounds.

In response to a question from Mr. Boles, Mr. Johnson said discussions had been held with the County's youth planning group about the possibility of siting the City's 30,000 square-foot soccer facility within the youth campus but it is not a viable option. He added that adjudicated youth could be accommodated wherever the center is located. Mr. Boles asked for a response from the Westside Neighborhood Quality Project.

Addressing a follow-up question from Mr. Boles, Mr. Johnson said "a generic location" at the Fairgrounds was the favored alternative.

In response to a question from Ms. Swanson Gribkov, Mr. Johnson said that if the council decided to change the site of the soccer facility, it should also ask staff to withdraw its application for land use approval on the Razor Park site.

Ms. Keller said she appreciated the Planning Commission's extraordinary letter that takes other than the law into account in arriving at its recommendation. She said that she was encouraged by the Fair Board's cooperation, adding this was an opportunity to move forward with a partnership with the Fairgrounds.

Addressing a question from Mr. Farr, Mr. Johnson said that the multi-use possibilities of the facility are limited due to the popularity of the sport.

Mr. Laue asked for cost information, comparing the Razor Park and Fairgrounds location. Mr. Johnson said it was difficult to make the comparison because there was no site plan for the Fairgrounds; however, the City would likely reduce costs by not having to build a parking lot at the Fairgrounds.

Mr. Hornbuckle moved, seconded by Mr. Laue, that Razor Park site be dropped from consideration as a site for an indoor soccer center; that staff be directed to pursue a partnership with the Lane County Fair Board for construction of a new indoor soccer center on its property; and to authorize staff to negotiate a partnership with the Lane County Fair Board to adapt Expo Hall #5 as a temporary site for an indoor soccer center, using not more than \$90,000 of LRCS Opportunity Account funds for this purpose.

Mr. Torrey moved, seconded by Mr. Farr, to divide the question as follows: 1) that Razor Park be dropped from consideration as a site for an indoor soccer center; and 2) direct staff to pursue a partnership with the Lane County Fair Board for construction of a new indoor soccer center on its property, and to authorize staff to negotiate a partnership with the Lane County Fair Board to adapt Expo Hall #5 as a temporary site for an indoor soccer center, using not more than \$90,000 of LRCS Opportunity Account funds for this purpose.

Ms. Keller was unsupportive, saying that dropping the Razor Park site without pursuing the Lane County site first was out of the question.

The motion to divide the question passed, 6:2; with Ms. Keller and Mr. Laue opposed.

Addressing a question from Mr. Laue, City Attorney Glen Klein said if the Razor Park site were dropped, he would ask the council to clarify for staff its wishes regarding the zoning change application. If the application is withdrawn, he added, the Land Use Board of Appeals (LUBA) challenge would automatically be dropped. Mr. Laue expressed concern that the motion implied that the Razor Park site would be dropped from consideration for all time.

Mr. Laue moved, seconded by Ms. Keller, to amend the motion by adding the phrase "...dropped at this time. . ." The motion to amend passed, 5:4; with Mayor Bascom joining councilors Keller, Laue, Swanson Gribkov, and Torrey in favor.

Mr. Farr called for the question. The motion to vote immediately passed unanimously, 8:0.

The motion to drop Razor Park from consideration, at this time, passed unanimously, 8:0.

Mr. Laue moved, seconded by Ms. Keller, to extend the time by five minutes, with the time to be added to the meeting. The motion passed, 5:4; with Mayor Bascom and councilors Boles, Laue, Swanson Gribkov, and Torrey voting in favor.

Mr. Boles said he was opposed because this was "ad hoc development occurring outside an adopted master plan by the Fair Board." He also expressed concern with the "the use by adjudicated youth or the neighbors response to such an inclusion."

Ms. Keller said that although she supported the motion she shared Mr. Boles' concern with the Fair Board's inability to develop and adopt a master plan. She asked staff to keep the council apprised of the Fair Board's progress on its master plan.

Ms. Nathanson said she supported the motion, noting it addressed her concerns with the need, location, and financial feasibility.

Mr. Torrey expressed support for the motion and asked staff to thank the Fair Board for its cooperation.

Mr. Hornbuckle noted this was an opportunity for the Fair Board to cooperate positively with its neighbors.

The motion passed, 7:1; with Mr. Boles opposed.

Items IV and V were reversed to accommodate guests.

**IV. WORK SESSION: MUNICIPAL COURT JUDICIAL EVALUATION PROCESS,  
REAPPOINTMENT OF MUNICIPAL JUDGE, AND APPOINTMENT OF  
ASSOCIATE MUNICIPAL JUDGE**

Sandra Franklin, Municipal Court Administrator, outlined the issues before the council and presented the staff's recommendation.

Mayor Bascom said that the council is asked to provide direction for creation of draft ordinance revisions.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to adopt the evaluation process recommended by staff, and direct that an implementing ordinance be prepared for the council's consideration.

Ms. Keller expressed support and appreciation of staff's work on the issue.

Addressing a question from Ms. Swanson Gribskov, Judge Wayne Allen said the proposed process allowed for a closer relationship between municipal judges and the council.

The motion passed unanimously, 8:0.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to direct staff to develop an implementing ordinance for revising the code around the appointment of the municipal judge, including the option for the council to either reappoint the municipal judge or proceed with a selection process.

Mr. Hornbuckle said the community was "lucky" that the municipal judge was not an elected position, which likely would be filled by "monied" interests.

The motion passed unanimously, 8:0.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, that the council adopt the process of having the Municipal Judge nominate, and the council appoint, the associate municipal judge.

Ms. Nathanson expressed appreciation for the information provided by Judge Allen.

Mr. Hornbuckle moved to amend the motion by having the municipal judge nominate at least four candidates for associate municipal judge from which the council appoints. The motion died for lack of a second.

The main motion passed, 7:1; with Mr. Hornbuckle opposed.

The council addressed items VI and VII next at Ms. Keller's request.

**VI. CONTINGENCY FUND REQUEST CONCERNING HOME OWNERSHIP FOR A VERY LOW INCOME FAMILY**

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to direct the City Manager to enter into a contract for services needed to facilitate providing home ownership for a low-income household on Sandstone Drive and authorizing the expenditure of up to \$4,067 from the Contingency Fund to cover the cost of building permits and system development charges (SDC) fees. Roll call vote.

Ms. Keller noted the Housing Policy Board unanimously recommended that the council approve the expenditure.

Ms. Nathanson thanked Ms. Keller for her work, adding that she attended the project's dedication and this was a project to be built by women for a woman-headed household.

The motion passed unanimously, 8:0.

**VII. CONTINGENCY FUND REQUEST CONCERNING RENTAL HOUSING FOR VERY LOW INCOME FAMILIES**

Richie Weinman, Planning and Development Department, described the Laurel Garden project as a 41-unit complex for small families which is supported by the Housing Policy Board.

Mr. Laue moved, seconded by Swanson Gribskov, to direct the City Manager to enter into a contract for services needed to facilitate providing rental housing for 41 low-income households and authorizing the expenditure of up to \$133,000 from the Contingency Fund to cover the cost of building permits and SDC fees. Roll call vote.

Ms. Keller spoke in favor of the motion, noting the project will serve singles and childless couples.

Ms. Swanson Gribskov called attention to the dwindling balance of the fund, noting that if all the projects in the queue are approved, the remainder will be \$50,000.

Mr. Boles added his concern with the drawdown on the Contingency Fund.

The motion passed unanimously, 8:0.

**IV. WORK SESSION: PROPOSED REVISIONS TO BUSINESS LICENSE CODE (CHAPTER 3)**

Dick Gassman, Code Compliance Manager, made the staff presentation, noting that it has come before the council at this time to coordinate the Eugene Code with changes in State Law effective January 1, 1997. He said the council may modify the definition to include or exclude groups it wished to license.



Addressing a question from Mr. Laue, Mr. Gassman said staff was concerned with the State's ability to assign sufficient resources to implement the changes. Mr. Laue said he would raise his concerns in the Intergovernmental Relations (IGR) Committee. He ascertained that there is no plan by the State to license and regulate private investigators, adding that that also concerned him. Mr. Gassman said the City was only licensing private investigators within the city limits--something investigators found inequitable.

Addressing a follow-up question from Mr. Laue, Mr. Gassman said that licensing requests for social gambling have significantly been reduced with the advent of video poker and the State Lottery.

Ms. Nathanson shared Mr. Laue's concerns and wondered who someone would complain to regarding social gambling, and what kind of enforcement and investigation would result. Mr. Gassman said the proposal was simply to eliminate the licensing--not the requirements. Complaints, he added, would go to the Police Department as do violations of similar City ordinances.

Mr. Torrey suggested that concerns be submitted in writing to the IGR Committee or referred to the League of Oregon Cities.

Ms. Keller said staff's recommendations are appropriate and agreed that licensing of private investigators should be eliminated, given the State's changes.

Mr. Boles wondered if the City was liable for damages by unlicensed practitioners. Mr. Klein said the State would be liable for negligence, not the City.

Mr. Hornbuckle shared Mr. Laue's concern with unlicensed private investigators and said there should be more discussion.

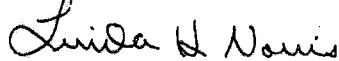
Mr. Laue moved, seconded by Ms. Swanson Gribskov, to direct staff to return to the council for a public hearing on the proposed code revisions.

Mr. Laue asked that the State agencies licensing these industries be contacted and information be gathered on how they intend to address these needs.

The motion passed unanimously, 8:0.

The meeting adjourned at 1:30 p.m.

Respectfully Submitted,



Linda H. Norris  
City Manager pro tem

(Recorded by Yolanda Paule)  
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MINUTES--Eugene City Council  
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May 15, 1996

Page 10