

MINUTES

City Council
McNutt Room—City Hall

July 8, 1996
5:30 p.m.

COUNCILORS PRESENT: Tim Laue; Pat Farr, Barbara Keller, Nancy Nathanson, Laurie Swanson Gribakov, Jim Torrey.

COUNCILORS ABSENT: Shawn Boles, Kevin Hornbuckle.

The Work Session was called to order by Her Honor Mayor Ruth Bascom.

I. APPROVAL OF THE AGENDA AND TIME ESTIMATES

Mr. Laue moved, seconded by Ms. Swanson Gribakov that the agenda and estimates of time allotted for agenda items be approved. The motion was passed; 5:1, Ms. Keller voting no.

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

A. Lane Council of Governments

Ms. Swanson Gribakov reported that she felt the Lane Council of Governments (LCOG) Board of Directors would benefit from a broad discussion of issues related to homeless persons and that she would seek to schedule such a consideration in September 1996.

B. Public Safety Coordinating Council

Ms. Swanson Gribakov reported that the next meeting of the Public Safety Coordinating Council (PSCC) was scheduled for July 15, 1996, in the Springfield Library. She said the proposed Eugene Public Safety Tax Base ballot measure and completing the PSCC work plan were the major items on its agenda.

C. Concert in the Park

Ms. Swanson Gribakov reported that she had attended a concert of the Eugene Symphonic Band in Washburn Park. She said that similar concerts were held each Sunday evening and encouraged councilors to attend.

D. Interstate Highway Sound Wall

Ms. Swanson Gribkov stated that she appreciated that Councilor Torrey and Assistant City Manager Les Lyle attended a recent meeting in Salem regarding issues related to a proposed Interstate Highway 103 sound wall.

E. Threatening Actions

Mr. Farr described an experience of being threatened by an abusive motorist and stated that the incident caused him concern that elderly and disabled persons might be severely frightened by similar episodes.

F. Police Actions

Mr. Farr referred to a letter to the editor of *The Register-Guard* and echoed its praise for actions of the Department of Public Safety Police Division in connection with a recent Eugene gathering of alternative culture, anti-social individuals. He also complimented the division for the work of its Rapid Deployment Unit in making publicized arrests of persons accused of bicycle theft.

G. Anonymous Letter

Ms. Keller requested that staff provide council with a response to an anonymous letter received regarding alleged illegal purchasing and expired contracts by the City of Eugene.

H. Nature Appreciation Center/Nearby Nature Proposal

Ms. Keller commented on a letter from Nearby Nature regarding the conversion of houses in West Alton Baker Park into a nature appreciation center. She requested that the council be given an opportunity to discuss the matter at a later time in the meeting, or that it be placed on the agenda of a future meeting. Mayor Bascom stated that using houses in West Alton Baker Park for a variety of purposes had been studied on a number of occasions. She said approval of the Nearby Nature proposal was unlikely because the houses were located within the Willamette Greenway, an area preserved for natural uses by Oregon statutes.

I. Growth Management Study

Mr. Torrey reported that the Planning Commission had determined the work on the Growth Management Study (GMS), to be completed by December 1996, would not include implementation of policy recommendations. He said the commission would next report on the GMS July 29, 1996.

J. Willamette Science and Technology Center

Ms. Nathanson suggested that if creating a nature appreciation center in West Alton Baker Park was to be studied, consideration be given to incorporating the work of the Willamette Science and Technology Center (WISTEC).

K. Wild Flowers

Ms. Nathanson reviewed three-years of effort to plant wild flowers in weed-infested areas of City property and median strips. She suggested that staff investigate ways seeds could be made available to citizens interested in assisting the City's effort, perhaps through the NeighborWoods Program.

L. Bach Festival

Mayor Bascom reported on the Oregon Bach Festival and stated that it provided cultural and financial benefits to the City.

M. City Manager Comments

Ms. Norris stated that a document containing answers to questions about the Eugene Local Street Plan had been prepared by the Planning and Development Department and distributed to councilors at their places.

Ms. Norris reported that Council Officers had revised the agenda of meetings scheduled for July by shifting some items to September meetings.

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

H. Nature Appreciation Center/Nearby Nature Proposal

Ms. Norris said that houses in West Alton Baker Park proposed for a nature appreciation center had been determined to be in very poor condition and were scheduled for demolition. In response to a question from Ms. Keller, she said that she did not believe a contract had been established for the demolition.

Ms. Keller suggested that the houses in West Alton Baker Park were a valuable resource which should not be wasted. She said she believed a nature appreciation center would be permitted within a designated greenway area. She argued that no damage would be caused by waiting until a recommendation regarding the Nearby Nature proposal was received.

Ms. Keller moved, seconded by Mr. Farr, that staff be directed to delay demolition of structures in West Alton Baker Park until the park advisory committee presented a recommendation regarding a proposal of Nearby Nature to use them to establish a nature appreciation center.

Mayor Bascom stated that the proposal was the third time such a review had been requested.

Ms. Keller determined from Ms. Norris that the requested recommendation could be presented to council "within a couple of months."

Ms. Norris reported that a proposal for use of the buildings by Nearby Nature had been evaluated approximately one and one-half years previously. She said it had been determined at that time that such a use was not permitted in greenway areas and that the buildings were incapable of being moved.

In response to a question from Mr. Torrey, Ms. Norris stated that funds for upgrading the West Alton Baker Park houses were not available in the budget because of more pressing City facility capital improvement needs. She also said most current maintenance costs for the buildings were limited to the repair of vandalism.

Mayor Bascom suggested that the matter be considered at a later council meeting to allow accurate collection of facts regarding previous findings.

In response to a question from Mr. Farr, Ms. Norris stated that the charge to the East Alton Baker Park advisory committee did not include consideration of uses for the houses in question.

Ms. Nathanson recalled that there had been a private fund-raising program to move or fix the buildings in question. She stated that she wished to have more information about the program before voting on the motion.

Ms. Kaller stated that voting in favor of the motion would allow time for information to be gathered and permit the group most familiar with the park to evaluate it.

Ms. Swanson Gribkov moved, seconded by Mr. Torrey, that further consideration of the motion be postponed until the meeting of the City Council scheduled for July 24, 1996. The motion passed; 5:1, with Mr. Laue voting no.

III. BROADWAY/CHARNELTON SITE DEVELOPMENT

Planning and Development Department Development Division Manager Lew Bowers reviewed the background, results of a council poll, and actions required of the council and Urban Renewal Agency in relationship to the Broadway/Charnelton site development. He explained alternative financing options distributed with the agenda of the meeting.

Mr. Farr asked that the "Extraordinary Contingency" element of the estimated costs be explained. Mr. Bowers said that it provided extra fiscal reserves beyond those anticipated under normal circumstances because the project would not be undertaken for a significant period of time.

Mr. Farr asked where the "Extraordinary Contingency" funds would be placed if they were unneeded. Mr. Bowers stated that a determination had not been fixed, but might be eliminated by offering a smaller than planned bond issue. Mr. Parkas stated that any surplus funds remaining after completion of the project would be required to be placed in the Parking Fund Reserve fund.

Mr. Torrey asked if Parking Fund Reserve funds could be allocated for non-parking projects. Mr. Bowers replied that the City Council set policies for such allocations.

Mr. Laue asked how proposed parking meter rates compared with those in comparable areas. Mr. Bowers said that the rate in Salem was 50¢ an hour and 90¢ an hour in Portland.

Ms. Nathanson stated that she was enthusiastically supportive of the project because it would provide increased vitality and safety to the downtown area. She said she was concerned, however, that the project was projected to use a significant amount of the available Road Fund. She indicated she would seek to amend motions to be made to deal with her concern.

Ms. Keller stated that she supported the project and hoped it would be moved forward. She suggested that it would be possible to eliminate street improvement costs if it was determined the project required all of the extraordinary reserves.

Ms. Swanson Gribkov stated that she also had a concern about using an inordinate amount of Road Fund resources on the project. She suggested that street upgrades could be completed at a later time.

Mr. Farr stated that he preferred project cost option three which incorporated a 15¢ an hour increase in parking meter rates. He said he also preferred to use a limited amount of Road Fund resources on the project.

Mr. Torrey said he had become convinced that a 15¢ an hour increase in parking meter rates was needed for financing the project.

Mr. Laue stated that it could prove dangerous to ignore the possibility of extraordinary contingency needs for the project. He suggested consideration be given to larger monthly parking rate increases.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to adopt the Broadway/Charnelton site development concept (Option A) including project upgrades of an additional 48 parking spaces, public rest rooms, and improvements to Broadway.

Ms. Nathanson moved, seconded by Ms. Swanson Gribkov, to amend the motion as follows: to adopt the Broadway/Charnelton site development concept (Option A) including project upgrades of an additional 48 parking spaces, and public rest rooms. ~~and improvements to Broadway. The additional street amenities will be a bid alternate.~~

The motion to amend was adopted unanimously, 6:0.

The amended motion to adopt the site development concept was adopted unanimously, 6:0.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to authorize the City Manager to proceed with preconstruction activities for the site development concept. The City Manager shall not authorize construction to commence until after a) the council approves a bond resolution authorizing issuance of bonds to finance the project, and b) Lorig Associates pays \$300,000 to the City. The motion was adopted unanimously, 6:0.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to authorize the City Manager to finance the public's share of the Broadway/Charnelton project through financing plan Option 3. The City Manager shall bring back to the council, for approval, a bond resolution authorizing the issuance of GO (Limited Tax) bonds, and to the extent necessary, a supplemental budget resolution formally approving the expenses.

Ms. Nathanson moved, seconded by Mr. Farr, to amend the motion by 1) reducing the Sewer/Road Fund contribution of financing plan Option 3 by \$300,000 and providing that street upgrades would be paid out of other budgeted project costs or its "Extraordinary Contingency" reserve; and 2) adding the following words to the motion: *The council may allocate additional Urban Renewal Fund resources not to exceed \$300,000. In order to ensure that Urban Renewal Fund resources will be available, \$300,000 are held in reserve until bids on the project are received.*

The motion to amend was adopted unanimously, 6:0.

The amended motion to authorize the City Manager to finance the public's share of the project was adopted unanimously, 6:0.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to authorize the City Manager to negotiate a Development Agreement with Lorig Associates, consistent with the terms contained in Table A, to sell the rights to develop a) residential complex above the parking garage, consisting of 150 to 200 residential units, and b) commercial space on the edge of the parking garage. The motion was adopted unanimously, 6:0.

RESOLUTION 4494—A resolution approving a multiple-unit property tax exemption for property located at east-west alley between 8th Avenue and Broadway on the north, Charnelton Street on the east, east-west alley between 10th Avenue and Broadway on the south, and Lincoln Street on the west (Lorig Associates, LLC).

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to adopt the resolution. The motion was adopted unanimously, 6:0.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to initiate and call for a September 23 public hearing on the vacation of the north/south alleyways and a portion of the Broadway right-of-way. The motion was adopted unanimously, 6:0.

Mayor Bascom adjourned the meeting of the City Council and convened a meeting of the Urban Renewal Agency.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to approve the transfer to the City of title to the agency's property at the Broadway/Charnelton site. The motion was adopted unanimously, 6:0.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to approve the use of \$2,300,000 of Urban Renewal Funds to assist the City in the construction of a parking facility at the Broadway/Charnelton site. The motion was adopted unanimously, 6:0.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to reserve \$300,000 in urban renewal funds for street amenities connected with the construction of the parking facility at the Broadway/Charleston site to be considered at the time of bid if not funded elsewhere in the project budget. The motion was adopted unanimously, 6:0.

Mayor Bascom adjourned the meeting of the Urban Renewal Agency and reconvened the meeting of the City Council.

IV. CONTINGENCY FUND REQUEST: ACCESS TO HOUSING FOR PEOPLE WITH DISABILITIES

HOME Program Coordinator Linda Dawson reviewed the background, the recommendation of the Housing Policy Board, and the intention of Project Link to link people with disabilities with those housing units designed and constructed for accessibility.

Ms. Keller stated that she supported the proposal because of the importance of the service. She said identified personnel would volunteer time to the project in addition to that provided in the proposed budget.

Ms. Nathanson said she supported the proposal because it would improve the appropriate use of housing units made accessible by the use of public funds. She noted that some of the apartments to be registered in the project would be outside the City of Eugene.

Ms. Swanson Gribakov said that she supported the proposal. She asked: 1) How the project would be funded in the future? 2) How the registry would be updated in the future? 3) What was the status of the request for funding made to Lane County? 4) Why did the City of Springfield deny the request for funding of the project? 5) Would it be possible to identify the city of residence of persons benefiting from the services of the project? 6) What was the size of the FY97 Contingency Fund compared to that of FY96?

Ms. Norris stated that the FY97 Contingency Fund had approximately 60 percent of the resources in the FY96 Contingency Fund.

Ms. Dawson reported that action on the request for funding of the project submitted to Lane County was pending. She said it was intended to seek foundation grant funding for the project in the future.

Ms. Dawson stated that it was the intent of the project that its listing of available housing units would be continually updated.

Mr. Laue expressed concern that, contrary to adopted principles, projects funded by the Contingency Fund were tending to need allocations a second year. He reminded councilors that the Intergovernmental Human Services Committee needed to make several repeat requests to the fund.

Mr. Torrey said a report on use of the FY96 Contingency Fund would be provided to councilors in the near future. He suggested that it could be used in discussions with metropolitan area jurisdiction partners regarding financial support of mutually beneficial projects.

Mr. Laus moved, seconded by Ms. Swanson Gribakov, to direct the City Manager to enter into a contract for services needed to facilitate increased access to housing for 40 low-income individuals with disabilities, and authorizing the expenditure of \$3,000 from the Contingency Fund to cover the cost of the contract. The motion was adopted unanimously, 6:0.

V. CONTINGENCY FUND REQUEST: GRANT FINANCING FOR AFFORDABLE HOUSING

Housing and Neighborhood Development Section Manager Richard Weinman introduced the discussion of a Contingency Fund request to allocate resources or enter into a contract for services to facilitate increased funding for low-income housing construction through an examination of private funding opportunities.

Ms. Keller stated that the Housing Policy Board had recommended approval of the request.

Ms. Swanson Gribakov stated that she understood the importance of the proposal, but suggested that it could be incorporated into the current work of City staff. She suggested that a more thorough discussion of the request could be included in the trimester meeting of the council.

In response to a request from Ms. Nathanson, Mr. Weinman explained that the Housing Policy Board was chaired by John Van Landingham, included representatives of the City of Eugene, City of Springfield, and Lane County elected officials, low-income representatives, and three members at large (including Mr. Van Landingham).

Ms. Nathanson stated that she did not believe the proposal could be appropriately assigned to City staff. She said she agreed that additional time was needed for consideration of the request and that funding of it should be a collaborative effort.

Ms. Norris said that to assign work of this proposed project to City staff would require elimination of their duties in other areas.

Mayor Bascom reminded members that the position of City Staff Grant Writer had been eliminated in the FY95 Budget.

Mayor Bascom asked how recently acquired affordable housing grants from foundations sponsored by financial corporations had been acquired. Mr. Weinman replied that application for the grants from Wells Fargo had been initiated by the Lane County Chapter of Oregon Fair Share, and that assistance had been provided by City staff. He said most nonprofit housing developers applied for individual foundation grants, and that the proposed project could promote collaborative applications.

Mr. Torrey stated that he was being swayed to postpone action on the request. He suggested that it might be possible to use the issue as a stimulus for discussion with metropolitan area jurisdiction partners regarding financial support of mutually beneficial projects.

Ms. Keller moved, seconded by Ms. Nathanson, that the adopted time allotted for the meeting be extended. The motion passed unanimously 6:0.

Ms. Keller stated that the housing development projects envisioned to be assisted by the proposal would be in the City of Eugene. She said that Lane County had been a cooperative partner in assisting low-income housing projects. She said requests for allocations from the County Road Fund would far surpass resources available. She said that she did not want the Springfield City Council to dictate what projects the Eugene City Council supported.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to direct the City Manager to allocate resources or enter into a contract for services needed to facilitate increased access funding for low-income housing construction through an examination of private funding opportunities and authorizing the expenditure of \$5,000 from the Contingency Fund to cover the cost of the contract. The motion was defeated 4:2, Mr. Farr and Ms. Keller voting yes.

Mayor Bascom suggested that the proposal be returned to the Housing Policy Board for further discussion. Ms. Keller responded that she did not feel the response of the council warranted such a reconsideration.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Dan Lindstrom
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MINUTES

City Council
McNutt Room—City Hall

July 8, 1996
7:30 p.m.

COUNCILORS PRESENT: Tim Laue, President; Pat Farr, Kevin Hornbuckle (after 8:20 p.m.), Barbara Keller, Nancy Nathanson, Laurie Swanson Gribkov, Jim Torrey.

COUNCILORS ABSENT: Shawn Boles.

The regular Eugene City Council meeting of July 8, 1996, was called to order by Her Honor Mayor Ruth Bascom.

I. PUBLIC FORUM

Mayor Bascom explained that members of the public were invited to address the council on matters not included on the agenda of the meeting for three minutes. She requested each speaker to state their name and address at the beginning of their remarks.

Iake Dudell, 890 West 12th Avenue, stated that he was employed by St. Vincent de Paul Society, and managed the agency's Interfaith Emergency Shelter program. He said that he understood the Council Officers had not scheduled consideration of a funding request for \$43,000 to enable operation for the entire school year of the program which provided overnight shelter for homeless family in the buildings of area churches and synagogues. He reported it was essential a decision be made by the first week in August. He reviewed the services and costs of the program.

Rhonda Godfrey, 2108 Ohio Street, stated that she wished the council to consider development of licensing procedures for ice cream vendors. She explained that there were dangers to the safety of children presented by persons who purchased supplies from retail stores and sold from vehicles which were not controlled by any regulations.

Mayor Bascom determined there were no other persons wishing to address the council and closed the public forum.

II. CONSENT CALENDAR

Ms. Nathanson said she wished to discuss the minutes of the May 15, 1996, meeting of the City Council included in the proposed Consent Calendar.

Ms. Keller stated that she wished to discuss the minutes of the May 15, 1996, meeting of the City Council and the resolution concerning a Local Improvement District for Gilham Road included in the proposed Consent Calendar.

Mr. Farr stated that he wished to discuss the minutes of the May 15, 1996, meeting of the City Council included in the proposed Consent Calendar.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, that the following items on the proposed City Council Consent Calendar be approved:

- Minutes of the May 20, 1996, Dinner Work Session of the City Council.
- Minutes of the May 28, 1996, Dinner Work Session of the City Council.

The motion was approved unanimously, 6:0, Mr. Hornbuckle having not yet joined the meeting.

III. PUBLIC HEARING: ORDINANCE CONCERNING A STREET NAME CHANGE FROM NORTH GAME FARM ROAD TO GATEWAY STREET (SC96-1)

A. Staff Report

Planning and Development Department Senior Planner Steven Nystrom provided background regarding an ordinance changing the name of a 1,000-foot section of North Game Farm Road, located north of Beltline Road. He stated that the street name change request had been initiated by the Eugene Christian Fellowship Church to minimize confusion with other similarly named streets in the area, especially as it related to emergency response needs. He said that public agencies contacted about the street name change had either supported, or not objected to it. He noted that four supportive written responses received in response to a notice of the Planning Commission hearing regarding the change had been distributed to councilors with the agenda of the meeting.

B. Council Questions

Ms. Swanson Gribakov asked that the plans of Lane County regarding the name change be explained. Mr. Nystrom stated that he had been informed by staff that it would submit the proposal to the Board of County Commissioners following the action of the Eugene City Council.

Ms. Keller asked how "Gateway," the proposed new name of the street, related to Eugene. Mr. Nystrom replied that the proposed name was a small section connected with Gateway Street of the City of Springfield. He said the change request was based on confusion with similarly named streets in the area. He also said the US Post Office reported no concern with the change as this would be the only "Gateway Street" in the area.

Ms. Keller asked if it was not more appropriate for Lane County to act on the change request for the much larger section of the street within its territory. Mr. Nystrom replied that to do so would create a "leapfrog" effect, considering the path of the street.

C. Public Testimony

Mayor Bascom opened the public hearing.

Paul Westman, 89661 North Game Farm Road, stated that he had resided on the Lane County section of North Game Farm Road for twenty years. He reported that he had not been officially informed of the City's public hearing, but had been approached some time previously by representatives of the Eugene Christian Fellowship to sign a petition supporting the proposed name change. He said he had refused to sign the petition, and noted that, of the petitioners, only the church had an address on Game Farm Road. He said his major reason for not supporting the name change was a desire to reside on a street identified with Eugene, within the urban growth boundary of which the street was located. He said that he had never heard reports of emergency services having difficulties locating Game Farm Road. He expressed his belief that if Eugene changed the name of the section of Game Farm Road within its city limits, it would influence Lane County to make an identical change.

A member of the public delivered a petition containing the signatures of six persons residing on the Lane County section of North Game Farm Road opposed to the proposed name change. It noted that three changes of the name of the street had taken place over the years, and resulted in inconvenience and expense. The petition was circulated among councilors.

Mayor Bascom determined there were no additional persons wishing to testify and closed the public hearing.

D. Council Discussion

Mr. Torrey asked about the response of the Eugene Department of Public Safety to the proposed street name change. Mr. Nystrom stated that the department had not objected.

Mr. Torrey asked if addresses could be created in the future on the street located within the Eugene city limits. Mr. Nystrom stated that the property in question within the city limits was currently undeveloped.

Mr. Farr stated he was confused by the letter from the Eugene Christian Fellowship because it claimed to have contacted all property owners with frontage on North Game Farm Road and collected signatures of consent to change the name to Gateway Street. Mr. Nystrom stated that the letter meant that the signatures of consent were from property owners within the Eugene city limits and immediately surrounding properties.

Ms. Keller stated that she would oppose the request to change the name of Game Farm Road. She said the consequences of the change on residents with addresses on the street within Lane County jurisdiction should be considered. She said the City should not change the street name until the petition submitted to Lane County was acted upon.

Noting that there were public safety issues involved, Ms. Nathanson stated that she could support the proposed name change, although she had sympathy for the nuisance and expense it would create for residents. She suggested that no effort should be made to influence Lane County officials in determining their response to the request.

Ms. Swanson Gribakov moved, seconded by Ms. Keller, that further consideration of the proposed change of the name of North Game Farm Road to Gateway Street be postponed until after the Lane Board of County Commissioners acts on the identical request regarding the portion of the street within its jurisdiction. The motion was adopted unanimously, 6:0, Mr. Hornbuckle having not yet joined the meeting.

IV. PUBLIC HEARING: EUGENE LOCAL STREET PLAN

A. Staff Report

Planning Division Manager Jan Childs stated that the council was scheduled to hold a public hearing on the May 1996 Planning Commission recommended Eugene Local Street Plan and implementing measures. She said the council was scheduled to take action on the proposals at a later meeting. She noted that a letter from the Eugene League of Women Voters regarding the plan had been distributed earlier to councilors, and that a letter from the Home Builders Association of Lane County had been distributed at the beginning of the meeting.

B. Public Testimony

Mayor Bascom opened the public hearing.

Pat Hocken, 2410 West 22nd Avenue, stated that she was President of the Lane Transit District (LTD) Board of Directors. She presented testimony contained in her letter to the Mayor and council dated July 8, 1996, which indicated that LTD supported the following proposals contained in the *March 1996 Revised Draft Eugene Local Street Plan*:

- Utilizing certain planning principles which will benefit transit operations and encourage transit use among residents.
- Changing the City Code to require subdivision and planned unit developments plans to show future street layouts.
- Amending design standards and guidelines to require local streets identified as future transit routes to accommodate the weight and turning radius of large and small transit vehicles.
- Improving bicycle and pedestrian access to encourage walking and circulation in neighborhoods, and compliance with the Americans with Disabilities Act.
- Requiring setback sidewalks on both sides of all new local streets except access lanes.
- Using the Local Street Plan network as a tool to design future street designs and review developments.

Mayor Bascom determined there were no additional persons wishing to testify and closed the public hearing. She noted that council discussion of the public testimony and other issues related to the

Local Street Plan was scheduled for 5:30 p.m. on July 29, 1996. She said that no 7:30 session was scheduled for that evening and discussion could be for as long as members desired.

V. RESOLUTIONS CONCERNING LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION

Housing and Neighborhood Development Section Manager Richie Weinman introduced discussion of resolutions approving low-income rental housing property tax exemption for three properties: 1) lot 20 and lots 27-37, Walnut Orchard Phase II, on Bennett Lane; 2) property located at 5425 Fox Hollow Road; and 3) property located at 1080 Clark Street.

In response to a question from Mr. Torrey regarding the Eugene Housing Dispersal Policy and the third listed property, Mr. Weinman stated that it did not apply because the development was of Single Room Occupancy (SRO) units and the policy applied only to multiple-family units. He said that development of multiple family units at the site would not be permitted by the policy. He reported that the developer had discussed the development with the area neighborhood association.

City Manager Linda Norris read the first resolution.

Resolution No. 4496—A resolution approving a low-income rental housing property tax exemption for property located at (lot 20 and 27-37, Walnut Orchard Phase II) Bennett Lane, Eugene Oregon, 97402. (Mac McDonald Limited Partnership, St. Vincent de Paul, General Partner)

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to adopt Resolution Number 4496. The motion was adopted unanimously; 6:0, Mr. Hornbuckle having not yet joined the meeting.

City Manager Linda Norris read the second resolution.

Resolution No. 4497—A resolution approving a low-income rental housing property tax exemption for property located at 5425 Fox Hollow Road, Eugene, Oregon. (Metropolitan Affordable Housing Corporation)

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to adopt Resolution Number 4497. The motion was adopted unanimously; 6:0, Mr. Hornbuckle having not yet joined the meeting.

City Manager Linda Norris read the third resolution.

Resolution No. 4498—A resolution approving a low-income rental housing property tax exemption for property located at 1080 Clark Street, Eugene, Oregon 97402. (Dennis and Sandra Meili)

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to adopt Resolution Number 449. The motion was adopted unanimously; 6:0, Mr. Hornbuckle having not yet joined the meeting.

Mr. Hornbuckle joined the meeting at 8:20 p.m.

VI. APPROVAL OF MINUTES, FINDINGS, AND RECOMMENDATIONS FROM HEARINGS OFFICIAL AND PASSAGE OF AN ORDINANCE LEVYING ASSESSMENTS FOR IMPROVEMENTS ALONG HIGHWAY 99 FROM BARGER DRIVE TO ROOSEVELT BOULEVARD

Public Works Acting City Engineer Jeff Lankston served as staff representative for this item.

Ms. Swanson Gribkov requested an explanation of the process which led to the ordinance being proposed. Deputy City Manager Les Lyle explained that assessments had been initiated by the City Council in a series of actions that included adoption of the Capital Improvement Program. A public hearing with the Hearings Official was held for the local improvement district (LID) formation, information from it was presented to the council, and since no remonstrance was submitted, the local improvement district was formed by the Council. He said that the current action was to levy the assessments for the district following completion of the project.

Mr. Farr stated that the improvements were a great benefit to west Eugene and welcomed by most residents and businesses. He said he wished to discuss the "Big Apple" property in the district, property buffered from Highway 99 by State-owned property between Barger Avenue and Bethel Drive. He referred to the memorandum from the City Attorney dated June 27, 1996, regarding assessments for improvements along Highway 99, distributed with the agenda of the meeting. He reported that conversations with the property owner had led him to question whether there was "special benefit" to the property from the improvement, as described by the memorandum, because the owner was prohibited from using the buffering property. He said that since the memorandum indicated that the Eugene Code did not provide definitions for the terms "abut" and "abutting," the dictionary definition of "touching" should apply, and improvement district assessments should not be levied on the property in question.

City Attorney Glenn Klein suggested that, rather than attempt to amend the ordinance in the meeting, Mr. Farr seek council concurrence to request staff to recommend changes to the ordinance which would accomplish his purpose.

Mr. Lyle stated that the issues raised by Mr. Farr had been discussed in the public hearing for the LID formation before the Hearings Official, and adopted by council.

Ms. Keller stated that a great deal of effort had been expended on the Highway 99 improvements, that changes to the proposed assessments could significantly impact the Road Fund and/or other property owners, and that she believed it would set a bad precedent to seek re-definition of what constituted benefits from improvements.

Ms. Nathanson requested that a report be made regarding the effect on traffic patterns of the highway median strip installed as part of the improvements.

Mr. Torrey asked if the City possessed authority to require payment of improvement district assessments for property owned by the Oregon Department of Transportation (ODOT). Mr. Lyle explained that if a property was considered capable of being developed, what Mr. Torrey suggested was possible. Mr. Klein stated that it was his understanding that ODOT had attempted to sell the property in question to the adjoining owner (Big Apple) and had determined that it was only possible to be developed in combination with the property about which Mr. Farr had raised questions.

Mr. Torrey suggested that the owner of property about which Mr. Farr had raised questions might be best served if the proposed assessment ordinance were adopted, providing grounds for challenge. Mr. Klein explained that property owners could request a judicial "Writ of Review," and the court could review the appropriateness of assessments.

Mr. Klein and Mr. Lyle described examples of past assessments made on property in conditions similar to those faced by the owner of property discussed by Mr. Farr.

Ms. Swanson Gribskov requested an explanation of the response given to questions raised by Lane ShelterCare regarding its obligation to pay the assessment. Mr. Lankston explained that the nonprofit status of Lane ShelterCare did not exempt it from payment of improvement district assessments, but that it was capable of establishing a ten-year schedule of payments of the assessments which was also available to all other owners in the district.

Mr. Hornbuckle said that decisions regarding the allowing of special conditions in assessment districts was only possible through political decision. He observed that judicial processes available for review of assessments could be expensive and therefore were unfairly only available to the wealthy.

Mr. Farr moved that further consideration of the ordinance levying assessments for improvements along Highway 99 from Barger Drive to Roosevelt Boulevard be postponed until a staff report detailing changes to the ordinance which would exempt the property owner for whom he was advocating.

Mayor Bascom declared the motion had failed for lack of a second.

Mr. Laue moved, seconded by Ms. Swanson Gribskov to approve the Hearings Official's Minutes, Findings, and Recommendations of July 1, 1996.

Ms. Keller stated she favored the motion because it supported the work of staff and existing code.

Mr. Farr stated that he would also vote for the motion "for the sake of unanimity." He urged the property owner for whom he was advocating to take advantage of legal recourse available. Ms. Norris stated that, if requested, the appropriate information available from the City of Eugene would be provided.

Ms. Nathanson suggested that the matters discussed had raised the issue of the need to consider general benefits of assessment districts. She requested that if Highway 99 improvements are again discussed, that the record of the Hearings Official be provided to determine design issues considered.

The motion to adopt the Hearings Official's minutes, findings, and recommendations was adopted unanimously, 7:0.

Ms. Norris read the bill.

CB45282--An ordinance levying assessments for the installation of curbs and gutters, sidewalks and access drives along highway 99 (Pacific Highway West) from Barger Drive to Roosevelt Boulevard; and declaring an emergency (Contract 94-504) (Job #2728).

Mr. Laus moved, seconded by Ms. Swanson Gribskov, that the bill, with unanimous consent of the council, be read the second time by council bill number only, and that enactment be considered at this time. The motion was adopted unanimously, 7:0.

Ms. Norris read the bill the second time.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, that the bill be approved and given final passage. The motion was adopted unanimously, 7:0, and became Ordinance 20053.

II. CONSENT CALENDAR

A. Minutes of the May 15, 1996, Meeting of the City Council

Ms. Keller requested that the following change be made to the first sentence of the fourth paragraph on the fifth page of the minutes of the May 15, 1996, meeting of the City Council:

Ms. Keller said she appreciated the Planning Commission's extraordinary letter that takes other than the law into effect *account* in arriving at its recommendation.

Ms. Nathanson requested that the following change be made to the ninth paragraph on the sixth page of the minutes of the May 15, 1996, meeting of the City Council:

Ms. Nathanson said she supported the motion, noting it addressed her concerns with the need, location, and financial feasibility; and the inequity of the distribution of parks and recreation.

Mr. Farr noted that the second sentence of the fourth paragraph on the first page of the minutes of the May 15, 1996, meeting of the City Council stated that he "pledged his campaign funds to support the levy." For tonight's record, he reported that he had received no campaign contributions in his unopposed bid for re-election to the City Council.

Mr. Farr requested that the following change be made to the first paragraph on the fifth page of the minutes of the May 15, 1996, meeting of the City Council:

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.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to accept the minutes of the May 15, 1996, meeting of the City Council, as amended. The motion was adopted unanimously, 7:0.

B. Resolution Concerning Local Improvement District for Gilham Road

Ms. Keller asked that the estimated assessment costs for the storm sewer on Gilham Road project be explained. Mr. Lankston stated that the estimated assessment of \$304,427.19 would be paid by the property owner, Paradise Development, Inc.

Ms. Keller asked how much of the City's portion of the cost of installing the storm sewer would be paid by Service Development Charges (SDCs). Mr. Lyle explained that 100 percent of the City's cost would be paid by SDCs.

Resolution No. 4495—A resolution forming a local improvement district (LID) for storm sewers on Gilham Road from Honeywood Street to Ayres Road, and Ayres Road from Gilham to 500 feet west. (Job #3459)

Mr. Laue moved, seconded by Ms. Swanson Gribakov, that the Resolution No. 4495 be adopted. The motion was adopted unanimously, 7:0.

The meeting adjourned at 9 p.m.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Dan Lindstrom
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