

MINUTES

Eugene City Council
McNutt Room—City Hall

August 5, 1996
5:30 p.m.

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

Her Honor Mayor Ruth Bascom called the regular City Council meeting of August 5, 1996, to order.

I. CITY COUNCIL DINNER WORK SESSION

A. Approval of the Agenda and Time Estimates

Mr. Laue moved, seconded by Ms. Swanson Gribakov, approval of the agenda and time estimates. Roll call vote; the motion passed unanimously, 7:0, with Ms. Nathanson not yet at the table.

B. Continued Discussion: Community Policing Revenue Measure

Mr. Torrey requested to make a motion and said that it was not his intention to preclude any other motions.

Mr. Boles asked him to wait until the other councilors had had an opportunity to speak to the issue.

Mr. Torrey moved, seconded by Mr. Farr, to direct a five year serial levy with a two-year rollover option in the tax base, in the amount of \$26 million be placed before the voters of Eugene at the November 1996 general ballot election.

Mr. Torrey said he thought this motion would focus the councilors on the issue. He added that his proposal would fund the original community policing revenue measure request of \$4.6 million.

Mr. Boles said he was offended by the process and added that he had a motion, but Mr. Torrey had precluded discussion about other funding sources because he had made a specific motion. He said that he wanted to get an idea from the councilors as to their preferred funding sources.

Ms. Swanson Gribakov moved, seconded by Mr. Boles, to divide the motion into its component parts: 1) the funding source; 2) the timing of the measure; 3) the amount

of the proposal; and 4) the length of a levy if it were the preferred funding source. Roll call vote; the motion passed 7:1, with Ms. Keller voting in opposition.

Source of Funding

Motion for consideration: A serial levy for funding the proposal.

Mr. Boles requested that each councilor indicate on a chart their preferred choices for funding source. The majority supported choices were a five-year serial levy and a tax base.

Mr. Boles stated his disappointment that the council was unwilling to look outside the traditional property tax in order to fund the proposal. He said that if the council had been willing to consider a business license tax and crafted it in a manner similar to the City of Portland, then it could have worked in favor of both businesses and residents.

Ms. Keller stated that her only two choices were the tax base or the serial levy, and in choosing those sources she reviewed three factors: 1) is there a sufficient amount of money capable of being raised; 2) is it likely that the voters would pass the measure; and 3) does it actually solve the problem for the duration of the problem. She noted that the problem was more than a five-year problem, so she did not believe that the five-year serial levy would meet the need. She said that she would vote against the serial levy and asked the council to consider that this was a long-term problem.

Mr. Hornbuckle said he thought the council should allow the voters to choose between the two methods of financing through use of the voting process. He said that such a process would allow the voters to have a choice, it would reduce resentfulness on the part of voters, and they would be more invested in the outcome. He stated his opposition to the serial levy because it would set the City up to use a very powerful "blackmail" ballot when it was time for the levy to be approved again in five years.

Mr. Farr asked if the money from a tax base increase, unlike a serial levy, could be funneled to a different use. City Attorney Glen Klein stated that it could be funneled to a different use.

Mr. Farr stated that a future council could funnel money from a tax base increase to another use, while the money from a five-year serial levy would be stable funding for five years. He stated his support of the serial levy because it supported both community policing and the consolidated effort on the part of the three jurisdictions.

Mr. Torrey said that he had not heard anyone indicate that the services were not necessary for Eugene. He indicated his preference for a tax base measure, but because there was not majority council support for such a measure, he was willing to support a serial levy proposal. Responding to Mr. Hornbuckle's proposal to let the voters choose the funding source, he said that there was no reason that the voters couldn't put forth an initiative measure to put a different funding source on the ballot.

Ms. Nathanson echoed Mr. Farr's comments by saying that there were two problems that the council was simultaneously attempting to solve: 1) the need for increased public safety; and 2) the need to

cooperate with the intergovernmental partners on an overhaul of the criminal-justice system. She said that she viewed this option as a part of the whole and thought that it worked well within the process of cooperating with the Public Safety Coordinating Council (PSCC). She added that in the short-term, she wanted to request from the Department of Public Safety (DPS) a plan for filling the currently unfilled positions and staying ahead of the curve more quickly and on a long-term basis.

Ms. Swanson Gribakov stated her support for the levy because of the interjurisdictional effort in which the City was engaged. She said a levy that lasted longer than two years would give the partnership a chance to create a plan for the whole region. She flagged the issue of timing, noting that the benefit of going for the levy in March allowed the council some time to work through some of the other logistical problems.

Mr. Laue said he did not think that it helped to put long-term needs on short-term funding. He added that he did not believe it would be possible to convert a serial levy to a tax base in two years. He reminded the councilors of the policy of not putting short-term funding sources on long-term problems, and indicated that he would vote against this proposal.

Mr. Boles said this problem was created by the council when it approved the Rapid Deployment Unit (RDU) without long-term funding. He said that he viewed the serial levy as the lowest common denominator solution to an error made by a previous council and stated that he could not support it in this round for a couple of reasons: 1) the way in which it had been presented and handled in the council; and 2) it is difficult to ensure that the money will always be used for the intended use.

Mr. Hornbuckle asked the council to simply come up with a fair tax and implement it. He stated disagreement with Mr. Torrey's assertion that the voters could use the initiative petition process to create an alternative funding source proposal because the process was dominated by big money and it took a lot of money and time to get involved in it. He asked the council to consider increasing the number of funding sources from which to choose and give the voters a choice. He said that with greater options the council increased the likelihood that one of them would pass.

Ms. Keller said that the rollover was not substantive because there was no such thing as a rollover. She said that if this proposal passed, it would be a serial levy, and if another council decided to rescind that proposal that could be done. She said that the need for money was not going to decrease over time, so the money should be available. She added that this issue should not be hanging over the heads of the new councilors for the next five years.

Mr. Farr mentioned that the original proposal called for a \$12 million tax base, so this proposal was scaled down tremendously. He said that it made no sense to go for a permanent source of funding for an inadequate proposal. He said that the five-year serial levy would allow the City to move forward with emergency funding for an emergency plan and then reconsider permanent funding.

Mr. Torrey explained that the rollover option worked in the following manner: if Lane County and/or the jurisdictions of Springfield, Lane County, and Eugene decide under the PSCC recommendation that they want to go forward with a tax increase and the funds from this levy were no longer needed, the seated council could vacate the levy by a 2/3 majority vote.

Roll call vote; the motion passed 4:4, with councilors Hornbuckle, Boles, Laue, and Keller voting in opposition and the Mayor breaking the tie by voting in favor.

Length of Levy

Ms. Swanson Gribakov moved to amend the motion with a three-year levy rather than a five-year levy. The motion died for lack of a second.

Motion to be considered: Five-year serial levy.

Ms. Keller stated that there was no such thing as a rollover.

Mr. Torrey stated that the option existed, but if the word "option" was bothering anyone, he was willing to remove it from the motion.

Dave Whitlow, DPS, stated that this council could not commit a future council to a course of action; therefore, a motion could not be passed that would direct a future council to hold a vote.

Mr. Klein indicated that Mr. Torrey was correct in that a future council would have the right to vacate the levy, but he stated that this council could only recommend such an action.

Mr. Torrey stated that it was acceptable for him to change the motion to indicate it was a recommendation.

Mr. Farr stated that angry outbursts did not help the process and he requested that people cease interrupting others.

Roll call vote; the motion passed 5:3, with councilors Hornbuckle, Boles, and Keller voting in opposition.

Mr. Boles stated that it was misleading to the public to indicate that this proposal could change into a tax base. He urged the council to leave it at a five-year serial levy and negate any wording regarding a tax base rollover.

Ms. Keller stated her agreement with Mr. Boles.

Ms. Nathanson stated that she felt restless that there was a split vote on the serial levy proposal because she did not want to send something to the voters without a council consensus or a majority.

Timing of Proposal

Ms. Swanson Gribakov moved, seconded by Mr. Boles, to amend the motion by placing this proposal on the ballot in March 1997.

Ms. Swanson Gribakov stated that this sitting council would put the levy before the voters whether it be in March or November because the decision had to be made by November 1996. She said that she

recommended March because it would allow the council to hold a work session following its break to discuss all the component parts of the proposal and finalize a dollar amount. She said that the public needed to be clear that the money would not be collected until July 1, 1997, regardless of when the proposal is on the ballot.

Mr. Farr asked Mr. Torrey if he would consider the amendment a friendly amendment.

Mr. Torrey and Mr. Farr accepted the amendment as a friendly amendment.

Ms. Keller said that the numbers had been thoroughly reviewed over the last two years and she did not believe that the council would do a better job reviewing them. She said that she would not support a pared down proposal.

Mr. Hornbuckle stated his opposition to the motion because he thought it would fail if it was put before the voters in November and he wanted to help defeat it.

Mr. Boles stated his support of the proposal because it would provide the council the opportunity to scrutinize the list of services and rationalize that in terms of the PSCC process, and it would not make a difference to recruitment and service.

Mr. Laue stated his support for a March election because it would give the council another six months for the PSCC to move along with its work. He asked if this would mean that the council would be looking for service reductions to fund the RDU. Ms. Norris stated that the FY98 budget would be prepared to include the RDU, to be funded by service reductions. If the election was unsuccessful, the budget would be submitted to the Budget Committee with the service reductions.

Ms. Nathanson said that it was smart, if the time was available, to give more time to think about the amount for the proposal. She added that she did not want this to be interpreted as a stall or that nothing was happening; that a solution was being implemented six months after the initial discussions. She said that she was concerned that the council was not moving ahead quickly enough.

Roll call vote; the motion passed 6:2, with councilors Hornbuckle and Keller voting in opposition.

Mr. Laue moved, seconded by Ms. Swanson Gribekov, to extend the time by 15 minutes and take it from the status report on the Metro Plan.

Ms. Keller stated that because there were other substantive items on the agenda, she proposed that the council discuss this issue after the break.

Roll call vote; the motion passed 5:3, with councilors Keller, Hornbuckle, and Boles voting in opposition.

Amount of Proposal

Ms. Swanson Gribakov moved, seconded by Mr. Torrey, to amend the main motion such that the amount be determined in a council work session following the council break.

Ms. Swanson Gribakov stated that it would be important for the council to discuss each piece of the proposal and create an adequate amount.

Mr. Boles stated his support of the amendment because he believed that the unintended consequences on the Sheriff's Office and the District Attorney's Office needed to be discussed, as did the issue of youth services.

Ms. Keller said that the council needed to create a bottom line so that it could move forward.

Ms. Keller moved, seconded by Mr. Boles, to amend the main motion by committing to a dollar amount to be at least \$26 million.

Mr. Torrey said he wanted to be sure that the public understood how the amount of \$26 million was developed. He said that it was \$5.2 million per year over 5 years. Mr. Whitlow stated that it was computed by the actual expenditures that will be incurred over the 5 years.

Roll call vote; the amendment to the amendment failed 6:2, with councilors Keller and Mr. Boles voting in favor.

Roll call vote; the amendment failed 5:3, with councilors Nathanson, Swanson Gribakov, and Boles voting in favor.

Roll call vote; the main motion passed 5:2, with councilors Hornbuckle and Swanson Gribakov voting in opposition and Mr. Boles not at the table.

Ms. Nathanson moved, seconded by Mr. Torrey, to extend time by six minutes. Roll call vote; the motion failed 4:3, with Councilors Nathanson, Torrey, and Farr voting in favor.

C. Status Report: Metro Plan Amendment for Short Mountain Landfill

Cathy Czerniak, Planning and Development, gave the staff report. She said that the issue was last discussed on July 1, 1996, and the council did not take action, but directed staff to work with Lane County and Springfield to draft an intergovernmental agreement with the intent of returning to the council for approval of the agreement before it is signed. She noted that the Lane County Board of Commissioners revisited the issue on July 24, 1996, and directed its staff to hire an additional consultant to review the numbers generated by both sides for the Osmotek System and any other on-site system with respect to cost comparison to the piping option and technological feasibility.

Ms. Czerniak said that she had confirmed with Lane County staff that it had contracted with CH²M Hill to do the additional evaluation. She said that Lane County staff expected a report no later than the middle of August and added that staff tentatively scheduled that report to come before the council on September 9, 1996. She said that a draft intergovernmental agreement was provided in the agenda packet. She said that staff was seeking the council's input on the agreement.

Mayor Bascom referred the councilors to the options listed on page 8 of the agenda packet and the intergovernmental agreement on pages 11-15.

Mr. Boles requested answers to the following questions: 1) who would bear the costs associated with monitoring costs of staying within the bounds of the Intergovernmental Agreement (IGA), the amendment, and the urban growth boundary issues; 2) whether revocable permits are addressed in the IGA; and 3) whether the amendment would take effect before the IGA was in place.

Ms. Czerniak stated that the agreement did address the cost of monitoring the leachate, but it did not pick up the additional concern of the cost that would be born by the City in order to monitor the overall agreement to ensure compliance. She said that staff would review that additional request. She added that revocable permits were addressed in the IGA, and noted that Peter Ruffier or James Oileranshaw could address that question. She added that by September 9, staff should have a final draft of the agreement for council approval before council action on the Metro Plan Amendment.

Mr. Boles said he was not comfortable with having a signed agreement forwarded to the council without having assurance that issues of concern had been addressed.

Mr. Laue asked if there had been testing for the amount of ammonia in the leachates. Peter Ruffier, Wastewater Division, stated that there was information concerning the concentration of ammonia in the leachate. He said that the question of ammonia removal was under review in the context of the renewal of the permit for discharge from the treatment plant. He noted that the decision as to whether that would be necessary would drive the subsequent decision about how best to handle the ammonia from Short Mountain and whether that is a significant impact at the plant. He said the question of whether pretreatment would be required had not been decided. He said there would be a decision within the next two months.

Mr. Laue asked about the level of mercury and toxic organics. Mr. Ruffier stated that staff had requested additional sampling and monitoring for mercury and had received the analyses; they were within acceptable limits and below the local limits based on the pretreatment code. He added that the level of toxic organics was also within acceptable levels.

Mr. Torrey thanked Lane County for being willing to get an objective analysis of both methods. He pointed out that the County Commissioners had followed through with this discussion in a non-divisive manner. He asked what would happen if the City did not move through this measure in a timely fashion.

Ms. Czerniak stated that the County had received approval from the Department of Environmental Quality (DEQ) to do some hillside spraying, which it had started. She noted that the City of Eugene

also issued a trucking permit to allow trucking to begin in the middle of September. She noted that the County was still in a time crunch to find a permanent solution.

Ms. Keller stated that the City should be looking at a revocable permit should the County not be in compliance with any pretreatment requirements. She said that she had a concern that the City had not adequately dealt with this issue in terms of hookups and the urban growth boundary. She said that she hoped the County would move forward with reviewing on-site treatment.

Ms. Norris stated that staff could add the information requested by the council to the IGA and bring the draft back before it was signed or it could bring back the signed document.

Mr. Boles moved, seconded by Ms. Keller, that the agreement come back to the council unsigned. Roll call vote; the motion passed unanimously, 8:0.

Mr. Boles moved, seconded by Ms. Keller, that the amendment not be in force until the agreement is signed by all three jurisdictions. Roll call vote; the motion failed, 5:3, with councilors Boles, Hornbuckle, and Keller voting in favor.

Mr. Boles moved, seconded by Ms. Keller, to direct staff to get an estimate of the additional burden placed on staff to manage the agreement and include those costs in the agreement.

Mr. Boles stated that his interest was in protecting the taxpayers in the City of Eugene.

Mr. Torrey asserted that there would be ample time to discuss any concerns when the agreement was brought back before the council.

Roll call vote; the motion failed, 5:3, with councilors Keller, Boles, and Hornbuckle voting in favor.

D. Continuation of July 31 Trimester Action: Council Committee on Environment and Economics (CCEE) Recommendations

Due to insufficient time, this item was not discussed.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Jennifer Self)
cc53005.086

MINUTES
Eugene City Council
Council Chamber—City Hall

August 5, 1996
7:30 p.m.

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

Her Honor, Mayor Ruth Bascom, called the meeting to order.

I. PUBLIC FORUM

John Flanery, 878 Almaden, asked the council to reopen public parks and rest rooms to address issues of potholing and defecation behind dumpsters.

Rayard McConaughy, 1653 Fairmount, expressed opposition to the way the Hyundai issue had been handled by the City. He said a public hearing on Hyundai at the Eugene Water & Electric Board had received almost unanimous opposition. Mr. McConaughy expressed frustration at attending public hearings at which the elected officials act in opposition to the majority of speakers.

Evelyn McConaughy, 1653 Fairmount, questioned tax breaks given to Hyundai. She expressed concern about the use of toxic substances and the large volume of water by Hyundai. Ms. McConaughy opposed the two-thirds rate reduction to Hyundai for wastewater services.

Laura Ohanian, 840 1/2 Lawrence, stated that big business was controlling the political process at the City level as well as the Federal level. She said the City was selling the environment, forests, deserts, water, wetlands, clean air, and health to business interests.

Clark Winston Cox, 1085 Patterson, told the council that he had recently ridden a train to Salem and back, experiencing problems with late schedules. He asked the council to check on a rule that states trains must slow when temperatures exceed 90 degrees.

II. CONSENT CALENDAR

- A. Approval of City Council Minutes of June 12, 1996, Special Meeting; June 19, 1996, Lunch Work Session; June 24, 1996, Dinner Work Session; June 24, 1996, Meeting; June 26, 1996, Lunch Work Session; June 26, 1996, Special Appellant Hearing; and June 26, 1996, Special Work Session
- B. West Eugene Wetlands Property Realignment

Ms. Keller pulled the minutes of June 19, 1996, Lunch Work Session for discussion. Ms. Nathanson pulled the minutes of June 26, 1996, Lunch Work Session, and item B, West Eugene Wetlands Property Realignment for discussion. These items were moved to the end of the agenda.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to approve the minutes on the Consent Calendar, with the two exceptions noted above. The motion carried unanimously, 8:0.

III. ACTION: ORDINANCE CONCERNING EUGENE LOCAL STREET PLAN

CB 4585--An ordinance concerning local streets and public improvements; amending sections 6.300, 6.305, 7.010, 7.085, 7.140, 7.290, 7.640, 7.650, 9.015, 9.030, 9.033, 9.035, 9.040, 9.045, 9.050, 9.055, 9.060, 9.075, 9.085, 9.510, 9.512, 9.386, 9.574, 9.688, and 9.702 of the Eugene Code, 1971; and adding a new section 7.280 to that Code.

Planning Director Jan Childs noted that the amendments adopted by the council at the July 29 work session had been incorporated into the ordinance. She also noted that an additional amendment was recommended by the City Attorney to clarify that the more restrictive language would apply in cases where inconsistencies might exist between the new code and the existing language.

Mr. Farr asked about the amendment pertaining to the "19-lot" clause, questioning the reason for setting a limit across the whole City when the primary consideration was fire hazard in the South Hills. Ms. Childs confirmed that the Planning Commission had agreed that the new standards would replace the "19-lot" rule, but the council had decided to retain the existing language. City Attorney Glenn Klein confirmed for Mr. Farr that he was not eligible to move for reconsideration, since he had been on the losing side of the initial vote.

Ms. Nathanson asked whether the new language could be interpreted as more restrictive than the "19 lot" rule. Ms. Childs responded that it could, which was one reason for adding the additional amendment suggested by the City Attorney. Ms. Nathanson also asked if the Planning Division could alert the council early if it experienced problems implementing the ordinance.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to adopt the amendments specified in Exhibit A.

Ms. Keller spoke to the preservation of the "19-lot" rule, calling it a "safety mechanism. Mr. Farr said his vote for the motion was not because of his agreement, but that it was necessary if the "19-lot" rule was to be left in the ordinance.

The motion carried unanimously, 8:0.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, that the bill, as amended, 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 carried unanimously, 8:0.

Ms. Nathanson pointed out that dispersing the flow of traffic was also a concern with the secondary access provision, as well as emergency exit.

Mr. Laus moved, seconded by Ms. Swanson Gribekov, that the bill be approved and given final passage. The motion carried 7:1, with Mr. Farr voting in opposition and became Ordinance 20056.

IV. PUBLIC HEARING: ORDINANCE REVISING THE BUSINESS LICENSE CODE

Dick Gasman, Planning and Development, told the council that the proposed revisions were due to a new State law and subsequent request from council to review the issue. Mr. Gasman said the revisions were minor, other than the elimination of licensing standards for social gambling, private investigators, and security agencies.

Mayor Bascom opened the public hearing.

Robert H. Lewis, PO Box 22834, expressed concern about the deregulation of private investigators. He said as a former police officer and a licensed private investigator, he believed the industry required regulation.

Bill Lolo, 747 Kelly, Springfield, spoke in favor of the revisions, noting that Eugene was one of the few cities that still regulated private investigators.

There were no other requests to testify. Mayor Bascom closed the public hearing.

Ms. Keller expressed concern about eliminating the licensing requirements for private investigators, noting that it was an industry in which people might be armed and clients might be vulnerable. She expressed an interest in separating the private investigator revision from the rest of the revisions for separate consideration. Mr. Gasman responded that weapons permitting was a separate process.

Ms. Nathanson noted that the report indicated that social gambling activity had reduced significantly. She asked whether there would be a way to spot it if this trend reversed itself. Mr. Gasman responded that eliminating licensing requirements did not eliminate regulations for the industry. He said if a change was observed by the Department of Public Safety, it would be reported to the council. Ms. Nathanson asked how a citizen might make a complaint or inquiry about these industries. Ms. Norris responded that calls would likely be referred to the public service officer in the City Manager's Office.

CB4586—An ordinance concerning business practices; amending sections 3.005, 3.011, 3.030, 3.041, 3.042, 3.050, 3.055, 3.285, 3.338, 3.358, 3.874, 3.876, and 4.990 of the Eugene Code, 1971; repealing sections 3.205, 3.207, 3.209, 3.210, 3.211, 3.213, and 3.873 of that Code; renumbering sections 3.882, 3.884, 3.886, and 3.888 to 4.982, 4.984, 4.986, and 4.988 of that Code; and adding new sections 4.980, and 4.989 to that Code.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, 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 carried unanimously, 8:0.

Ms. Keller moved, seconded by Mr. Laue, to table the motion so it could be brought back as two separate items, splitting off the private investigator sections for separate consideration. The motion carried 7:1, with Mr. Hornbuckle voting in opposition.

V. PUBLIC HEARING: ORDINANCE PROHIBITING DOGS AND SKATEBOARDS IN THE UNIVERSITY AREA

Lieutenant Becky Hanson, Department of Public Safety, reviewed the background and analysis of the ordinance, noting that the ordinance was intended to address health and safety issues as well as congestion. Lt. Hanson reviewed the options discussed by the council at its work session on the issue. These included: 1) extending the area of the prohibition, 2) an hours provision, and 3) including an evaluation and report on the effectiveness of the ordinance. Lt. Hanson told the council that staff agreed that the alleys between 12th and 14th Avenues should be included, as well as the evaluation component. She said staff did not recommend extending the western boundary at this time, due to staffing concerns and the number of private residences involved. In addition, staff did not recommend an hours provision.

Mayor Bascom opened the public hearing.

Lorraine Still, 83076 North Bradford Road, Creswell, representing the Eugene Kennel Club, spoke in opposition to the ordinance. She said the City should enforce existing laws rather than pass a new ordinance.

Kurt Jensen, 1672 Happy Lane, spoke in support of the ordinance. He said, as a business owner on 13th Avenue, he had witnessed intimidating, damaging, and unsafe skateboard use, as well as safety and sanitary problems with dogs.

Audra Keller, 531 East 13th Avenue, spoke in favor of the ordinance. She said the ordinance was aimed not at specific people, but at behaviors, including dog fights and cruelty to dogs.

Donald McLamore, 1524 West 8th Avenue, spoke against the ordinance. He said the ordinance would punish the innocent as well as the guilty, and encouraged the council to consider alternatives.

Janet Van Wormer, 25551 Hunter Road, Veneta, representing the Eugene Kennel Club, spoke in opposition to the ordinance. She said that loitering was the basic problem, not dogs, and that existing laws should be enforced.

Rand Stamm, 90 North Lawrence, spoke against the ordinance and submitted written testimony. Mr. Stamm cited animal control statistics, arguing that violations were not disproportionately high as stated. He also asked how officers would know who lived in the area, and was allowed to have a dog.

Neil Radrosky, 162 East 15th Avenue, spoke against the ordinance. He encouraged the council to look at alternative solutions, and asked that the hearing be held when students were back from summer break.

Sherman Smith, 1970 Todd Street, spoke in favor of the ordinance. He said the business owners on 13th Avenue, of which he is one, need to be supported in their efforts to alleviate the problems.

Andrew M. Ross, 1195 Almaden, spoke in opposition to the ordinance, calling it "mean spirited and unnecessary." Mr. Ross said the ordinance was "just an excuse to let cops bust hippies."

Randy Palmer, 1934 Columbia Street, spoke against the ordinance, asking for a positive solution to the problem.

Cynthia Ruth Grimes, 522 East 13th Avenue, manager of a guest house for families of critically ill patients, spoke for the ordinance. Ms. Grimes told the council that the noise of skateboards had woken up guests as late as 3 a.m. She said elderly guests had been "run off the sidewalk" by skateboarders and frightened by aggressive dogs. Ms. Grimes said many dogs were on unsafe leashes and were allowed to defecate on the lawn.

Ward Chase Fairbairn, 550 East 13th Avenue, manager of Max's Tavern, stated that his business is often the last to close. Mr. Fairbairn said he had seen drug dealing and experienced a lack of courtesy, decency, and respect from people who frequent the area. He said the area was not safe for children. Mr. Fairbairn said he was not sure the law was the solution, but it was a tool.

Art Couture, 2776 Kismet Way, stated that he owned a business on East 13th Avenue which sells skateboards. Mr. Couture acknowledged that a portion of the skateboarding population were irresponsible, but he emphasized that others use the boards as an alternate mode of transportation. He challenged the council to find another means of solving the problem.

Randall Covey, 3970 West 1st Avenue, Animal Regulation Supervisor, spoke in favor of the ordinance. He said there were a disproportionate number of animal violations in the area; in one survey, 15 times the average. Mr. Covey said the area was not compatible for dogs and expressed the support of the Lane County Animal Regulation Authority.

Susan Gregg, 315 East 13th Avenue, business manager, expressed concern that the ordinance would move people to another area and asked the City to take "positive action."

Bob Lee, 860 East 13th Avenue, small business owner, spoke in support of the ordinance. He said the public right-of-way had become an "obstacle course," and that dogs and skateboards were not appropriate to the area, which is basically a walk-through area.

Jim Antonini, 2272 Harvard, spoke in favor of the ordinance. He said the area of the ban should include Kincaid to High Street and 12th to 14th Avenue, reiterating the reasons already stated.

Loretta Keala, 33838 River Drive, Creswell, spoke in support. She said as an employee at the Dairy Queen for several years, she had experienced dog owners leaving dogs tied up and people had difficulty walking down 13th Avenue.

Jeremy Murray, #1 West 4th, Apt. 33, spoke against the ordinance. He identified himself as a skateboarder and said the issues were drug dealing and loitering, not skateboarding. Mr. Murray encouraged the council to build a facility for skateboarders.

Chris Hanai-Willa, 4580 Old Dillard Road, spoke against the ordinance. He said he had been skateboarding for two years and wanted to be able to use the board for transportation when he got older.

Dave Hanai-Willa, 4580 Old Dillard Road, spoke in opposition. He said skateboarding was a sport and should be supported with facilities.

Zack Chorich, 1342 Alder #4, spoke in opposition. He said the City should provide for a variety of people in public spaces. Mr. Chorich asked the council to enforce existing laws. He also questioned the timing of the hearing, noting that most students were not back from summer break.

Virginia Cartwright, 2290 Rose Lane, identifying herself as a professor at the University of Oregon and a "responsible dog owner," spoke against the ordinance. She said the prohibition on the downtown mall had not been successful for businesses and asked the council to enforce existing laws. Ms. Cartwright also emphasized that she often took her dog with her for personal protection.

Dan Green, 516 Hilliard Street, spoke in opposition, stating that skateboarders were not the problem.

Indigo Teiwes, 547 1/4 East 13th Avenue, spoke against the ordinance. She said she did not want to be questioned on her street of residence. Ms. Teiwes asked the council to address the problems, not "unrelated issues."

Dick Gunn, business manager for McKenzie River Music, supported the ordinance. He said he had seen people injured by flying skateboards and other serious problems in the area. Mr. Gunn acknowledged that some riders were responsible, but said they would have to pay the price for those who were not.

Mona Rummel, 412 East 13th Avenue, spoke in favor of the ban. She noted that all speakers appeared to agree that a problem exists, and something must be done. Ms. Rummel noted that the cities of Ashland and Victoria, British Columbia, had similar bans in high pedestrian traffic areas like this one. She said the safety issues preclude walking in the area and present hazards for children and disabled people.

Richard Greene, 766 East 13th Avenue, spoke in favor of the ordinance, noting that the area was the most dense pedestrian area in the City.

Mara Harris, no address given, expressed concern that the ban targets specific populations and asked the council to consider other options for solving the problem.

Bill O'Brien, 1827 Harris Street, said the problems were a "matter of perception" and asked the council to consider human rights.

Dave Waters, 706 East 13th Avenue, operator of the Dairy Queen, spoke in support. He said the area was not appropriate for the activities.

Randy Prince, PO Box 927, spoke against the ordinance, calling it "social engineering." He said the ban targets certain people and was not a function of government.

Kieran Walsh, 2977 McKendrick Street, spoke in support of the ordinance. He said although the ban punishes the majority for the sins of the minority, all laws did that as well.

Matt Clippinger, 605 East 13th Avenue, co-owner of Campus Skate Company, spoke in opposition. He said the ban was discriminatory and asked where the line would be drawn.

Clark Winston Cox, 1085 Patterson Street, supported the ordinance. He said he was visually impaired and had experienced problems negotiating the area.

Bill Washburn, 2393 Emerald Street, supported the ordinance. Mr. Washburn suggested interested citizens work together to identify and talk to people causing problems in the area. He said the responsibility was shared by all, not just the council's.

Misha Seymour, 1313 Lincoln, spoke against the ban. He said more benches were needed in the area.

David Wilson, 450 East 18th Avenue, spoke against the ordinance, suggesting that the council open the park and consider issues of human rights and the need for dogs for safety reasons.

Kimball Lewis, Director of Greenhill Humane Society, spoke for the ban. He said he had received 70 phone calls about the ordinance, the large majority of which supported the ban. Mr. Lewis said he had witnessed the abuse and neglect of animals in the area. Mr. Lewis also pointed out that Eugene is one of only a few cities with open dog parks.

Beverly Mayhew, PeaceHealth Medical Group, spoke for the ordinance. She said the hospital had concerns about patient safety in the area. Ms. Mayhew said skateboarders used the parking structures as courses and listed problems such as car vandalism and exit doors being blocked open.

Josef Radomski, 2875 Mill Street, spoke against the ordinance. He asked the council to address issues such as drugs instead of "going around the problem."

Donna Mathews, 31728 Owl Road, spoke in opposition. She said the ordinance was too broad and didn't address the real problem. She asked who would enforce the ban when existing laws were not being enforced.

Rain Couture, 4357 Dillard Road, spoke against the ban. He said kids who skateboard are "picked on" everywhere they go. Mr. Couture suggested more facilities for skateboarding, as well as enforcement of existing drug and loitering laws.

Brandon Plunk, 2581 Willakenzie, spoke against the ordinance. He said Amazon was not an adequate facility for skateboarding, and that boarders should not be blamed for what drug dealers were doing.

Moshe Immerman, 3455 Onyx Place, asked the council to consider a more creative approach to solving the problem. He suggested a policy of "culture building," investing in youth programs and teaching kids to be responsible.

Jason Elkins, 1350 Roberts Road, Fayetteville, Arkansas, said he was a visitor to Eugene and had not been treated well.

Taylor Gruba, 3321 Kevington, spoke against the ban. He asked the council to provide adequate facilities for skateboarders.

Jeremy Elder, no address given, opposed the ordinance. He said skateboarding was a sport and should not be banned.

There were no other requests to testify. Mayor Bascom closed the public hearing, noting that the ordinance would be discussed on Wednesday.

The council then returned to the items pulled from the Consent Calendar.

II. CONSENT CALENDAR

A. Approval of City Council Minutes of June 19, 1996, Lunch Work Session; and June 26, 1996, Lunch Work Session

Ms. Keller asked that the minutes of June 19, 1996, Lunch Work Session, be changed on page 3, item C, first paragraph, last sentence, to read (stricken text deleted; bold text added):

"She asked the council to consider a \$5,000 allocation from the Contingency Fund to buy consultant services to research the non-traditional funding sources and recommended strategies, adding that the information gleaned through the process would be shared with others involved in affordable housing and other social services nonprofit and governmental affordable housing providers.

Ms. Keller asked to amend the next paragraph, first and second sentences to read:

"Ms. Swanson Gribakov wondered if City staff might ~~make himself available to the Board~~ be used for this purpose rather than hiring a consultant, noting that the work was consistent with the council's goal for affordable housing. Ms. Keller said that had been discussed but did not seem possible, given current staff workloads."

Ms. Nathanson asked that the minutes from June 26, Lunch Work Session, page 89, first sentence under "C. Citizen Requests" be replaced to reflect her intent. She asked that the sentence be worded as follows:

"Ms. Nathanson suggested that the City Manager consider how she and other councilors could be notified about requests that come directly from citizens to staff, not necessarily each one, but particularly those with significant neighborhood or work program impact, or indicating a trend."

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to approve the minutes of June 19, 1996, Lunch Work Session, and June 26, 1996, Lunch Work Session, as amended. The motion carried unanimously, 8:0.

B. West Eugene Wetlands Property Realignment

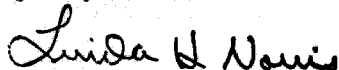
Ms. Nathanson expressed appreciation for the approach on this item. However, she noted that one property identified to be sold was #2, Willow Creek, was the only park site in the Willow Creek or the Southwest Planning District. She suggested a change that would amend the proposal to require funds from the sale be used for park acquisition.

Ms. Nathanson moved, seconded by Mr. Ferr, to amend the proposal to require funds received for the sale of the Willow Creek site to be placed in the General Capital Project Fund for park acquisition. The motion carried unanimously, 8:0.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to approve the West Eugene Wetlands Property realignment as amended. The motion carried unanimously, 8:0.

The meeting adjourned at 10:25 p.m.

Respectfully submitted,



Linda H. Norris
City Manager pro tem

(Recorded by Hannah Bradford)
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