

## MINUTES

Eugene City Council  
McNutt Room--City Hall

October 30, 1996  
11:30 a.m.

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

The meeting of October 30, 1996, of the Eugene City Council was called to order; Her Honor Mayor Ruth Bascom presiding.

### I. APPROVAL OF THE AGENDA AND TIME ESTIMATES

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to adopt the order of the agenda and time estimates. The motion passed unanimously, 7:0. (Ms. Keller had not yet arrived.)

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

#### A. Land Use and Zoning Code Moratorium

Ms. Nathanson said the Council Committee on Telecommunications (CCT) received information from Planning Division Manager Jan Childs that prompted a recommendation to the council that it extend the moratorium for 45 days, given the work entailed. She asked the council officers to schedule a discussion of the request. Ms. Nathanson said Ms. Childs' memorandum explaining the need for the extension is available for distribution to the council. The request was flagged for further discussion later, time permitting.

Ms. Keller arrived at the meeting.

Mr. Boles said it was unfortunate that the moratorium had to be extended, but he deferred the decision to the council's representatives.

Ms. Swanson Gribskov said she could not take action on the moratorium without having had a chance to review the memorandum and ask questions. The memorandum will be distributed in the council packet.

#### **B. Marijuana Laws Protest—Camping**

At Mr. Farr's request, City Manager Linda Norris reported on an overnight camping situation in the Free Speech Plaza in front of the County Courthouse. Mr. Farr asked how the City was addressing the camping protest. Ms. Norris responded that the County has asked for and will receive information about how to deal with the protest.

#### **C. Skinner Butte Cross**

In response to a question from Mr. Farr, City Attorney Glenn Klein explained that plaintiffs in the Skinner Butte Cross case have filed a motion to petition for attorney fees in the amount of \$173,000. He said a memorandum giving details will be distributed in the council packet. Addressing a follow-up question from Mr. Farr, Mr. Klein added that the City continues to expend resources on the case. Mr. Farr asked to receive an accounting of how much has been spent thus far on legal fees to oppose the American Legion's motion to intervene.

#### **D. Lane Council of Governments (LCOG)**

Ms. Swanson Gribkov said that LCOG at its last meeting has acknowledged the work of the CCT; particularly, Ms. Nathanson's leadership.

#### **E. County Board of Commissioners "Cities" Meeting**

Ms. Swanson Gribkov announced a County Board of Commissioners "Cities" meeting on November 6 and that she will attend to represent the City. The agenda will include discussion of the Road Fund and public safety. She asked for council and staff input.

#### **F. Staff Appreciation**

Mr. Laue expressed appreciation of Public Works staff for their handling of a construction project at 29th Avenue and Washington Street.

Mr. Torrey added his appreciation of Fire staff, saying he was impressed with how calmly staff handled a natural gas fire at the Eugene Water & Electric Board (EWEB) building last week.

#### **I. Enterprise Zone Committee Appointees**

Mr. Torrey said the Neighborhood Leaders Council (NLC), at the council's invitation, has appointed Jon Belcher and Ray Wolfe to the Enterprise Zone Department Committee. The NLC has asked to appoint an additional representative to the committee. Mayor Bascom said the request may have to go back to the Citizen Involvement Committee (CIC). Ms. Norris said she would follow-up. Mr. Boles added that the intent of the NLC's request was to balance the views across the entire committee.

**J. City Manager Selection Process**

Mr. Boles said he submitted a question for the candidates for city manager that involves their taking the Growth Management Study (GMS) tabloid questionnaire survey and then reacting to it in writing. He said he hoped the council would adopt that as one of the questions used to evaluate the candidates.

**K. Televised City Council Meetings**

Mr. Hornbuckle suggested that the council's future agendas be posted during the City's "rolling announcements" on Metro television.

**L. Voters Reality Check—Health Care**

Mr. Hornbuckle read from a "whistle blower" magazine called *Counter Punch* to give an example of Vice President Al Gore's "hypocrisy on tobacco use." He said he wished to alert voters to the issue of health care and referred to an article titled "Who Killed Health Care?" in a magazine called *In These Times*. He noted the lack of debate on health care in the current presidential race.

**M. Citizens Discouraged from Volunteering**

Ms. Keller lamented the fact that some people are discouraged from serving on the various City boards and commissions because of the public's perception that it is "open season" on those volunteers. She added that those members of the public that behaved in that manner were doing the citizenry a great disservice.

**N. Rapid Deployment Unit (RDU) Activity**

Responding to letters received by the council from Aerie Academy and parents of some of their students, Ms. Keller expressed concern about recent activities of the RDU, likening it to a dictatorship. She asked the council officers to schedule a discussion of "the use of the sweep."

**O. Broadway Plaza Dedication**

Mayor Bascom announced the Broadway Plaza dedication ceremony beginning at 5 p.m. on Friday, November 1. She noted that the actual opening of Willamette Street is on Saturday.

Ms. Nathanson asked to discuss this item later, time permitting.

**P. Glenwood Wildish Annexation**

Mayor Bascom reminded the council of its November 4 meeting on the Glenwood/Wildish annexation issue.



**Q. Ballot Measure 32**

Mayor Bascom reported on her press conference on Ballot Measure 32—having to do with extending funding for light rail—and urged support.

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

**A. Land Use and Zoning Code Moratorium**

Mayor Bascom said officers would schedule the moratorium for council discussion before the end of the year. Mr. Klein affirmed that the issue required an ordinance and public hearing.

**N. RDU Activity**

Ms. Keller said that due to the council's workload, council officers may choose to schedule the issue for after the first of the year. Mr. Hornbuckle said he wished to discuss the item as soon as possible.

**O. Broadway Plaza Opening**

Ms. Nathanson asked staff for information on regular and special event closures of Willamette Street, as discussed by the design committee. Chris Andersen, Public Works Director, said there has been staff discussion about such closures and the next step is developing criteria and implementing those uses on a trial basis. She said the council will be kept apprised of progress.

**III. BOUNDARY REVISIONS TO ORDINANCE PROHIBITING DOGS AND SKATEBOARD RIDING IN THE 13TH AND ALDER AREA**

Ms. Norris said Officer Ken Saxon and Department of Public Safety (DPS) Executive Director Dave Whitlow were present to address the council's questions.

Ms. Norris asked the council to consider Council Bill 4598—an ordinance concerning dogs and skateboards.

CB 4598—An ordinance concerning dogs and skateboards; amending Section 4.427 to the Eugene Code, 1971; amending Section 5.450 of that code; and declaring an emergency.

Mr. Laue 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. Roll call vote.

Mr. Torrey spoke in support of the motion, citing the problems it addresses. He asked the council to adopt the motion and appoint a committee to discuss other options for addressing the problems.

Ms. Nathanson clarified that there are some businesses in the area that sell skateboards and that possession is not a violation of the ordinance.

Mr. Farr expressed concern that the ordinance did not allow officers to effectively differentiate between innocent people and those involved in unlawful activity. He noted the dilemma of addressing lawbreaking activity without unjustly penalizing innocent citizens. He said he was inclined to oppose the motion and urge the council to explore other options.

Ms. Keller expressed disappointment that the ban was used as "a war on drugs." She said there are current laws addressing the types of street crimes reported in those areas. She asked that the City consider proactive options first and use the ban as a "last ditch" effort.

Mr. Hornbuckle said the "sweeps" were not separate from the ban on dogs and skateboards. He said the council's initial discussion included an indication to the Police Department to "take care of those people." He said the ordinance was simply a device to get "those people." The council, he added, should look at the basic question of the alienated and dispossessed. Mr. Hornbuckle said the council majority has refused to discuss "other" options: jobs, health care, affordable housing, etc.

Ms. Norris said the ban specifically targets dogs and skateboards. She said staff noticed a significant decrease in drug traffic when the ban was implemented, but the ordinance does not target that activity. Ms. Norris said that the ordinance also helps alleviate resource problems.

Ms. Swanson Gribakov said she supported the motion and recalled that the council had already backed off the boundary extension initially proposed.

Mr. Boies said the council should consider that one of the reasons the council was being asked to expand the ban was that the ban simply moved the problem, as he predicted. He added that in six months the council will need to respond to a different set of business owners if the expansion is approved. He said current laws address the problem sites and address uncivil behavior. If the laws are inadequate, staff should make suggestions for effective ones, he said. He added that he was opposed to ad hoc responses in a single area.

Mayor Bascom recalled the problem with the use of Willamette Street as "a gut" for traffic and noted that the prohibition worked well. She said, in the event of a tie, she was inclined to approve this as an additional tool to address the problems encountered in the area.

At Mr. Laue's request, Officer Saxon described his experience with the ordinance, saying it would be of great help to him personally if the ordinance were extended. He noted that since the ordinance was implemented, only 27 citations have been issued—most violators receive warnings. Officer Saxon added that businesses and residents of the area have expressed great support for the ordinance and Police activity in the area.

Mr. Torrey expressed support for the motion, citing congestion as a major problem. If the motion fails, he said, he hoped the council will consider funding an additional animal control officer and vehicle, at a cost of \$40,000.

Mr. Parr defined "those people" as those who are breaking laws; "those who we do not want anywhere in the city, if possible." He said he shared Mr. Boles' concern that the problem is simply being moved by the ordinance.

Mr. Hornbuckle said that the ban was, indeed, targeted at drug traffic.

Ms. Nathanson said she appreciated the approach Officer Saxon explained, issuing many more warnings than citations. She said that drug dealing is a separate issue and the City apparently does not seem to have effective and efficient tools to address the problem, so she was leaning toward allowing the short extension.

Mr. Boles cautioned the council about confusing law-breaking behavior with a "status" crime. He explained that there was no requirement in this society for people to work, but there was a requirement that they obey the law. He acknowledged the success of the "sweeps" but said the City did not have the ability to maintain the area and extending the ban would have no effect on that limitation.

Ms. Norris reminded the council that the ordinance would be evaluated and a council report would be made in March.

The motion failed, 6:2; with Mr. Hornbuckle and Ms. Keller opposed.

Mr. Torrey asked that the ordinance be read in its entirety.

The bill was read, in its entirety, by City Attorney Glenn Klein and scheduled for action at 5:30 p.m. on November 4.

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

Doug Eveleth, Vic Martin, and Doug Miller, Facility Management Division, provided the staff report. Mr. Eveleth described Phase 2 of the report as a series of interviews with facility operators about their building and service delivery needs and Phase 3 as a proposal for funding those needs, which would include long-range facility planning. Once completed, he said, the analysis will be a good decision-making tool for the council.

Ms. Nathanson left the meeting.

Ms. Swanson Gribskov asked for the following additional information: what is included in the \$180,000 that staff needs to complete the analysis; are there efficiencies to be gained by doing facilities planning for all ten areas together; why does this planning only apply to general fund (GF) buildings; and are there some properties likely will be recommended for sale. Ms. Swanson Gribskov said staff should be aware of facilities planning within DPS.

Ms. Norris addressed Ms. Swanson Gribskov's comment about public safety, saying that analysis will describe the City's needs, excluding buildings. This type of information will be exchanged with the



Sheriff's Department and combined to examine sharing resources. Ms. Norris said one of the possibilities is joint emergency operations center at the two new fire stations.

Mr. Eveleth said that planning is addressing only GF buildings because they are generally in the worst condition and the other types of buildings often have different funding sources.

Mr. Martin gave a breakout of how staff arrived at the \$180,000, adding that the projects would be sequenced. Ms. Norris added that the information would be available in 12 to 18 months.

Mr. Boles said that if the council intends to support Phase 3, it should be willing to provide additional direction that the analysis be integrated with budget decisions, including what is required for each facility's ongoing operation and maintenance to preserve its lifespan and how the council intends to replace that facility. He suggested that the other facilities, at minimum, be evaluated. Mr. Boles said he was intrigued by the re-analysis of services, drawing the correlation between senior and day care centers and wondering when those two would be integrated via public programs.

Mr. Torrey cited the need for parkland and asked staff to examine trading buildings that no longer are of use to the City for parkland.

Mayor Bascom expressed concern about the Library, noting that a plan for that facility was yet to be developed.

Mr. Hornbuckle said he agreed with Mr. Boles' urging that the council be disciplined about considering the costs within the budget cycle. He said he would not support the project if housing would be taxed to pay for it.

Ms. Keller urged a holistic, forward-thinking approach, citing the DPS crowding problem at City Hall as an example of not anticipating the need beyond six months. With regard to funding the analysis, she said there was no sense in spending the money if it was not going to be followed by work activity. She said she would oppose the motion because it was a matter that should be addressed by the new council, and if the council chose to move forward with the analysis, it should be routed through the budget cycle.

Ms. Norris said the funding request was to cover the analysis to provide the council with a comprehensive report should it choose to provide subsequent staff direction.

In response to a question from Mr. Torrey, Ms. Norris said there was no problem postponing a council decision until after the election. Council action was scheduled for November 25.

Mr. Boles asked to have information at the next discussion about how the results of Phase 3 will be linked to the budget and the long-term maintenance of capital assets.

Ms. Keller moved, seconded by Mr. Hornbuckle, to postpone Item VI to the next possible meeting in the calendar year. The motion passed unanimously, 7:0.

**V. STATUS REPORT: STATE CORRECTIONAL FACILITY SITING AND CONDITIONS**

Jim Johnson, Library, Recreation, and Cultural Services Director, noted that he and Mike Redding, Administrative Services, attended a League of Oregon cities meeting and were able to discuss conditions and public hearings on selected sites for State correctional facilities. He reported on an October 29 meeting with the Siting Authority where the process the State will use for the public hearings was discussed, saying three hours of public testimony will be allowed and people testifying will be limited to three minutes each. He said the local hearing will be held on November 16 in the Wheeler Pavilion at the Fairgrounds. Mr. Johnson discussed additional conditions developed since the last briefing.

Mr. Klein distributed a memorandum explaining the City's challenge to the facility's siting outside the UGB, noting that the deadline for filing is November 12. He said staff recommends filing the challenge, with a request to the State that the challenge not go forward if the local site is not chosen.

Ms. Keller asked that Condition 1 be emphasized; that the word "domestic" be deleted from Condition 15; that irrigation be added to the stormwater system as well in Condition 16; and that the phrase "located in" be instated before the phrase "annexed to the City of Eugene" in Condition 27.

The council agreed to the changes suggested by Ms. Keller. Mr. Laue said the number of conditions now totaled 90, which would be sent to the siting authority in advance. He added that a cover letter would emphasize the themes encompassed by the conditions.

Ms. Swanson Gribakov ascertained that the notion of revisiting Ballot Measure 11 had been raised at the League of Oregon Cities meeting.

Mr. Hornbuckle moved, seconded by Ms. Swanson Gribakov, that Ms. Keller, as the council's representative to the Intergovernmental Relations (IGR) Committee, raise at the committee's November 19 meeting the issue of revisiting Measure 11. The motion passed unanimously, 7:0.

**VI. COUNCIL DIRECTION: COUNCIL COMMITTEE ON ENVIRONMENT AND ECONOMICS-FIRE/BUILDING CODE**

This item was postponed to the next possible meeting date in the calendar year.

The meeting adjourned at 1:30 p.m.



Respectfully Submitted,

*Linda H. Norris*

Linda H. Norris  
City Manager pro tem

(Recorded by Yolanda Paule)  
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