

## MINUTES

Eugene City Council  
McNutt Room--City Hall

January 25, 1995  
11:30 a.m.

**COUNCILORS PRESENT:** Tim Laue, Shawn Boles, Bobby Green, Kevin Hornbuckle, Barbara Keller, Laurie Swanson Gribkov (arrived at 12:05 p.m.), Jim Torrey.

**COUNCILORS ABSENT:** Nancy Nathanson.

The adjourned meeting of January 23, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

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

Ms. Swanson Gribkov moved, seconded by Mr. Torrey, to approve the order of the agenda. The motion passed, 5:1; with Ms. Keller opposed.

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

#### A. Council Goals Session

Mr. Laue said that the packet for the council's goals session would be distributed on February 2 and the Council Committee on Working Relationships (CCWR) would make its report on February 8. He noted the packet will include another homework assignment.

#### B. Public Forum

Mr. Laue asked that the council be polled by ballot for interest in discussing the council's Monday night public forum format.

Mr. Hornbuckle urged caution but expressed disappointment that the council did not offer rebuttals in two instances: 1) a member of the public accused the council of disrespect, i.e., calling people stupid; and 2) a landlord, in his testimony, called people "pieces of garbage." Mr. Hornbuckle pointed out that the City Manager may participate in council discussions but must place himself in the queue first.

Mr. Boles said he was opposed to changing the public forum, adding that the best protection was television coverage.

**C. Council Ground Rules**

Mr. Laue asked that the council also be polled for approval to add to the charge of the CCWR revisiting the ground rules in order to make recommendations in a process session.

**D. Work Force Diversity**

Ms. Keller distributed a letter from the Hispanic Coalition expressing its concern with the lack of Hispanic officers. She said she believed it a necessity for an effective Department of Public Safety (DPS). She asked the council to share its concern with the manager.

City Manager Mike Gleason said he shared Ms. Keller's concern and noted that DPS had recently reported to the Human Rights Commission on the issue and Chief Len Cooke had met with the coalition. He added that although there were no Hispanic officers at this time, there were people of color in both Fire and Emergency Medical Services.

**E. Whiteaker Safety Station**

Mr. Boles said he had received a letter from Nancy English, and had heard from others in the community as well, that the Whiteaker Safety Station may be closed. Later in the meeting, City Manager Mike Gleason stated that neither he or Department of Public Safety Executive Director Dave Whitlow had heard anything about closing down the station but he would check on the rumor.

**F. Budget Committee Membership**

Mr. Torrey wondered what has happened with regard to geographical representation on the Planning and Budget commissions and asked for information on ward representation on these commissions.

**G. Ferry Street Corridor Committee**

Mayor Bascom said that the Ferry Street Corridor Committee (FSC) is scheduled to meet for the first time and suggested that Ms. Swanson Gribkov and Mr. Torrey attend.

**H. Next Council Meeting**

Mayor Bascom said Ms. Nathanson will chair the February 8 council meeting.

**I. Council Committee Assignments**

Mayor Bascom asked councilors to continue to negotiate conflicts in preferred committee assignments and report preferences to her.

**J. Street Crime--Staff Time Estimate**

Mr. Gleason called attention to a handout passed out at the beginning of the



meeting reflecting the estimated staff hours spent to date on the street crimes issue/ordinances.

III. ADOPTION OF ORDINANCE PROHIBITING OFFENSIVE PHYSICAL CONTACT AND BLOCKING PEDESTRIANS

A. Introduction

City Attorney Glenn Klein said that the revised ordinance was dated January 25, 1995, noting that the difference between this one and the one presented at the January 23, 1995, meeting was the addition of language addressing lawful protesting activity and lawful picketing activity. He pointed out Sections 4.705 and 4.707 where the changes were made.

CB 4526--An ordinance concerning offenses; adding Sections 4.705 and 4.707 to the Eugene Code, 1971; and amending Section 4.990 of that code.

Mr. Laue moved, seconded by Mr. Torrey, that the bill (dated January 25, 1995), 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. The motion passed unanimously, 6:0.

The bill was read a second time by council bill number only.

Mr. Laue moved, seconded by Mr. Torrey, that the bill be approved and given final passage. Roll call vote.

B. Council Discussion/Action

Mr. Boles wondered if people holding impromptu demonstrations would be immune from prosecution, e.g., University of Oregon students. Mr. Klein said they would not be immune from prosecution for panhandling activity but protests were protected by the ordinance.

Ms. Swanson Gribkov received assurance that DPS would develop a written policy for enforcement of the ordinance.

Addressing a question from Mr. Hornbuckle, Chief Cooke said the first action taken to implement the ordinance would be to draft the enforcement policy and consult the officers charged with enforcement. One of the strategies is to issue verbal warnings before enforcement. Mr. Hornbuckle suggested that officers distribute flyers.

Ms. Keller expressed support for the motion, but said that it should be clear that the ordinance does not prohibit asking for money and that it is not "about speech."

Mr. Boles asked that a two-year review of the ordinance, as suggested by Human

Rights Commissioner Ron Chase, be part of the policy.

The motion passed unanimously, 6:0; and became Ordinance No. 19999.

**IV. DOWNTOWN ISSUES: WILLAMETTE STREET AND LTD PARKING MITIGATION OPTIONS**

**A. Overview**

Abe Farkas, Planning and Development Department Director, gave the staff presentation. He said the council's direction was needed on the opening of Willamette Street and whether to further examine the Pearl Street garage option as part of the Lane Transit District (LTD) mitigation or should staff continue to pursue the Overpark option as discussed last spring.

Mr. Green arrived at the meeting.

Mr. Farkas gave an overview, noting that City staff was guided in deliberation of downtown actions by the following adopted plans: Metro Plan, the Downtown Plan, Urban Renewal Update, and the Central Area Transportation Study (CATS). He said the themes that have emerged downtown suggest two things: that there has been a revitalization in the downtown over the last several years; and that there is a growing balance between public benefit and opportunity for private investment in the downtown area. Mr. Farkas identified the LTD mass transit station as a project that is already scheduled. Potential projects, he said include, the Broadway/Charnelton site, the Sears disposition, Willamette Street, hotel expansion/Downtown Athletic Club, refurbishing of the Woolworth and Newberry buildings, a new Federal Courthouse, and a few others just outside the Urban Renewal District.

Mr. Farkas said that the west side of town has experienced recent growth because of a decrease in property values, sufficient parking, adequate access, and the availability of both public and private financial resources. He added that the east side had the bulk of office occupancy and parking would soon be in demand. Given this type of activity, he asked, what does the City do with its limited resources. Mr. Farkas said the reserve balance in the Urban Renewal Fund was about \$4.5 million, adding that the estimated cost for reopening Willamette Street is \$1-\$1.5 million. Other potential draws on the fund are about \$1.4 million for the Overpark expansion or about \$2 million for the Pearl Street garage option, about \$700,000 for the Library/rehabilitation at the west end, and about \$1 million in housing and commercial loans. Mr. Farkas said that other potential downtown projects include the Atrium, enhancements along the 10th Avenue corridor, and public open space.

Addressing a question from Ms. Keller, Mr. Farkas said the projects highlighted above amount to about \$4.1 million of the fund.

Ms. Swanson Gribkov wondered what the fund's rate of growth was. Mr. Farkas indicated that the County Assessor determined the rate of growth but currently

it was bringing in about \$1.7 million annually, based on the property values in the core area. He added that about \$1.3 million of that was going toward service debt.

Mr. Hornbuckle said he did not agree with the theme presented by staff, as development had not been defined in a way that spoke to the public interest. He explained that staff's general thrust was to "paint a cheerful picture" but a causal relationship between that kind of development and the public interest had not been established. He added that the presentation implied that social indicators such as homelessness and unemployment would be reduced by this type of development.

**B. Willamette Street Opening**

**1. Staff Presentation**

Les Lyle, Public Works Department, presented the time line for May, September, and November elections and said that the May option assumed establishment of a council subcommittee at today's meeting, which would leave about three weeks to work through funding and design issues. For a September election, staff recommends creating a departmental committee for the project and that committee would have about two months to work through the design/funding issues. He said the November election followed the same pattern except that it gave the committee about four months to complete its charge.

**2. Council Discussion**

Mr. Torrey moved, seconded by Mr. Boles, to submit to the voters the question of opening Willamette Street to vehicular and non-vehicular traffic under the following conditions:

1. A May 16, 1995, election date.
2. Appoint two council subcommittees:

Subcommittee A composed of Tim Laue, Laurie McClain, and Peter Bartel. This subcommittee would create a design using concepts from previously funded sources including the Olive Street Improvement Plan and the 1991 Downtown Design Committee Report. The subcommittee shall consider alternative transportation concerns including but not limited to bike and transit issues. The cost of this project is not to exceed \$1.5 million.

Subcommittee B composed of Jim Torrey and Rob Bennett. This subcommittee will pursue funding options for reopening the street to include Urban Renewal Funds, County Road Funds, and private sector funds.

Ms. Swanson Gribbskov said she wished to consider the election date separately.



**Ms. Swanson Gribkov moved to divide. The motion died for lack of a second.**

**Mr. Hornbuckle said he was not necessarily opposed but there was too much in the motion to address it coherently, adding he would vote against it.**

**Ms. Keller expressed concern with the process, recalling that the council at its last process session decided to differentiate between work sessions and action sessions. She asked that the motion be withdrawn, adding that she believed it appropriate to place the issue on the ballot within the year. She added that at the council's mission session, the downtown area was dropped from the list of priorities. Ms. Keller said she would vote against the motion, and she urged the council to extend the time line and broaden the representation of the subcommittees.**

**Mr. Green said he supported the motion but flagged the amount of the County Road Fund contribution as an issue for future deliberation.**

**Mr. Torrey said that May was an appropriate date, noting that in the last few days, the community has been inundated with information about various issues that may be on the ballot. He recommended they not all appear on the ballot this fall. Mr. Torrey commented that given the volume of research already done, the subcommittee can settle funding and design details in three weeks. He also recommended a public hearing on the project.**

**Mr. Boles said he would support the motion as submitted because it still gives options for dates if the work is not completed in time for the May election, adding he believed the subcommittee would produce a quality design within the funding limits. Mr. Boles did not recommend a public hearing, noting it has to go to the voters. If the subcommittee's work is unacceptable, he said he would not support referring it to the voters.**

**Mr. Laue said he had been convinced by the discussion to support the motion.**

**Mr. Hornbuckle raised a point of order, saying people who wish to call the question should get in the queue to do so. He said, having heard the discussion, he had been persuaded to support the motion.**

**Mr. Torrey moved, seconded by Mr. Laue, to call the previous question. The motion passed, 6:1; with Ms. Keller opposed.**

**The main motion passed, 6:1; with Ms. Keller opposed.**

**Mr. Gleason reported traffic calming problems on Olive Street south of 11th Avenue and asked if that could be addressed by the subcommittee as it may impact traffic on Willamette Street.**

### C. LTD Parking Mitigation Option

#### 1. Staff Presentation

Scott Luell, Planning and Development Department, gave the staff presentation, pointing out parking areas controlled by the City in the downtown area. He indicated a current occupancy peak usage was about 85-90 percent, noting it translated into about a 20 percent average vacancy rate. Given the downtown activities described earlier in the meeting, staff projected a parking deficit of 250-300 spaces in the next 12 to 18 months. For this reason, Mr. Luell said, LTD's improvements to the mass transit station are very timely. He recalled the council's March decision to use the Overpark expansion as the parking mitigation component of the conditional use permit for LTD. Subsequent to that, he said, the City received the Pearl Street garage proposal from private developers.

Mr. Luell described the two projects, adding that the Overpark expansion may uncover problems that makes the costs of the two projects comparable.

Addressing a question from Ms. Keller, Mr. Luell said that the privately owned facility would retain 31 spaces subject to tax which, including lease fees, would generate an additional increment of approximately \$10,000. In response to confusion with the Pearl Street option, Mr. Gleason indicated that building the private garage was part of the proposal.

Mr. Luell said that the total net parking spaces for the Pearl Street option was 118, compared to 88 net spaces for the Overpark expansion. He added that the private development was likely to be more customer-friendly and aesthetically pleasing.

Mr. Hornbuckle pointed out the need to clarify the council's ground rules.

#### 2. Council Questions/Discussion

Mr. Boles said that the council needed to have both the pros and cons presented in staff analyses. He recalled that parking demand management was to be an integral part of any proposed development and asked for that context. Mr. Luell mentioned the following programs implemented to address management: marketing of the rideshare carpool, bus pass program enabling anyone that holds a City monthly car pass to use it as a bus pass, and the downtown validation vouchers that may be used on buses (with 1100 collected by LTD last month). Addressing follow-up questions from Mr. Boles, the developer's representative indicated that the proposal included a budget for streetscape and the negotiations would address whatever requirements the council wished.

In response to a question from Mr. Hornbuckle, Mr. Farkas said that if directed to consider this further, staff's recommendation is to return to the council with further refinement in two weeks. Addressing a follow-up question, Mr. Farkas explained that the contractor has indicated that they would pay prevailing wage. Mr. Hornbuckle asked that that be spelled out in the contract.

Ms. Keller asked for an estimate of staff time for the proposal. Mr. Farkas said staff expected to spend about 20 hours working on the project over the next two weeks. Ms. Keller recalled the council's goal with respect to high-density development downtown and wondered if analysis had been done on the impact of the proposed low-rise development, noting that higher density provided greater revenue. Mr. Farkas said that CATS and Downtown Development Studies both projected denser development for the core area in correlation with the provision of parking and utilization of alternative modes.

Ms. Keller moved, seconded by Mr. Laue, to extend the discussion time 10 minutes. The motion passed unanimously, 7:0.

In response to a question from Ms. Keller, Mr. Farkas said benefit has to accrue to the district when Urban Renewal funds are expended but provision could also be made to serve areas outside the district. He compared it to using renewal funds for the library.

Ms. Swanson Gribskov clarified that the action today would be to authorize staff research.

Mr. Green asked for a cost estimate of staff analysis for the proposal. Mr. Farkas said it would be between \$1,000 and \$1,500.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to review the Pearl Street garage option and provide council with a comparative analysis for discussion on February 8, 1995. Roll call vote.

Mr. Laue said he also was concerned with respect to how fast things were moving downtown, but saw nothing wrong with going forward with the analyses. He said he favored a more comprehensive approach to the downtown but would support the motion and keep his options open, pending further discussion on February 8.

Mr. Torrey expressed support for the motion and asked for a thorough pro/con analysis, including funding, costs, and value of the 31 parking spaces. He urged the council to keep an open mind to any public/private partnerships.

Ms. Keller expressed concern with the process, saying the council had previously decided on how to address the LTD parking mitigation issue, as well as decisions with respect to comprehensive downtown planning that included the Library, housing, the west end, etc. She urged the council to stay by its original decision to expand the Overpark.

Mr. Boles said he would support the motion but asked that the analysis include using the tax increment increase to offset the higher costs of the Pearl Street option, and research how that would amortize.

The motion passed, 6:1; with Ms. Keller opposed.



**V. CONTINUED DISCUSSION: SOAP & SODA DRAFT PUBLIC SAFETY ORDINANCES**

Mr. Laue moved, seconded by Mr. Torrey, to discontinue discussion and analysis of the SOAP and SODA legislation and direct staff to explore tools and options for dealing with street crimes.

Mr. Boles said he would not support the motion except to say explore tools and options. He said he wanted to hear from Ms. Swanson Gribkov and others in the community about an integrated approach, adding that based on the staff's performance, it was going to be up to the citizens.

Mr. Hornbuckle shared Mr. Boles' recollection that staff was directed to come up with tools to address the problems, adding that the council needed to address the problems in a more comprehensive way and include the citizens in the discussion.

Ms. Swanson Gribkov did not support doing more staff analysis until pending court cases are settled; however, she expressed concern with giving the community the impression that the council is "dropping the issue." She suggested holding a work session on the rapid deployment unit and other issues related to crime.

Ms. Keller said she could not support the motion because she believed that it is the staff's job to "continually and forever" explore tools and options for dealing with street crimes. So the real thrust of the motion was discontinuing the discussion about SOAP and SODAS legislation, which she opposed "just because" staff did "bad work."

Mr. Green moved, seconded by Mr. Torrey, to extend the discussion by five minutes, and taking the time from Item VI. The motion passed, 6:1; with Mr. Hornbuckle opposed.

Mr. Green echoed the concern with sending the message that the council was not "tough on crime" and suggested that the Human Rights Commission be charged with working with neighborhood groups and staff to develop recommendations.

Mr. Green moved to amend, seconded by Mr. Torrey, by deleting the second phrase.

Mr. Torrey moved, seconded by Ms. Keller, to call the previous question on the amendment. The motion passed unanimously, 7:0.

The motion to amend passed unanimously, 7:0.

Mr. Gleason explained that staff could craft ordinances that are operational but they will surely be challenged--an expensive proposition. The best way to implement SOAP and SODAs, he said, was to ask judges to do it as part of their court referral.

The amended motion passed, 5:2; with Mr. Boles and Ms. Keller opposed.

Mr. Torrey moved the order of the day.

**VI. RESIGNATION OF COUNCILOR GREEN; SWEARING-IN OF COUNCILOR-  
DESIGNATE FARR**

Mr. Green tendered his resignation and urged members of the council "to give each other the benefit of the doubt more often."

Mr. Green was presented with an appreciation plaque.

Councilor-elect Patrick Farr was sworn to office by City Recorder Warren Wong. Mr. Farr shared gifts with the council and took his seat at the table.

The meeting adjourned at 1:33 p.m.

Respectfully submitted,



Micheal Gleason  
City Manager

(Recorded by Yolanda Paule)  
cc113025.015