

MINUTES

Eugene City Council
McNutt Room--City Hall

April 10, 1995
5:30 p.m.

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

The meeting of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom. Ms. Bascom introduced Jillian Schaurer, a mentoring program student, and welcomed the audience.

I. APPROVAL OF THE ORDER OF THE AGENDA

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

II. EAST BANK TRAIL

Christine Andersen, Public Works Director, introduced the topic scheduled for discussion tonight, and for action April 12. She referred councilors to an aerial photograph of the proposed East Bank Bike Path and said the proposed path was originally identified in the Bikeways Master Plan and subsequently in the Capital Improvement Program and transportation planning updates.

Ms. Andersen said the proposed project was postponed when it was determined that gas tax funds could not be used for off-street bike paths. She said between \$1.4 million and \$1.5 million in Surface Transportation Program Funding that required a 20 percent match was now available through the Intermodal Surface Transportation Efficiency Act (ISTEA). Ms. Andersen said staff proposed that the match be funded through systems development charges (SDCs) for transportation at a total estimated cost for the proposed bike path from the Greenway Bike Bridge to the Delta Highway/Green Acres Road interchange of \$2.4 million.

Ms. Andersen said that staff had identified options for using existing funds to construct sections of the bike path, including the portion from Green Acres Road to the Owosso Bridge. She said this portion was identified in the Bikeways Master Plan as a priority because it filled the need for a safe bike access route for the Willakenzie area north of Delta Highway, significant development was occurring in the area, there was the opportunity to work with developers on construction and costs of a bike path, and developers would be entitled to SDC credits that would relieve the City of out-of-pocket expenses to build a portion of the bike path. Ms. Andersen said another priority

section of the proposed bike path was north of the Willamette Oaks area.

Ms. Andersen introduced Diane Bishop, Tom Larson, Les Lyle, and Dave Reinhard, staff members available to respond to questions and gather comments to be elaborated on for the April 12 council meeting.

In response to questions from Ms. Keller, Ms. Andersen said the Bikeways Master Plan was adopted in 1975, and the only developed property in the area was Marist High School. Ms. Keller said a letter was received from the owners of River Island Estates stating their awareness of the bike path plans prior to location of their development. In response to her question about whether other developers were aware of the plans, Ms. Andersen said all plans other than Marist's were made after the 1975 adoption of the master plan and included provisions for the bike path. Ms. Keller asked for information about the timing of development plans for Marist's athletic fields. She clarified that staff was requesting the council to designate priorities for allotting funds and stated her preference that acquisition of easements be a high priority so the decision did not have to be revisited. She also requested a breakdown of the cost of acquisition and of different options (like constructing the bike path from the Owosso Bridge to Green Acres Road).

Mr. Gleason noted that in addition to the Bikeways Master Plan, there was the Willakenzie Plan and the Transportation Plan, all of which had separate public hearing processes and included discussion of the proposed bike path.

In response to a question from Ms. Nathanson about a report from a Marist parent that an athletic field house belonging to the school would have to be removed to accommodate the proposed bike path, Ms. Andersen said City staff had not had access to Marist property, but aerial photographs indicated that existing facilities would not have to be disturbed.

In response to a question from Ms. Nathanson about what happened in other areas when agreements were in place before development and transfer of properties occurred, Ms. Andersen said exchange of information was dependent on both parties understanding the existence of public documents and sharing information. She said the City was not directly involved in those exchanges, but became involved when asked to review design plans.

Ms. Nathanson asked if there were design options that could mitigate problems. Ms. Andersen said the City would work with property owners to design a bike path that was as far away from developed areas as possible, but was elevated enough to not be flooded and had enough distance visibility to be safe.

Mr. Torrey posed a question about the liability involved if someone playing on Marist's athletic fields hit a ball that hit a bicyclist on the bike path. In response to his question about whether SDCs would be charged to the cost of the project, Ms. Andersen said that only transportation SDCs were impacted. Mr. Torrey said he would like a "menu of costs" for condemnation and segments of the proposed bike path from point "A" to point "B," etc. He also asked when is it "too far over the river bank and when not too far over the bank" and about the proximity of the proposed bike path to the Pacific Realty build-

ing. Mr. Torrey asked if there were wetlands issues involved in construction of the bike path and for clarification about what the yellow lines were on the aerial photograph. Mr. Torrey added that a question from a Sheldon High School class was why so many of the lights on existing bike paths were not working.

Ms. Swanson Gribbskov asked for clarification about when the greenway law was passed, particularly as it related to purchase of the Marist property, and about how wide the greenway was. She also asked for information about the legal procedure for condemnation, including definition of "early takings" and "takings." Ms. Swanson Gribbskov asked if the City was to construct the bike path from the Owosso Bridge to Green Acres Road/Delta Highway intersection, could it also proceed with easements for the entire proposed project? Ms. Andersen said the easement procedure was outlined in requirements to request Federal funds, and "quick take" was when property was taken by the City for use on a public project while a court case was occurring to determine the property's valuation.

Mr. Farr requested figures on the population in the Green Acres Road area and information about lighting for the proposed bike paths.

In response to a question from Mr. Boles, Ms. Anderson agreed that River Island Estates had a path dedication in conjunction with its permit to construct so its setback was at the discretion of its developer.

Mr. Laue said he believed that the Willamette Greenway was established in 1978 at the request of then Governor Tom McCall, and the Marist field house "sits astride the greenway." Ms. Andersen said the greenway ordinance was adopted to preserve access to the Willamette River for public use, and while there were some limitations on the use of property within the greenway, no specific use was prohibited.

In response to a question from Mr. Laue, Ms. Andersen said construction on the project was proposed to begin in summer 1996. In response to his question about ways to accelerate the date, Ms. Andersen said the council could direct staff to focus on a particular area, but development and design had not been started and there were areas of negotiation with developers that staff wanted to follow up on to reduce out-of-pocket expenses to the City.

In response to a question from Mr. Laue, Mr. Reinhard said the development of a bike path around the Delta Highway area would provide a safe way to cross Beltline Highway. In response to Mr. Laue's question about linking development to the north and east of Green Acres Road to the proposed bike path, Mr. Reinhard said the area directly north of the area was in public ownership and contained ponds and sand and gravel operations. Mr. Reinhard said the Willakenzie Plan included bikeways and sidewalks along Delta Highway extending up to Ayres Road to link the development in that area via an on-street system.

Mr. Laue asked for a breakdown of how much of the \$1.4 million to \$1.5 million could be used to build which sections of the proposed bike path.

For the audience's benefit, Ms. Nathanson read the motion stated in the staff memorandum that will be considered April 12.

III. WILLAMETTE STREET COMMUNICATION PLAN

Les Lyle, City Engineer, introduced the item stating that the agenda packet included a draft communication plan for Willamette Street. He requested council direction on which of the proposed elements to move forward with.

Updating the council, Mr. Lyle said the estimated budget of \$2,800 for the insert in The Register-Guard should be increased by \$1,350, the cost of making the insert comparable with other options included in the estimated budget, for a total of \$4,150. Under "key dates," Mr. Lyle pointed out that ballots would be mailed to voters on April 28 so the time line was tight, especially if the council approved the addition of a public forum or debate.

In response to a question from Ms. Nathanson, Mr. Lyle said extra copies were typically printed to be left at drop sites for people to pick up.

Ms. Keller said her preference was an insert in The Register-Guard because of cost savings, assured distribution, and elimination of the need to make neighborhoods responsible for distributing the information. She added that including an insert in the Eugene Weekly and Springfield News would put extra flyers in those two publications' drop boxes. Ms. Keller said she would also like to discuss content. She said that "key messages: citizens are not voting on the final design" should also include "or the final cost allocations."

Mr. Gleason pointed out that content was a difficult legal issue. He said that when dealing with the content side of a public information issue, there was a prohibition in State law against the City producing any documentation that was biased. Mr. Gleason said if the City produced questionable materials, they would be subject to suit, and should the City lose, the person responsible for the content would be legally responsible. He said the recommendation was for the City Attorney to review all statements to assume they are legally defensible as being neutral.

When the council voted against a voter's pamphlet for this issue, Mr. Hornbuckle said the council was voting for a "different sort of campaign." He said the proposed plan assumed that voters know when and how to vote when a citizen's group proposed an initiative, but a multi-thousand dollar communication program was required when the council proposed something. Mr. Hornbuckle said he opposed a neighborhood newsletter or an insert and supported window displays and publication of a neutral statement. He said The Register-Guard and its "private sector partners" had agreed to campaign affirmatively for the issue, and the City could save money by not doing an insert.

In response to a question from Mr. Torrey about what coverage area was being considered, Mr. Lyle said the \$4,150 covered The Register-Guard's subscribers within the City of Eugene. In response to a suggestion by Mr. Torrey to send

the insert to the general area, Mr. Gleason said that unless the council indicated otherwise, the target audience was Eugene. Mr. Torrey said he supported some information tool because a number of people had indicated they lacked sufficient information about the issue.

Ms. Swanson Gribkov supported the idea of a forum with the League of Women Voters and also doing something through newspapers rather than neighborhood newsletters.

Mr. Boles suggested that information not be sent to voters outside Eugene because of the chance that they might think they will have the opportunity to vote on the issue. He stated that his preference was a fact sheet that was made available to the media which could fulfill its obligation to inform the community by publishing the information.

At the February Neighborhood Leaders meeting, Mr. Laue said he asked participants about their interest in reviewing a newsletter similar to "The Eugene Neighborhood News" and include information about programs and issues. Mr. Laue said leaders expressed concern about using neighborhood newsletters for votes. He expressed support for a structured debate on Metro TV and cosponsored with the League of Women Voters or the City Club.

Ms. Keller said the discussion had changed her opinion. She said no insert was done for the video poker tax, and the City should not spend funds on an insert.

Ms. Keller moved, seconded by Mr. Boles, that the City Council ask the League of Women Voters to sponsor a public forum on the Willamette Street issue and that no informational items be produced except a fact sheet that contained a neutral statement.

Ms. Keller and Mr. Boles accepted as a friendly amendment, Ms. Nathanson's suggestion that the name of the sponsoring group be left open because the League of Women Voters may have already taken a position on the issue.

Ms. Nathanson also suggested that enough fact sheets be printed to have copies at all typical distribution points. In response, Mr. Boles said the motion did not speak to how the fact sheets were to be distributed, and Mr. Gleason said they would be in the normal public places.

Mr. Hornbuckle moved to amend the motion to state that the fact sheet include instructions for mail-in ballots.

Mr. Hornbuckle said he supported the motion, but thought it should include information about the budget for the project and how it was to be distributed.

Mr. Laue said staff should work out details unless the council wanted to state specific budget limits. He added that while he favored the motion, better alternatives were needed to inform people because otherwise decisions were left up to the people with the most money.

The amended motion passed unanimously, 8:0.

IV. ECONOMIC DEVELOPMENT RECOMMENDATIONS/ACTION PLAN

Low Bowers, Planning and Development Division Manager, said that in December 1994, the council adopted the report from the Council Committee on Economic Development as a preliminary economic development strategy. At that time, staff was directed to return with the proposed action plan. Mr. Bowers referred to visuals that included general policy considerations and specific strategies/actions that the council generated during its earlier discussions. He said staff had added illustrations of how the economic development recommendations would be instrumental in achieving the goals that council has adopted since its December discussion.

Mr. Bowers offered councilors copies of the report of the Council Committee on Economic Development and reviewed the committee's membership. He said there were 26 recommendations in the initial report, and staff had provided a brief status and potential council action that would be necessary to implement each one. Mr. Bowers said that because the list was long, staff had recommended a shorter, priority list that, upon council direction, would form staff's two-year work plan.

Mr. Bowers asked that the council consider the following actions: 1) discuss the policy basis for the City's economic development program; 2) adopt or modify the priority actions; and 3) take specific actions to implement priority recommendations.

Mr. Bowers said one specific action staff requested was council discussion of item 3.1 "Use criteria to decide when the City will offer subsidies to business." He said the specific action would be the creation of an ad hoc council committee to further develop the criteria started by the Council Committee on Economic Development.

Mr. Bowers said staff would continue to integrate items with existing programs and highlight those that required the modification of existing programs or a new program. He asked for council questions and comments.

Mr. Boles said he was "struck with the cross referencing of the suggestions with adopted council goals," but concerned about acting on the report prior to the council's goals process. He suggested that council officers be asked to schedule further discussion on the issue after the council began its first review of goals on April 19.

Mr. Laue agreed with Mr. Boles, stating that the recommendations/actions should be considered as part of the full universe of programs that the council was going to consider.

Mr. Hornbuckle agreed with Mr. Boles suggestion and reminded councilors that "if a big enough pig waddles up to the public trough at any time, regardless of council policy or City ordinance, it will get what it wants."

Ms. Keller said she supported postponing discussion and had problems with the substance of the memorandum from staff. She requested a definition of social equity and sustainable development and said the programs that were recommended were the most debated, likely to be cut, and costly. Ms. Keller added that it would be helpful to establish majority support of strategies by the presently seated council.

In response to a question from Mr. Torrey about whether the issue could be postponed, Mr. Bowers said staff would respond to the council's time line. Mr. Torrey also asked that on page 7, under "First Priority Actions" the first sentence be changed to read "Focus local regulatory reform on helping businesses to achieve their goals where appropriate."

Mr. Farr said he agreed with postponing a decision, but believed that City staff had received conflicting and confusing direction from past councils. He said he favored the content of the document, but found some of the wording obscure.

While supportive of Mr. Boles' suggestion, Ms. Swanson Gribkov expressed concern that establishing the proposed ad hoc council committee raised economic development issues to a higher plane than the other goal areas on which the council was working (housing, general government, land use, public safety, and transportation). She proposed that a citizen group might be the most effective way to address the issue and use council time. Ms. Swanson Gribkov said she also needed more information about the costs of automation and providing public access. She said she believed some of the recommendations had possible mechanisms for increasing low-income housing. She clarified that the Private Industry Council served all of Lane County, not exclusively Eugene.

Mr. Laue moved, seconded by Mr. Boles, to table any further action on the Economic Development Recommendations/Action Plan until after the first council trimester goals work planning session.

Ms. Bascom asked for clarification about which ideas the council wanted more information on and which council committee should work on the issue. Mr. Boles clarified that as part of the Council Committee on Working Relationships, there were five coordinators associated with each of the council goals who were charged with ensuring that the measures were in place for each area and a work plan be communicated to the council. Mr. Boles said the motion encouraged the Planning and Development Department to pull the elements relevant to the work plans forward with the coordinators.

Ms. Nathanson said she supported the motion, but would have preferred one to move ahead with some of the issues within the next few months. She said that the committee was formed as a reaction to the perception that economic development efforts centered around recruitment, but the committee found that it was more important to have systems in place and responsive. Ms. Nathanson said the recommendations had to do with focusing existing resources on what was most important. She said the council could continue to discuss pieces of the proposal, but she would like to move ahead on items that could be accom-

plished in the next six months. In reference to a comment about automation, Ms. Mathanson said that if the council agreed to move forward, it would want to know what was involved and what it would cost.

Mr. Torrey commented that it was a disservice to be so critical of staff/committee work. He said economic development was vital for all levels of the community and in surveys, citizens ranked public safety and family wage jobs as top priorities. Stating that the proposal was not bad, Mr. Torrey encouraged councilors not to make too many political statements about it.

Mr. Laue asked for clarification about the definition of "economic development," and said new ways were needed to provide economic opportunity and access.

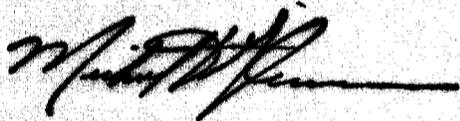
While supporting the motion, Mr. Hornbuckle said the council needed to agree on the definition of economic development. He said that under a capitalistic system, the goal was the further accumulation of wealth in the hands of a few people, and the statement that economic development should occur regardless of income level "flies in the face of economic realities."

Mr. Farr said he supported the motion and believed there were recommendations in the document that could help all income levels, and the community was not going to change the capitalistic system of the country.

The motion passed unanimously, 8:0.

The meeting adjourned at 7:08 p.m.

Respectfully submitted,



Michael Gleason
City Manager

(Recorded by Fran Curtis)
CC63010.045

MINUTES

Eugene City Council
Council Chambers--City Hall

April 10, 1995
7:30 p.m.

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

The regular meeting of April 10, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. PRESENTATION: ARBOR DAY AWARD

Scott Lemandon, Urban Forester, introduced Daryl Speechart, Oregon State Department of Forestry, who presented the City with the Tree City USA Award for 1994 from the Arbor Day Foundation.

Mr. Speechart congratulated the City of Eugene for winning the Tree City USA award for 1994, adding that this was the 16th year that Eugene would be winning the award. He noted that the main purpose of the award was to recognize cities that have developed programs to plant and care for trees in their communities. He noted that successful Tree City USA awardees have to meet four criteria. The awardees must: 1) adopt a tree care ordinance; 2) establish a tree care committee or commission; 3) spend at least two hours per capita on community tree care program; and 4) conduct some form of an Arbor Week ceremony.

Mr. Speechart presented the mayor with a Tree City USA flag.

Mr. Speechart said that Eugene had also won a Growth Award, which recognized cities that worked above the basic level required for achieving Tree City USA status. He noted that the Growth Award was given to only nine cities in Oregon and 400 cities nationwide during 1994. He said that Eugene was receiving the award for its efforts in education and public relations, its partnership that had been developed with the Eugene Water & Electric Board (EWEB) for the purpose of protecting trees, and for its commitment to maintenance.

II. PUBLIC FORUM

Dave Sweet, 2519 Kincaid Street, stated that the council has not been giving the city strong leadership. He asserted that the council has been robbing the poor and giving to the rich, and exemplified that approach in its decision surrounding the Amazon Housing complex. He said that the council supported a Ferry Street Bridge enhancement, which directly contradicted what the people of Eugene wanted. He claimed that the council was moving in a republican direction, and it was not what the people wanted.

Nick Urhausen, 2858 Warren Street, testified against EWEB's domestic partnership benefits package. He said that his tax money should not go to support such benefits. Mr. Urhausen urged the council to use the democratic process for making that decision. He added that EWEB had used two city blocks on 4th Avenue for a parking area where low-income housing could have been constructed instead. He asserted that EWEB overcharged the citizens of Eugene and the administration did not let its employees join a union.

Marianne Erwin, 139 East Hilyard Lane, stated that after following the story of Hal Wooten in the Register Guard, she wondered "who is policing our police." She said that the story of Mr. Wooten differed drastically from the police officers, but the officers were believed by the Police Department and were absolved of any wrong-doing. She said that her fear was that citizens did not have any recourse if they were wrongfully harassed by a police officer. She noted that the police made a series of assumptions in the case of Mr. Wooten, and he should have had some recourse to protect himself from harassment. Ms. Erwin stated that the issue was a matter of constitutional rights, and she wanted to feel that her rights were being protected.

Curtis Blankenship, 1430 Willamette Street #266, urged the council to do something about the bike theft problem in Eugene. He asked the council if it was true that bike thieves were not prosecuted if they were apprehended. He suggested using funding from the Ferry Street Bridge project or the drug task force to fund a bike theft task force. He said that Paul's Bicycles and some of the other shops were willing to help set up a task force to create a sting operation to catch bike thieves.

Jerry Strand, 86501 Lorane Highway, elected board member of the Bailey Hill Fire District, spoke against the expansion of the fire station because it would interfere with the Churchill High School softball fields. He said that the Lancers have won nine state championships. The students had good grade point averages and were committed athletes. Mr. Strand urged the council to take the softball team into consideration and stop the expansion of the fire station onto the softball field.

III. CONSENT CALENDAR

A. Approval of City Council Minutes of November 30, 1994, Lunch Work Session; December 7, 1994, Lunch Work Session; January 9, 1995, State of the City; and January 11, 1995, Lunch Work Session

B. Resolution Concerning Local Improvement District for Field of Dreams

Res. No. 4447--A resolution forming a local improvement district for sanitary sewers to serve Field of Dreams Sub-division (Job #3253).

C. Resolution Concerning Local Improvement District for Villard Street

Res. No. 4448--A resolution forming a local improvement district for alley paving between Garden Avenue and Franklin Boulevard from Walnut Street to Villard Street (Job #3187).

D. Ratification of Council Officers' Recommendations of April 5, 1995

Ms. Keller requested that the minutes of November 30, 1994, Lunch Work Session be withdrawn for further consideration.

Ms. Nathanson moved, seconded by Mr. Laue, to approve all the items on the City Council Consent Calendar listed in A, B, C, and D, except for the minutes of November 30, 1994. The motion passed unanimously, 8:0.

Mayor Bascom stated that item VI would be next on the agenda so that Mr. Boles could be excused from the meeting early.

IV. APPROVAL OF INTERGOVERNMENTAL RELATIONS COMMITTEE MINUTES

Mr. Boles stated that the Council Committee on Intergovernmental Relations (CCIGR) reviewed over 250 bills in the past six weeks. He said that the committee's recommendations for all of those bills were in the minutes before the council, with the exception of the decisions upon which the committee was split. He said that those decisions were referred to the full council. Mr. Boles said that the council would review each of the items upon which the committee was divided to determine if any committee members wished to change their vote. A straw poll would then be taken of the full council. He added that council would have a chance to discuss any other bill in all of the minutes, and then all the bills would be put back into a single motion for a council vote.

Mr. Boles referred council to the agenda packet, page 133, House Bill 2211, and noted that Ms. Keller was in the committee minority on that vote. Mr. Boles asked Ms. Keller to indicate her reasoning for her vote. Ms. Keller responded that it was inappropriate for a public body to prevent private citizens from suing the government should their profits be limited by the actions of the government.

Mr. Laue asked how the damages were being limited. Ms. Keller stated that a citizen would not be able to claim a profit that may have been earned if he or she had been awarded the contract.

Carol Case, Finance Division, said that the bill stated that "the court may order such equitable relief as it considers appropriate in the circumstances." She added that it read, "In addition to the equitable relief, the court may award a bidder any damages suffered by a bidder."

Mr. Boles asked for a straw vote of the council to see who supported the majority position of the committee for priority 2 support of the bill. The vote was 6:2, with councilors Keller and Hornbuckle voting in opposition.

Ms. Nathanson expressed support for the process Mr. Boles had suggested. She said she appreciated Mr. Boles' efforts to go through this process expeditiously.

Mr. Hornbuckle stated that he wanted further conversation about the process at a future meeting because he was concerned that there were many other bills on which the council was taking the staff's recommendations on faith. He termed it an example of political authority defaulting to an unelected body. He said that he saw a few bills that would have an impact on Eugene if passed, and the staff had recommended priority 3, which did nothing.

Mr. Boles stated that the process was set up to allow councilors to discuss any bill that they wished. He said that all of the bills had been reviewed.

Mr. Boles referred the council to House Bill 2714, which had been approved by a committee majority for priority 2 support. He asked Ms. Keller to state her minority view.

Ms. Keller stated that she was concerned that the City did not have laws that adequately gave parents authority over their children. She referred to a council meeting in which a number of parents testified before council that something needed to be done to help parents have authority over their children. She said to require parents to pay restitution for children over whom they have no legal authority was attacking the wrong end of the problem.

Mr. Laue suggested that the council move the bill forward and monitor it during the rest of the session.

Mr. Boles asked for a straw poll to determine who supported Mr. Laue's suggestion to move the bill to priority 3 status. The straw poll vote passed 6:2, with councilors Boles and Torrey voting in opposition.

Mr. Boles referred members to House Joint Resolution 14, and stated that two members supported the staff position of a priority 2 opposition, and Mr. Torrey did not agree. He asked Mr. Torrey to state his position.

Mr. Torrey stated that in light of his trips to Salem in the last few weeks, he was withdrawing his original position.

A straw poll vote to support the committee's position passed unanimously, 8:0.

Mr. Boles referred councilors to House Bill 2418, and noted that two members of committee were against the staff recommendation and one member was in favor of the staff's recommendation of priority 2 opposition. Mr. Boles asked Mr. Torrey to address his position.

Mr. Torrey changed his position on this bill, and noted that when he made his original decision, it was only his second CCIGR meeting. He said that he made a mistake, and he wanted to change his position.

A straw poll vote to support the committee's position and give priority 2 support to HB2418 passed unanimously, 8:0.

Mr. Boles referred councilors to Senate Bill 461, and stated that again Mr. Torrey was in the minority position, but had already informed him that he had changed his position.

A straw poll vote to give priority 1 opposition to SB461 passed unanimously, 8:0.

Mr. Boles referred councilors to House Bills 2122 and 2540 and Senate Bill 305. He noted that staff recommended priority 1 opposition to all of the bills, and Mr. Torrey was in the minority opposing staff's recommendations.

Mr. Torrey said he believed that just compensation for the taking of an individual's property for the "good of the whole," is a legitimate position to take.

A straw poll vote to give priority 1 opposition to the bills passed by a vote of 6:2, with councilors Torrey and Farr voting in opposition.

Mr. Boles referred councilors to House Bill 2230, and said that the staff recommendation of priority 2 support was supported by two members and opposed by Mr. Torrey.

Mr. Torrey said that his rationale for opposing the bill was of a political nature, and added that he was concerned that the more often local government gave up on a revenue source, the more often it lacked the resources to take care of its problems. He said that Eugene did not need to be giving up some of its tax revenue to fund schools.

Mr. Laue stated that he opposed the staff's recommendation because he felt the whole question of the allocation of gas taxes should be revisited.

Ms. Keller said that this bill did not take away the council's ability to raise a gas tax. She added that the bill would open the door for other forms of transportation to be funded by the gas tax.

Ms. Swanson Gribkov asked if the bill would preclude the council from passing a gas tax. Terry Smith, Public Works Division, stated that this bill provided appropriations for school bussing, should a constitutional amendment pass. He added that the constitutional amendment was a separate question. He noted that staff viewed school student transportation as another alternative mode that is supported by current council policy. He stated that the bill would probably not pass because legislators believed that they had fixed the school funding problem.

A straw poll vote to support the majority committee position of priority 2 support passed by a vote of 6:2, with councilors Torrey and Hornbuckle voting in opposition.

Mr. Boles referred councilors to House Bill 2290, and said that staff recommended priority 1 support. He added that he had voted, in the minority, to oppose the staff's recommendation, but after corresponding with former City Councilor Randy MacDonald he had changed his position.

Ms. Keller said that this bill would allow for \$6 million for the public sector to compete with the private sector for office space tenants, but that was not the intention of the council. She said that the public development was not to take the place of private development, and that there was a glut of office space within the downtown area. She added that she thought it was an inappropriate expenditure of funds for the public sector to be competing directly with the private sector.

A straw poll vote to support the majority committee recommendation of priority 1 support passed by a vote of 6:2, with councilors Keller and Hornbuckle voting in opposition.

Mr. Boles referred councilors to House Bill 3300, and noted that the committee split with two members of the committee voting to support the staff recommendation of opposition, and one member voting to support the bill.

Mr. Boles said that he voted in the minority and his concern was with the part of the bill specific to outside the urban growth boundary. He explained that it was not as much concern to him with regard to the Metropolitan Plan boundary as it was opening this up at the state level and possibly seeing other communities use it as a basis for "leapfrog" development.

A straw poll vote to support the majority committee recommendation of opposition to the bill passed by a vote of 6:2, with councilors Boles and Farr voting in opposition.

Mr. Boles asked if there were other bills that councilors wanted to discuss.

Mr. Hornbuckle asked if Glen Potter, Council and Intergovernmental Services, knew the status of Senate Bill 750. Mr. Potter responded that the bill was still in the Senate Labor and Government Operations Committee.

Mr. Hornbuckle asserted that the bill was a "right to work bill" and asked if CCIGR had taken a position on it. Mr. Potter said that the committee had not processed the bill because it was related to matters of personnel and those types of bills were processed by staff.

Mr. Boles said that he was unaware of that practice. City Manager Mike Gleason said there was nothing that prohibited the council from taking a position on any legislation before it. He said that he was unaware of this practice also.

Mr. Boles asked if council would allow for some further articulation of this tradition by Mr. Potter as well as further discussion of this bill at the next CCIGR committee meeting.

Mr. Hornbuckle asked if there was time for the bill to come back to the council. Mr. Boles stated that this bill could come back to the council. Mr. Hornbuckle indicated that he would attend the next CCIGR meeting.

Ms. Keller said that she hoped staff would bring the other legislation that was deemed not within the committee's realm of review to that meeting as well.

Mr. Hornbuckle said he wanted to add House Joint Resolution 43 to the list of bills to be reviewed at the next CCIGR meeting.

Mr. Laue suggested that the council go next to the bills that were before the council where the committee was uniform in its recommendation and then to any bills that councilors wanted to highlight.

Mr. Hornbuckle referred councilors to page 201, Senate Bill 568, and stated the council should oppose the bill because it would require a financial filter for land use appeals.

Mr. Hornbuckle moved to move SB568 to priority 2 opposition. The motion died for lack of a second.

Mr. Hornbuckle referred councilors to page 202, House Joint Resolution 36, and said the council ought to oppose this because it would drive up the cost of circulating an initiative petition.

Mr. Hornbuckle moved to move HJR36 to priority 2 opposition. The motion died for lack of a second.

Mr. Hornbuckle stated that to continue with his list was to continue "hoop jumping" and "rubber-stamping." He said that he would continue. Ms. Keller said that the council would be passing judgment on the particular list that evening, so councilors with concerns needed to address them that evening.

Mr. Hornbuckle referred councilors to page 202, House Joint Resolution 62.

Mr. Hornbuckle moved to move HJR62 to priority 2 opposition. The motion died for lack of a second.

Mr. Laue said that his understanding was that some of these bills were being monitored because they were not expected to go anywhere. He added that if they did go anywhere then they would come back before council. He said that monitoring them was perhaps the best approach.

Mr. Hornbuckle asked if Mr. Potter had the legislative calendar so he could look up any bill requested by the council. Mr. Potter replied in the affirmative.

Mr. Torrey stated that if Mr. Hornbuckle was to vote in the majority on these measures, he could then move to reconsider them at some future point. He suggested that the council needed to be realistic about what it could achieve.

Mr. Hornbuckle stated that he was finished and would attend the IGR committee meeting on Friday.

Ms. Nathanson moved, seconded by Mr. Laue, to approve the Intergovernmental Relations Committee minutes of February 15, 1995; March 7, 1995; March 15, 1995; and March 29, 1995, as modified and to affirm the consensus of the full City Council on those items not recommended unanimously by the committee. The motion passed unanimously, 8:0.

Mr. Boles left the meeting at 8:35 p.m.

V. ORDINANCE LEVYING ASSESSMENTS--FIELD OF DREAMS

CB 4531--An ordinance levying assessments for sanitary sewers to serve the Field of Dreams Subdivision; and declaring an emergency. (Contract 94-527)

Mr. Gleason introduced the item.

Ms. Nathanson moved, seconded by Mr. Laue, to approve the Hearings Official's findings and recommendations of April 4, 1995. The motion passed unanimously, 7:0.

Ms. Nathanson moved, seconded by Mr. Laue, 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 passed unanimously, 7:0.

Ms. Nathanson moved, seconded by Mr. Laue, that the bill be approved and given final passage. The motion passed unanimously, 7:0, and became Ordinance 20004.

VI. ORDINANCE CONCERNING ACQUISITION--AMAZON CREEK

CB 4529--An ordinance authorizing the institution of proceedings in eminent domain for the acquisition of property interests along Amazon Creek between Beltline Road and Southern Pacific Railroad at Terry Street for the purposes of construction and maintenance of the drainage channel and bike/pedestrian path improvements.

Mr. Gleason introduced the item.

Ms. Nathanson moved, seconded by Mr. Laue, 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 passed unanimously, 7:0.

Ms. Nathanson moved, seconded by Mr. Laue, that the bill be approved and given final passage. The motion passed unanimously, 7:0, and became Ordinance 4529.

VII. CONSENT CALENDAR REVISITED

Ms. Keller referred council to page 8 of the minutes of November 30, 1994. Ms. Keller recommended that the last paragraph be changed to read, "The council has inappropriately ended up in the role of 'doing the heavy lifting on a lot of issues.' She believed. . ."

Ms. Nathanson moved, seconded by Mr. Laue, to approve the council minutes of November 30, 1994, as amended by Ms. Keller. The motion passed unanimously, 7:0.

The council adjourned to a work session at 8:45 p.m.

Respectfully submitted,


Michael Gleason
City Manager

(Recorded by Jennifer Self)
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