

MINUTES

Eugene City Council
Council Chambers--City Hall

May 8, 1995
7:30 p.m.

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

The regular meeting of May 8, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. PUBLIC FORUM

Dave Sweet, 2519 Kircaid, suggested that the 50th anniversary of Victory in Europe (VE) Day in World War II was an appropriate day to remember that Elijah Large, mayor of Eugene in May 1944, warned against plans for a council/manager style of government. Mr. Sweet said that as part of "that convoluted system," the council had gone out of its way to limit citizen's basic civil right to freedom of speech. He noted that the country fought against "egotistical fascists" 50 years ago and must continue to fight today.

Wayne Ford, 1019 Fillmore #1, representing Eugene-Springfield Homeless Action Coalition, said he was happy that several of the former Amazon Housing units had been moved for use as low-income housing. While he praised the City for its work to provide the property and funding for the project, he noted that the City and the University of Oregon (UO) had simultaneously fought the preservation of the housing. He said he was appalled that the City could fund part of a project and finance demolition of the rest of usable low-income housing.

Bob Rounsley, 476 East Broadway, expressed concern about dogs being brought into the City by youth who were uninformed about Eugene's laws requiring licensing and inoculations.

David Hinkley, 1308 Jefferson, speaking about the potential loss of parking from installation of bicycle lanes in the Jefferson/Westside neighborhoods, said that hundreds of hours, thousands of dollars, and "piles of prose" had resulted in the overturning of four administrative orders, organized neighbors, questioning of the legal status of the Bicycle Master Plan, and little progress on development of adequate north-south or east-west bicycle routes. Mr. Hinkley suggested that the council authorize a committee composed of neighborhood residents and business persons, City staff, bicycle users, and the general public. He said the goal of the committee would be to examine the issues in detail and recommend routes acceptable to everyone.

Bill Helm, 3415 12th Avenue, expressed concern about the increasing suicide rate in Eugene and the potential for misclassifying the cause of deaths. He suggested that citizens be given the right to review records for accuracy. Mr. Helm also expressed concern about a report by Professor Edwin G. Norris regarding the dangers of the international banking industry.

II. CONSENT CALENDAR

Ms. Keller removed item B, Ms. Nathanson removed item D, and Mr. Boles removed the February 22, 1995, Lunch Work Session minutes from the Consent Calendar.

Ms. Nathanson moved, seconded by Mr. Laue, to approve item C on the City Council Consent Calendar and all items in item A except the February 22, 1995, minutes. Roll call vote. The motion passed unanimously, 8:0.

III. PUBLIC HEARING: RESOLUTION CONCERNING EUGENE-SPRINGFIELD CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

Micheal Gleason, City Manager, introduced Linda Henry, Planning and Development Department, who said that the City had received Community Development Block Grant (CDBG) funding since the early 1970s and Home Investment Partnership Act (HOME) funding since the early 1990s. She said the Federal government required a planning document and annual funding allocation programs.

Ms. Henry said the proposed plan represented the Consolidated Plan for the cities of Eugene and Springfield and was required because they were a consortium for HOME funding. She said a staff team from the two cities and Lane County developed the plan and added a One-Year Action Plan for FY95-96 for Eugene and Springfield's funding sources. Ms. Henry said the public process for the plan was extensive and based on Federal guidelines.

Ms. Henry noted that the Consolidated Plan had been adopted by the Springfield City Council without changes and was due to the Federal Department of Housing and Urban Development (HUD) by May 15 for July 1, 1995, funding.

Ms. Bascom opened the public hearing.

Rhonda Jones, 1239 Washington Street, said she was a member of the CDBG Advisory Committee and a signee on the requested amendment distributed to council members. Ms. Jones explained that the request was written as an amendment to the five-year plan, but was aimed at amending the one-year plan that was agenda item VII and not a public hearing item. Speaking in favor of the requested amendment, Ms. Jones said she supported the five-year plan, but believed the amendment was necessary to ensure that the \$20,000 referred to in the amendment remained unallocated for the requested period of time so that the Community Center for the Performing Arts (CCPA) would not have to repeat the application, selection, or hearing processes that could delay the repair of its roof.

Jon Pincus, 2855 Floral Hill Drive, said he represented the CCPA, supported Ms. Jones' comments, and was available for questions. He added that the survey process described in the documentation had been started with the help of a person with experience in statistical analysis from the Bank of America.

Bruce Stockton, 439 Almaden Street, said he represented the CDBG Advisory Committee, echoed Ms. Jones' comments, and was available for questions.

Hearing no further requests to speak, Ms. Bascom closed the public hearing.

In response to a question from Ms. Keller about the \$20,000 allocation "pending eligibility determination," Ms. Henry said that council adoption of the FY95-96 One-Year Action Plan under item VII would accomplish what Ms. Jones and the CDBG Advisory Committee would like to see happen. She explained that one determination from the HUD Regional Office was that the CCPA project did not qualify under the spot, slum, or blight criteria, but it may be eligible based on benefit to low- and moderate-income persons.

Ms. Keller asked that the Consolidated Plan document that had a due date of May 15 not be amended, and the minutes reflect the council's intention that the \$20,000 stay in the proposed funding allocation until such time as the eligibility study was completed.

Ms. Nathanson agreed with Ms. Keller's suggestion and noted that if the council did not approve the Consolidated Plan, review by the cooperating jurisdictions would be required.

Ms. Nathanson moved, seconded by Mr. Laue, to adopt Resolution No. 4450 approving the Eugene-Springfield Five-Year Consolidated Plan for Housing and Community Development for submission to the Federal Department of Housing and Urban Development. Roll call vote. The motion passed unanimously, 8:0.

IV. PUBLIC HEARING AND READOPTION OF SUPPLEMENTAL FINDINGS RELATED TO THE BETHEL-DANEBO REFINEMENT PLAN AMENDMENT (GRAVILLE PROPERTIES RA93-1)

Mr. Laue asked to be recused because of an indirect conflict and left the meeting.

Mr. Gleason introduced Bill Gary, City Attorney, who said the issue before the council was a minor plan amendment to the Bethel/Danebo Refinement Plan. Mr. Gary explained that the amendment had been approved by the council and remanded back to the council by the Land Use Board of Appeals (LUBA) on August 8, 1994, with the request that the council explain how the refinement plan amendment was consistent with the Commercial Lands Study and Goal 9 of the Statewide Land Use Planning Goals. Mr. Gary said the council was also asked to explain other aspects of its application of the Metro Plan.

On November 28, 1994, Mr. Gary said the council acted on the LUBA remand by adopting additional findings, but maintaining the same plan amendment decision. That action was appealed by the property owner to LUBA. However, on January 25, 1995, before LUBA made a decision, it issued a ruling in an unrelated case called "Friends of the Metolious versus Jefferson County" that when a matter was remanded from LUBA for additional findings, the local government body must hold a public hearing to allow parties to present arguments about interpretations.

Mr. Gary noted that since no hearing was held, the alternatives were to withdraw (and conduct a public hearing) or litigate. He said the City chose to withdraw the matter, and it was rescheduled to conduct a public hearing.

Mr. Gary said that in the first appeal, LUBA held that the minor plan amendment was a quasi-judicial proceeding so all procedural requirements apply, including disclosure of ex parte contacts and conflict of interest. Ms. Bascom asked for ex parte contacts and disclosure of conflicts or potential conflicts of interest.

Councilors Farr, Keller, and Swanson Gribskov shared that they had attended a Bethel-area citizens' meeting, and the issue was discussed. Ms. Keller added that a representative of the Graville property spoke at that meeting.

Ms. Bascom opened the public hearing.

Florence Graville, 318 Maple Street, Junction City, said that her family had worked hard to follow the guidelines and requirements to make the best use of their property, including the desires of local residents and the Metro Plan. She shared that her husband, Windsor, had died of cancer in April 1995 so would not see the results of his work, but he served as a Junction City Councilor from 1963 to 1974 and understood the importance of studying and implementing the provisions of the Metro Plan.

Paul Vaughan, 180 East 11th Avenue, said his office represented Graville Properties and had sent a letter for council review. He said that the significance of quasi-judicial proceedings was that a decision must follow previously adopted land use decisions and there must be evidence in the record to support findings. Mr. Vaughan said that the 100-acre property in question was designated in the original Bethel-Danebo Refinement Plan for 5 acres of neighborhood/commercial development, 16 acres of high-density residential, and the balance for medium-density residential. As mandated by Statewide Planning Goal 9, Mr. Vaughan said the City had inventoried its commercial properties, determined needs, and made 20-year projections for needs. He noted that this study, known as the Commercial Lands Study, involved considerable time, work, public input, expense, and documentation. He said it identified the Graville site as a good one for commercial development and recommended that when improvements were made to the Barger Drive-Beltline Highway interchange, the commercial area of the property should be expanded from 5 to 15 acres to serve as a community commercial center.

Steve Lane, 1897 Le Veta Lane, stated that the Graville property was designated as a commercial-residential node and was included in the new TransPlan Study of nodal development scheduled for completion in 1997. He said that while historically zoning laws were written to segregate residential, commercial, and industrial zones, a proposed change in the TransPlan Study was to mix compatible land uses in close proximity to each other. Mr. Lane suggested that the Graville property problem was based in these two divergent concepts of land use planning. He said Bethel-area residents supported the concept of nodal development and needed a greater mix of neighborhood services (such as gas stations and drive-thru restaurants) that would be allowable under the C-2 designation and compatible with the concept of neighborhood-serving commercial centers. Mr. Lane asked that 1) the council direct City staff to include in its zoning code update a commercial mixed-use district that could be applied to the Graville property and future, similar nodal zones; 2) the criteria for the mixed-used district include provisions for design standards and reviews; and 3) proposals for mixed-use districts be outlined in presentations to the affected neighborhood organization to allow for citizen discussion and input. Mr. Lane added that one goal of neighborhood organizations was to enhance the liveability of their area, and while commercial development could damage that liveability, the Graville property had the potential to be a "boon or a bust" to Bethel-Danebo. He suggested that everyone work together to make the Graville development an asset.

Hearing no further requests to speak, Ms. Bascom closed the public hearing.

Mr. Farr shared that he lived in the Bethel-Danebo area and agreed with Mr. Lane about the need for nodal development. Mr. Farr said he supported the original Planning Commission recommendation to rezone the 15-acre parcel to C-2.

Ms. Nathanson moved, seconded by Mr. Boles, that Council Bill 4536, an ordinance amending Exhibit A to Ordinance No. 19952 amending the Bethel-Danebo Refinement Plan, and repealing Ordinance No. 19993, with unanimous consent of the council, be read the second time by council bill number only, and that enactment be considered at this time.

Ms. Nathanson moved, seconded by Mr. Farr, to postpone action on Council Bill 4536 until May 10 and ask City staff to bring to the council the necessary documents and amended ordinance to adopt the Planning Commission's original recommendation.

Ms. Nathanson said she could not support the original motion as written. In summarizing comments that she made when the council first discussed and voted on the issue and after reading subsequent materials, Ms. Nathanson said she had the following concerns: 1) records disputed that the area would become another regional shopping center "like Gateway" because the area was not comparable in size; 2) if the current zoning code C-1 was applied exclusively, but south Eugene had an Emporium and Westmoreland had a Bi-Mart, why was similar, commercial activity being restricted in the Bethel-Danebo area; 3) prohibition of the number and size of appropriate commercial activities in the

area defeated the council's goal of reducing vehicle miles traveled; and 4) the original recommendation of the Planning Commission acknowledged and retained high- and medium-density residential as well as community commercial uses.

Ms. Keller expressed concern that the motion to postpone deferred clarification questions such as zoning designations for Costco, Home Depot, and the Bethel-Danebo Albertsons. She said she would not support the motion to postpone or reversing the council's decision on the zoning designation.

In response to Mr. Boles' process question about the motion, Mr. Gary said the motion as stated had two components and should be phrased as a "motion to table to a date certain."

Mr. Boles said he did not support the motion, but that the council could reverse its action by defeating the original motion and passing a new one.

Mr. Torrey said he supported the motion and reversing the council's decision to zone the Graville property to C-1 area.

Mr. Farr pointed out that while a majority of councilors could walk or ride a bicycle to commercial services, Bethel-area neighbors wanted and needed the increased commercial diversity that a C-2 zoning would offer.

Ms. Swanson Gribkov said the discussions at the Bethel-area neighbors' meeting led her to support the Planning Commission's original recommendation.

Roll call vote. The motion passed, 4:3, with councilors Boles, Hornbuckle, and Keller opposed.

Mr. Laue returned to the meeting.

V. SUPPLEMENTAL FINDINGS FOR WHITEAKER PLAN AND RELATED ACTIONS

Mr. Gleason introduced Teresa Bishow, Planning and Development Department, who said the council conducted a public hearing on April 24 on the draft supplemental findings necessary to provide the explanations and interpretations needed to support the council's action of August 1994 regarding the Whiteaker Plan. She said the key policy issue again before the council was whether to adopt the supplemental findings to affirm the action of the council in August or whether to provide direction to staff about alternatives. Ms. Bishow noted that the Whiteaker LUBA record was present in the Council Chamber. She also referred to an outline of the key decision points before the council and a Whiteaker zoning map reflecting the council's August actions.

Ms. Nathanson moved, seconded by Mr. Laue, to adopt supplemental findings and interpretation explaining denial of the Metro Plan Diagram amendment affecting the West Skinner Butte Residential Area (MA 94-4).

Mr. Torrey asked about the property tax impact on property owners if the zoning were to be changed back to high-density residential. Ms. Bishow explained that property taxes were based on the assessed value of property, and zoning was a factor that influenced the assessor's determination. If the council determined that limited high-density residential (as recommended by the Planning Commission) was the appropriate designation, there would be a choice of maintaining the current zoning (R-2/20) or initiating rezoning to allow up to 40 units per acre (R-3/40). Ms. Bishow said that the Planning Commission's recommendation was not to pro-actively City-initiate the change in zoning, but to allow privately-initiated zoning-change requests to be submitted. She said this would allow property owners not wishing to achieve higher density to maintain a lower assessed value and lower taxes.

In response to a question from Mr. Torrey, Ms. Bishow said the basis for the assessed value was a combination of use and zoning. She explained that if zoning allowed a greater intensity of use on the property, there was a tendency for a greater percentage of the assessed value to be applied to the land and a smaller percentage to be applied to the structure. Ms. Bishow said this created a disincentive for the property's owner to invest money in improvements to the structure because there was a greater value in moving or demolishing the structure and redeveloping the land at a higher use. She summarized that the assessed value was based on a combination of the current use and the planned, future use that the zoning allowed.

In response to a question from Mr. Boles for information about historical development activity in the area, Ms. Bishow said that the structures were generally over 30 years old. She said there was recent new or "in-fill" development, but that it was mostly medium-density (20 units per acre) because the Hearing's Official interpreted the Metro Plan designation of the area as Medium Density Residential and therefore did not approve zone changes to R-3. Ms. Bishow said there was at least one vacant lot zoned R-3 for several years, but it had not been developed. She said that type of inactivity may have caused people to wonder if achieving higher density would work.

Ms. Nathanson described some of the "competing" issues surrounding the desired density of the Whiteaker neighborhood. These included 1) reference to the zone changes as "down-zoning from high density to medium density" when it was actually "up-zoning from low density to medium density"; and 2) acknowledgment that the neighborhood was "denser" than other City neighborhoods versus Whiteaker being an ideal, centrally located place for high-density residential because of the park, commercial activities, and public transportation. She said that the council should focus on "how dense" the Whiteaker area should be not just whether there should be multiple- versus single-family homes.

Ms. Keller said that when it discussed overall density, including the mixed-use zone, the council was talking about central, not nodal development. She said the City could increase density in the Whiteaker area under the R-2 zoning and combine it with commercial development. Ms. Keller added that plans developed over time, and she believed the medium-density designation for the West Skinner Butte Residential Area was an appropriate designation for the

next 20 years. She said encouraging nodal development required looking at distributing greater density to the nodes.

Mr. Torrey noted the council had just talked about density in the Bethel-Danebo area and predicted it would continue to face similar issues in all areas of the city because all areas "will have to carry the burden of future high density." He said that Whiteaker contained one of the community's outstanding parks, and it would be inappropriate to reduce the scope of zoning below the original recommendation of the Planning Commission.

Mr. Torrey moved, seconded by Mr. Farr, to amend the motion to direct staff to develop findings consistent with the original Planning Commission recommendation for high-density zoning of the West Skinner Butte Residential area.

Ms. Bishow clarified that if the intent of the motion to amend was to approve the Planning Commission's original recommendation, then staff would revise the ordinance adopting the 1994 Whiteaker Plan to designate the West Skinner Butte Residential Area as limited high-density residential. She said staff would also come back with a Metro Plan Diagram amendment to change the designation of the area from Medium-Density Residential to High-Density Residential.

Mr. Boles said he would not support the motion to amend because it conflicted with council policy, the Whiteaker Planning Team's original decision, and the way the council had previously adopted plans. He asked what impact passage of the motion to amend would have on the Metro Plan Diagram and whether it would require action by Springfield and Lane County. Ms. Bishow said that, based on the Planning Commission's earlier recommendation to amend the Metro Plan Diagram for this area, referral was sent to the other jurisdictions; neither Springfield or Lane County believed that the change in designation in the West Skinner Butte Residential Area had sufficient impact to require their action. In response to another question from Mr. Boles, Ms. Bishow said this was true of the Metro Plan diagram change and she said she would check whether this applied to Metro Plan text change.

Ms. Nathanson explained that the council arrived at a decision different from the Planning Commission recommendation after review of written testimony and minutes from the Whiteaker Planning Team, and subsequent council discussions. Mr. Boles said the council decision was to affirm the 1978 plan and the Whiteaker Planning Team's recommendation. He said his hope when the Whiteaker Refinement Plan was begun was that the work would generate a superior model for adopting a plan and implementing ordinances simultaneously. He suggested the council revisit that goal.

Roll call vote. The motion to amend failed, 6:2, with councilors Farr and Torrey in favor.

Roll call vote. The motion passed, 6:2, with councilors Farr and Torrey opposed.

Ms. Swanson Gribkov declared a conflict of interest, recused herself, and left the meeting.

Ms. Nathanson moved, seconded by Mr. Laue, to adopt supplemental findings supporting approval of the Whiteaker Plan, approval of Metro Plan Diagram amendments and adoption of all zoning orders except those affecting the Rose Garden Residential Area (Z 93-21, Z 93-22, and Z 93-23).

Ms. Keller said she asked that the decision be delayed to allow time to research the number of properties that would be subject to site review. She said that before the Zoning Code Review Project was completed, it appeared that the number would be fairly limited. She said the council's good stewardship of the neighborhood in adopting site review criteria was evidenced by the ability of current residents to do some work on their properties without site review.

Mr. Torrey he could not support site review unless it included specific guidelines about what was acceptable and levels about what needed to be achieved with regard to issues like screening and deflecting of lighting. He said the current site review proposal was ambiguous and could allow someone to prevent what a property owner had the right to do in a mixed-use zone.

Mr. Torrey moved, seconded by Mr. Farr, to amend the motion to delete site review for two weeks and ask two members (one former and one current) of the Planning Commission to develop language that would be acceptable.

Councilors Nathanson and Torrey raised process questions about the amending or postponing. Ms. Bishow said the council could chose to postpone action and direct staff or an ad hoc citizen group to do further investigation. Mr. Torrey said postponing would be acceptable.

Mr. Boles said he would not support the motion to amend because concerns about site review had been addressed in detail. He said that Ms. Nathanson, recognizing concerns about site review, had proposed a friendly amendment that was incorporated into the findings that were originally adopted. That amendment added that site review would be worked on by the Planning Commission until there were design standards in place for the entire community.

Mr. Farr said did not support blatant abuses by developers, but he was concerned about time and cost of securing building permits. He said this "overhead" was passed on to consumers and made developers less inclined to undertake projects. Mr. Farr said he opposed site review because there were mechanisms in place to prevent abuse of the system.

Mr. Hornbuckle said he supported site review and said the language in the document was already a compromise. In response to his request for clarification of the motion, Mr. Torrey said he was willing to change the motion to postpone action for two weeks, but the intent of the motion was to amend. Mr. Gary suggested that because "site review" appeared in both motions and land

use decisions required certain findings, the council should consider postponing action on the motion rather than trying to craft detailed findings in a limited time frame.

Mr. Torrey withdrew the motion to amend and moved to defer consideration of the motion for two weeks to allow time for members of the Planning Commission to work on alternative language regarding site review.

Ms. Nathanson said she supported the motion to postpone to provide the opportunity to improve the site review criteria, but expressed concern that the action created another period without council action. Ms. Bishow responded that the department continued to accept land use applications and to process building permits based on the zone changes adopted in August 1994 by the council. Ms. Nathanson questioned the use of a "moratorium" to cover a definite time period to deal with the language pertaining to the site review issue.

Ms. Nathanson shared that there had been community discussion that the purpose of site review was to disallow industrial development. She said that was not the point of the site review criteria or the Whiteaker mixed-use zoning district. Ms. Nathanson said the Planning Commission and the council had worked hard to create a workable mixed-use zoning district in which industrial, commercial, and residential uses coexisted. She said site review criteria enabled this to happen without a burdensome process like a conditional use permit.

Ms. Keller said she opposed the motion to amend because it would delay action on an issue that had taken two years of work. She said she supported the original motion.

Mr. Torrey reiterated that he did not oppose site review if it contained more specificity. He said that if the motion to amend failed and the original motion passed, the issue would be appealed again to LUBA.

Mr. Hornbuckle asked Mr. Gary if he shared Mr. Torrey's prediction. Mr. Gary said the City Attorney's Office believed that LUBA would support the site review language.

Mr. Boles expressed doubt that more precise language than was included because of Ms. Nathanson's amendment could be crafted in two weeks.

In response to a question from Mr. Laue whether property owners had halted development because of site review, Ms. Bishow said there were probably instances in which a developer's decision to go forward were influenced by the cost and lack of certainty associated with site review. Mr. Laue said he opposed the motion to amend because it was a separate action that could have unanticipated consequences.

Roll call vote. The motion to amend failed, 4:3, with councilors Farr, Nathanson, and Torrey in favor.

Roll call vote. The motion passed, 5:2, with councilors Farr and Torrey opposed.

Ms. Swanson Gribskov returned to the meeting. Mr. Boles declared a conflict of interest because he owned residential property in the Rose Garden Residential Area, recused himself, and left the meeting.

Ms. Nathanson moved, seconded by Mr. Laue, to adopt supplemental findings supporting adoption of the zoning order affecting the Rose Garden Residential Area (Z 93-21, Z 93-22, and Z 93-23).

Roll call vote. The motion passed, 5:2, with councilors Farr and Torrey opposed.

Mr. Boles returned to the meeting.

VI. ADOPTION: CAPITAL IMPROVEMENT PROGRAM

Mr. Gleason introduced Dave Reinhard, Public Works Department, who reminded the council that it held a public hearing on the Capital Improvement Program (CIP) on March 6, 1995. He explained that the difference between the CIP and the capital budget was that the CIP was a planning document in which the City spelled out its six-year program of projects that respond to community objectives and needs. Mr. Reinhard said that upon adoption, the first year of the CIP formed the basis for the next year's capital budget. He clarified that the Budget Committee was just starting work on the capital budget review cycle, during which time specific project and funding decisions would be made for FY96.

Mr. Gary explained that the matter was tabled while there was a motion to amend pending, so approving the motion to take from the table would bring the council to the motion to amend.

Ms. Nathanson moved, seconded by Mr. Laue, to take from the table the motion to approve the Capital Improvement Program. Roll call vote. The motion passed, 7:1, with Mr. Boles opposed.

Ms. Nathanson clarified that the council was now in discussion to delete funding in FY96 for the Riverfront Research Park.

Ms. Keller clarified that her motion to delete funding was to delay the funding cycle one year. She reminded the council that the rationale to delay was that the Riverfront Research Park was located in one of the places being considered for a high-speed rail station and the need for an underpass. In response to a request for clarification by Mr. Gleason, Mr. Reinhard said that the first year (FY96) of the CIP that the council was being asked to adopt contained (on page 48) funding for Riverfront Research Park interior streets and paths. Specifically, he said the \$242,000 was to connect Mill Race Drive to Garden Avenue in anticipation of future additional development on the south side of the tracks. Mr. Reinhard said the underpass project was

fully funded under the FY95 budget and was proceeding, so the FY96-2001 CIP would not be the place to take action on the underpass project.

Ms. Keller questioned Mr. Gleason's previous explanation of the issue.

Mr. Hornbuckle said he recalled the conversation as Ms. Keller did and questioned why the discussion was not reflected in the minutes of that meeting.

Mr. Torrey said that regardless of the discussion, the Riverfront Research Park was a good project that the council should support.

Mr. Boles agreed that the project was happening. He agreed with Ms. Keller's concerns about interference with siting a high-speed rail station and questioned whether the council was misled in considering a motion to amend the CIP. Mr. Reinhard said that a more extensive discussion of the issue was held at a Budget Committee meeting. He said that he recalled that there was confusion on the part of staff at the council meeting about how to best respond to questions, and staff was asked to return with more information about the project, funding, and agreements. Mr. Reinhard also noted that the issue was raised at the March 6 council meeting after midnight and the council decided to defer action, so there was not adequate time to respond to questions for clarification.

Ms. Bascom clarified that the motion was to delete funding for the Riverfront Research Park improvements from the FY96 budget.

Roll call vote. The motion to amend failed, 5:3, with councilors Boles, Hornbuckle, and Keller in favor.

Ms. Nathanson moved, seconded by Mr. Laue, to adopt the proposed Capital Improvement Program for FY1996 through FY2001, as recommended by the Budget Committee.

Mr. Boles said he would vote against the motion because despite staff's efforts, the council had yet to receive a requested analysis of major capital projects and the extent to which those projects were devoted to preservation and maintenance, enhancement of existing assets, or new assets. He said the council did a disservice by adopting the CIP without that information.

In response to a question from Mr. Hornbuckle about the 15th Avenue green street, Mr. Reinhard said that project was listed on page 48 with initial funding in FY97. He said that the total cost of the project was \$325,000, the majority of which was Federal funding. In response to Mr. Hornbuckle's question about whether this was a change from the last CIP, Mr. Reinhard said that the council and staff were aware that the first year of grants would be FY97. He said that while the timing of grants had not changed, there had been discussions about initiating planning and design. In response to a question from Mr. Hornbuckle about \$40,000 for traffic calming techniques, Mr. Reinhard said that the CIP did not show errata sheets. In response to Mr. Hornbuckle's

question about whether funding for the West Eugene Parkway (page 48) was State funding, Mr. Reinhard said it was State or Federal and not local funding.

Mr. Hornbuckle moved that an additional \$37,000 be spent on traffic calming techniques, taken from the following sources: 1) \$10,000 from the Traffic Operations Improvement Program; 2) \$5,000 from traffic destination signaling; and 3) \$12,000 from the Ferry Street Bridge and overpass. The motion died for lack of a second.

Mr. Hornbuckle moved, seconded by Mr. Farr, that an additional \$15,000 be spent on traffic calming techniques, taken from the following sources: 1) \$10,000 from the Traffic Operations Improvement Program; and 2) \$5,000 from traffic destination signaling.

Ms. Keller said she opposed the motion to amend because the original motion included the Budget Committee's recommendation to add \$40,000 for traffic calming techniques.

Ms. Nathanson said she opposed the motion to amend. In response to her question about whether the council was scheduled for a report at the end of the year about the results of enacted traffic calming techniques, Mr. Reinhard said he was not aware that such a report was scheduled, but it could be.

Roll call vote. The motion to amend failed, 7:1, with Mr. Hornbuckle in favor.

Roll call vote. The main motion passed, 5:3, with councilors Boles, Hornbuckle, and Keller opposed.

VII. FY 1995-96 ONE-YEAR ACTION PLAN FOR CDBG, HOME, AND HOPWA FUNDING

Mr. Gleason introduced Ms. Henry who said One-Year Action Plans were implementation tools for the Consolidated Plan. She said the Federal process required acceptance by the council of One-Year Action Plans.

Ms. Henry said the CDBG Advisory Committee developed a proposed funding allocation for funds, and a public hearing was held March 30, 1995. CDBG funds would support projects for housing development, non-profit capital projects, City capital projects for accessibility, and the Intergovernmental Human Services Committee. HOME funds would support several program areas, with specific projects designated by the Housing Policy Board. HOPWA funds would support activities identified by the HIV Alliance.

Ms. Henry said that the staff recommendation was that the council adopt the one-year action plans, including the request by councilors Keller, Nathanson, and Swanson Gribkov that the minutes reflect that the \$20,000 designated for the proposed CCPA roofing project remain in the FY95-96 One-Year Action Plan pending an eligibility determination based on the CDBG National Objective to Benefit Low-Income Persons.

Ms. Nathanson moved, seconded by Mr. Laue, to approve the FY95-96 One-year Action Plans for CDBG, HOME, and HOPWA funding, and direct staff to forward the One-Year Action Plans to Housing and Urban Development (HUD). This should include the council's intent to maintain \$20,000 for the CCPA roof repair project.

Roll call vote. The motion passed unanimously, 8:0.

VIII. APPROVAL OF FINDINGS AND RECOMMENDATIONS OF HEARINGS OFFICIAL AND PASSAGE OF AN ORDINANCE LEVYING ASSESSMENTS ON 30TH AVENUE

Mr. Gleason said Les Lyle, Public Works Department, was available for questions. If there were no questions, Mr. Gleason asked the council to consider a motion to approve the Hearings Official's Findings and recommendations and approve the ordinance assessments.

Ms. Nathanson moved, seconded by Mr. Laue, to approve the Hearings Official's Findings and Recommendations of April 14, 1995. Roll call vote. The motion passed unanimously, 8:0.

CB4537--An ordinance levying assessments for paving, curbs, gutters, and storm sewers on 30th Avenue from Ferry Street east 300 feet; and declaring an emergency (contract 94-36).

Ms. Nathanson moved, seconded by Mr. Laue, that the bill 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, 8:0.

Mr. Gleason asked that the council consider CB 4537 by number only.

Ms. Nathanson moved, seconded by Mr. Laue, that the bill be approved and given final passage. Roll call vote. The motion passed unanimously, 8:0, and became Ordinance 20010.

IX. ORDINANCE AUTHORIZING THE INSTITUTION OF PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF EASEMENTS INTERESTS FOR SANITARY SEWERS IN THE SANTA CLARA AREA

Mr. Gleason said that Mr. Lyle was available for questions. If there were no questions, Mr. Gleason asked the council to consider CB 4538.

CB4538--An ordinance authorizing the institution of proceedings in eminent domain for the acquisition of easement interests for sanitary sewers in the Santa Clara Area for Basins N, P, and R (Jobs 2924, 2925, and 2927); and declaring an emergency.

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.

Ms. Bascom noted that a person who wished to speak to the issue had left the meeting. She said that he had been encouraged to contact individual councilors about the possibility of raising his concerns under "Items from Mayor and Council." (This issue was addressed in the LID formation which appeared under the consent calendar.) In response to a question from Mr. Hornbuckle about the legal impact of proceeding, Mr. Gleason said that the council's action authorized City staff to begin negotiations about land acquisitions.

Roll call vote. The motion passed unanimously, 8:0.

Mr. Gleason asked the council to consider CB 4538 by number only.

Ms. Nathanson moved, seconded by Mr. Laue, that the bill be approved and given final passage. Roll call vote. The motion passed unanimously, 8:0, and became Ordinance No. 20011.

The council took a five-minute recess at 9:50 p.m.

X. APPOINTMENTS TO BUDGET COMMITTEE, PLANNING COMMISSION, AND HUMAN RIGHTS COMMISSION

Ms. Nathanson moved, seconded by Mr. Laue, to reappoint Les Hendrickson to position 2 and Ryan Darwish to position 7 on the Budget Committee. Roll call vote. The motion passed unanimously 8:0.

Ms. Nathanson moved, seconded by Mr. Laue, to appoint Gerry Gaydos to position 3 on the Budget Committee. Roll call vote. The motion passed, 7:1, with Mr. Hornbuckle opposed.

Ms. Nathanson moved, seconded by Mr. Laue, to reappoint Guadalupe Quinn to position 1, Marion Malcolm to position 4, and Leroy Dickens to position 7 on the Human Rights Commission. Roll call vote. The motion passed unanimously, 8:0.

Ms. Nathanson moved, seconded by Mr. Laue, to appoint Tyrone Jones to position 2, Martha Fish to position 3, and Pevey Luke to position 9 on the Human Rights Commission. Roll call vote. The motion passed unanimously, 8:0.

Ms. Nathanson moved, seconded by Mr. Laue, to appoint John Van Ledingham to position 1 on the Planning Commission. Roll call vote. The motion passed, 7:1, with Mr. Hornbuckle opposed.

Ms. Nathanson moved, seconded by Mr. Laue, to appoint Art Farley to position 7 on the Planning Commission. Roll call vote. The motion passed, 7:1, with Mr. Torrey opposed.

Ms. Nathanson moved, seconded by Mr. Laue, to appoint Rita Matassa to position 6 on the Citizen Involvement Committee. Roll call vote. The motion passed, 7:1, with Mr. Hornbuckle opposed.

XI. ITEMS REMOVED FROM THE CONSENT CALENDAR

A. February 22, 1995, Lunch Work Session Minutes

Mr. Boles asked that page 7 of the February 22, 1995, Lunch Work Session minutes be corrected to read, "Mr. Boles said he opposed the motion because it simply allowed the council to 'duck the issue' for another seven to eight months. He added that the development community should recognize that setting up a housing trust fund benefitted it directly."

Ms. Nathanson moved, seconded by Mr. Boles, to adopt the February 22, Lunch Work Session minutes as amended. Roll call vote. The motion passed unanimously, 8:0.

B. FY96 METROPOLITAN WASTEWATER MANAGEMENT COMMISSION BUDGET RATIFICATION

Ms. Keller expressed concern about increases in the Metropolitan Wastewater Management Commission's (MWMC's) budgets, including a 50-percent increase in the administrative budget and a 15-percent increase in the operations budget from FY93-94 to FY94-95. She said she continued to be concerned about the lack of a City of Eugene representative on the commission and believed that more citizen participation in oversight might catch such increases. Ms. Keller suggested that the proposal to reduce fees for sewage haulers and increase fees for residences indicated that expenditures were not being monitored, and said she withdrew the FY96 MWMC budget from the Consent Calendar to have the opportunity to vote against it.

Peter Ruffier, Public Works Department, responded that some changes were the result of a cost allocation analysis done this year. He said the analysis showed that an increased amount of costs were associated with the volume of wastewater received at the wastewater treatment plant. Mr. Ruffier said the reallocation of costs resulted in a slight increase in the residential customer bill based on the flow charge; however, the MWMC changed the way the base charge was calculated, so that costs were split between residential and commercial and resulted in a substantial increase in the commercial base charge and a slight lowering of the residential base charge.

In response to Ms. Keller's concern about increases in administrative expenses, Mr. Ruffier said this year's 7-percent increase included a significant increase for major rehabilitation needed for the wastewater treatment plant and equipment replacement. He said if those items were subtracted, the

increase would be 2.7 percent. Ms. Keller reiterated her concern that the FY93-94 figures that were being used as a base were "terribly inflated" and 7 percent was being added on top of that base. Mr. Ruffier said that the base reflected the aging infrastructure of the treatment plant, and the department expected to have continuing increases to maintain it.

In response to Ms. Keller's review of increased costs, Mr. Ruffier said that increased administrative expenses reflected contractual services for accounts administered by the City of Springfield. Mr. Gleason added that rehabilitation to the wastewater treatment plant would be done over the next six or seven years, but the plant was valued at \$135 million so it was important to spend a considerable amount to keep it operating. He offered to provide a breakout of Springfield contract services.

Ms. Bascom noted that the City of Eugene operated the treatment plant, but the City of Springfield did the administration. She described attempts to generate a dialog with Springfield to restructure and strengthen the MMMC so it operated at a policy level with knowledgeable, interested members.

Stating that he had been part of the commission for two meetings, Mr. Torrey said he was concerned about having a lay council member or citizen working on such complex issues. He said that while the commission had not "rubber-stamped" the proposed budget, it was appropriate for the council to review how it processed the budget.

In response to a question from Mr. Boles, Ms. Bascom said that she continued to try to arrange a meeting with the city managers of Eugene and Springfield. Mr. Boles suggested that action on the budget be postponed until after that meeting. Ms. Bascom said the issue of how to work together was more serious and far-reaching than the proposed budget.

While Ms. Nathanson said budgets could be amended and reviewed so she preferred not holding up the operations of such an important service by delaying approval of the proposed budget, she was curious about the administrative increases noted by Ms. Keller. Ms. Nathanson said she was interested in more information on and a better understanding of items like the indirect overhead costs on page 2 of the proposed budget. Mr. Ruffier explained that item 5 on page 2 did not reflect increases, but the rates that were being charged for indirect costs. He said that there would actually be a slight decrease from FY95 to FY96 in the indirect percentage rate charged by the City of Eugene.

Ms. Nathanson noted that it was the council's obligation to question and understand increases. Ms. Keller noted that the Eugene City Council was the only elected citizen oversight body represented on the MMMC, and she did not feel the process had provided adequate oversight of the commission or the proposed budget.

Ms. Keller moved, seconded by Mr. Boles, that council officers schedule discussion of the Metropolitan Wastewater Management Commission budget for a council work session prior to the beginning of FY96.

Mr. Gleason explained that the council was being asked to ratify the recommendation to set up the public hearing on the process so the Budget Committee can include the MMC budget during the line item budget review process. He said the process afforded adequate review of every proposed budget.

Mr. Torrey asked that the motion be defeated so he could gather councilors questions to take to staff. He also pointed out that there had been two opportunities for public input, and none was offered. Mr. Torrey said he appreciated Ms. Keller's concerns about the need for increased involvement.

In response to a question from Ms. Swanson Gribkov about the time line for approval by the two jurisdictions, Public Works Director Christine Andersen said the budget would be included in the Public Works Department budget presentation scheduled for the May 15 Budget Committee meeting. Ms. Andersen said the actual adoption process included the adoption of the operating budget by the Eugene Budget Committee and City Council and, at the same time, adoption of the administrative piece by the Springfield Budget Committee and City Council. She added that Lane County had an oversight role with no budget piece. Ms. Andersen said a work session could be scheduled to educate the council about the whole MMC process.

Ms. Bascom welcomed guidance on how to restructure the commission and increase commission membership.

Ms. Nathanson said she would have supported a motion to schedule a work session but opposed a motion to delay action.

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

Ms. Bascom said council officers would schedule a work session on the issue.

Ms. Nathanson moved, seconded by Mr. Laue, to ratify the FY96 Metropolitan Wastewater Management Commission budget. Roll call vote. The motion passed, 5:3, with councilors Boles, Hornbuckle, and Keller opposed.

C. STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM PROJECT RANKING

Ms. Keller distributed copies of a memorandum prepared by Public Works Director Christine Andersen.

Mr. Farr moved, seconded by Ms. Keller, that in order to respond to the concerns of the Bethel community and address the safety issues related to the phased implementation of the Beltline Highway project, the priority of projects listed in Table 3 "Priorities for Development Projects" in the FY96-98 Statewide Transportation Improvement Program be reordered as follows: 1) move the Beltline Highway project to priority number 1; and 2) move the Ferry Street Bridge to priority number 2, West Eugene Parkway, Unit II, Part B to priority number 3, and West Eugene

Parkway, Unit I, Part B to priority number 4. It was also moved that staff be directed to pursue mechanisms to facilitate funding of Phase II of the Beltline Highway Project.

Mr. Farr said the Beltline Highway Project was the most important issue to the people of the Bethel-Danebo area because they watch hundreds of their children cross Beltline Highway daily. He said that while the motion did not provide for funding or address all of the residents' concerns, it would present a unified message to the State that the City of Eugene wanted the project to move forward.

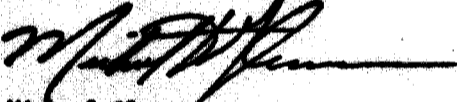
Ms. Keller shared concerns that the citizens of the Bethel-Danebo area felt disenfranchised from the City's process. She said that she believed that changing priorities would be a positive step toward looking for alternative funding, would put safety concerns above others and let Bethel-Danebo citizens know that the council valued their input and heard their concerns.

Ms. Nathanson said she supported the motion and this important project. She said the purpose of the funding portion of the motion would be to accelerate design and construction, not to find alternate funding and, failing that, have the project "drop off the list."

Roll call vote. The motion passed unanimously, 8:0.

The meeting adjourned at 10:35 p.m.

Respectfully submitted,



Michael Gleason
City Manager

(Recorded by Fran Curtis)
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