

MINUTES

Eugene City Council
McNutt Room--City Hall

June 28, 1995
11:30 a.m.

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

ABSENT: Mayor Ruth Bascom, Shawn Boles.

The adjourned meeting of June 26, 1995, of the Eugene City Council was called to order by City Council President Nancy Nathanson.

I. APPROVAL OF THE ORDER OF THE AGENDA

Mr. Laue moved, seconded by Ms. Keller, to approve the order of the agenda. The motion passed unanimously, 6:0.

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

A. War Memorial

Mr. Farr apologized to the community and to the families of the men and women who sacrificed their lives while "defending the freedom that we enjoy in this country" for not responding to a statement made at the last council meeting.

Ms. Nathanson flagged the issue for closure at the end of this item, adding that staff has answers to the questions raised at the last council meeting.

Mr. Hornbuckle said the war memorial proposal is incomplete, adding that it was reactionary to suggest that it is a meaningful thing to do to people who "gave their lives for the country."

B. Hyundai Briefing

Ms. Swanson Gribkov said she would move a proposal for the structure of the council's Hyundai briefing scheduled for July 10 at the end of this agenda item.

C. Wild Flowers

Ms. Keller said the wild flowers being planted around town are beautiful and very effective, and she asked other councilors to mention opportunities for more such plantings to Public Works Department staff.

D. San Jose Trip

Ms. Keller said a private party has coordinated a trip she is taking to San Jose this week along with technical staff and others to get input on how that City dealt with the growth of technical industry in its community. As a result, she said, she would miss the first meeting of the West End Planning Committee, but she will review the tapes.

E. Naming an Alley

Ms. Nathanson said she is involved in an attempt to name an alley in the vicinity of the Very Little Theatre and she would keep the council apprised of her progress.

F. Joint Meeting with the Planning Commission

Mr. Hornbuckle complimented Ms. Nathanson on her facilitating skills, evidenced at the joint meeting with the Planning Commission.

G. Library Sprinklers

Mr. Hornbuckle said he received a call from a constituent who lives in the vicinity of 14th Avenue and Hilyard Street who wondered why sprinklers at the Library had been allowed to run for over 24 hours while community parks, i.e., Mulligan Park, are not watered. He asked City Manager Mike Gleason to investigate.

H. Deer on Willamette

Mr. Hornbuckle said he called 9-1-1 this morning to report two deer running toward town on Willamette Street.

There being sufficient time, the council returned to flagged items.

B. Hyundai Briefing (Continued)

Ms. Swanson Gribskov moved, seconded by Mr. Farr, that the already scheduled Hyundai briefing on July 10 include public comment after the briefing on that same evening. The briefing would be divided into topic areas and incorporate responses to the questions generated from the already held two public forums, from inquiries to us and City Hall, and from councilors. The format would be as follows:

Topics I and II	5:00 p.m.
Break	6:30 p.m.
Topics III and IV	6:45 p.m.
Public Comment	8:15 p.m.

Ms. Swanson Gribskov said she did not have a cut-off time for the briefing.

Ms. Keller moved, seconded by Mr. Laue, to begin the meeting at the usual 5:30 p.m. time, to end the briefing at 7:20 p.m., followed by the public comment period, deleting the break.

Mr. Farr and Mr. Torrey did not favor the amendment, both believing there should be adequate time for discussion.

Ms. Keller pointed out that the July 12 follow-up meeting could afford another opportunity for discussion.

Mr. Hornbuckle said he supported the amendment because 8:15 p.m. was too late to begin the public comment period.

The motion to amend failed, 4:3; with Ms. Nathanson joining councilors Farr, Swanson Gribskov, and Torrey on the prevailing side.

The main motion passed unanimously, 7:0.

A. War Memorial (Continued)

Ms. Nathanson asked the council to close on the issue of the war memorial, noting that the proposed text for the memorial had been submitted and could be distributed, if desired. She wondered if the council should make the decision on the site and, if so, if that discussion should occur first.

Mr. Torrey suggested the council give staff direction to meet with the sponsoring group, develop a proposal, and make a recommendation to the council.

Mr. Hornbuckle said the council should first decide if the memorial would be approved at all. He added that he objected to having staff make any decisions and suggested that the council reject the idea as incomplete. If a majority of councilors support a work session on a future proposal, it should be scheduled.

Ms. Keller said there needed to be a broader policy discussion about whether any group of people can install "things" in public parks.

Mr. Torrey moved, seconded by Mr. Farr, to allow the Veterans of Foreign Wars (VFW) to install a war memorial in the park as proposed.

Ms. Swanson Gribskov expressed concern with the inordinate amount of time the council was spending on the issue although she was not disinclined to honor "those who died in the service of the country" in this way.

Mr. Laue offered the following friendly amendment: to have staff and proponents of the memorial bring back for council approval the design and siting.

The amendment was acceptable to Mr. Torrey, maker of the motion, and Mr. Farr, second for the motion.

Ms. Keller expressed concern that we are "creating for other generations an atmosphere that says that war is an acceptable way of dealing with problems." Ms. Nathanson said the City's Human Rights Commission (HRC) works very hard to promote understanding among people. She added that she was interested in continuing to support, as strongly as in the past, the activities of the HRC and asking its members think about ways to heighten the council's awareness.

Mr. Farr noted there were memorials for fallen police officers and others who made the "ultimate sacrifice for their country or to save the lives of others."

Mr. Hornbuckle said one cannot say one is against war and then promote it. He added that there needed to be an honest, historically accurate, debate about the issue.

The motion passed; 5:2, with Mr. Hornbuckle and Ms. Keller voting in opposition.

III. ORDINANCE REFERRING A MEASURE TO THE VOTERS AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR EMS/FIRE REDEPLOYMENT

CB 4543--An ordinance calling a City election to be conducted by the Lane County Elections Department on the 19th day of September, 1995, for the purpose of referring to the legal electors of the City of Eugene for their approval or rejection a measure authorizing the issuance of \$19,141,410 General Obligation Bonds for EMS/Fire Redeployment.

Mr. Laue moved, seconded by Ms. Keller, that the bill, with unanimous consent of the council, be read the second time by council bill number only, and that enactment be considered a this time. Roll call vote. The motion passed unanimously, 7:0.

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

Mr. Hornbuckle pointed out that the motion was increasing the cost of housing and therefore, increasing homelessness in order to solve another problem, adding that it was a contradiction. He explained that he was in general support of the redeployment plan, but urged the council to have the courage to go for fair revenues to alleviate both problems.

Ms. Swanson Gribkov said the questions and concern with costs she raised in previous discussions have been addressed to her satisfaction and she would vote in favor of the motion.

Ms. Keller said she shared Mr. Hornbuckle's concern about how the council continues to think about funding, and added that it was not part of the council's work plan to discuss how citizens fund government--a topic that may be appropriate for the next biennium. She pointed out that public safety was the council's first priority and the motion was appropriate.

Ms. Nathanson said she supported the motion as it was appropriate because it was also the community's first priority as well, and this was "keeping the promise with both the voters and ourselves." She called the motion a part of a very deliberate effort on the part of the council to address the various aspects of public safety, noting that the council would next be moving on to affordable housing.

Mr. Torrey expressed his support for the motion and asked City Councilors to work to garner support for the measure.

Mr. Laue favored the motion, saying the Council Committee on Public Safety worked diligently and imbued the plan with a variety of points of view. He described the plan as comprehensive plan and noted the reductions made by the council the previous year to support funding for implementation of the plan. Mr. Laue urged the council to move forward with the plan.

Mr. Farr expressed support for the motion, adding that the small expenditure per household was justified.

Mr. Hornbuckle noted that no one had reconciled the contradiction between housing and affordability and the need for fire redeployment. He called the discussion about the need for fire redeployment a political tactic to "hold the people over a barrel to pry regressive taxes out of them." He said if the motion passed, the council would be responsible for increasing a problem it pretends to be concerned about.

The motion passed, 6:1; with Mr. Hornbuckle voting in opposition, and became Ordinance 20017.

IV. HOUSING CODE DISCUSSION: CONTINUED FROM MARCH 8

The following is the motion tabled at the March 8, 1995, meeting:

Ms. Keller moved, seconded by Mr. Laue, to amend the motion to read: "direct staff to develop a housing code for all rental properties and include periodic inspection; the code would be brought back for council consideration with mechanisms for enforcement and funding."

Marsha Miller, Planning and Development Department, recalled the council's previous discussion, and called the council's attention to the meeting packet, which included a scoping report on the housing stock condition, existing regulations, a survey of what other jurisdictions are doing, and options for

the council to consider. She reviewed the options and asked for the council's direction.

Ms. Swanson Gribkov supported a complaint-driven process and "starting small." She suggested leveraging a license fee to contract with Legal Aid.

Ms. Keller expressed concern that Legal Aid may impose the sanction of closing housing for noncompliance. Under the housing code, she said, the City would send out an inspector and assess a fine for noncompliance, making for a self-supporting program. Ms. Keller asked the council to consider extending the time frame for adoption to the fall of 1996.

Mr. Hornbuckle said that inspections should be both scheduled and complaint-driven, noting that scheduled inspections would not put tenants at risk of homelessness. He suggested a registration fee assessed to property owners based on the amount of rent collected from the property, adding that surplus funds should be put into a loan fund for housing rehabilitation and construction of rentals and new homes.

Mr. Torrey wondered if habitability standards would be included in the code. He agreed with Ms. Keller that any revisions could be postponed to the fall and suggested convening a committee composed of the community at large to give input. He said that the code would have the impact of reducing housing slightly at first as owners may choose not renting over spending money on repairs.

Given the time and expense of developing the code, Ms. Nathanson wondered if it were possible to instead adopt the State Tenant/Landlord Act by reference.

Mr. Farr wondered if all rental property would be inspected periodically or if specific areas would be targeted. He raised as an issue the inconsistency with which inspectors apply the code.

Ms. Keller said there would be a reduction of housing in the short term but the code would ensure a better housing stock over the long term. She mentioned retaliation clauses as a way of protecting tenants from retaliation. Ms. Keller said she hoped the Housing Policy Board will be invited to participate in the process. She noted that more people were added to the City's Planning and Development Department, and wondered if it would help to delay adoption to the fall of 1997 to ease the transition.

Mr. Laue wondered if staff had an idea of the extent of substandard housing. He favored addressing the issue at the council's July 19 work planning session, adding that decisions about allocating resources would be made then.

Addressing a question from Mr. Torrey, City Attorney Bill Gary said that deciding not to spend money on repairs is a fiscal decision that would lead to inhabitable housing, but could not be construed as retaliation. The question for enforcement was: Did the landlord elect to evict the tenant because of the complaint or was it a sound fiscal decision?

Ms. Miller summarized the questions from councilors and provided the following responses:

Is it reasonable and does the City have the resources to do this? Yes, postponing to the time suggested during the discussion would better accommodate staff, given the imminent increase in workload.

Is it possible to adopt the State standards by reference? Yes, Mr. Gleason said there were two ways to do so, and in his experience the more simple the code, the easier it is to administer.

Would all rental housing units be inspected periodically or would specific ones be targeted? Ms. Miller said she was unsure if it were possible to target specific housing units for inspection, cautioning that the City may be accused of not being indiscriminate in applying the code. Mr. Gleason added that the most effective program was a set of standards and civil penalties, coupled with a rehabilitation program unconstrained by Federal regulations.

Mr. Hornbuckle suggested the council develop a decision tree, first deciding yes/no on a housing code, following by making decisions on the paths generated by the previous decision. He did not support convening a committee until the council has established general parameters.

Ms. Keller moved, seconded by Mr. Hornbuckle, to amend the motion, directing staff to develop housing standards or a code for all rental properties that would include periodic inspection and would be brought back for council consideration with mechanisms for enforcement and funding references for enhancement, similar in concept to Option 1c in the items summary. (Deleted text stricken; added text underlined.)

Mr. Torrey ascertained that inspections would be complaint-driven, and added that he could not support the amendment if a citizen committee was precluded.

Mr. Hornbuckle withdrew his second, saying he misunderstood the motion and could not support complaint-driven inspections.

Mr. Laue seconded the motion to amend. F

The amendment passed, 6:1; with Mr. Hornbuckle voting in opposition.

Mr. Hornbuckle moved to amend the motion to include: "funding to be a percentage of rent as tracked by a City database; percentage to be set by the City Council and dedicated, in part, to a rehab loan fund. The motion died for lack of a second.

Ms. Keller moved, seconded by Ms. Swanson Gribkov, to amend the motion by adding direction to staff to set up a citizen committee that will bring back a decision point around the difference

between standards and code and identify any other decision points needed.

Ms. Nathanson clarified that the motion included having the committee develop recommendations for the council.

Addressing a question from Mr. Torrey, Ms. Keller said the committee would be a departmental advisory committee, using the process set by the Citizen Involvement Committee.

Ms. Nathanson suggested changing the motion to identify the group as a departmental advisory committee. Ms. Keller agreed. Mr. Hornbuckle argued against the amendment, saying the committee should be convened after the council sets parameters.

Ms. Swanson Gribskov said she supported the amendment because it would provide her with the information she needs to vote.

Mr. Gleason asked the council to consider the cost of the advisory committee (from \$10,000 to \$20,000) and suggested that staff be directed to develop proposals and bring in the committee or hold a public hearing (a less expensive option) after the council chooses a path.

Ms. Nathanson supported the use of a committee, saying the council may very well ask the committee to continue the work. She said she did not see the cost of the committee as a loss of the initial overhead.

Mr. Hornbuckle shared Mr. Gleason's concern with committee costs, saying the "council was passing the buck and using other people's buck to pass it." He said there were some hard political and technical decisions to be made and it was the council's responsibility to make those. He urged the council to direct staff to develop proposals.

Ms. Keller said this issue was about protecting renters, and she was sure renters would be included in the discussion. She said the council's success would require the public's support and urged that citizens be involved early in the process.

Mr. Laue said he agreed with Mr. Hornbuckle that the council needed to make some initial decisions. He reminded Mr. Hornbuckle that department advisory committees involved stakeholders, and he assumed that in this case that would include the rental community or rental associations; also included are interested parties and members of neighborhood associations.

Ms. Swanson Gribskov said her information needs would best be met by staff and supported involving a committee later.

The amendment failed, 5:2; with Ms. Nathanson and Ms. Keller voting in favor.

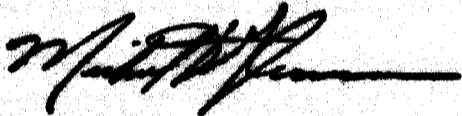
Ms. Nathanson clarified that the motion assumed another work session discussion and a separate action item.

The main motion passed, as amended, 6:1, with Mr. Hornbuckle opposed.

Mr. Hornbuckle explained that he supported the motion but would vote against it for personal reasons.

The meeting adjourned at 1:25 p.m.

Respectfully submitted,



Micheal Gleason
City Manager

(Recorded by Yolanda Paule)
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