

MINUTES

Eugene City Council
McNutt Room--City Hall

July 26, 1995
11:30 a.m.

COUNCILORS PRESENT: Nancy Nathanson, Tim Laue, Shawn Boles, Pat Farr, Kevin Hornbuckle (until 12:15 p.m.), Barbara Keller, Laurie Swanson Gribbskov, Jim Torrey.

The adjourned meeting of July 24, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. APPROVAL OF THE ORDER OF THE AGENDA

Ms. Nathanson moved, seconded by Mr. Laue, to approve the order of the agenda. The motion passed, 7:1, with Ms. Keller opposed.

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

A. Cascadia Conference

Mayor Bascom said she would leave the meeting at 1 p.m. to board the train to Olympia, Washington for the meeting of the Cascadia Conference.

B. McKenzie Watershed Council

Mayor Bascom said information on the McKenzie Watershed Council was forthcoming in the next council packet.

C. Eugene Celebration Parade

Mayor Bascom said information on the Eugene Celebration parade was forthcoming in the next council packet and asked councilors to consider participating in it.

D. Council Process

Mayor Bascom said watching the council's July 24 meeting on television last night reminded her that members are failing to adhere to the two-minute limit. She also reminded the council that motions should be submitted in writing to staff whenever possible. Mr. Torrey remarked he is hard of hearing and did not hear the timer and encouraged others to feel free to alert him that his time was up.

Calling it a watershed meeting, Mr. Boles asked that copies of the video tape be placed in the Library for review by the public and asked for a copy for himself.

Mr. Farr expressed concern with the lack of respect displayed at the meeting, adding it was disruptive to him and distracted from the real issues.

E. Governor's Task Force

Mayor Bascom said she has forwarded information in the council packet about the Governor's Task Force on Seismic Rehabilitation and she welcomed input.

F. Metro Wastewater Management Commission Nominations

Mayor Bascom asked councilors to submit nominations for the Metro Wastewater Management Commission the week of August 7.

G. Maurie Jacobs Park Incident

Mr. Laue asked for a copy of the videotape of the incident at Maurie Jacobs Park on July 23. He also asked for information on any follow-up by the Department of Public Safety (DPS) on citizen complaints about the incident.

Ms. Keller expressed concern about the incident, noting this was the second incident where police have been accused of overreacting.

Mr. Torrey said care should be taken to respond to such incidents in a consistent manner. He asked the Council Committee on Public Safety (CCPS) to review the incident with DPS.

Mr. Boles said the incident occurred in his ward and he has met with DPS Executive Director Dave Whitlow and a full scale internal investigation is underway. He suggested the council refrain from further comment until the director's report is released.

Ms. Swanson Gribkov said the issue should be addressed within the CCPS, with a report to the council.

Mr. Hornbuckle said it was important to try to understand the behavior displayed by people toward the police and analyze why people feel as though the cops are the enemy. He said that as public officials, the council had to explain this and seek out "fundamental causes and effects."

H. Willamette Street Crosswalk at 16th Avenue

Ms. Keller praised the City's new traffic engineer who responded in a timely manner to the need for a crosswalk at the intersection of Willamette Street and 16th Avenue.

I. Bike Path

Mr. Torrey said he has received complaints about the bike path along Sheldon High School and Linden and the issue will be raised in the next neighborhood group meeting.

J. Hyundai

Mr. Boles said he has reviewed the booklet addressing questions raised by the community about the Hyundai project and environmental questions remain unanswered. He said he assumed additional responses would be forthcoming.

K. Indoor Soccer Stadium

Mr. Boles asked Library, Recreation, and Cultural Services Department Executive Director Jim Johnson for back-up sites for the proposed indoor soccer stadium.

Ms. Mathanson wondered if the Planning Commission would review the project as part of the analysis since it was also a land use issue.

L. Council Goals Process Session

Ms. Mathanson complimented the Council Committee on Working Relationships and City staff for their work on the council's goals process session. She said she hoped the council would find time on a future agenda to debrief the session itself.

M. Council Committee to Finance Affordable Housing

Ms. Mathanson said the council would soon receive the result of the committee's work, adding that she enjoyed the group very much and the community would benefit from its work for years to come.

N. City Parks

Ms. Mathanson expressed concern with mixed messages she has received from City staff on parks development and would discuss it further with the City Manager.

Mr. Hornbuckle left the meeting.

III. POSTPONED MOTION FROM MEETING OF JULY 24, 1995

The following is the postponed motion from the council's July 24, 1995, meeting.

Ms. Keller moved, seconded by Mr. Farr, to create a council economics and environment committee to review general and specific environmental safety protection gaps that have been brought to the council's attention by the Hyundai proposal and subsequent community questions and discussions; the committee to consist of

councilors Boles, Farr, Keller, and Torrey; and to bring back to the council for consideration, after the council break, with an adequate time for notice and action affecting Hyundai, a menu of possible legislative, regulatory, and planning actions.

Ms. Keller clarified that the committee proposed in the motion would deal specifically with gaps in environmental regulation, and the economic effect, including recommendations to address those gaps.

Ms. Swanson Gribkov recalled that the proposal included staff work on model ordinances, adding that she hoped the committee would consider staff's analysis, narrowing the focus for the council.

Mr. Torrey moved, seconded by Mr. Farr, to substitute the following motion: to appoint a council committee consisting of councilors Keller, Torrey, Boles, and Farr to review and report to the council the recommendations from staff as outlined in #4 of the Nathanson motion passed on July 24, 1995.

At the Mayor's request, the referenced portion of Ms. Nathanson's July 24, 1995, motion was displayed on the monitor as follows:

"Complete the analysis of model ordinances available from other communities, identify inadequacies in current local ordinances, and initiate appropriate changes to address these inadequacies."

Mr. Torrey explained that his motion avoided duplication of work, adding that there was nothing to preclude councilors from developing suggestions of their own.

Mr. Boles said he saw this as yet another attempt to "water down" the participation by elected officials in the "real way policy works." He added that the motion did not provide a way to initially analyze the scope of reporting through an iterative process.

Ms. Keller said the motion limited the committee's role to reviewing staff's model ordinances, adding that those offered may not adequately address the environmental concerns raised. She said she envisioned the committee and staff collaborating to define the scope of the issue and then analyzing model ordinances. She expressed concern that the motion would increase the time frame unnecessarily.

Ms. Nathanson said nothing precluded the committee from meeting more than once and being involved in an iterative process. She added that the phrase "identify inadequacies in current local ordinances" addressed the council's concerns.

Ms. Swanson Gribkov asked the proposed committee to collaborate with staff to identify its charge for the council's approval.

Mr. Laue wondered if members of the proposed committee were willing to serve.

Ms. Nathanson moved, seconded by Mr. Laue, to extend discussion on the item by five minutes. The motion passed unanimously, 7:0.

Mr. Torrey expressed his willingness to serve on the committee and said he supported Ms. Swanson Gribkov's suggestion for the committee to identify its charge.

Mr. Torrey moved the previous question. The motion to vote immediately on the amended motion passed, 5:2; with councilors Keller and Boles opposed.

The amended motion failed, 4:3; with councilors Torrey, Nathanson, and Swanson Gribkov voting in favor.

Mr. Torrey moved the previous question. The motion to vote immediately on the motion carried over from the previous council meeting failed for lack of a two-thirds vote, 4:3; with councilors Keller, Boles, and Laue opposed.

Mr. Laue moved, seconded by Mr. Torrey, to postpone discussion of the motion to August 7, and to have the proposed committee meet to develop its charge.

Mr. Boles objected to delaying activities around the topic and opposed the motion, saying that unleashing a committee without a charge set a terrible precedent.

Mr. Torrey expressed support for the motion.

Ms. Keller opposed the motion, saying she could not justify expending resources without convening the committee.

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

Mayor Bascom left the meeting. Council President Nathanson presided over the meeting in the mayor's absence.

Ms. Nathanson adjourned the meeting of the City Council and convened a meeting of the Urban Renewal Agency.

IV. RECOMMENDATION: LANE TRANSIT DISTRICT PARKING MITIGATION/PEARL STREET GARAGE

A. Staff Presentation

Scott Luell, Planning and Development Department, introduced the topic and reviewed the proposed motion.

Mr. Luell said that the Overpark seismic upgrade was not required but staff was recommending it because of the building's age and design. He said the

Design Committee's recommendations had been forwarded to the developer and the packet material included responses to the recommendations and associated costs. Mr. Luell called attention to updated figures displayed on wall charts. He noted a change in the performance bond requirement and a half percent escalation in additional Federal requirements.

Mr. Luell pointed out costs for providing footings and foundations large enough to build an additional two levels and said staff does not recommend doing that for the following reasons: 1) code changes may present problems; 2) egress circulation concerns with the limited area; and 3) high cost. He highlighted maintenance items as opposed to architectural enhancements, focusing on the more expensive items. Mr. Luell said the total dollar amount in the motion was \$4.2 million.

Mr. Luell said that the Pearl Street garages should be completed just prior to construction of the new LTD Transit Station. He noted that LTD staff was present to answer any questions.

B. Council Questions

Ms. Keller wondered if the performance bond required the developer to build the second garage. Mr. Luell said he was not sure but it would be part of the City's agreement with the developer. Ms. Keller expressed concern with building obsolescence into the facility by precluding the possibility of adding levels. Jerry Gill, Planning and Development Department, cited changes in seismic ratings as an issue.

Ms. Swanson Gribskov said that the foundation for additional levels would change the configuration and result in a smaller garage, adding that extra levels can be built onto the Overpark. She suggested excluding the seismic work on the Overpark from the motion and asked staff to comment. Mr. Luell noted that the seismic portion of the motion amounted to \$0.4 million, but the other projects could proceed without that work and the economies of scale were insignificant.

City Manager Mike Gleason strongly recommended the seismic upgrade for the Overpark.

Mr. Boles agreed that the Overpark seismic upgrade should be separated from the rest of the motion, adding he supported the latter but not the former. He said it was a waste of taxpayers' money as there was no way of building to withstand a 9.0 seismic event. Mr. Boles wondered if all the design features recommended by the committee were included in staff's recommendations and if they were acceptable to the developer. Mr. Luell said the only thing not addressed was the graphics, which is usually done by the owner after the fact.

Responding to a question from Mr. Boles, Ms. Nathanson said the Design Committee was approaching the project as a schematic plan for land use and interactions between land use, transportation, and activities, which was not at a detailed design level--something that would be addressed once the council approved of moving forward.

Mr. Laue expressed concern with adding levels to the Overpark, adding that funding would be better spent in other areas. He said the potential for adding seismic upgrade of the new project appealed to him.

Mr. Farr said the proposed garage did not use downtown space efficiently and it was inconsistent with the council's goal for compact urban growth. He also opposed the seismic upgrade of the Overpark.

In response to a question from Mr. Torrey, Mr. Luell said the private developer planned to build the other garage to seismic level 3, with no capacity to build up.

Ms. Keller urged the council not to approve any structure that did not have the capacity to build up, given its goal for compact urban growth and nodal development. She said that urban sprawl was the cheapest option and she was going for the better option.

Mr. Boles pointed out that going with the additional foundation was consistent with the council's goals.

In response to a question from Mr. Torrey, Mr. Luell said the private developer planned the garage to enhance the building behind it.

Mr. Laue moved, seconded by Mr. Boles, to direct staff to implement the LTD Transit Station parking mitigation project with the following action: 1) accept and approve the Pearl Street Garage proposal and base price as the option for the LTD parking mitigation; direct staff to proceed with the Pearl Street Garage proposal as approved, and proceed with the access upgrade necessary to satisfy the Conditional Use Permit parking mitigation requirements, using a combination of funds from LTD and Urban Renewal reserves; 2) approve additional garage design alternatives recommended by staff, and associated cost, to be included as part of the Pearl Street Garage proposal; and 3) approve LTD's request to modify the Option Agreement.

Mr. Laue moved, seconded by Mr. Boles, to amend the motion to include \$137,000 for additional footing and foundation to support an additional two levels. The motion to amend passed unanimously, 7:0.

Ms. Keller said she opposed the main motion and reiterated her concern with urban sprawl.

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

Mr. Laue moved, seconded by Mr. Swanson Gribbskov, to move forward with the Overpark seismic upgrade.

Mr. Boles said the motion was inappropriate at this time and asked for an engineer's analysis.

Mr. Laue asked for the status of the seismic reports on the Sears and Atrium buildings. Mr. Farkas said the Sears study report was released earlier and the one on the Atrium building was still forthcoming. Mr. Laue said it was more appropriate to spend limited Urban Renewal funds on seismic upgrades on facilities that are housing people as opposed to those housing automobiles.

Ms. Keller voiced her opposition, adding it was inappropriate to move forward with the upgrade without knowing the tradeoffs.

Ms. Nathanson agreed that the upgrade should be postponed, pending receipt of more information.

The motion failed unanimously, 7:0.

Ms. Nathanson adjourned the meeting of the Urban Renewal Agency and reconvened a meeting of the City Council.

V. RECOMMENDATION FROM COUNCIL COMMITTEE TO FINANCE AFFORDABLE HOUSING

A. Introduction

Richie Weinman, Planning and Development Department, introduced the Council Committee to Finance Affordable Housing (CCFAH) chair to present the committee's recommendation to support a ten-year plan to respond to the City's low-income housing needs. He noted the recommendation was unanimously supported by the committee.

The committee's recommendation called for a 1 percent utility consumption tax on electricity, water, sewer, natural gas, and cable television. This amounts to about 90 cents per average household per month. To address concerns expressed by Councilor Hornbuckle and others with the regressiveness of the tax, the committee proposed to contribute 10 percent of the revenues to the existing low-income energy assistance program. Another suggestion considered was imposing a \$50 floor, but the committee discovered that low-income people tend to have higher utility bills and a better way of assisting those households was through the Energy Assistance Program. The proposal was supported by the Homeless Action Coalition and members of Lane Fair Share.

B. Council Discussion

Mr. Farr noted that there were no exemptions to the tax.

Mr. Boles clarified that the 10 percent contribution to the Energy Assistance Program was an addition to the fund, not an offset. He also ascertained that the tax could be imposed without going to a ballot and urged that the council implement the tax in that manner.

Ms. Swanson Gribskov expressed support for the tax.

Ms. Nathanson called attention to a letter from the Eugene Water & Electric

Board (EWEB), noting it reiterated the importance of the committee's work and no new or additional concerns were raised.

Mr. Torrey said he was opposed to implementing the tax without a vote, adding the council's leadership ability would be measured by its success in educating the public and having it approve the tax.

Ms. Keller supported going through the charter amendment process to impose the tax. She noted the committee adequately addressed Councilor Hornbuckle's concern with regressive taxation. She applauded the cooperative work of the committee, and EWEB and Northwest Natural Gas representatives.

Mr. Laue expressed support for the motion, adding he favored putting the tax to a vote since it is additional taxation.

Mr. Boles expressed appreciation for the committee's work. He disagreed with Mr. Torrey that it is the council's job to market issues, saying it is the council's responsibility to do what it was elected to do--what is best for the community.

Committee member Bob Conrad said that taking it to the people would educate the public about the problem in general. He called the tax an important subsidy that the committee wished to put in place in a stable manner for the next ten years.

Mr. Farr agreed that the tax should not be imposed administratively as that would jeopardize broad-based support.

Ms. Nathanson said that the following questions have been raised in the community and the council should be prepared to answer them:

Is this going to build public housing? No, the money is going to be used for assistance to primarily nonprofit organizations to accomplish building of new facilities, rehabilitation, or loans to refurbish.

Why is it important for Eugene to be involved in this? Because of the connections between housing and public safety issues.

Mr. Boles clarified that these monies would be applied to the ladder of interventions presented earlier to the council. He estimated that the council would lose about half to three quarters of a million dollars in revenue by waiting to refer the tax to voters.

Mr. Laue moved, seconded by Mr. Boles, to adopt the recommendations from the Council Committee to Finance Affordable Housing and direct the City Attorney to draft a proposed charter amendment, ballot title, and necessary ordinances establishing a 1 percent utility consumption, affordable housing tax. The tax would apply to the use of electricity, water, sewer, natural gas, and cable television. Ten percent of the net proceeds will support low-income, energy assistance programs. In keeping with the

committee's charge, CCFAH recommended a 10-year sunset on the tax.

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

Mr. Boles moved to amend the motion by dropping the phrase "a proposed charter amendment, ballot title, and" in the second line. The motion to amend failed for lack of a second.

The main motion passed unanimously, 7:0.

VI. APPOINTMENT: EUGENE PLANNING COMMISSION

Ms. Nathanson said Mayor Bascom asked that nominations for appointment to the Planning Commission be reopened because the council poll was inconclusive.

Ms. Keller moved, seconded by Mr. Boles, to reopen the process for nominations for the Planning Commission vacancy, with the inclusion of the current applicants into the new nomination pool.

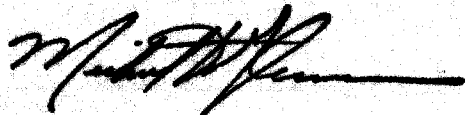
Mr. Boles urged a broader recruitment effort.

The motion passed, 6:1, with Mr. Farr opposed.

Ms. Keller shared Mr. Boles concern about broader recruitment.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,



Michael Gleason
City Manager

(Recorded by Yolanda Paule)
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