

MINUTES

Eugene City Council
McNutt Room--City Hall

October 23, 1995
5:30 p.m.

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

The adjourned meeting of October 18, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. JOINT MEETING WITH HUMAN RIGHTS COMMISSION

A. Introductions

Mayor Bascom welcomed the commission and turned the meeting over to Ms. Swanson Gribkov, who is the council's representative to the Human Rights Commission (HRC).

Ms. Swanson Gribkov said that the expected outcome of the meeting was for the council to approve the HRC work plan. She introduced HRC Chair Donna Albro, who asked others present to identify themselves.

B. Commission Work Plan and Goals

At Ms. Albro's request, individual commissioners identified the commission's most important issues and accomplishments over the past year. Commissioners mentioned the following as major accomplishments: passage of the anti-discrimination ordinance; review of the Department of Public Safety (DPS) AIC process; establishment of the Human Rights Support System; the commission's facilitation of the creation of the Network for Immigrant Justice; improved relationship with DPS; the commission's ability to respond to emerging issues; and the strong coalitions the commission has formed. Issues included the need for accessible parking downtown, the need for more low-income housing in Eugene, and removal of barriers to camping inside the city. Mr. Seibert praised the staff work that had produced the Accessibility Guidebook.

Mr. Boles arrived at the meeting.

Ms. Albro presented the commission's FY96 work plan and reviewed its goals, which she noted were consistent with the council's.

Ms. Nathanson wondered if the commission, officially or in subcommittee, participated in the Planning Commission's affordable housing discussions, or was it something it envisioned becoming involved in. Ms. Fernlund said the commission has done nothing officially but it was a good suggestion. She noted that two commissioners served on the Community Development Block Grant Committee, providing an opportunity for them to become involved when projects are proposed.

Commissioners reviewed the following key work plan items: Human Rights Support System (HRSS); Police Forum, DPS Complaint System, and the commission's relationship with DPS; and the commission's collaboration in community efforts, including improvement in its endorsement and sponsorship process.

Addressing a question from Mayor Bascom, Ms. Helphand said discrimination and harassment were a key part of the HRSS's work and that it may replace the commission's Committee on Discrimination and Harassment Committee.

Mr. Boles wondered if there were a work program for the Police Forum. Chief Len Cooke said it is on the group's next agenda. Mr. Boles asked to receive a copy when completed.

Ms. Swanson Gribkov discussed key work activity indicators for the commission.

C. Other Issues

Ms. Albro discussed emerging issues facing the commission, including the provision of additional accessible parking downtown, the recent complaint about the Eugene Celebration Parade, the need for increased diversity on City boards and commissions, human rights of homeless people as related to the passage of House Bill 2482, possible ballot initiatives regarding sexual orientation, immigration, and affirmative action; and a court decision regarding the cross on Skinner Butte.

Ms. Keller wondered if the commission was participating in discussions about DPS's enforcement of the camping ban. Mr. Chase said he has requested information on the department's policy and anticipated that the issue would be raised in the Police Forum. Ms. Keller said the council needed to have a clear understanding of how the department would be responding to the issue, particularly if it will be different from the current practice. Ms. Malcolm added that the Homeless Action Coalition has much information on camping ordinances that may be helpful to the department.

Mr. Hornbuckle noted that about a year ago he urged the commission to declare housing as a human right and to date it has not.

Ms. Albro acknowledged the council's support for the commission and invited councilors to an October 31 event in the Atrium at 5 p.m., honoring Vern Ho for his work on human rights.

Ms. Keller expressed appreciation for the commission's work on accessible parking and encouraged commission involvement in facilitating community acceptance and education regarding low-income housing, especially at the neighborhood level.

At the Mayor's request, Mr. Peter explained that as improvements have been made downtown, accessible parking has diminished and it has become a real problem for people with limited mobility and those in wheelchairs. He said he hoped that this will become a major concern for the City. Mr. Seibert added the problem has been made worse with Lane Transit District's (LTD) imminent construction of the downtown station directly across from the offices of Senior Disabled Services and the Lane Community College (LCC) Downtown Center.

Mr. Torrey suggested that the shortage of accessible parking argued for retention of some surface parking in the downtown area. Mr. Seibert explained that part of the problem was accessibility of those spaces and part was the number and location of such spaces. He confirmed for Mr. Torrey that the commission was in the process of developing a recommendation. Ms. Fernlund added that representatives to the Broadway/Willamette Design Committee had been told that the council had decided against accessible parking on Willamette Street and expected to install such spaces along 10th Avenue once the new LTD station was built. She expressed frustration at the Planning staff's attitude.

Mr. Laue asked commissioners to comment on the current status of human rights in Eugene. Mayor Bascom said comments would be welcomed in writing if commissioners were not prepared to address that this evening.

Ms. Nathanson discussed her interest in making use of alleys for alternative transportation and said she hoped downtown improvements would include increased use of alleys. She noted an inconsistency between State and local laws regarding the use of meters by individuals with disabled parking permits and asked for more information on the commission's education efforts.

Mr. Boles said he was embarrassed that accessible parking continues to be a problem, given the commission's commitment to meeting Americans with Disabilities Act (ADA) requirements. He asked for an analysis from the Committee on Accessibility regarding the appropriate ratio of disabled parking spaces to regular surface parking spaces.

Addressing Mr. Laue's question, Ms. Malcolm said she believed human rights were no worse in Eugene than in other communities; however, the homeless and recent immigrants are "vulnerable communities" that feel they are unable to complain about incidents to the appropriate agencies. She added that human rights, as defined by the United Nations Universal Declaration for Human Rights, included social, economic, and cultural rights. Mr. Hornbuckle agreed, emphasizing that until the council defined "human rights," it was unfair to ask the commission about its status. He called for political leadership from elected officials and asked Mayor Bascom to raise the issue in "The State of the City" address--but only if the focus is on needs rather than congratulating "ourselves on how we're doing."

Ms. Keller said she welcomed the commission's plan to address diversity on the City's boards and commissions, adding that the problem is who applies for those positions. She encouraged the commission to hold public workshops targeting specific groups, including low-income individuals.

Mr. Farr said he agreed with Mr. Hornbuckle's comments and encouraged expansion of the HRSS to inform both the council and HRC about the status of human rights in the city.

Ms. Nathanson moved, seconded by Mr. Laue, to approve the Human Rights Commission's FY96 Goals and Work Plan.

Mr. Torrey asked if the commission needed additional direction or support from the council.

Mr. Chase suggested the council rethink its use of the neighborhood and voter pool for recruiting volunteers and diversify the sources from which applicants are chosen. Mr. Hornbuckle agreed and referred the council to an article entitled "The Wealth Primary."

Mr. Hornbuckle moved, seconded by Mr. Farr, to amend the commission's work plan to include an HRC-convened conference in 1996 to define human rights, with citizen participation.

Ms. Nathanson suggested that the commission discuss the impact of the amendment on its work plan.

Ms. Swanson Gribskov suggested approving the main motion and asking the commission to consider Mr. Hornbuckle's proposal at its next meeting and inform the council of its impact.

Ms. Keller expressed concern with adding to the commission's work plan.

Mr. Laue suggested Ms. Swanson Gribskov pursue the proposal with the commission, including staff scoping.

Mr. Farr asked Mr. Hornbuckle to accept a friendly amendment along the lines proposed by Ms. Swanson Gribskov. Mr. Hornbuckle declined.

The motion to amend failed, 6:2; with Mr. Hornbuckle and Mr. Farr voting yes.

Mr. Boles addressed the issue of accomplishing a better balance on the City boards and commissions and asked commissioners to discuss with their counterparts on the Citizen Involvement Committee (CIC) ways to remedy the problem.

Mr. Laue said Mr. Hornbuckle's suggestion gets at what he was looking for when he posed the question about the state of human rights in Eugene and he encouraged Ms. Swanson Gribskov to raise the proposal at the next meeting.

Mr. Peter addressed Mr. Torrey's question with regard to the council's support of the commission, saying he was concerned with the reduction in discretionary funds available to the HRC and hoped this was not a trend. He added that the key to a good relationship was communication, and it would "cement" the partnership.

Mr. Hornbuckle said he would vote against the commission's goals and work plan and expressed disappointment that the amendment failed, adding that its failure demonstrates that the City and the council majority is not at all interested in a substantive discussion of human rights.

The main motion passed, 7:1; with Mr. Hornbuckle opposed.

Ms. Malcolm asked the councilors to remember to use the resources of the commission in between the annual meetings to meet the council's needs, such as that expressed by Ms. Keller with regards to housing.

Ms. Keller left the meeting.

Councilors Boles and Nathanson left the meeting.

II. CONTINUATION OF OCTOBER 18, 1995. TRIMESTER WORK PLAN SESSION

Mayor Bascom said Item III would be postponed to the October 25 meeting and asked councilors to give Barb Bellamy their suggestions for questions for the community survey.

Mr. Laue reviewed the remaining trimester work plan items: the "add" list; the trimester list; and debrief of the trimester process/sessions.

Mr. Boles returned to the meeting.

Trimester Add List

The council decided to discuss inter-jurisdictional coordination, electoral democracy, and analysis and evaluation of Lane County Road Fund dispersal; dropping from the list the issues of a third police substation in the Bethel area and the West Eugene Parkway. Mr. Boles suggested that the issue of Metrovision quality be folded into the ongoing discussion in the Council Committee on Automation. Mr. Laue noted that the criminal justice system funding issue was already addressed in the public safety and government goals.

Ms. Nathanson returned to the meeting.

Mr. Boles suggested the council approve inter-jurisdictional coordination under the public safety goal as a work plan item for discussion/adjustment at the next trimester session on the impact it will have on the current work plan. The council unanimously agreed.

The council agreed to scope the issue of electoral democracy for discussion at the next trimester work session. Mr. Hornbuckle will assist in the scoping.

The council agreed to include analysis of the County Road Fund as a work item for the next trimester work session, with Mr. Torrey assisting with scoping.

Council Ballot on Leftover Trimester Issues

Mr. Laue reviewed council balloting results on leftover trimester issues.

Concerning the Little Davis-Bacon Act, Mr. Laue said there were four votes to drop, two votes to leave on the list for a future trimester session, and three votes to direct staff to prepare a scoping statement. The council agreed to process it as a response for the next trimester work session.

The recommendations from the Council Committee on Economic Development (CCED) will be scoped for discussion at the next trimester work session. Mr. Boles asked that the scoping statement be reviewed by Ms. Nathanson and former Councilor Paul Nicholson. The council agreed and Ms. Nathanson was amenable.

Debrief of Trimester Session

Mr. Laue said several councilors expressed concern with this particular trimester session and he asked the council to keep in mind that this was a changing process. He pointed to a graphic of the process displayed on the wall and said the second part of the process had to do with the "performing" stage and asked the council to direct staff to continue their work on progress toward the council's goal.

Mr. Laue asked the council to comment on whether to sunset the Council Committee on Working Relationships (CCWR). He said that he was willing to accept staff's request to work with them to help structure future trimesters. The council supported the suggestion. Mr. Boles expressed concern about council input into the work activities database and the charting of council work activities, which, he added, allowed the council to act in a thoughtful, deliberate fashion. Mr. Laue offered to debrief with council members individually. The council agreed that staff should proceed and that the CCWR was officially dissolved.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Micheal Gleason
City Manager

(Recorded by Yolanda Paule)
cc53023.105

MINUTES

Eugene City Council
Council Chambers--City Hall

October 23, 1995
7:30 p.m.

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

The adjourned City Council meeting of October 18, 1995, was called to order by Her Honor Mayor Ruth Bascom.

I. FLAG PRESENTATION--UNITED NATIONS ASSOCIATION OF OREGON

George Berra, United Nations Association of Oregon Representative, thanked the City Council for allowing time for the presentation. He stated that the United Nations (UN) should be supported and sustained so that it could continue to sustain peace on the globe. He presented the council with a UN banner that could be flown on an outdoor flagpole. He requested that the City fly the flag the following day on the 50th Anniversary of the UN.

II. CONSENT CALENDAR

- A. Approval of City Council Minutes of September 13, 1995, Lunch Work Session; September 18, 1995, Dinner Work Session; and September 18, 1995, Meeting
- B. Resolution Calling for a Public Hearing to Consider Proposed Withdrawal of Recently Annexed Properties from Special Districts

Res. No. 4465--A resolution calling a public hearing to consider proposed withdrawal of territories (Papazian, EC EU 95-37; Hepner, EC EU 94-38; Scott, EC EU 95-17; Paulson/Allen, EC EU 95-47; Trotter/Stewart, EC EU 95-48; Cronk, EC EU 95-50; Tuski, EC EU 95-59; Ashley, EC EU 95-53; and Barnes, EC EU 95-54) from the River Road Water District and River Road Park and Recreation District; proposed withdrawal of territories (Hancock, C EU 94-75; Jacobson/Taggart, C EU 95-39; Ibach, C EU 95-42; Duke/Awbrey park, C EU 95-57; and Hebard/Sherman, C EU

95-58) from Santa Clara Water District; and proposed withdrawal of territory (Farwest Steel, EC EU 95-34) from the Glenwood Water District and the Willamalane Park and Recreation District.

C. Request for Community Development Block Grant and HOME Program Funds for Metropolitan Affordable Housing Corporation

Mr. Boles requested that the minutes of September 13, 1995, be removed from the consent calendar for further consideration at the end of the agenda.

Ms. Nathanson requested that the minutes of September 18, 1995, Dinner Work Session be removed from the consent calendar for further consideration at the end of the agenda.

Ms. Nathanson moved, seconded by Mr. Laue, to adopt the City Council Consent Calendar with the exception of the minutes of September 13, 1995, and September 18, 1995, Dinner Work Session. Roll call vote; the motion passed unanimously, 8:0.

III. REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FY96-97

Linda Henry, Planning and Development, reported that this was a routine request to reprogram \$383,000 of Community Development Block Grant money, which had been allocated in a generic category last spring. She said that the Intergovernmental Human Services Committee (IHSC) had since developed a detailed spending plan for the money and according to Block Grant Regulations, a formal reprogramming process was required in order to utilize the available funds. She added that the City had held a public hearing on October 5, 1995, before the Community Development Block Grant Advisory Committee, and there was no testimony. She explained that the committee had recommended that the money be reprogrammed as recommended by the IHSC.

Ms. Nathanson moved, seconded by Mr. Laue, to reprogram \$383,000 of Community Development Block Grant Funding currently designated for Public Services Operations to specific agencies recommended by the IHSC. Roll call vote; the motion passed unanimously, 8:0.

IV. PUBLIC HEARING: ORDINANCE CONCERNING STREET VACATION OF A PORTION OF WILLOW CREEK CIRCLE (DAG TRUST PARTNERSHIP)--(SV 95-2)

CB 4552--An ordinance vacating the westerly 625 feet of Willow Creek Circle, west of Willow Creek Road.

City Manager Micheal Gleason introduced the item and noted that Les Lyle, Public Works, would give the staff report.

Mr. Lyle reported that the request for the vacation of 625 feet of Willow Creek Circle was currently before the council based on the call for hearing previously approved by council. He said that the City had consent from the abutting property owners; extension of the street would not be necessary to serve the adjoining properties; the utilities were adequate to serve the entire area; and the City had established an assessment value for the street vacation at a total of \$39,106, \$23,900 toward the vacated right-of-way and \$15,206 for the improvements of the right-of-way. He said that staff recommended the vacation be conditional and the effective date take place upon the issuance of a wetland permit by the Army Corp of Engineers (ACOE) and DSL and the full payment of the assessment. He added that staff recommended approval of the request.

Responding to Mr. Boles' question, Mr. Lyle stated that, as far as he knew, this would be the only street vacation processed in the last few years that would be conditional. He added that staff was of the opinion that it would not want the right-of-way vacated unless the development proposal were to move forward.

Mr. Boles commented that in the past the City had required that all preconditions be met before the street vacation was approved. Mr. Gleason stated that this vacation was an important step in the wetlands condition that would be the responsibility of the City. He added that it was important for the City to demonstrate to the Environmental Protection Agency (EPA) and the Department of Environmental Quality (DEQ) that it would follow through with its intentions regarding the wetlands.

Responding to a question from Ms. Keller, Mr. Lyle stated that it was true that the wetlands permit would be conditional upon the party moving forward in the manner described within the documents. Ms. Keller pointed out that it would be the permit that would be conditional on the City's forward motion rather than the other way around.

Answering Ms. Keller's question about total acreage, Mr. Lyle stated that the entire vacation encompassed 52,060 square feet (a little over an acre) of prime commercial land. He said that he arrived at the assessed value by having a staff member, a certified appraiser, review the value of the property as it was sold to Hyundai and compare it to other industrial/commercial properties in the area. He noted that all of the properties in question were under the responsibility of DAG Trust.

Ms. Keller requested some further explanation of how the tax lots were incorporated within the ordinance, specifically tax lots 2001 and 2002. Mr. Gleason stated that the ordinance would deal with the meets and bounds of the vacation area and that was the controlling property description. City Attorney Glenn Klein stated that nothing needed to be done to amend the ordinance. He said that the street was being vacated and not the property adjacent to the street.

Mayor Bascom opened the public hearing.

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

Mr. Gleason read the ordinance into the record by reciting the Council Bill Number.

Ms. Nathanson moved, seconded by Mr. Laue, that the ordinance with unanimous consent of the council, be read the second time by council bill number only. Roll call vote; the motion passed unanimously, 8:0.

Ms. Nathanson moved, seconded by Mr. Laue, that the bill be approved and given final passage.

Mr. Boles moved, seconded by Ms. Keller, that the bill be tabled. Roll call vote; the motion failed, 5:3, with councilors Boles, Hornbuckle, and Keller voting in favor of the motion.

Mr. Boles said that he asked to table the motion because of two concerns: 1) the City Council had very rarely approved a conditional vacation in the past and thus demonstrated a change in policy; and 2) the City Council needed to be seen as proceeding fairly without "fast tracking" the process. He said that he believed this action might be viewed as unfair and as attempting to "fast track" the process.

Ms. Keller said that if the ACOE moved ahead with its permit and if Hyundai made a decision to remain in the community, then it would be appropriate to go ahead with this vacation, but neither of those things had happened.

Ms. Keller moved, seconded by Mr. Boles, to postpone further consideration of this ordinance until the first City Council meeting in January.

Mr. Torrey stated that this motion was an attempt to circumvent a reasonable request and he was prepared to move forward with the street vacation by voting against the motion.

Ms. Swanson Gribkov said she wanted to proceed with the street vacation, noting that she had spoken with staff and had been assured that this was a standard approach to a street vacation.

Mr. Gleason stated that this not an improper procedure, and noted that the City had engaged in such a procedure with the hospital, LTD, and Lincoln School properties.

Ms. Nathanson said that it seemed that what the council was doing was procedurally correct.

Mr. Laue offered a friendly amendment that the council postpone this issue, to a date certain, for the first Monday evening

regular meeting after a decision has been made regarding the wetland permit. Ms. Keller and Mr. Boles accepted the amendment.

Mr. Boles stated that this was the most prudent act that the council could take because it in no way delayed the process, rather it resequenced the events to occur in a more natural fashion.

Ms. Nathanson asked for clarification about the effective difference of the new motion. She said that she was attempting to assure that the City's best interest would be met while managing the impact on the wetlands.

Ms. Keller said that the motion before them was not whether or not the council endorsed an appropriate environmental development of the site, but rather whether or not the council was going to postpone a decision about the vacation of a right-of-way until after a specific date.

Mr. Laue said that he was a bit leery of operating from the standpoint of "if these conditions are met, we will do this." He said that it seemed to be more prudent public policy to state that "when the conditions are met, we will do this."

Mr. Torrey said that everything that the applicant had done to this point had been within the normal rules and regulations put forth by the City Council. He said that because the argument against this action was time related, he was led to believe this was an attempt to add one more item that could be litigated at some future point. Mr. Boles requested that the councilors speak to the propriety of the motion.

Mr. Farr said that he wanted to move ahead with this action.

Ms. Nathanson said that it seemed that by following the procedure that was recommended the council was following standard operating procedure. She asked if there was a way in which the council could demonstrated intent to vacate the street contingent upon the wetlands permit and payment of assessment fees, without taking this action.

Mayor Bascom said that she believed the council should move ahead with the action because it was appropriate and it appeared that not taking the action would be an attempt to block the process.

Mr. Laue said that he had changed his position based on the discussion and now believed that the council should move ahead with the current action because the reasons for moving ahead were not for convenience of one party or the other but rather the actualization of a comprehensive plan to deal with wetland mitigation in the area.

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

Ms. Keller said that there was now a division on council where there might not have been one. She said that she did not feel comfortable moving ahead with the action as the ordinance was written, while she would have felt comfortable following through with the action after the ACOE had issued a wetlands permit and Hyundai had made a commitment to remain in the community. She said that she did not wish to be obstructionist, and she did not agree with the scheduling of the events.

Mr. Boles said that he shared Ms. Keller's feelings about this issue and urged that adequate staff preparation be done in the future regarding such issues.

Mr. Farr said he had not heard convincing arguments as to why not to vote for this action and he had heard convincing arguments as to why to vote for the action. He said that he would vote in favor of the motion.

Mr. Gleason said that he was sorry that Mr. Boles did not feel the information was adequate. He noted that as a result of the public hearing on the Hyundai project, the council instructed the staff to proceed with everything it could possibly do to mitigate the impact, and added that some City Council members had been involved in that process. He said that he thought there was agreement on the council that the most effective thing to do was to ask the company to move its buildings, put its soils in a different place, and to redesign its expectations, and if there was any confusion about those issues he was sorry.

Roll call vote; the main motion passed by a vote of 5:3 with councilors Boles, Keller, and Hornbuckle voting in opposition, and became Ordinance No. 20027.

V. MINUTES FROM SEPTEMBER 13, 1995 AND SEPTEMBER 18, 1995

Mr. Boles referred members to page 2, item G, of the September 13, 1995, minutes and requested the following changes (changes in bold and deletion in [brackets]): "...however, [Ralph the Elf] RELF (real, excitable, little, fellow) will ride on it."

Mr. Boles referred members to page 2, item I, of the September 13, 1995, minutes and requested the following changes (changes in bold and deletion in [brackets]): "Mr. Boles [said the report] reported that the ozone hole was twice as big as it was last year [reflects] reflected upon the community's belated and token efforts locally.

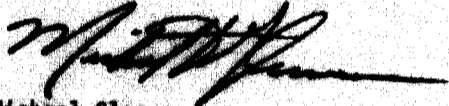
Ms. Nathanson referred members to page 4, paragraph 4, and requested the following changes (changes in bold and deletion in [brackets]): "She noted that she needed to [focus on statistics and solutions to the problem] learn more about the statistics around repeat offenders and jail releases and the relationship to the proposed use of funds. She [added that one of the questions raised by the described cycle was whether or not operation or capital should be underwritten or supported] wondered whether increased funds

for operations were adequate and whether capital expenditure was also necessary."

Ms. Nathanson moved, seconded by Mr. Laue, to adopt the minutes of September 13, and September 18, as amended. Roll call vote; the motion passed unanimously, 8:0.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,



Michael Gleason
City Manager

(Recorded by Jennifer Self)
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