

MINUTES

Eugene City Council
McNutt Room--Eugene City Hall

October 25, 1995
11:30 a.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 23, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. APPROVAL OF THE ORDER OF THE AGENDA

Mayor Bascom noted that Item VI was moved to Item III and the other items reordered accordingly.

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

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

A. Sheriff's Levy

Mr. Laue said he and Councilor Swanson Gribkov were working with both the County Leadership Team and the Council Committee on Public Safety (CCPS) on the implementation costs of community policing and the Sheriff's levy, adding that reports were scheduled on the council's November 13 and 15 meetings. Mr. Boles asked that the council be copied on material distributed to committee members. Mr. Laue clarified that Councilor Boles sought material regarding Tier 1 and stabilization issues.

B. Local Street Study

Mr. Laue said he attended meetings of both the Crest Drive and Lorane Highway neighbors, who voiced many concerns about the Local Street Study and plan to provide testimony at the Planning Commission's public hearing. Ms. Swanson Gribkov added that Laurel Hill Neighbors were also concerned and would attend the public hearing. Ms. Keller said the council should be aware that there is significant controversy around those issues.

C. First Night of Eugene

Ms. Swanson Gribbskov said the group sponsoring the "First Night of Eugene" has asked for the City's support from contingency funds. The council agreed to consider a contingency funding request from the group.

D. Quarter Block Parking Lot Design

Ms. Keller said Bradford's Hi-Fi store submitted a design for the quarter block parking area near the Willamette Plaza.

E. Center for Appropriate Transport

Ms. Keller described a letter which suggested the use of bicycles by the City's police force, including installing bike racks on patrol vehicles. Mr. Laue asked to flag the item for further discussion at the end of the item, time permitting. Ms. Nathanson asked for the cost for a permit for locating a bike rack.

F. Tree Ordinance

Ms. Keller reported that a heritage tree had been felled and asked officers to schedule a discussion on the effectiveness of the Tree Ordinance. Mr. Boles supported revisiting the ordinance and asked for a specific incident report around the heritage tree that was cut down along Franklin Boulevard.

G. Accessibility Issue

Mr. Torrey said that following the council's joint meeting with the Human Rights Commission (HRC), both he and Ms. Keller have asked the West End Committee to review its actions to ensure that accessibility issues had been given appropriate attention.

H. Citizen Involvement Committee (CIC)

Mr. Torrey said he was becoming increasingly concerned with the CIC issue and asked that the issue be addressed before the relationship with the council deteriorates further. Mr. Boles flagged the issue for discussion at the end of the item, time permitting.

Mr. Farr said there is confusion within the CIC about its charge, noting it was last reviewed five years ago. He asked officers to schedule the issue of the CIC's charge as soon as possible. He said some on the Planning Commission were also concerned. Mr. Farr reported that the CIC once again has voted five to four to convey the message to the council that it does not wish to have the Planning Commission oversee the Growth Management Study.

I. Voter's Pamphlet

Mr. Hornbuckle said there was a clear majority reflected on the council ballot

on the voter's pamphlet and the details would be distributed in the October 26 packet.

J. The Pogo Fallacy

Mr. Hornbuckle recommended and circulated copies of an article entitled "The Pogo Fallacy."

K. Fidel Castro Visit

Mr. Hornbuckle noted that Fidel Castro received a hero's welcome in Harlem, particularly when he compared Cuba's health care program with health care in the United States.

L. Walled/Gated Communities

Mr. Boles said Portland has implemented an ordinance regarding "gated" communities and asked staff to secure a copy.

M. Car Camp Trailer

Mr. Boles recalled that as part of the City's agreement with the Willamette Institute for Science and Technology (WISTEC), it had conveyed the car camp trailer to the institute. He said there would be a small contingency fund request to cover the associated costs.

N. Parks and Open Space Acquisition

Ms. Nathanson announced a meeting sponsored by "Friends of Eugene-Springfield Habitat" on parks and open space acquisition, adding that the League of Women Voters has taken up the issue as a major topic for the coming year.

O. Dangerous Trees in Winter

Ms. Nathanson asked that the City's Urban Forester be asked to develop and distribute information on what signs to look for in dangerous trees, either in the public right-of-way or private property, including appropriate actions to take.

P. Acting City Manager Appointment

Mayor Bascom said she would arrange to meet with individual councilors on the appointment of an Acting City Manager.

Q. City Boards and Commissions

Mayor Bascom said there was an inadequate response to the City's advertisement for applicants for its boards and commissions and asked the council to become involved in recruitment efforts. The deadline for applications has been extended to November 10.

R. City Parks and Recreation Award

Mayor Bascom noted that the City's Division of Parks and Recreation has received an award, which will be hung in the Council Office, from the State's Parks and Recreation Commission.

S. Eugene's History

Mayor Bascom noted that there was a new edition of a book titled Eugene's History, and asked staff to insure that copies are available at the Library.

T. Irkutsk Drama

Mayor Bascom praised the Irkutsk Drama Troupe's two plays over last weekend, noting that members visited City Hall yesterday.

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

E. Center for Appropriate Transport (Continued)

Mr. Laue said the CCPS has discussed the issue of installing bike racks on police cars, adding that cops have indicated they enjoy riding bikes but are currently struggling with staffing levels.

Mr. Hornbuckle supported the idea and suggested that the committee explore using bike lockers in neighborhoods.

Mr. Boles suggested reviewing the charge of the CCPS, adding that he supported the committee's work but the council needed to extend its time and breadth.

J. CIC (Continued)

Mr. Farr said the issue regarding the CIC is the legal charge of the committee. Some of its members seem to think that its role is to pass final approval on all land use plans. He read from the charter, noting that all power is vested in the City Council.

Mr. Boles said he served on the CIC for three years and, contrary to Mr. Farr's interpretation, it was very clear that the committee is the City's sole protection against State Goal 1 constraints. He said there never has been a contention that the CIC approves land use plans. He noted Hyatt Neale's analysis was correct--the CIC is involved in approving citizen involvement strategies. Mr. Boles suggested that a work session be scheduled, and in the interim, staff should go to the Land Conservation and Development Commission (LCDC) for a ruling on where the control for approval of land planning citizen involvement rests.

Ms. Keller moved, seconded by Mr. Boles, to extend the discussion by five minutes, with the time to be taken from Item VI.

The motion passed, 5:3; with councilors Farr, Nathanson, and Laue opposed.

Mr. Hornbuckle said Mr. Boles' suggestion was reasonable, adding that Mr. Hyatt should be commended for his courage and wisdom in raising these important issues.

Mr. Torrey expressed concern with the CIC's recommendation regarding composition of the oversight committee for the Management Growth Study. He asked that no further action be taken until the City Attorney's Office was consulted.

Mr. Farr distributed a copy of the City's Attorney's opinion on the issue.

Ms. Swanson Gribskov said she did not have sufficient information to vote.

Ms. Norris said she thought it would be appropriate to get the City Attorney's opinion for the council, adding that the LCDC was a land use body not a legal body.

Ms. Keller said she would raise the issue of councilors calling on people at the next process session. She also said she did not have enough information to vote, adding that there were some underlying concerns that were not being addressed. Ms. Keller said the distrust issue should be discussed with all the parties, but the CIC's recommendation for the committee structure should be separated from its role.

Ms. Nathanson asked to separate the issue of approving a citizen involvement program (the way, amount, and timing for soliciting opinions and ideas from citizens) from the issue of who is coordinating the activities and discussing the content and result of the activities and making recommendations.

Mr. Laue said it was apparent a work session was needed, including a discussion of the City's boards and commissions system. Instead of referring the issue to the LCDC, he suggested the council ascertain if the citizen involvement component of the Management Growth Study was consistent with the State's Goal 1.

Mr. Farr supported Mr. Laue's approach and urged that the Growth Management Study be implemented.

The council scheduled a work session for November 8.

Jan Childs, Planning Division Manager, asked for further direction. She noted that the CIC approval of the citizen involvement plan was contingent on the council's agreement to set up the broader advisory committee. She wondered if staff could move forward with Phase 1, which included public information forums in early December.

Ms. Keller moved, seconded by Mr. Laue, to extend the discussion by 10 minutes and dropping Item VI.

Ms. Nathanson wondered if Item VI was time sensitive. The council ascertained that it was not.

The motion passed unanimously, 8:0.

Mr. Farr said it was obvious that progress on the Growth Management Study should not be stopped. Addressing a question from Mr. Farr, Ms. Childs said that the "cleanest way to proceed was for the council to approve the citizen involvement component as recommended by Planning staff."

Mr. Farr moved, seconded by Mr. Torrey, to approve the Planning Department's proposal for the Citizen Involvement program for the Growth Management Study.

Mr. Boles was not supportive, saying that the work session was needed before moving forward with the study. He said the council should first establish the locus of approval under State Law, adding that there was nothing to preclude the City from soliciting public input at this point. Ms. Childs said all staff needed was council direction about whether to move forward with two public information forums scheduled for December as information should be distributed.

Mr. Laue said he was not convinced that the issue was locus of authority under State Law. He read from Goal 1, adding the City had not done anything different from that. He was in favor of holding a work session and supported the motion. If there was concern within the council, the LCDC should be sent the Citizen Involvement Plan for the Growth Management Study for its comment.

Ms. Swanson Gribskov agreed that public information forums could proceed regardless of the question of who oversees the study. Ms. Childs said part of it was that staff had planned to have the oversight group help craft and participate in the forums, which would be difficult if the existing citizen involvement program was not ratified.

Ms. Keller said staff and the Planning Commission should be assured that the council approves the Citizen Involvement Plan for the Growth Management Study and acknowledges the controversy, for which it is seeking resolution.

Ms. Keller offered the following friendly amendment: to approve the Citizen Involvement Plan for the Growth Management Study, with the opportunity for modification as to the approval and review mechanism at or after the City Council's work session.

Mr. Torrey clarified that the plan referenced in the motion was that as prepared by Planning Division staff.

Ms. Nathanson noted that the CIC has approved the Citizen Involvement Plan for the Growth Management Study with the exception of the composition of the oversight/coordinating body, which was not, to her understanding, mandatory.

The friendly amendment to the motion was acceptable to both the maker and the second.

The main motion passed, 6:1; with Mr. Hornbuckle opposed. (Mr. Boles was out of the room.)

Ms. Nathanson was not allowed to vote for Mr. Boles in absentia.

Upon returning to the room, Mr. Boles asked that the record reflect his opposition to the motion.

III. CONTINGENCY FUND REQUEST CONCERNING RENTAL HOUSING FOR VERY-LOW-INCOME FAMILIES

Ms. Nathanson moved, seconded by Mr. Laue, to direct the City Manager to enter into a contract for services needed to facilitate rental housing for 30 very-low-income households and authorizing the expenditure of \$56,700 from the Contingency Fund to cover the cost of the contract. The motion passed unanimously, 7:0. (Mr. Boles was out of the room.)

IV. RECOMMENDATIONS FROM COUNCIL COMMITTEE ON ENVIRONMENT AND ECONOMICS

Ms. Keller reviewed the Council Committee on Environment and Economics' (CCEE) charge and gave an overview of its activities and recommendations. She described the recommendations as "setting a direction" for the council to address the gaps identified by the CCEE. Ms. Keller said that in approving the following motion, the council would be setting a direction and allowing for scoping to provide the information and that the CCEE did not have to make a final recommendation.

Ms. Keller moved, seconded by Mr. Boles, to accept the recommendations from the CCEE and to direct staff to work on the items outlined in those recommendations.

Mayor Bascom noted that Ms. Nathanson would propose a substitute motion after discussion of the motion on the table.

Mr. Boles described the committee's recommendations as a rational and modest plan for addressing the problem, having a minimal impact on the organization's workload and adequate checkpoints for the council. He thanked Ms. Keller for her leadership and urged the council to support the motion.

Mr. Torrey said he could not support the motion because there was insufficient time to discuss further or have scoping reports on items flagged early in the process. He noted that the committee had addressed every question that had been posed. Mr. Torrey said he was impressed with how well-prepared the City was in dealing with programs and projects such as Hyundai, adding that staff should be complimented for the existing program and the community should be

made aware of that program. He said he now also appreciated the complexity of the issues involved. Mr. Torrey said he favored separating the issues and addressing those of most concern to the citizens' health, safety, and welfare first for the council's immediate action.

Mr. Farr said he was pleased that the committee was able to answer all the questions that were posed. He said he also was surprised to find out how well prepared the City is for projects such as Hyundai. He added that he could not support the motion because he was unwilling to add the items to the staff's workload without a time line or priority ranking. Mr. Farr asked that citizens be involved in any additional regulations the council might consider.

Ms. Nathanson thanked the committee for the quantity and quality of its work. She said she was concerned that the motion proposed in the meeting packet seemed to give "blanket approval" to move ahead in the fashion that the items are categorized.

Ms. Swanson Gribkov expressed appreciation for the work. She said the issue for her was that there were some items in the "no additional funds" and "enhance and expedite" categories that she did not agree with. She said she was willing to support the work in a different sequence.

Mr. Laue echoed the appreciation for the committee's work. He expressed concern that the recommendations did not "bring the two ends of the council together to hammer out the issue and come to some resolution"--something Ms. Keller said she would accomplish with the committee. He said this raised the issue of how the council processes work items, noting that the proposal was not consistent with the established process. Mr. Laue said it was inappropriate to do something outside that process.

Mayor Bascom distributed the council's goal statements finalized on October 23, noting that the proposed work items do not appear on those. She noted that there was no staff clarification of the council's direction for this particular item and that may have added to the confusion. She added her thanks to the committee for its work.

Ms. Keller said that, while not in writing, the items being recommended concern the understood responsibility of the council to protect the environment and respond to concerns of the citizens. She noted great community support for the recommendations. She expressed disappointment that no one had communicated concerns about the committee's recommendations, calling the substitute motion an effort to "short circuit" the council's process and discussion.

Ms. Keller moved, seconded by Mr. Hornbuckle, to table the motion to the next available work session. The motion failed, 5:3; with councilors Hornbuckle, Boles, and Keller voting in favor.

The main motion failed, 5:3; with councilors Hornbuckle, Boles, and Keller voting in favor.

Ms. Nathanson moved, seconded by Mr. Laue, to receive the report from the Council Committee on Environment and Economics and thank the committee for its excellent work on these environmental issues; to direct staff to identify items that require no additional staff or resources, and move forward with implementing those items consistent with our adopted work plan, and ones that staff recommend as priority items, and periodically report back to council on the status of the implementation. Any remaining items will be received as part of step 2; to direct staff to rank items marked as Enhance/Expedite or Additions to Work Plan, and any remaining from Step 1, and provide that information to the council at the next trimester work plan session. No additional work should be done on these items prior to the trimester session; to consider items identified as "long-term" or "back burner" at a later date.

Ms. Nathanson said her motion alleviated staff's workload at a time when the organization was attempting to move forward on its adopted work plan. She added that the motion acknowledged the need to move forward with some items immediately.

Mr. Boles said he could not support the motion, noting that the recommendations were consistent with the council's land use goal, which included protecting the community's health and safety. As prepared, the recommendation enabled the council to receive adequate scoping to make decisions about whether to move forward or not on the individual items. Addressing Mr. Laue's comment that the recommendations were outside the adopted council work plan process, Mr. Boles said Hyundai fell under what the Council Committee on Working Relationships (CCWR) termed "surprises"--emerging issues that had to be integrated within the current work program. He added that the committee searched and found no entity in the private sector who will bond these types of plants because of the community risk they pose, noting that the community is being asked to bond them implicitly.

Ms. Keller added that many of the items, while numbered, were reconcilable. She expressed concern that the motion did not meet the community's need, adding disappointment that it made no distinction between items categorized as "long-term" and "back burner."

Ms. Swanson Gribkov expressed concern that the packet material did not include staff's response to the recommendations. She offered, as a friendly amendment, sequencing the reports: ranking of priority items referred to in part 1 of the motion due on November 15 and the ranking on the remaining items and in the categories of Enhance/Expedite or Additions to Work Plan by December 1.

Mr. Farr supported the motion, noting that the most of the questions posed were already covered by current regulations. He said the recommendations could not be moved forward en mass without crippling the work program.

Mr. Torrey asked that the first periodic report include staff priorities. He

said some of the items in the recommendations should be referred to other agencies, noting that the Wastewater Commission has already expressed interest in the recommendations. He said some items might be better addressed using an interjurisdictional approach.

Mayor Bascom expressed support for the motion, describing it as a way of moving the identified massive amount of work forward.

Addressing Mr. Boles' comment with regard to "surprises," Mr. Laue said the process was designed in a way that would accommodate surprises in the context of the other items in the work plan. He said the recommendations proposed addressing the items outside that process. He said he was also concerned that there was neither a staff recommendation, nor a response to the committee's recommendations in the material.

Ms. Swanson Gribkov ascertained that there was support by the maker of the motion and its second to her friendly amendment.

Ms. Nathanson clarified that the friendly amendment did not change any activity but merely indicated a sequencing.

Ms. Keller moved the question. The motion to vote immediately passed, 7:1, with Mr. Hornbuckle opposed.

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

Ms. Keller left the meeting.

V. ANNUAL COMMUNITY SURVEY

In response to a question from Mayor Bascom, staff said it was a time sensitive issue because it would postpone the survey to early December.

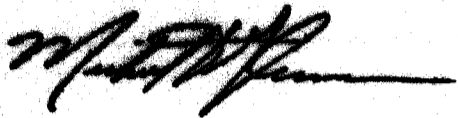
Mr. Laue suggested addressing the item after the Budget Committee meeting on October 30. The council agreed.

VI. WORK SESSION: WILLAMETTE STREET--13TH TO 18TH AVENUE

Item VI was postponed due to time constraints.

The meeting adjourned at 1:32 p.m.

Respectfully submitted,



Micheal Gleason
City Manager

(Recorded by Yolanda Paule)
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