

MINUTES

Eugene City Council
McNutt Room--City Hall

January 24, 1996
11:30 a.m.

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

The adjourned meeting of January 22, 1996, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. APPROVAL OF THE ORDER OF THE AGENDA

Mr. Laue moved, seconded by Ms. Swanson Gribkov, 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. Interim Deputy City Manager

Mayor Bascom announced the appointment of Les Lyle to the position of Interim Deputy City Manager.

B. Rail Stakeholders Meeting

Mayor Bascom called attention to the Rail Stakeholders meeting in Salem on February 8 and encouraged attendance.

C. City's Response to West Eugene Wetlands Plan Legal Challenge

Mayor Bascom called the council's attention to information she had placed in the Council's Thursday packet regarding the City's response to the West Eugene Wetlands' legal challenge.

D. Fluoridation

Mayor Bascom said she met with proponents of fluoridation and promised to raise the issue with City Council Officers on February 7. Mr. Laue noted that a recent sampling found much support for fluoridation of the City's water.

E. Harlow Neighbors Meeting

Ms. Swanson Gribkov said she attended the last meeting of the Harlow Neighbors. She noted that the group was appearing before the Lane County Roads Advisory Committee this evening regarding their request for a sound wall on I-105.

F. Alcohol at the Eugene Celebration

Mr. Farr said citizens have raised the issue of alcohol at the Eugene Celebration and he will refer suggestions to the Steering Committee.

G. Voter Pools for Citizen Advisory Committees

Mr. Farr said concern has been raised about the random selection of voter pool participants in citizen advisory committees and he wondered if there was consistency in the process. Mr. Boles explained that the intent was to select randomly from those on the list and those who were selecting members by inspection were in violation. Mr. Farr asked the council to address the problem.

Ms. Norris said she would distribute a memorandum describing experiences with the voter pools and she would ensure that the council's intent was being met.

H. Building Permit Turnaround Times

Mr. Farr said builders are concerned with the amount of time it takes to issue building permits, which take about eight weeks. He said the delay was increasing the cost of housing.

Ms. Norris said a status memorandum will be distributed in the council packet. She said that rapidly increasing construction activity and insufficient staffing add to the turnaround times, but staff was working with consultants to ensure efficiency in the process.

I. Blocking Sidewalks

Mr. Farr said parked cars in driveways that are blocking sidewalks have become a problem. He ascertained that a City ordinance prohibits the practice and asked staff to offer solutions.

J. Bike Racks

Ms. Keller said she previously raised the issue of facilitating the installation of bike racks downtown and now finds that the problem has worsened and businesses are not being accommodated. She flagged the issue for further discussion at the end of the item, time permitting.

Ms. Nathanson thanked Ms. Keller for raising the issue and asked for an response, adding that staff has been asked to address the problem.

Ms. Norris added that the issue is one of revocable permits and code changes may be required to resolve the problem.

K. Speed Limit Change

Ms. Nathanson said she has pursued a reduction in the speed limit on West 18th Avenue, west of Bertelson and efforts had been stymied by the extent to which the City has to abide by State rule. She said she looked forward to hearing the outcome of an investigation recently conducted.

L. Neighborhood Speed Monitoring

Ms. Nathanson asked for information on what the City does to promote neighborhood monitoring of automobile speeds on their streets, specifically the procedure for the loan of City equipment to neighborhoods.

M. Crossing Guards

Ms. Nathanson wondered if the City cooperated with schools in encouraging and providing for crossing guards at streets around schools. Ms. Norris said school districts were responsible for providing crossing guards.

N. Whiteaker Drug Problem Update

Mr. Hornbuckle noted that drug trafficking in the Whiteaker neighborhood was not apparent following the police raids recently carried out; however, problems persist. He mentioned the lack of public restrooms as an example.

O. City's Recycled Products Purchasing Ordinance

Mr. Hornbuckle said he has been asked by the Oregon Students Public Interest Research Group (OSPIRG) to discuss with staff the City's ordinance on purchasing of recycled materials. He has scheduled a meeting with staff on January 26 and asked interested persons to forward input.

P. Preference Voting

Mr. Hornbuckle said he held a sample preference voting exercise at the Harlow Neighbors meeting and it was unanimously supported. Mr. Laue noted that a recent sampling revealed support for the concept.

Q. Oregon Progress Board

Mr. Boles reported on the last meeting of the Oregon Progress Board and said the City of Eugene is unique in its adoption and integration of Progress Board benchmarks.

R. Public Input

Mr. Torrey said staff had provided him with information on citizen input to policy makers and recommended the material to the council.

S. Bicycle Issues

Mayor Bascom noted that Public Works Director Chris Andersen continues to work on bike issues, including the need for a department advisory committee. Ms. Keller asked that the advisory group also discuss bike lane issues and priorities. Ms. Keller also asked for a progress memorandum on convening the advisory committee.

III. RESOLUTION CONCERNING HOUSING DISPERSAL PLAN

Res. No. 4477--A resolution adopting the 1996 Housing Dispersal Policy and repealing Resolution No. 4195.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to adopt the resolution.

Mr. Boles expressed concern with the way Policy 1 was worded, using the term "discourage" rather than "prohibit."

Mr. Boles moved, seconded by Mr. Torrey, to amend Policy 1 of the 1996 Housing Dispersal Policy by substituting the term "prohibit" for "discourage" in the second sentence, and striking the third sentence.

Mr. Boles explained that there was always a temptation to push subsidized housing into areas where it already existed--a practice he wanted to avoid.

Ms. Nathanson expressed support for the motion, acknowledging that these are political decisions; but she was concerned at having removed all guidelines to assist the council in its decisions.

Ms. Keller was opposed to the amendment, saying it would prohibit such groups as Habitat for Humanity, builders of owner-occupied homes, from receiving City support or locating in specific areas. Approving the amendment, she added, would make another "rewrite" inevitable.

Mr. Farr was also opposed to the amendment, saying there were already enough obstacles to low-income housing.

Ms. Swanson Gribkov expressed opposition to the amendment.

Mr. Weinman reported on lengthy discussions within the Planning Commission, which agreed that low-income housing should be dispersed throughout the

community, but also realized that there may be instances where there would be a good reason for locating a rental project in an unsuitable area. He referred the council to the definition of subsidized housing, which referred specifically to newly constructed rental housing, excluding rental housing that would be converted to home-ownership or home-ownership units such as that built by Habitat for Humanity.

In response to a question from Mr. Torrey, City Attorney Glenn Klein defined "discourage" as an aspirational term, which would not enable someone to assert that the City violated the policy. Mr. Torrey opposed the amendment, saying he did not want to limit the council's ability to implement its own policy.

Mr. Laue said he opposed the amendment and suggested instead the phrase: "may be prohibited."

Mr. Hornbuckle opposed the amendment because it simply recognizes that the council will do what it believed was right, and was a political decision. He said the amendment recognized some implied authority of a nonexistent policy.

The motion to amend, by substituting the term "prohibit" for "discourage" and to strike the third sentence in Policy 1 failed, 7:1; with Mr. Boles voting in favor.

Mr. Laue moved to amend Policy 1 by substituting the phrase "may be prohibited" for the term "discourage," and striking the third sentence. The motion to amend died for lack of a second.

Ms. Nathanson moved, seconded by Mr. Farr, to amend Policy 2 by substituting the term "prohibits" for "discourages," and change the definition of subsidized housing to read: Subsidized housing, for the purpose of this policy, is defined as. . ." And ". . .nor does it include reconstruction, rehabilitation, or redevelopment."

Mr. Laue asked to divide the question. Mayor Bascom asked the council to consider the first part of the amendment.

Mr. Weinman said the previous dispersal policies have always listed 80 units as the limit, not 60. When the Planning Commission changed the policy from a "prescriptive" to "aspirational" one, it lowered the limit to 60 units.

Mr. Klein clarified what he saw as the intent of the amendment: "The City prohibits subsidized housing developments of more than 60 units unless the council determines based on other City concerns and policies that this policy is outweighed." Ms. Nathanson confirmed that was her intent.

Ms. Keller expressed concern with the ad hoc process, and pointed out that Ms. Nathanson's suggested wording was ineffective, favoring the original language from the Planning Commission instead.

Ms. Nathanson said her amendment showed that the weight of the decision was to prohibit, giving interested parties a sense of what to expect.

Mr. Boles pointed out the inconsistency with "prohibiting" and leaving the balancing clause in, adding it made the policy ambiguous.

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

The motion to amend failed, 5:3; with councilors Nathanson, Torrey, and Farr voting in favor.

Ms. Nathanson explained that the second part of her amendment sought to clarify the definition of subsidized housing, for purposes of the policy only.

At the Mayor's request, Mr. Klein opined that the change was not legally essential. Ms. Nathanson said she wished to avoid a judicial process by clarifying the policy at the outset.

The motion to amend failed, 4:5; with Mayor Bascom joining councilors Boles, Hornbuckle, Keller, Laue in opposition.

Mr. Hornbuckle said he would vote in favor of the policy after having spoken with both proponents and opponents of the project, City staff and the City Attorney's Office.

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

IV. ORDINANCE REVISIONS CONCERNING CONTROLLED INCOME AND RENT HOUSING WITH INCREASED DENSITY

CB 4561--An ordinance concerning controlled income and rent housing; and amending Section 9.015 and 9.724 of the Eugene Code, 1971.

Jerry Jacobson, Planning Division, distributed revised findings based on the council's January 22 public hearing. He emphasized that the criteria was clear that it would prohibit controlled income and rent (CIR) with increased density in unsuitable areas. Mr. Jacobson distributed a letter from Sandra Marsh, adding that the council may wish to postpone action on the item.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, that the bill, with unanimous consent of the council, be read the second time by council bill number only, and that enactment be considered at this time.

Ms. Keller urged passage of the ordinance.

Mr. Hornbuckle expressed concern about voting without a policy debate, adding that people expect the council to be more deliberate and thoughtful in its actions. He said the council should review its process to ensure a more democratic process.

Mr. Torrey expressed faith in the Planning Commission's research.

Mr. Laue echoed Mr. Torrey's comments and urged support of the ordinance.

The motion passed unanimously, 8:0.

Ms. Norris asked the council to consider CB 4561 by number only.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, that the bill be approved and given final passage. Having received unanimous council support, the bill was passed and became Ordinance No. 20035.

V. ORDINANCE LEVYING ASSESSMENTS FOR ALLEY PAVING

CB 4562--An ordinance levying assessments for alley paving between Garden Avenue and Franklin Boulevard from Walnut Street to Villard Street; and declaring an emergency. (Contract 95-05) (Job #3340)

CB4562 had its first reading on January 22, 1996.

Mr. Laue moved, seconded by Swanson Gribkov, that the bill be approved and given final passage. The motion passed unanimously, 8:0, and became Ordinance 20036.

The Mayor adjourned the meeting of the City Council and convened a meeting of the Urban Renewal Agency.

VI. ACTION: LANE TRANSIT DISTRICT REQUEST FOR REVISION OF COMMITMENT OF FUNDS FOR THE EUGENE STATION PROJECT

Bob Hibschan, Planning and Development Department, provided the staff presentation. He noted that Lane Transit District (LTD) staff and legal counsel were present in the audience.

Mr. Hibschan distributed a memorandum outlining the legal opinion of LTD counsel regarding the district's ability to participate financially in the Pearl Street parking garage project.

Mr. Hibschan responded to questions raised by the council at its Monday work session on the topic. He first clarified that the conditional use permit required for the LTD transfer station did not require that parking mitigation be completed before station occupancy.

Mr. Hibschan referred the council to a time line for parking mitigation and station construction mounted on the wall of the meeting room, which indicated that LTD would pay the City \$863,000 when the garage was completed and the transfer station construction was underway.

Regarding parking system operating losses if the transfer station did not go forward, Mr. Hibschan said that the interest that would be lost to the Urban Renewal Fund if the City paid LTD's share of the parking mitigation was approximately \$50,000 annually, beginning with the first payment to the developer of the parking garage. Staff estimated a further \$50,000 in extra annual operating costs in the Parking Fund for the surface parking lots.

Ms. Keller asked about annual income for the Urban Renewal Fund. Mr. Hibschan estimated net income of approximately \$300,000 to \$400,000 annually. Ms. Keller asked about the revenue stream in the Parking Fund. Mr. Hibschan said that the revenue netted by the fund went to the Replacement Reserve Fund and totaled about \$200,000 annually.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to direct the City Manager to negotiate and enter into a revised purchase agreement with LTD for the 10th and Willamette property consistent with Option A.

Ms. Swanson Gribkov indicated support for the motion, terming the risk to the City minimal and noting that the funds that were available to back the loan to LTD were not General Fund monies.

Roll call vote; the motion passed unanimously, 8:0.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to direct the City Manager to proceed as soon as possible to enter into a Purchase and Sale Agreement to acquire the Pearl Street garage as parking mitigation, with the understanding that in the event all of the anticipated funding does not come from LTD, the remaining funding will come from the Urban Renewal Reserve. This additional amount should not exceed approximately \$863,000.

Ms. Keller said that the memorandum regarding LTD's ability to participate financially in the cost of parking mitigation stated that LTD was authorized to contribute funds for that purpose when it had reasonable expectation that the transit station would be built. The memorandum further indicated that LTD would have that reasonable expectation when the surface parking lots were eliminated. Ms. Keller said that if LTD could not make the argument, for the purposes of funding, that a reasonable expectation had been established, the City should not do so.

Ms. Keller said that the City and its taxpayers were being asked in this instance to be the insurer of last resort. She likened the situation to the Hyundai development, noting interest on the part of the Council Committee on Environment and Economics that facilities such as Hyundai be required to secure performance bonding. Ms. Keller said that LTD's request went beyond the level of reasonable intergovernmental accommodation. The public would be assuming the risks LTD would not, and would be deprived of other amenities downtown because of the expense of the loan.

Mr. Farr did not consider the magnitude of risk in the loan to be great. He supported the motion.

Mr. Torrey said that LTD had negotiated with the City in good faith. He said that the City had a responsibility to assist LTD. Mr. Torrey said that while it might be premature if the LTD transfer station was not built, the City had already decided the Pearl Street parking facilities would be needed in the future.

Mr. Boles shared Ms. Keller's concern about the City's assumption of risk, and asked if staff had considered an intergovernmental loan to LTD or some other back-up strategy in the event the LTD facility was not built. He suggested the possibility that LTD could provide some type of service to the City or purchase services from the City. However, Mr. Boles agreed that there was a low probability that LTD would be unable to pay its share of the costs of parking mitigation.

Mr. Hornbuckle agreed with Ms. Keller's concerns. He said that there were other fiscal and social needs that the council was not addressing, and he would not support the motion.

Ms. Nathanson suggested that, if City staff was available, there might be opportunities for LTD and the City to work together on transportation demand management programs, and for LTD to purchase City expertise.

Ms. Nathanson also suggested that the issue was less one of risk than one of project timing and cash availability.

In response to Mr. Boles' comments, Ms. Norris said that City and LTD staff considered several approaches to minimize the City's risk, including whether LTD had land that it could use as collateral or services that the City might be interested in, but staff had not been able to develop a recommendation around such a strategy.

Roll call vote; the motion passed, 6:2; Ms. Keller and Mr. Hornbuckle voting in opposition.

VII. ACTION: URBAN RENEWAL AGENCY SUPPLEMENTAL BUDGET #1

Res. No. 980--A resolution adopting a supplemental budget; making appropriation for the Urban Renewal Agency of the City of Eugene for the fiscal year beginning July 1, 1995 and ending June 30, 1996.

Hillary Kittleson, Administrative Services, said that based on the council action on the item above, the council was being asked to adopt Resolution 980.

Mr. Laue moved, seconded by Ms. Swanson Gribbskov, to adopt the resolution. Roll call vote. The motion passed, 6:2; with Ms. Keller and Mr. Hornbuckle opposed.

Mayor Bascom adjourned the meeting of the Urban Renewal Agency and reconvened the meeting of the City Council.

VIII. METROPOLITAN NATURAL RESOURCES STUDY: DRAFT WORK PROGRAM, SCOPING ISSUES, AND CITIZEN ADVISORY COMMITTEE

Neil Bjorklund, Planning and Development Department, made the presentation, noting that the other jurisdictions had not taken action on the study. He said there were several options the council may wish to consider, including deferring action until the other jurisdictions take action. Lane County will consider the study on January 31, and Springfield on February 20. Should the council decide to proceed, he said, it is being asked to approve the citizen advisory slate as proposed by the Joint Planning Commissions Committee (JPCC) and to give direction on the scoping issues outlined in the packet.

The council decided to continue with discussion of the item.

Addressing a question from Ms. Keller, Mr. Bjorklund said it may be necessary to repeat some of the work already done. Whatever option was chosen, he explained, the inventory information would have to be updated. Ms. Keller asked for the cost of "this redundant work," including the cost of the related committee and staff work. Staff will provide the information. Ms. Keller said her major concern is that while Lane County has very good riparian zone protections, the City of Eugene does not. She wondered if moving forward with the study impeded the City in developing ordinances and guidelines for stream and habitat. Mr. Bjorklund said the study could become a vehicle for getting those things done, but if it is delayed, it forces a separate effort, setting up a conflict between two work items demanding staff time. Addressing a follow-up question, Mr. Bjorklund said the work was in process to the extent that it is part of the adopted Periodic Review work program that the three jurisdictions have adopted and that the Land Conservation and Development Commission (LCDC) has approved. To address the Goal 5 requirement through another process may mean amending the metro adoption of the Periodic Review Work Program and getting agreement from LCDC.

Mr. Boles wondered, assuming that the study was delayed, if there were portions that the City could adopt that would enable immediate protections around riparian edges and streams. Mr. Bjorklund noted the council had added discussion of modifying the previous study revising of the code to apply setbacks citywide to its trimester work session agenda. Mr. Boles recommended postponing action to the trimester session.

At Ms. Swanson Gribkov's request, Mr. Bjorklund identified the following as issues: the process followed by the JPCC in recommending the slate for the advisory committee; the method by which to evaluate sites in the inventory; who gets notified and how; and the significance criteria (the filter through which sites move to get into final consideration).

Addressing a question from Mr. Farr, Mr. Bjorklund described the recruiting process for applicants for the advisory committee.

Mr. Boles wondered if proposed modifications to Goal 5 at the State level would take precedence or whether the City would operate under the old Goal 5. Mr. Bjorklund said the City would probably have a choice. Mr. Boles ascertained that the choice would have to have unanimous support across the jurisdictions.

Mr. Harnbuckle pointed out the need for a full discussion and supported Mr. Beles suggestion to put the item on the trimester work session agenda.

Mr. Laue moved, seconded by Swanson Gribskov, to defer discussion until after the trimester work session; to discuss during the trimester whether to proceed with implementing unilateral protections. The motion passed unanimously, 8:0.

Mr. Beles asked under which of the two versions the City would operate if Goal 5 changes, and the three jurisdictions could not agree.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Yolanda Paule)
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