

MINUTES

Eugene City Council
Council Chambers—City Hall

February 26, 1996
7:30 p.m.

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

ABSENT: Ruth Bascom

The adjourned City Council meeting of February 21, 1996, was called to order by Council President Tim Laue.

I. APPROVAL OF THE AGENDA AND TIME ESTIMATES

Mr. Laue suggested specific time allotments for each agenda item, and that Mr. Boles had requested the addition of item VI, an update of the Growth Management Study.

Ms. Swanson Gribskov moved, seconded by Mr. Boles, to approve the agenda and time allotments. Roll call vote; the motion passed unanimously, 8:0.

II. STAFF RECOGNITION—LRCS AQUATICS STAFF

Jim Johnson, Library, Recreation, and Cultural Services (LRCS), reported that the LRCS Department provided 40 different services to the public, including the aquatics program. He explained several life saving situations that the City aquatics staff had recently experienced, noting that staff was qualified to work with a wide diversity of people, including the elderly and people with head injuries. He stated that the staff had performed excellently in their lifesaving attempts, and in one recent case had successfully saved the life of the individual.

Mr. Johnson commended the City of Eugene aquatics staff. He remarked that, clearly, the training of the staff was excellent. He introduced the staff; councilors and audience members applauded their efforts.

III. CONSENT CALENDAR

- A. Approval of City Council Minutes of January 10, 1996, State of the City Meeting; January 17, 1996, Lunch Work Session; and January 24, 1996, Lunch Work Session

- B. Reprogramming Community Development Block Grant Funds for Low-Income Housing Development
- C. Contingency Fund Request Concerning Lease-to-Own Housing for Low-Income Families
- D. Ratification of Council Officers' Recommendations of February 21, 1996

Mr. Boles, referring to item IV, page 2 of the January 10, 1996, minutes requested that Mike Robins name be corrected to Mike Roberts.

Ms. Swanson Gribskov moved, seconded by Mr. Boles, to approve the items on the City Council Consent Calendar. Roll call vote; the motion passed unanimously, 8:0.

IV. PUBLIC HEARING: PROPOSED WITHDRAWAL OF RECENTLY ANNEXED PROPERTIES FROM SPECIAL DISTRICTS

CB 4564--An ordinance providing for withdrawal of territories (Stiffler, EC EU 95-81; Sherman, EC EU 95-80; Briggs, EC EU 95-66; Ellis, EC EU 95-67; Fairchild, EC EU 95-71; Tuski, EC EU 95-85; lahmman, EC EU 95-86; Root, EC EU 95-90; and Sheets, EC EU 95-91) from the River Road Water District and River Road Park and Recreation District; withdrawal of territories (Harris, C EU 95-64,; Smith/Guerra, C EU 95-75; Ziebert, C EU 95-65; Hackleman, C EU 95-77; and Irving/Rauber, C EU 95-64) from the Santa Clara Water District; withdrawal of territory (Coast Resources, EC EU 95-92) from the Willamalane Park and Recreation District; and the withdrawal of territory (Peterson, C EU 94-16)

Mr. Laue opened the public hearing.

Hearing no requests to speak, Mr. Laue closed the public hearing.

Ms. Swanson Gribskov moved, seconded by Mr. Boles, 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. Roll call vote; the motion passed unanimously, 8:0.

Ms. Swanson Gribskov moved, seconded by Mr. Boles, that the bill be approved and given final passage. Roll call vote; the motion passed unanimously, 8:0 and became Ordinance 20038.

V. PUBLIC HEARING: ORDINANCE CONCERNING EROSION PREVENTION AND CONSTRUCTION SITE MANAGEMENT PRACTICES

CB 4565—An ordinance concerning erosion prevention, and construction site management practices, adding Section 6.625, 6.630, 6.635, 6.640, and 6.645 to the Eugene Code, 1971; and amending Section 6.406, 6.446, and 6.990 of that Code.

City Manager Linda Norris introduced the item and noted that Michelle Cahill would give the staff presentation.

Ms. Cahill reported that City staff, as part of the adoption of the Comprehensive Storm Water Management Plan (CSWMP), was directed to address construction site practices and their impact on storm water quality. She said that staff evaluated the community input and developed a plan, including regulations that would sufficiently address the impacts. In November and December 1995, staff took public comment for a period of six weeks and held a Council Work Session addressing the item. Staff reviewed the public comments and the council's input with the department advisory committee and began work on an ordinance.

Ms. Cahill noted that the ordinance would establish the framework for the program. If adopted, staff would move forward with implementation, which would include addressing staffing and the budget process and finalizing the working draft of the administrative rules.

Ms. Swanson Gribkov asked for clarification about the administrative rules. City Attorney Glenn Klein stated that the council adopted ordinances to put programs into place and sets goals, policies, and frameworks. He noted that the purpose of administrative rules was to provide more detail in terms of specific requirements for the application, the process, and problems with compliance. He noted that a draft of the administrative rules had been prepared at this time, so the council was given the rules to give them an idea of what the staff was thinking in terms of how the program would work. However, a separate comment period would be provided for the administrative rules.

Mr. Torrey reported that a number of citizens had contacted him concerning the administrative rules and the short length of time dedicated to public comment. He said that some citizens were unclear as to whether the council would be accepting the administrative rules if it passed the ordinance.

Mr. Farr, regarding the public outreach conducted in November and December 1995, asked how it was advertised. Ms. Cahill said that a display ad was placed in *The Register Guard*, staff sent out over 670 postcards to a list of contractors, the City held an open-house at the Eugene Water and Electric Board offices, staff spoke before the Home Builders Association, and staff made themselves available to any other interested citizens. She added that there were 40 people at the openhouse, staff received four responses to its survey, and there were about 50 people present at the Home Builders Association presentation.

Mr. Farr asked if staff took into account the public feedback when it crafted this ordinance. Ms. Cahill answered that staff summarized all of the public comments and reviewed them with the department advisory committee. She added that as part of the Type I permit, staff was providing a template instead of hiring a licensed professional to create a plan. She noted that there was an exception to the licensed professional clause in the ordinance.

In response to Mr. Farr's question about whether there was any public request to not remove the Department of Environmental Quality (DEQ) from the five-acre plus type, Ms. Cahill said that staff had not received any such requests. In terms of the template, Ms. Cahill referred councilors to the Type I erosion, section 6.635, section 2, and read the following: "... except the construction site management plan, need not be prepared by professionals if the development is a single-family dwelling or a duplex."

Ms. Keller requested that Mr. Laue make it clear to the public that the public hearing was on the ordinance and not on the administrative rules.

Ms. Cahill, responding to Mr. Boles' question about the department advisory committee, stated that both technical and voter pool representatives were on the committee, including two civil engineers, two licensed architects, a teacher, an archaeologist, a representative from the Home Builders Association, and several people from local environmental groups. Ms. Cahill added that the department advisory committee was provided a memorandum outlining options for the program, the public comments, and recommendations from staff. This memorandum was included in the council's February 26 packet.

Mr. Laue remarked that the public hearing was about the ordinance in question and not the administrative rules. He noted that the rules were in draft form and when the staff was prepared to take the rules to the public, it would issue a notice and there would be a 15-day public comment period.

Mr. Torrey voiced his concern that if the ordinance were passed, developers might be concerned about their ability to have an impact on the administrative rules. He asked for clarification about how citizens could impact the formulation of the administrative rules. Mr. Klein stated that once the ordinance was established, staff would finalize a draft of the rules, a notice would be published in *The Register-Guard*, and notice would be sent to interested parties that they had 15 days to issue comment. He added that those comments would be reviewed and considered by the City Manager and staff as they created the final draft of administrative rules. Ms. Norris said that if anyone wanted to be added to the interested parties list to let her office know and they would be added to the list.

Ms. Nathanson, referring to the ordinance's section on purpose, asked if this ordinance would help with problems seen currently with erosion in construction practices in the south hills. Ms. Cahill said that this ordinance would create a more proactive approach to the impacts of construction activity. She said that the ordinance would require erosion control and construction site practices to be in place prior to other permits being approved.

Ms. Nathanson asked if this idea had been reviewed in the past. Ms. Cahill stated the City reviewed the option of administering the DEQ program a few years ago and decided not to. She said that this was the first time that the City had looked at this idea in a comprehensive approach and developed a program.

Mr. Laue opened the public hearing.

Michael Roberts, 1919 Myers Road, expressed his concern that citizens had been allowed access to the ordinance but not to the administrative rules. He said that it was a misconception that there was any public process in relation to the administrative rules and the working details of this plan. He

noted that stormwater needed to be protected and the DEQ had done a good job protecting stormwater. He added that some of the proposed rules were 180 percent more stringent than the DEQ's existing rules, that the paperwork to do a Level I plan was going to be tremendous and would cost a minimum of \$6,000 per site. Referring to Section C requiring homeowners who want to repave a driveway that is 5,000 square feet to get a permit, he stated that the rule was too stringent. He referred to Section B, and noted that 1/4 cubic foot was the standard for any site and was a ridiculous rule. Referring to Section D 1.4, he questioned the need to set a new standard for fill and waterways when other agencies had set such standards. Referring to Section D 1.9, he asked what hazardous waste had to do with the erosion of soil. Referring to Section E, part 2, he stated that one could only appeal to the Director of Public Works if he/she did not agree with the process and noted that this did not allow adequate access to comment on the process.

Byron Roberts, 366 East 40th Avenue, representing Breeden Brothers, stated that the need to have a permit for each construction site within a subdivision would result in placing an additional burden on both the City and the builder. He said that it seemed reasonable to have a permit that would cover a wider area. Mr. Roberts noted specific areas of the ordinance that could be improved, including 6.6302 A and C, wherein he commented that if it was important for construction to not compromise the drainage system, then a homeowner and the City should not be excluded. Referring to 6.635(1), he stated that not being able to do any construction activity prior to the issuance of the permit would greatly limit the options on excavation. He said that he assumed the erosion permit would be issued at the same time as the building permit, and since it was best to plan work around the weather his company often cut-out a site in anticipation of the permit. Referring to 6.635(4), Mr. Roberts stated that this was too long for exposure since the homeowners' landscaping activities could lead to problems for which the permit holder would be held accountable. He concluded by saying that his company wished to have more time to enter comment.

Max Vollmer, 1255 Pearl Street, representing the Home Builders Association of Lane County, entered a letter from the Chamber of Commerce into public testimony. He noted that the Chamber regarded the ordinance and the rules as an integral whole which did not make sense without either part. He read part of the letter: "The Eugene Chamber of Commerce urges you to extend the comment period on these issues for at least 10 days. The proposed program and ordinance was only released to the public last Wednesday, giving interested parties just three working days to review the entire measure. Although citizens will have the opportunity to comment on the administrative rules prior to implementation, that option does not allow changes to be made in the ordinance. If changes are needed to the proposed City ordinance, the best and most efficient way to address them is through the public hearing before the City Council. Holding the public hearing open for an additional 10 days will not cause an irreparable delay in the implementation of the ordinance, but it will allow time to make any needed changes that would result in more effective law." He added that the Home Builders Association requested the extension of public comment for 10 days.

Jeanne Staton, 29394-B Airport Road, stated that she was not aware of any other cities requiring this sort of permit action and it seemed like a severe reaction. She noted that excavation projects were not really a major source of erosion, adding that rains and floods do much more damage than excavation projects. She said that anything that would affect the industry seriously deserved industry input and there has not been enough time allowed for that type of input. She added that DEQ laws provided adequate rules as they stand.

Fred Wittkop, 2017 Morning View, stated that he had been in construction for 30 years and he questioned if the purpose of this ordinance was not to create a whole new bureaucracy. He questioned whether or not the ordinance was necessary and how much it would cost. He asked if it was the will of the council for this ordinance to extend beyond what was required in the Oregon Revised Statute 469 B.050 and the Federal Clean Water Act. He added that this ordinance greatly expanded on both these statutes.

Steve Lee, Box 5042, referring to the 1200 C permit, said that now an engineer would be required to fill out that information and that would exaggerate the cost of home construction. He asked if this ordinance would be enforced 24 hours-a-day, and if this ordinance would cover the City of Eugene. He said he was concerned about how this ordinance would affect the building season.

There being no further requests to speak, Mr. Laue closed the public hearing.

Ms. Swanson Gribkov suggested that the council postpone this discussion to a date certain.

Ms. Cahill said that staff was hoping that the council would pass the ordinance this evening so that staff could be ready in April to implement the program.

Mr. Laue asked if the public record could remain open during the process. Mr. Klein said that there was not an official record in this case, and the public was welcome to send their comments to the City Manager's Office.

Mr. Boles requested a staff response about the exemption for the City. Ms. Cahill stated that the work governed by the City was covered under American Public Works Association Standard Specifications. She said that staff was working to amend those specifications to have the same framework and rules apply to City construction projects as those completed by the private sector.

Mr. Boles asked why there was confusion about this procedure when this process was very common. Ms. Norris said there would be another public process concerning the administrative rules.

Mr. Boles requested that staff do some investigation about people preparing their sites prior to getting the necessary permits required for construction. Les Lyle, deputy city manager, stated that a grading permit was required before preliminary grading could be conducted on a housing site, and as a result, an erosion permit would be required as well.

Ms. Keller asked if this ordinance would remove a layer of regulation by eliminating the DEQ from sites that are of five acres or more. Ms. Cahill stated that was correct. She added that this ordinance was already under consideration because of CSWMP.

Ms. Keller said that the 1/2 cubic foot soil requirements seemed a bit unreasonable and asked for its rationale. Ms. Cahill stated that it was included in the DEQ boiler plate for the 1200 C permit.

Ms. Keller expressed interest in taking more time to consider this ordinance, and added that March 6 would be a good date that would allow for timely adoption of the ordinance.

Mr. Farr said that he wanted to take more time to review this ordinance. Regarding the removal of DEQ from Type I permits, Mr. Farr said that the permitting process was already time consuming and he saw the City adding another layer of regulations and delays to an already arduous process. He said that DEQ was doing an adequate job and he did not think the City needed to assume that responsibility. He said that, perhaps, the City should be subjected to the permitting process regarding erosion to experience the delays. He said that when the cost of housing and development increased, the cost of most other things in the community increased as well, and the City needed to be aware of the problems created from increased costs. He said he was in favor of erosion control, but it was important to implement such control in a responsible manner.

Ms. Nathanson said she did not like the idea of adding layers for that type of permit. She said she would like to hear the comparison of costs and time for a DEQ permit and that of a City permit.

Mr. Hornbuckle asked for clarification about the administrative rules process. Ms. Norris stated that there was a time period in which people could submit their responses, which were then reviewed by staff and changes to the rules were then implemented.

Mr. Hornbuckle said that the locus of authority becomes the City Manager rather than the public body, so accountability was a problem because the council may not know how an ordinance will work operationally.

Ms. Swanson Gribskov moved, seconded by Mr. Torrey, to postpone further action on this item until March 6.

Mr. Farr offered his support of the motion.

Mr. Torrey stated his support of the motion.

Ms. Norris said that staff would not have an adequate amount of time to prepare analysis of all the councilors' concerns if the council addressed this issue on March 6.

Ms. Keller said that March 6 was an adequate time frame. She said that councilors could then take into account the information it had and decide whether or not to take action.

Mr. Boles voiced his support for the motion as a courtesy to the council. He said that it was not the council's charge to review costs incurred by a small segment of the community, but rather to look at the overall good of the policies.

Mr. Hornbuckle said that the council's responsibility was to protect the public interest.

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

VI. GROWTH MANAGEMENT STUDY CONFIRMATION SURVEY

Mr. Boles explained that the documents sent to councilors from Mr. Torrey and him were meant to inform councilors that the Planning Commission chose Option Three for the survey, and that was what would be implemented.

Mr. Boles added that the Planning Commission, as well as the council liaisons, were screening the items that might be included in the survey and councilors were invited to participate in the screening process before Friday, March 1, 1996. He noted that the deletions at the end of the survey were intentional.

VII. APPROVAL OF FINDINGS AND RECOMMENDATIONS FROM HEARINGS OFFICIAL AND PASSAGE OF AN ORDINANCE LEVYING ASSESSMENTS FOR CONSTRUCTION OF SIDEWALKS AND DRIVEWAY APPROACHES FOR EUGENE SCHOOL DISTRICT 4J

Ms. Swanson Gribakov moved, seconded by Mr. Boles, to approve the Hearings Official's Findings and Recommendations of February 15, 1996. Roll call vote; the motion passed unanimously, 8:0.

CB 4566--An ordinance levying assessments for construction of sidewalks and driveway approaches for Eugene School District 4J at two locations 1) south side of West 18th Avenue from Bailey Hill Road to 2200-foot west and 2) north side of 30th Avenue from Harris Street to University Street; and declaring an emergency. (Contract 95-12) (Job #3344)

Ms. Swanson Gribakov moved, seconded by Mr. Boles, 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. Roll call vote; the motion passed unanimously, 8:0.

Ms. Swanson Gribakov moved, seconded by Mr. Boles, that the bill be approved and given final passage. Roll call vote; the motion passed unanimously, 8:0, and became Ordinance 20039.

VIII. WEST UNIVERSITY NEIGHBORHOOD REVITALIZATION SCOPE OF WORK PLAN

Abe Farkas, PDD Director, gave the staff report. He said the purpose of the agenda item was to seek direction for scoping an action plan for a targeted portion of the West University Neighborhood. He said that staff viewed this as a pilot project that could be used in other areas within the city. He noted that the scoping would be conducted in collaboration with the West University Neighborhood Association, the Business Association in the area, the University of Oregon (UO), Sacred Heart Hospital, representatives from the lending community, property management community, social

service agencies, and other organizations. He said the estimated cost of the scoping was \$30,000, which would be used primarily for survey work. He said that in the audience were representatives from the potential partners. He listed the following representatives: 1) Jan Oliver, from the UO; 2) Shannon McCarthy, from the Neighborhood Association; 3) Richard Greene and Marizio Paparo, from the Business Association; and 4) Dan Reese, from Sacred Heart.

Mr. Farkas provided an overview of the neighborhood background information and trends, and a scoping outline including the following main points: 1) it is the densest residential environment in the community; 2) it is one of the oldest areas in the community; 3) the area comprises a variety of housing types; and 4) it has some of the highest concentration of employees in Lane County.

Mr. Farkas described the scoping plan, listing the following steps: 1) update data; 2) identify target area; 3) review existing policies/plans; 4) assess others' experiences; 5) identify common goals/outcomes; 6) explore alternative service delivery; 7) recommend alternative action plans to council and partner entities.

Mr. Farkas introduced Becky Hanson, Eugene Department of Public Safety, who provided anecdotal information about the West University Neighborhood, noting that, 20 years ago, police officers commonly dealt with the homeless population and intoxicated students in that area, noting that the area had an aura of benevolence and humanitarianism. She described the area as currently having a negative atmosphere fraught with drugs and crime. She said that the neighborhood needed to be saved and now or it would be lost forever.

Mr. Farr expressed his belief that there was strong support on the council for this project and asked if Sacred Heart would be a strong player in the partnership. Mr. Farkas answered that Sacred Heart would be very much involved in the process and with the strength of the partnership, the neighborhood could set a precedent for the rest of the city.

Ms. Nathanson asked to what degree would the City be able to incorporate work that had been done a year or two ago and what kinds of economic incentives would be given for development and redevelopment. She stressed that currently the economic incentives discouraged home ownership. Mr. Farkas said that much of the work done in the Whiteaker area was very specific to that area and could not be transferred. He noted that the idea of establishing a neighborhood commercial revitalization district could be utilized in the University area. Regarding economic incentives, Mr. Farkas said that staff would explore ideas including more home ownership within of multifamily development including condominiums and cooperatives.

Ms. Keller said she was disappointed that this discussion was not being held during a work session, which would have been more appropriate. She voiced her support and then listed her concerns as follows: 1) the concept of drugs and crime moving to the high school; 2) a concern regarding multiple unit subsidy; 3) the need to create a more equitable situation for the homeowners; 4) the concept of creating more fix-up incentives and perhaps increasing landlord accountability; and 5) the problem of having such a contiguous uniform zone in the commercial block. She noted her appreciation for the three percent of people who were homeowners in the area.

Mr. Hornbuckle said that the politics that had created the situation were being left out of the conversation. He said that people in the city could anticipate the burgeoning crime in the area.

He said that he had raised the issue of the lack of home ownership incentives in the area and had met disinterest. He said that the charge of hypocrisy was quite accurate because the City could have worked to prevent the crime in the area. He said if the City wanted to do something it would tax the landlords who profit from the high cost of housing and make them subsidize the high cost of housing. He said that the basic political situation was not enough to address the basic problems in the area.

Mr. Torrey said his concern was for the residents and the business people in the area, and asked how the council could educate the community about what was happening in the area and at the same time allow businesses to invite customers into the area. Ms. Oliver stated that the partnership was strong and, with the combined resources, she believed the area could be inviting to customers.

Mr. Boles asked why the City did not do this sort of project for all areas of the city rather than wait for another crisis situation. He said it was difficult for him to support this idea when it seemed like it came from an ad hoc point of view and was in response to a crisis situation. Mr. Boles asked if this scoping project would include a landlord accountability act.

Mr. Farkas said that the City would definitely be working with landlords and property managers.

Mr. Boles asked if the idea would include rent controls. Mr. Farkas said that idea would be explored, but he could not guarantee that it would be included.

Ms. Keller stated that scoping means that the City would look at the various ways of dealing with the issue and that is why she suggested that the West End Planning Committee might be a good model. She expressed her interest in being involved on such an ad hoc committee.

Ms. Swanson Gribskov moved, seconded by Mr. Boles, that staff prepare a report scoping factors contributing to deterioration of the West University Neighborhood, prepare an action plan to address these issues including cost estimates and resource options for implementation, and provide this report to the council prior to the council's summer recess.

Marizio Paparo, owner of the Excelsior Cafe, stated that the problem was city-wide and business and citizens should not be divided from each other. He said that both powers were necessary to change the current situation.

Shannon McCarthy, 15th and Mill, stated that 25 years ago the neighbors warned the City that with single zoning this problem would be created. She said the neighbors appreciated the acknowledgment that the neighborhood needed help. She said she found the possibilities of the partnership very exciting and she encouraged the council to support the scoping plan.

Ms. Keller offered a friendly amendment, accepted by both Ms. Swanson Gribskov and Mr. Boles, to insert the words "options for an action plan," after the word "prepare."

Ms. Nathanson offered her support for the motion and said that some or all of the solutions should be implemented city-wide.

Mr. Boles said that the council had not done a very good job of addressing these issues, and it was not clear to him that this project would help. He said he would not support the motion as made unless he was convinced that it would result in a city-wide action.

Mr. Torrey said that one of the major reasons that West University Park is a problem is because of poor environmental public safety planning. He stated his support for the motion.

Mr. Hornbuckle said he would vote against the motion unless his vote were the swing vote. He said there was no analysis of the basic problem and this solution was about image making. He noted that some groups would be dealt with unfairly in this process and the council was unwilling to support some basic structural economic challenges in terms of rent control or landlord accountability.

Roll call vote; the motion passed 6:2, with councilors Boles and Hornbuckle voting no.

IX. RESOLUTION: COUNCILOR KEVIN HORNBUCKLE

Res. No. 4478--A resolution reprimanding Councilor Kevin Hornbuckle.

Ms. Swanson Gribakov moved, seconded by Mr. Torrey, to adopt the resolution.

Ms. Swanson Gribakov read the resolution into the record.

Ms. Swanson Gribakov stated that when the flyer prepared by Councilor Hornbuckle about Councilor Nathanson came to her attention she debated whether the council should even deal with it, but she decided that it should be dealt with because she believed the material contained in the flyer was slanderous. She noted that in Goal 2, the council called for itself to be thoughtful and deliberative, and she had found Mr. Hornbuckle's actions to conflict with that goal. She said she supported Mr. Hornbuckle's first amendment rights, so that she could not support the motion, but she had wanted to make a public declaration decrying Mr. Hornbuckle's actions.

Ms. Keller said she would not support the motion because it was a petty and trivial response. She said that she hoped that the council would do a better job to live by the spirit under which it was supposed to be operating. She noted that Mr. Hornbuckle's actions were very "Dave Sweetesque," in terms of the personal attacks. She said the flyer was a mean spirited attack and she hoped that councilors would not feel threatened by individual councilors. She said she thought Mr. Hornbuckle's actions were inappropriate, but probably not illegal.

Ms. Nathanson stated that her objectivity on the issue was tarnished because she had been singled out. She said the attack was mean, malicious, and personal. She noted that it did not constitute a conflict of interest in the eyes of the Mayor or the City Attorney for her to remain at the table to vote, so she would do so. She said that the flyer had false and misleading information and was politically motivated. She said that she would vote on this resolution based on its merits and not on how she felt, that democratic organizations benefitted from diversity and healthy debate. She said she was very disappointed by the characterizations in the piece stating that councilors were undemocratic. She said that the piece undermined the council's ability to work together. Ms. Nathanson read into the

record her idea of a good resolution, "The flyer contains false and misleading information. It is inflammatory and insulting. We repudiate its content. Vicious and negative attacks from one councilor to another cannot contribute to well reasoned and thoughtful debate and they get in the way of achieving adopted council goals, which is toward thoughtful and deliberative actions." She said that she would vote against the resolution.

Mr. Farr said he would vote against the resolution. He noted that the information in the flyer was attacking, mean spirited, and in bad form. He acquiesced that perhaps Mr. Hornbuckle had the legal right to say those things, but he felt that one part of the flyer was propagandized and that was the part regarding the council as half composed of appointed members.

Mr. Boles echoed several sentiments and noted that the council was collectively and individually responsible for modeling a level of civil discourse and that did not happen in this case. He said that while it was an exercise in freedom of speech it amounted to a "pretty jerky act." He said that he believed Mr. Hornbuckle had further marginalized himself and has become even more ineffective as a councilor.

Mr. Torrey said he would not support the resolution because it did not deal with the real issue, which was the content of the flyer. He said that contrary to Mr. Hornbuckle's assertions, an open discussion of an issue is part of the democratic process. He added that the enterprise zone designation was enacted on September 8, 1986, and took place before Ms. Nathanson took office. He noted that Mr. Hornbuckle had broken the trust of his fellow councilors.

Mr. Laue said he would vote in favor of the motion based upon the word "trust." He said he believed the action of distributing the flyer was in violation of a state law related to elections. He said it was exacerbated by the fact that it was done by an elected official. He said he did not believe it was trivial for one councilor to attack another councilor. He said that a violation of an election law is significant. He said he was saddened by the flyer and its content.

Mr. Hornbuckle said that he owed Ms. Nathanson an apology for having spelled her name incorrectly on the flyer and that was it. He said that it was the council that was violating election law by defending a woman who was running for reelection. He said that it was disappointing that the council president did not know the legal implications of the 1st Amendment. Referring to Ms. Swanson Gribakov's remarks, Mr. Hornbuckle stated that his words were not slanderous because Ms. Nathanson was a public official and therefore open to political flyers. He said to disregard the flyer as mean spirited was to dismiss its basic political content. He said that he attempted to hold Ms. Nathanson accountable for her public representations and her votes and that he continued to uphold his statements made in the original flyer. He said that Ms. Nathanson did speak out of both sides of her mouth and she knew that Hyundai was coming to Eugene well before she claimed to know about their decision. He noted that it was a fact that one half of the city councilors were appointed because many of the councilors ran uncontested. Mr. Hornbuckle noted that he never used the "Boles method of political lobbying of brown nosing." He said he would abstain from the vote.

Roll call vote; the motion failed 6:1:0 with Councilor Laue voting yes and Councilor Hornbuckle abstaining.

The meeting adjourned.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager, pro tem

(Recorded by Jennifer Self)
cc73026.026