

MINUTES

Eugene City Council
McNutt Room--City Hall

March 6, 1996
11:30 a.m.

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

The adjourned meeting of March 4, 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 Gribskov, 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. Swat Team Operation

City Manager Linda Norris reported on a police swat operation on March 5 that resulted in an arrest.

B. West End Planning Committee Open House

Ms. Norris announced an open house from 3-5 p.m. this afternoon in the Atrium for the West End Planning Committee members and City Councilors.

C. Woody Debris Drop-off Site

Ms. Norris announced that two sites have been arranged for public drop-off of woody debris from the recent snow storm. She noted that the City had lost about 250 street trees to the storm.

D. Staff Appreciation

Ms. Swanson Gribskov thanked staff for their quick response to the storm. Several others added their appreciation of Public Works staff.

E. Lane Council of Governments Board (LCOG)

Ms. Swanson Gribskov said she raised the issue of the County Road Fund at the last LCOG Board meeting and a meeting has been arranged for the mayors in Lane County to discuss the issue.

F. Public Safety Coordinating Council

Ms. Swanson Gribskov said she and Mr. Laue continue to represent the council on the Public Safety Coordinating Council.

G. Parking Citation Error

Mr. Farr reported that he was issued a parking citation in error by a lot management company and he has been unable to get any satisfaction. He said the public perception is that these citations are issued by the municipality. Ms. Norris said she would follow up.

Ms. Nathanson said parking had become a problem for Friends of the Library but Library staff solved it by issuing parking vouchers.

Mr. Boles asked for the error rate on the problem.

H. Intergovernmental Relations (IGR) Committee

Ms. Keller noted the need for additional council representatives on the IGR Committee, particularly continuing representatives to facilitate preparation in the fall for the next legislative session.

Ms. Nathanson encouraged suggestions from City staff on legislative changes, which may very well lead to timely results and savings.

I. Bicycle Couriers

Ms. Keller asked staff for information on bicycle couriers and whether the City was using them.

J. Council Breaks

Ms. Nathanson expressed concern with the time line pressures that month-long council breaks impose and wondered if shorter breaks should be considered.

Mr. Laue expressed support for the current length of the breaks.

K. Proposed Parking Lot--Kaufman Center

Mr. Hornbuckle said Sandra Bishop, a citizen, has questioned the proposed parking lot, wondering if it is zoned appropriately and what the rationale was for that use. He asked for a response from Library, Recreation, and Cultural Services Director Jim Johnson.

L. Communist Party Convention

Mr. Hornbuckle reported on the Communist Party Convention he attended in Cleveland, Ohio, last week.

M. National League of Cities Conference

Mr. Boles said he and Mr. Laue will attend the National League of Cities Conference next week and issue a report by the end of the month.

N. Public Forums

Mr. Torrey urged better use of the council's meeting time, particularly on Monday evenings when public forums are scheduled.

O. Lawn Sign Kits

Mr. Laue said free lawn sign kits are available from him or his political action campaign.

P. Utility Consumption Tax

Mr. Laue defended the utility consumption tax, saying it was not regressive if considered at the group level. He called the rent subsidies it would yield more progressive than the State income tax, the national social security and income taxes.

Q. Post Election Survey

Mr. Laue urged the council to fund and conduct a post election survey on the utility consumption tax. The council agreed.

R. City Telephone Listing

Mayor Bascom expressed appreciation for staff who changed the City's telephone listing to an alphabetical order.

S. Comprehensive Stormwater Management Program

Mayor Bascom said she submitted the City's Comprehensive Stormwater Management Plan for a Liveability City award.

T. Election Law

Mayor Bascom called attention to the information on election laws in the meeting packet.

U. High Speed Rail Panel

Mayor Bascom said she would participate on a panel on high speed rail in Portland next week and asked councilors to support the proposed resolution

scheduled for consideration at the end of the meeting.

V. Pacific Northwest Urban Foresters

Mayor Bascom noted that she would be the keynote speaker at the Pacific Northwest Urban Foresters' first meeting in Eugene on March 20.

W. Federal Lobbying Trip

Mayor Bascom said a report on her Federal lobbying trip was forthcoming.

III. CHECKPOINT: GROWTH MANAGEMENT STUDY (GMS)

Mr. Laue placed before the council the following motion from the last meeting:

Motion: to approve the budget request for the Growth Management Study for \$212,000 from the FY96 Contingency Fund.

Ms. Swanson Gribskov expressed appreciation for the March 5 GMS cost analysis distribution and flagged her concern that the current estimated costs for the study was ten times higher than originally proposed. She said it made sense for the Planning Commission to address budget issues. She questioned the budgeted figure for the cost of services study and wondered if that amount should be applied to the GMS, pending a better estimate for the services study.

Ms. Norris said the issue is that the council asked for a moderate level of citizen involvement, which added \$21,000 to the budget. The study's scope has become much more specific and the Planning Commission, the council liaisons, and staff have been working on getting the project done at the desired scope and time frame to enable current councilors to have input into the process. She noted this was the first time that the council has seen the full scope of the project, including the public involvement process, and costs.

Ms. Keller distributed minutes reflecting what the council originally approved: the basic scope of the study; \$50,000 for the cost of services study, with funds to come from State funding; and \$21,000 to cover enhanced citizen participation. She noted that expenditures to date totaled half of what had been budgeted for the entire study, with the exception of the cost of services study which has "doubled in price." Ms. Keller agreed with Ms. Swanson Gribskov that the Planning Commission should address budget issues.

Mr. Boles described the context for judging the costs: assuming the study cost \$.5 million--that is .25 of 1 percent of the City's total budget across funds to "actually get a handle on how we respond to the growth pressures that are present in this community and deal with them in a responsible fashion." He reminded the council that it had already approved at least that amount of money for additional positions in the Planning Division and the Permit and Information Center to react to those growth pressures. Mr. Boles said the GMS supports almost all of the council's goals and it is appropriate to expect it

to absorb some of the resources of the organization to do that. He said one of the problems with the process was that the council chose a cumbersome mechanism for managing the project. Mr. Boles said the council may want to deal with the cost of services outside the rest of the project, including alternative ways of doing the study and other revenue sources.

Mr. Laue said the cost of the study is not significant, noting that the Zoning Code Review, the Housing Code, and the Transportation Plan were more costly and were not as critical. He expressed support for the council liaison management structure, adding they represent the two different spectrums on the council.

Ms. Norris clarified that the \$100,000 for the cost of services study included \$50,000 from a State grant, which had fallen through and was reported to the council.

Ms. Nathanson affirmed the importance of the work being done, saying it would shape the City for many years. However, she said, she was not ready to affirm the study's cost. She expressed support for the management structure chosen, saying that there was a difference between program oversight and budget oversight and approval and the Planning Commission had traditionally not been given authority to address budget matters--something the council may wish to review.

Mayor Bascom said that postponing the cost of services study discussion for another time was a good suggestion.

Mr. Farr agreed with Mr. Boles' comments and said he supported the expenditures. He thanked councilors Boles and Torrey as well as the Planning Commission for their work.

Mr. Torrey said it was not unreasonable to spend that amount on the study, noting that everything the council dealt with had to do with growth management.

Mr. Hornbuckle said it was academic to argue over the level of funding because it is based on mechanistic grounds and no ordinances will come of it. He said the City has many such shelved plans, which are often violated. He recalled proposing, when the council had a joint meeting with the Planning Commission, a process that would produce accurate and representative information--a combination of public forums and studies--at a cost of about \$50,000.

Mr. Laue moved, seconded by Mr. Torrey, to extend the discussion by seven minutes by adding the time at the end of the meeting. The motion passed, 5:3; with councilors Keller, Hornbuckle, and Farr opposed.

Ms. Nathanson said her main concern was whether staff reviewed all staff assignments across departments to meet the study's additional staffing needs.

Mr. Laue moved, seconded by Ms. Swanson Gribbskov, to amend the

motion by changing the budget to \$112,000 out of the Contingency Fund, and have the discussion on the cost of services study as the last phase.

Ms. Keller reiterated her concern that the council approved \$50,000 for the cost of services study, which she considered a critical part of the GMS. She said staff should be directed to go back and figure out how "they are going to live" within the budget they were given.

Addressing a question from Mr. Torrey, Ms. Norris said staff could proceed with the other phases of the study and scope and bring back to the council the cost of services study for an additional allocation. Ms. Norris pointed out that the additional staff referred to in the budget was for technical work to be able to produce the study within the time frame. In response to a follow-up question, Jim Croteau, Planning Division, said the majority of the costs were imbedded in the public involvement process, and extending the time frame did not save much.

The motion to amend passed, 5:3; with councilors Hornbuckle, Keller, and Nathanson opposed.

Ms. Keller reiterated her concern with the cost of the study, adding that staff had not justified the increase.

Mr. Boles said he would reluctantly support the \$112,000 to avoid further delays. He offered to meet with anyone concerned with the analysis of costs. He added that the council cannot continue to process this particular aspect of its work in this way and councilors should rethink the liaison management structure over the spring break.

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

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to approve the proposed process and time line of the Growth Management Study as outlined in the Gantt chart. Roll call vote. The motion passed, 7:1; with Councilor Hornbuckle opposed.

IV. ORDINANCE CONCERNING EROSION PREVENTION AND CONSTRUCTION SITE MANAGEMENT PRACTICES

Chris Andersen, Public Works Director, called attention to wall displays outlining background information given in prior work sessions. She said the briefing notes addressed points of clarification requested by the council, including the City exemption. Another point had to do with the relationship between the Department of Environmental Quality's (DEQ) stormwater program and the City of Eugene taking on the local component, currently a DEQ responsibility. She introduced Ranei Namura, Stormwater Program Manager, DEQ.

Ms. Namura described DEQ's resources, noting that "almost four" inspectors

cover the over 200 projects Statewide and another 900 sites for other, primarily industrial, stormwater issues. She said the DEQ was very eager to have the City help with the program. She added that erosion and sediment control from construction sites worked better at the local level since it was an educational as well as enforcement/compliance service that the DEQ could not adequately provide. Ms. Namura said the agency negotiates memorandums of agreement, allowing for as much flexibility as possible.

Addressing a question from Mr. Laue, Ms. Namura said the DEQ was more than happy to turn over all its fees to induce the City's assistance. She said there was a \$473 initial permit and \$228 annual compliance fee.

Ms. Andersen introduced Eileen Argentina, Acting Engineering Services Manager, to answer questions.

Mr. Laue said a "furor" has developed around the administrative rules, but there was a process of review/edit/comment on the rules for the public so he was not concerned with the rules being unreasonable. He said the council's responsibility was to pursue the public's interest and to that extent he would recommend that the council postpone taking action on the ordinance until April, allowing for staff review to correct problems in the ordinance.

Mr. Laue moved, seconded by Mr. Farr, to postpone action on the ordinance to April.

In response to a question from Ms. Keller, Ms. Andersen said the most controversial issue is the Type 2 permits and whether there is an opportunity to use the administrative checklist system instead of the permit process. She said this was in addition to the primary issue of the City taking over the DEQ responsibility for sites of five acres or more.

Mr. Laue withdrew his motion to allow general discussion.

Mr. Farr cited several problems with the current ordinance and supported postponing action.

Ms. Swanson Gribkov also supported postponement and asked staff to report on the City's 10 percent payment to the DEQ. She said the council may consider taking on the responsibility, setting standards, imposing fines, monitoring the process and, from that, developing an ordinance. She also asked staff to review input from utilities and analyze the impact on Type 2 family dwellings.

Mr. Torrey said the community perception is that someone made an "end run" around the committee as the information disseminated was "totally different" from what came out of the committee. He distributed suggestions for amendments to the ordinance, adding that he supported postponing action.

Ms. Keller said it made sense to her to have the City take on the responsibility and have those creating the problem pay for that work.

Ms. Nathanson agreed that those causing the problem should pay. She supported

postponement, if the council can address the possibility of having an ordinance, a checklist, and notification of what compliance needs to be under five acres but not go through a permitting and inspection process, with penalties leveled against violators. She added that the 10 percent to DEQ did not make sense to her when the City would be doing 100 percent of the enforcement. If postponed, she said, she wanted to discuss Section 6.65(a) with staff.

Mr. Boies echoed Mr. Laue's comments, adding the council are the only representatives charged with looking at issues that deal with the overall community's health and welfare. He supported postponement if: 1) it were referred back to the advisory committee for recommendations for modifications as options; 2) the council never have brought before it an ordinance that does not apply to the municipality as well as the private sector, adding he thought the issue was settled when the council developed policy around system development charges (SDCs); and 3) the council is aware of the danger of postponement, including "grandfathering-in."

Ms. Andersen asked for guidance around the sensitive areas. In reviewing the checklist for areas over five acres, she said, the consensus of the advisory committee was that it indicate a permitting process. She said she heard that the council preferred a checklist as opposed to permit, and fines for those in violation. She said that doing away with a permit in sensitive areas in less than five acres was a concern, but staff would provide options to the advisory committee.

Mr. Laue moved, seconded by Ms. Nathanson, to add five minutes to the discussion, with the time added to the end of the meeting. The motion passed, 7:1; with Mr. Hornbuckle opposed.

Mr. Hornbuckle said he was satisfied with the ordinance before the council, adding that he appreciated staff's detailed responses to questions raised in the public hearing.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to table the issue, with the understanding that it will be recycled through the department advisory committee which will develop options for the council's consideration. The motion passed, 6:2; with Mr. Hornbuckle and Ms. Nathanson opposed.

V. WORK SESSION: MULTI-YEAR FINANCIAL STRATEGY--LIBRARY SERVICES ALTERNATIVES

Mr. Johnson said in April 1995, the council suggested that a department advisory committee be formed to narrow the options for enhancing library services after failure of the ballot measure. He said the council is being asked to review and comment on the committee's work thus far. He said that options 1, 2, and 3 in the briefing statement were developed specifically by the committee. Staff included option 4, but the committee had not had

sufficient discussion time to move it forward.

Ms. Swanson Gribskov thanked the committee for its work, saying these are the right options and should be fleshed out. She recommended further consideration of option 4 and a March or May 1997 election target.

Ms. Keller added her thanks to both staff and the committee. She noted that what has not been factored into options 1 and 2 is that the City ends up with an additional building--the existing library. She said that at least 100,000 square feet was needed for a library, adding that storefront branches were something that could be easily tried to expand services while continuing the discussion and garnering additional public support, particularly from those living further away from the library.

Mr. Torrey suggested, as a way of reducing costs, building a 100,000-square foot facility and assigning other uses to part of it. He wondered if locating branches in school libraries reduced operations and maintenance costs. He questioned the high cost of storefront operations. Mr. Johnson said that the amount was based on a 40-hour operations schedule.

Mr. Johnson said the committee discussed the possibility of using schools for its branches, finding that the main problem was the different kinds of books that were in the different collections. He added that it was an intriguing idea because some of the school libraries are under-utilized. Carol Hildebrand, Library Services Director, said schools face the same staffing problems as the City.

Mr. Boles reminded the council that the City owns the Sears building and he was surprised to find that it was not an option for the library. He suggested that branch libraries, if developed, be located near transit nodes. Schools, he said, find it difficult to run their libraries, depending heavily on volunteers. He wondered if the committee had finished its work; and if it had not, the charge should be reviewed and capitalizing the options and addressing operations and maintenance costs be added to that charge.

Mr. Farr favored storefront libraries and opposed school libraries, noting that an additional problem is the mixed collection of people. He supported a mixed use of the structure to help support it.

Ms. Nathanson said the City should continue to look into expanding its main library, which she supported for use as a public access point to government information and other public services. She recalled an experiment in Salem using school libraries as municipal branch libraries, which was a failure for all the reasons raised earlier in the meeting.

Mr. Hornbuckle said the basic political hurdle of how to finance construction and operations and maintenance needed to be addressed before further planning for a new library. First the council must ask, he said, who the library serves and what the public interest is in order to establish a principle of taxation that is fair.

Mr. Hornbuckle moved that the City Council, in near future, propose by ballot, a progressive tax, i.e., a tax on individual incomes of City residents of over \$30,000 for both the bond retention and operations and maintenance of a new library. The motion died for lack of a second.

In response to a question from Mayor Bascom, Mr. Johnson said staff was willing to try a test "storefront" library and could develop a budget for the council's consideration if directed to do so but it was an expensive proposition--about \$205,000 annually.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, that the council indicate its support of the options and the work of the committee on the library strategies and financing; and request that the committee further refine the options and bring them back to the council along with a check-in on their work plan and date of termination. The motion passed, 7:1; with Mr. Hornbuckle opposed.

Mr. Johnson noted that the topic would come before the council again in its April work session on the multi-year financial strategy.

VI. WORK SESSION: BOOKS BY MAIL PROGRAM--FEE FOR SERVICE PROPOSAL

Mr. Johnson said that as part of the discussion of fees for library services, the department developed a Books by Mail program for which the council approved funding during its Supplemental No. 1 budget process. He said this was a council check-in, adding the department may decide that the program cannot be implemented for several reasons and which are enumerated in the staff notes. He introduced consultant Kim Short.

Mr. Short described the study, noting the community demand for services is great. He said the Books by Mail program is the next logical step in the delivery of library services because it makes effective use of the infrastructure in place and is the least costly and intrusive added service in response to that demand.

Mr. Farr left the meeting.

Mr. Short said similar programs have worked for special populations, e.g, shut-ins, and making such a program available to the general public without subsidies is an innovative approach to library services.

Ms. Keller said she supported the idea. Ms. Keller left the meeting.

Mr. Boles said the \$2.50 fee per book plus postage was too expensive for the average person. Ms. Hildebrand noted that the cost to the average walk-in per book is about \$2.00 and included transportation.

Mr. Hornbuckle said this was a step toward privatization of library services, moving away from public access to library materials toward services for those

"who can afford to do it." He said he would support the program if it were funded through the General Fund, with equal access for everyone.

Ms. Nathanson noted that the program was entirely voluntary and a "special" service for those who wanted to pay for it, and it did not jeopardize public access to the materials. She pointed out that using the mail service reduced automobile trips.

Ms. Swanson Gribkov encouraged staff to consider a scholarship fund for the service.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, that the council indicate to LRCS staff that they move ahead with the Books by Mail program, as they see fit.

Mr. Laue moved, seconded by Mr. Boles, to extend the discussion by five minutes, with the additional time added to the end of the meeting. The motion passed, 4:2; with councilors Nathanson and Hornbuckle opposed.

Mr. Hornbuckle said he was opposed to the motion because he was not convinced it did not jeopardize existing library services.

The motion passed, 5:1; with Mr. Hornbuckle opposed.

VII. WORK SESSION: NEARBY NATURE EDUCATION PROGRAM PROPOSAL

Doug Post, Recreation Services Director, said the council previously agreed to endorse the creation of a nature education program at Alton Baker Park if it was cost-neutral to the City. If not feasible, staff would report back to the council. He said the request for proposals (RFP) produced one response--from Nearby Nature. Mr. Post said the proposal was not cost-neutral, so staff is asking for direction on how to proceed. He noted a representative from Nearby Nature was in the audience to answer questions.

Mr. Boles expressed his support for the activity at any level. He said Nearby Nature is not only teaching students the value of the environment but also using an underutilized portion of the park. He noted this proposal was for a three-year, non-renewable contract.

Ms. Nathanson left the meeting.

Ms. Swanson Gribkov urged the council to support the program and Nearby Nature to solicit donations from the community.

Mr. Laue moved, seconded by Mr. Hornbuckle, to formalize a three-year, nonrenewable park use agreement to fund \$7,285 for the first year and \$6,084 for the second and third year. This would authorize the use of the park and fully fund the proposed program.

The motion passed unanimously, 5:0.

VIII. RESOLUTION OF INTENT--HIGH SPEED RAIL

Chris Andersen, Public Works Director, said the resolution related to long-range funding for high speed rail in the Cascadia corridor. The difficulty in being able to aggressively pursue State and Federal dollars for the service has been a stumbling block over the last few years. She said the resolution was one approach and involved identifying for the high speed rail program a portion of future Transportation Equity Fund dollars coming to the City. She noted the money was committed to transportation purposes but was not from the State Highway Trust Fund, and therefore, did not carry the limitation on its uses.

Ms. Norris introduced the resolution.

Res. No. 4480--A resolution concerning financing for the
Willamette Valley High Speed Rail Project from
Eugene to Portland.

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

Mr. Boles said he supported the resolution and asked for council consent to raise the percentage, with additional monies going to other non-automobile transit alternatives. The council declined an increase in the percentage.

Ms. Swanson Gribkov ascertained that other municipalities along the corridor were being asked to do the same and the City of Eugene was the first to consider the resolution.

The motion passed unanimously, 5:0.

The meeting adjourned at 1:45 p.m.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Yolanda Paule)
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