

MINUTES

Eugene City Council
McNutt Room--City Hall

April 24, 1996
11:30 a.m.

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

The adjourned meeting of April 22, 1996, of the Eugene City Council was called to order; Council President Tim Laue presiding.

I. APPROVAL OF THE ORDER OF THE AGENDA

Ms. Swanson Gribkov moved, seconded by Mr. Boles, to approve the order of the agenda.

Ms. Keller expressed concern that enough time had not been allowed for Item V.

Mr. Hornbuckle moved, seconded by Ms. Keller, to amend the motion by reducing the time allowed for Item VI to 30 minutes and increasing that for Item V to 20 minutes. The motion to amend passed unanimously, 8:0.

The main motion passed unanimously, 8:0.

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

A. Council Committee on Automation (CCA)

Ms. Nathanson said the CCA had determined that it had met its charge and will request by memorandum that the council allow the committee to sunset. She added that the committee has identified significant telecommunication issues facing the City and will recommend that the council convene a council committee to address the topic.

B. Enterprise Zone

Mr. Torrey reported on the April 23 Neighborhood Leaders Council (NLC) meeting, noting that staff made a presentation on the Enterprise Zone program and asked staff to distribute to the council the map that went along with the presentation. He asked that the topic be added to a future council agenda.

Mr. Boles noted that a citizen had provided information on the Enterprise Zone "order" statute that provides for "call backs," and distributed the letter to City Manager Linda Norris.

Ms. Norris added that Computer Memory Disk is expected to submit an enterprise zone application and information will be distributed in the council's April 25 packet.

C. Razor Park Soccer Stadium

Mr. Torrey reported on the Planning Commission's April 23 meeting, saying there was a four to two vote against accepting an appeal from neighbors to a Hearings Official decision on a soccer facility at Razor Park. He noted that the neighbors plan to file an appeal with the Land Use Board of Appeals (LUBA). He added the commission also voted unanimously to recommend that the council consider placing the facility elsewhere and called for council consideration of the issue.

Mr. Boles said he appreciated Mr. Torrey's interest in the Razor Park issue but added that Mr. Torrey had violated the council's deliberate discussion process by moving it into the campaign arena.

Mr. Farr thanked Mr. Torrey for his leadership on the issue.

Mr. Hornbuckle added that in his view there is no process question and related on their behalf the neighbors' appreciation of Mr. Torrey suggesting a proposal to locate the facility at the Fairgrounds.

D. Lane Regional Air Pollution Authority (LRAPA) Public Hearing

Mr. Boles shared his "deep disappointment" of the LRAPA Board's Public Hearing held last week, adding that LRAPA staff have not satisfactorily responded to his questions about their ability to monitor violations. He said he would raise these issues at the board's May 14 meeting and invited councilors to comment.

Ms. Keller added her disappointment, adding that she would be drafting a letter to LRAPA as CCEE's chair describing its previous recommendation.

E. Low-Income Housing Funding Request

Ms. Keller asked for council consensus to accept an application for Contingency Fund money from the Housing Authority and Community Services Agency (HACSA) for its Laurel Gardens apartment project. The council consented.

Ms. Nathanson asked for an update on Habitat for Humanity's Sandstone project. Ms. Keller said the Housing Policy Board's Development Subcommittee meeting was scheduled to make a recommendation on April 25.

F. Distinctive Streets

Ms. Keller flagged, for further council discussion, the Planning Commission's recommendation that "... the City Council consider designating certain collector streets as distinctive. ..."

Mr. Laue explained that the commission believed that the council has sufficient authority within the language of the Local Street Study to grant exemptions to some of the City's standards on the basis of characteristics and distinctive natures of neighborhoods or roadways, adding that he would ask the Mayor to schedule the issue for council discussion.

G. Library Internet Service

Mr. Farr reported that Library staff have expressed the need for a part-time coordinator to supervise the volunteers involved with providing its Internet Service, adding he will raise the issue of addressing that need later.

H. West University Neighborhood Scoping Project

Mr. Hornbuckle commented on the scoping project's citizen involvement components, calling it "unique and unapproved by the council." He noted that the "partners or discussion group" included only one person, a homeowner, that lives in the area, pointing out the absence of renters and preponderance of businesses and institutions. He called the proposal a good example of the lack of vision and innovation that the City has in approaching these social problems.

I. Letter of Condolence

Mr. Laue said a letter of condolence to the family of Rabbi Myron Kinberg had been signed and would be sent today.

J. City Code Public Hearing Process

Mr. Laue said a reporter has brought to his attention two instances where public comment on changes to the City Code was not taken. He said he thought it was the council's intent to take public comment every time unless there was an emergency, noting that was not the case in the instances cited. He asked staff to review other code changes for other instances where this may have happened.

K. The Eugene Mission

Ms. Norris called attention to information provided by Wayne Ford, Homeless Coalition, on a set of criteria that the Eugene Mission uses in extending services.

III. COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ACQUISITION OF LOW-INCOME HOUSING

Richie Weinman, Housing and Neighborhood Development Section Manager, said that Community Development Block Grant (CDBG) funds have already been allocated for low-income housing activities, including land acquisition. He described the land in question and asked the council to approve the specific request as required by Federal Regulations.

Ms. Swanson Gribkov moved, seconded by Mr. Boles, to approve the use of \$360,000 of CDBG funds to acquire the site at Jacobs and Fairfield streets to be used for low-income housing, and adjust spending authority between the operating and capital budgets in Supplemental Budget #3. Roll call vote. The motion passed unanimously, 8:0.

IV. WORK SESSION: HOMELESSNESS AND PROHIBITED CAMPING

Mr. Weinman summarized the City and County efforts in addressing homelessness and gave the history of the development and enforcement practices of the prohibited camping ordinance. He outlined the following options and their implications for the council's consideration:

1. Maintain the status quo by continuing to work on a variety of housing issues, emphasizing permanent housing. (The emergency housing problem will worsen.)
2. Reduce the penalties. (Citizens and police will be frustrated when they lack tools to address complaints, neighborhood-based complaints will continue, and the problem will continue.)
3. Establish a task force to study issues related to the provision of additional toilet and sanitation facilities. (Some homeless may feel less angry because an effort is being made, some neighborhood complaints may subside, new problems may arise at toilet locations, resolution will be challenging and expensive, and the homeless problem will continue.)
4. Allow greater leeway for camping on private property. (If prioritized now, the entire zoning code review will take longer, amendments could prove difficult, there will be spirited public debate on the issue, and for the homeless this will provide some release, but the problem will continue.)
5. Fund the housing plan identified in Cracking the Housing Crisis. (Improvement to the housing situation in the long term, response to the issue through affordable housing prevention programs, and continued need for addressing the immediate crisis of homelessness.)
6. Scope a pilot demonstration project designed to break the cycle of homelessness for a small sample of single homeless participants. (Could serve as an expandable model, may provide a significantly better quality of life and hope for some, would not immediately address the larger and growing problem associated with homelessness, and the costs of scoping and pilot are unknown.)

At Mr. Boles' request, Mr. Weinman reviewed the concept of the ladder included in the Cracking the Housing Crisis report.

In response to a question from Ms. Nathanson, Mr. Weinman said staff determined that creating "safe zones" where the prohibited camping ordinance did not apply was not feasible because it involved

land use and zoning issues, sanitation and health issues; all of which would likely involve the City in litigation. Ms. Nathanson wondered how many people would be served with options 3 or 4. She cited transportation problems for many if option 3 were implemented. Mr. Weinman said it is hard to estimate the number of people served with the options, adding it would not solve the homeless problem.

Ms. Swanson Gribskov asked for a progress report on zoning code review, the hours of service for the Eugene Service Station program, and for the City Attorney's opinion on the legality of the camping ban. Mr. Weinman said he understood that the Planning Commission planned to make a council recommendation on the Zoning Code Review as scheduled in December, 1996. He said that the Eugene Service Station offered services Monday through Friday, during business hours, adding that the station, as expected, was already outgrowing the space. Mr. Weinman pointed out that Lane County has approved its share of funding to continue the station, which is operated and managed by St. Vincent de Paul. City Attorney Glenn Klein said information in the packet (Page 25) explained why City Attorneys believed the City's camping ban is constitutional, adding that the council has the authority to change the ban as it is not a land use regulation. He noted that several people cited have been found guilty by the Municipal Court and those decisions have been appealed to the District Court. He said there is a case pending scheduled for trial on May 22 where the legality of the ban is expected to be raised, adding that the ban was upheld in the only other case that has moved forward so far but the Court did not issue a written opinion about why it thought the ban was constitutional.

Ms. Keller ascertained that previous work implemented within the zoning code review and Multi-Year Financial Strategy would move forward regardless of the council's action at this time. She asked for more information on the demonstration projects associated with option 6. Mr. Weinman explained that the difference between these and those already operating in the community is that these proposed programs would serve the needs of single adults and childless couples, expanding services to a different portion of the homeless population, which might slightly reduce resources for other sections of the homeless population.

Addressing a question from Mr. Torrey, Mr. Weinman said that an increase in the homeless problem was not peculiar to this particular community, adding that people tend to come where the services are with economics playing a part in that--while there are more jobs, the minimum wage is not enough for the average rent and the vacancy is at 1 percent. Mr. Torrey called for more public acknowledgment and credit for what the City has done about the problem. Mr. Weinman said he believed the City did receive credit for what it does and that is one of the reasons why homeless and housing advocates keep coming back to the council.

Mr. Hornbuckle agreed that the council was doing much through its "charity programs" but that was not going to solve homelessness, which was a structural problem. He called the City's "subsidy" for housing for the wealthy, The Guard Publishing Company project, a contradiction. He said the council questions posed were of a technical nature and did not address the political causes of homelessness.

Mr. Hornbuckle moved that the council put on the November ballot an advisory question which asks: Should the U.S. Constitution be amended to include housing as a human right? The motion died for lack of a second.

Addressing Mr. Torrey's earlier question about why is homelessness a problem here, Mr. Boles said it is a problem here for the structural inequities pointed out by Mr. Hornbuckle. He said the implications by some of the questions raised by the council would lead one to believe that if services were not provided, the problem would go away; and he was not interested in that solution. Mr. Boles said the issue was imbedded in the Cracking the Housing Crisis ladder of services and reiterated his position that it is the council's responsibility to find the \$1 million annually to implement those services. That responsibility should not be abdicated by referring it to the voters, he added, and it is time for the council to take some of the increased wealth for a small sector of the community to help solve the problem. He said he was willing to support a rational suggestion for using some of that increased economic benefit in the community "to help those at the lower end of the scale."

Ms. Nathanson agreed that there are economic, social, and structural issues that are causing an increase in the problem and wondered if there were any communities that were experiencing a decrease. She wondered if the Lane Council of Governments (LCOG) Board had discussed the issue and if there was information available on the problem in neighboring communities. Ms. Swanson Gribskov, the council's representative to the LCOG Board, said she has reported on the City's activities in the problem but there has never been a formal discussion. She said she would flag the issue for further discussion by the board across the jurisdictions.

Ms. Keller cautioned against counting on the other jurisdictions to participate in addressing the problem. She said she was supportive of options 3 and 4; but would ask that the task force also look for the potential for a pilot project, including funding implications; providing lockers for the homeless; including park caretakers provisions within the ordinance; including more support for WomenSpace; and review the potential for including in the Zoning Code Review an allowance for a campground within zoning designations.

Mr. Torrey said he was opposed to opening up City parks to camping. He added that he was convinced that the City drew many homeless from surrounding areas through its willingness to assist. He said the City's failure to recognize this would result in backfire from the community. Mr. Torrey asked that homeless advocates make recommendations on facility alternatives to the Mission.

Ms. Swanson Gribskov said there were no simple solutions and she continued to support the camping ban, with the condition that enforcement be complaint-driven. She said she was aware that 50 to 80 percent of the complaints dealt with sanitation, which she called a personal hygiene problem.

Ms. Swanson Gribskov moved, seconded by Mr. Torrey, that staff be directed to develop a proposal that gave a time frame and an approach to research sanitation facilities.

Mr. Hornbuckle supported the motion, noting that "personal hygiene" was not the problem, the problem with the lack of facilities to achieve personal hygiene was the primary problem. He pointed out that the City has taken this action before and it was a way to "protect the politically dominant position of the ruling class."

Mr. Farr said he supported the motion, with involvement from the Human Rights Commission (HRC) as suggested earlier by Ms. Swanson Gribskov.

Ms. Keller moved to amend the motion to include an appropriate forum and potential solutions for a pilot demonstration project, lockers, park caretaker positions, more support for WomenSpace, and the potential for allowing camping in particular zones under the Zoning Code Review.

Ms. Swanson Gribskov moved, seconded by Mr. Boles, to extend the discussion by 5 minutes, to be taken from Item VI. The motion to extend the discussion passed unanimously, 8:0.

Ms. Swanson Gribskov said she would not support the amendment and favored the narrower focus.

Mr. Farr was unresponsive, saying he believed the task force would analyze all the possibilities and the amendment narrowed the focus to a few specific items.

Ms. Nathanson said she did not support the amendment because it broadened the charge of the task force, extending the time period to accomplish it. She noted that some of that work was already moving forward.

Mr. Laue said he supported the amendment, noting it simply asked for a staff proposal and expected the council to then have the option of approving it or not.

The motion to amend failed, 4:4; with councilors Hornbuckle, Nathanson, Swanson Gribskov, and Torrey opposed.

Mr. Boles said he did not support the main motion, adding that the council again had abdicated its responsibility despite having a staff chronology that provides it with all the information it needed to make a rational decision around the topic.

Ms. Keller said she believed the City should provide public toilet facilities but did not believe a task force to figure out how to do it was necessary. She added that any task force should be addressing the problem more comprehensively.

Mr. Hornbuckle agreed with councilors Boles and Keller, but said that the siting of the toilet facilities was a very technical and political issue that would require some examination. He added that this was the best the council could do at the moment.

Mr. Farr added to the concern that the task force was too narrow in its focus.

Mr. Laue said he supported the motion, particularly with the notion of having both the Department of Public Safety and HRC involved on the task force.

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

V. ALTERNATIVE PROPOSAL: GROWTH MANAGEMENT COST OF SERVICES STUDY

Mr. Boles, one of the council's liaisons to the Planning Commission's work on the Growth Management Study (GMS), said this was the council's opportunity to ask questions about the alternative proposal for the Cost of Services Study. He noted that the Planning Commission had approved the study and waited the council's ratification. He reminded the council that its acceptance did not mean that the study would move forward without additional checkpoints.

Mr. Boles moved, seconded by Ms. Swanson Gribskov, to accept the Cost of Services analysis as outlined in the April 15, 1996, memorandum to the Planning Commission.

Ms. Swanson Gribskov noted her support, adding that the study was within the existing budget.

Ms. Keller said she could not support the motion because it was inadequate and the information was not the kind needed for the council to set policy.

Mr. Torrey expressed his support for the motion.

Ms. Nathanson expressed reservations about the proposal, saying she was concerned that the information being used as a baseline was apt to change.

Mr. Hornbuckle expressed his support.

Mr. Laue said he shared some of Ms. Keller's reservations about the completeness of the study. He wondered when the next council checkpoint was scheduled. Mr. Boles responded that the liaisons would be able to identify the date after the commission's April 29 meeting. Mr. Laue asked to be apprised of any changes from the memorandum as the study moves forward. He reiterated his concern about how information is being processed between the commission and council, adding that the continuing "lag" in the exchange of information may compromise the product.

The motion passed, 7:1; with Ms. Keller opposed.

Mr. Boles said he and Mr. Torrey would meet with the City Manager to craft a proposal for the council's approval, adding that the recommendation will be that unless the council votes down something brought before it by its liaisons within some fixed time period, it will simply move forward.

VI. RECOMMENDATION FROM CITY COUNCIL PUBLIC SAFETY COMMITTEE ON THE MAY 21, 1996, LANE COUNTY TAX LEVY

Ms. Swanson Gribskov invited Lane County Commissioner Bobby Green to the table and made a presentation on the County's two-year serial levy. She summarized the potential election outcomes as follows:

Levy "A"

Threshold needed to win:
50 percent + 1 vote

Possible Outcomes:

Pass

Pass

Fail

Fail

Levy "A Plus"

Threshold needed to win:
50 percent + 1 vote

Pass

Fail

Pass

Fail

Ms. Swanson Gribskov noted the following: 1) the electorate is voting yes or no on each measure; 2) this is not a race between "A" or "A Plus" (It is not like a race between candidates.); and 3) you may elect both "A" and "A Plus."

Commissioner Green called the council's attention to items that could not be reduced out of the levy, including the transfer to School Fund, the transfer to the Serial Levy Fund, the HVAC system fund, and the 5 percent Prudent Person Reserve.

Ms. Swanson Gribskov noted that the levy raises property taxes from 39 cents per \$1,000 valuation to 85 cents per valuation.

Councilors discussed specific programs included in the levy proposals; perceived weaknesses in the development and composition of the levies; confusion about the status of the levies if one or the other fails to be approved by the voters; the need for a simple fact sheet of the implications to City government if one or both proposals are not approved by voters; and the need for continued intergovernmental work to provide long-term funding for public safety concerns.

Ms. Swanson Gribskov moved, seconded by Mr. Boles, to support the proposed two-year serial levy "A" for the Lane County Sheriff's Office.

Mr. Hornbuckle called this an innovative measure since it gave the voters more choices, but if either passed, it would increase the cost of housing, and it was a regressive tax. Therefore, he said, he would abstain.

The motion passed, 7:0:1; with Mr. Hornbuckle abstaining.

Ms. Swanson Gribskov moved, seconded by Mr. Boles, to support the proposed two-year serial levy "A Plus."

Ms. Keller said she opposed the motion and noted her concern with the process that created the proposal, funding and jurisdictional issues. She noted that 75 percent of the assessed value was

within the urban area so, once again, City residents were paying for rural law enforcement. Her main concern, she added, was that there was still a lack of long-term funding.

Several councilors spoke in favor of the motion.

Ms. Koller left the meeting at 1:30 p.m.

The motion passed, 6:0:1; with Mr. Hornbuckle abstaining.

Commissioner Green thanked the council for its support.

The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Yolanda Paule)
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