

MINUTES

Eugene City Council
McNutt Room—City Hall

September 25, 1996
11:30 a.m.

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

COUNCILORS ABSENT: Nancy Nathanson.

The adjourned meeting of September 18, 1996, of the Eugene City Council was called to order; Her Honor Mayor Ruth Bascom presiding.

I. APPROVAL OF THE AGENDA AND TIME ESTIMATES

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to approve the agenda and time estimates. The motion passed unanimously, 6:0, Ms. Keller having not yet arrived.

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

A. Eugene Celebration

Mr. Hornbuckle said he watched the Eugene Celebration Parade and talked with many people, adding that this community was filled with wonderful, forward thinking people.

Ms. Keller arrived at the meeting.

Ms. Swanson Gribakov said she is looking forward to the financial report, adding that she hoped a sponsor could be found to provide pins for low-income residents. She also praised the work of volunteers and staff.

B. Skinner Butte Cross

Mr. Hornbuckle reported that someone left a telephone message for him calling him a "hate-mongering Jew" and he suggested that such sentiments were another reason to maintain separation of church and state.

Mr. Farr reiterated his interest in pursuing the issue of the Skinner Butte Cross, saying he received many calls and all but one praised him for his position on the issue.

Ms. Keller reported several calls from the Jewish community supporting the council's decision.

Mayor Bascom said her remarks at the last meeting were misunderstood, explaining that she does not intend to move forward with the creation of a committee to consider relocating the cross until the appeal issue has been settled.

Mr. Boles asked Mayor Bascom to clarify her comment, noting that there was no movement on council to reconsider. Mayor Bascom said committee members are reluctant to serve until the appeal issue is settled.

City Attorney Glenn Klein said there was no legal impediment to the City's moving forward with developing a plan for the cross' relocation, but until the American Legion's attempt to intervene in the case was settled, Judge Hogan would not enter a final judgment in the case. Until a final judgment is entered, he added, the City cannot remove the cross.

Ms. Keller said it was time the community "stopped fighting" over the cross and urged the council to move forward with developing a plan for relocating the cross. Mr. Hornbuckle supported Ms. Keller's suggestion and wondered what recourse was available to the council if the Mayor chose to reverse the council's decision.

In response to a question from Ms. Swanson Gribskov, Mr. Klein explained that the City expected a motion to intervene to be filed this week, and unless an expedited schedule is requested, the plaintiffs and the City have 11 days to respond, followed by an 11-day response period for the American Legion. The matter would then be set for oral argument around the last week in October. Judge Hogan would issue a decision from the bench or at some point after that. If the judge grants a motion to intervene, the American Legion would file its petition for review with the United States Supreme Court. Mr. Klein said Judge Hogan probably would not take any further action on the case until the petition is acted upon—likely in July 1997. He added that if the Supreme Court decides to hear the case, it would likely take another 12-18 months to issue a decision.

C. Neighborhood Parks

Mr. Hornbuckle expressed concern with the degradation of neighborhood parks, adding that he hoped the council would some day be motivated to have a fuller discussion on the impact of the dispossessed not having a public place to go and take care of themselves.

D. Scobert Park

Mr. Boles recalled the council's last discussion about Scobert Park, having clarified the council's policy and ascertained from the City Manager that the City intended to enforce the law around that property. He said he and City staff attended a meeting in the neighborhood to inform people how they could become involved in the advisory committee and explain the consequences of breaking the law. He noted that the fence torn down on Saturday night has since been replaced. He invited his

constituents to get in touch with him to discuss issues, adding that lawless behavior is something that we should not be condoning. Mr. Boles said he asked the City Manager to provide an action plan.

E. East 13th Avenue

Mr. Torrey circulated pictures he took of the East 13th Avenue area depicting damage from street people and animals. Mr. Laue said the Council Committee on Public Safety (CCPS) will be discussing the West University Revitalization Plan soon and will fold the issue into that discussion. He added that it is on the Council Officers' September 26 agenda. Ms. Swanson Gribakov summarized the discussion and said the pertinent CCPS meeting was scheduled for Thursday, October 3, at 11 a.m. Ms. Keller added her concern about the problem and asked that any material prepared for the officers also be made available to the full council.

Mayor Bascom noted the inclusion of day curfew and truancy enforcement information in the council's packet and asked councilors to study the materials as a possible means to address youth problems locally.

F. Conservatism and Homelessness

Ms. Keller noted that several reports from other parts of the world have drawn a correlation between conservative governments and homelessness. She said the same is true for this country and as the City delineates its Federal priorities, it should keep that in mind.

G. SMART-Eugene Library Program

Mayor Bascom drew attention to a City library program called SMART, which pairs up adult volunteers with children learning to read, and encouraged councilors and citizens to become involved.

H. West End Multi-Use Project

Mayor Bascom reported that she visited the site of the west end multi-use project at Charnelton and Broadway, noting that the trees that will have to be removed will be replaced and the landscaping plan is in her office for council review.

I. Public Safety Issues

Ms. Norris addressed the issues raised earlier, saying there is widespread agreement that people want to do something about the public safety issues in Scobert Park and that the department advisory committee will begin working about two weeks after the membership has been established. Ms. Norris commented that there was a significant staff effort directed toward the East 13th Avenue problem and information would be distributed.

J. Ballot Measure 47

Ms. Norris said the staff work on the impact of Ballot Measure 47 would be available at the September 30 Budget Committee meeting.

III. UPDATE: GROWTH MANAGEMENT STUDY

Scott Meisner, Planning Commission Chair, provided a brief update and reviewed the time line for community input. Three public forums are scheduled for the week of November 18 (a week before Thanksgiving) and one of those will be on the weekend. He said the commission continues its series of presentations to public groups, and service and neighborhood organizations. Mr. Meisner asked for time on the council's December meeting schedule as it will be the current council's final opportunity to give direction to the Planning Commission and the future City Council.

Mr. Boles said a crucial part has to do with the group's ability to organize the results of the various public involvement portions in a fashion that supports decision-making by the council.

Mr. Torrey asked the council to speak to constituents and the broad community to garner support and participation.

Ms. Swanson Gribekov thanked those involved and suggested an article in the neighborhood newsletters, highlighting the public forums.

The council discussed the need for additional meetings and reserved December 16 to consider the study.

Ms. Keller expressed appreciation for the work of the Planning Commission and councilors Boles and Torrey.

IV. WORK SESSION: EROSION PREVENTION ORDINANCE

Michelle Cahill, Public Works Department, introduced Monica Anderson, Brian McCarthy, and Doreen Jones, Stormwater Development Standards Department Advisory Committee (DAC) members.

Ms. Cahill described changes made to the ordinance since the council last considered it and said that staff continued to do community outreach. Ms. Cahill noted that the City was no longer exempt from securing permits. She said the outcome-based program provides more flexibility for owners and contractors and guidelines for inspectors. Ms. Cahill praised the work of the DAC, noting a difference of opinion between it and staff on whether turnaround time for permit issuance should be mandated. Staff does not favor a mandated turnaround time. Ms. Cahill said staff and the DAC agreed that the program should be reviewed in one year. She asked for council direction and said the public hearing was scheduled for October 14, followed by council action at a later date. She noted that the administrative rules had a separate adoption process so public comment would also be taken separately.

Mr. McCarthy said there was broad representation on the DAC, including citizens from the voter pool, and representatives from the building and construction community as well as the design and consultant community. He emphasized that the DAC spent much time listening to public comment.

Ms. Keller expressed concern about whether the ordinance adequately dealt with the problem, pointing out that there was no differentiation in the ordinance between dry and wet weather. She added her concern about brief periods of sediment released into the river. Ms. Keller wondered if this were the last time the council would be addressing both the ordinance and administrative rules at the same time.

Ms. Cahill said permit applications were required to address the work schedule and inspectors would ensure appropriate erosion methods for the weather. She added that the program was Erosion Prevention and Construction Site Management Practices and it was intended to deal with such things as concrete truck washout and paint clean-up, etc. She noted that there is a program managed by the Maintenance Division that responds to reports of discharge.

Ms. Norris said staff usually address both the ordinance and administrative rules at the same time on new programs to give people an idea of the whole program. In other cases, they are done separately.

Mr. Farr pointed out that the administrative rules seemed to be less flexible than the ordinance and wondered if the Federal Clean Water Act defined specific outcomes. Ms. Cahill said it did not and those found in the rules were developed by City staff after reviewing ordinances of other communities and the Department of Environmental Quality's (DEQ) erosion permit process. She added that this was the section that contained the "maximum extent practicable" language that would be refined further.

Mr. Boles said he shared Ms. Keller's concern about how effective the program was in meeting the community's larger goal of not having erosion problems. He wondered if there were enforcement mechanisms and how they would be used for those members of the development community who had "historically externalized these types of problems on the municipality," and how the costs would be borne. Mr. Boles said the ordinance should not go forward until "maximum extent practicable" was defined. Finally, he asked, referring the council to page 3 of Attachment A, was this at staff discretion or were there algorithms for making the decision?

Mr. Laus moved, seconded by Ms. Swanson Gribakov, to extend the discussion by 10 minutes, with the time being taken from each of the next two items. The motion passed 6:1; with Ms. Keller opposed.

Ms. Cahill said that the DAC agreed that the needs of the general community were being met. Ms. Norris added that there was a lesser level of protection but it was still reasonable. Mr. Boles asked to have information on the degradation engendered by the changes in time for the public hearing. Ms. Cahill addressed the question of enforcement by saying there were two staff people budgeted to perform review and enforcement and the responses included a judicial as well as an administrative penalty process. She said that staff had not yet identified a formal process for how decisions were made in sensitive areas. Ms. Norris added that those decisions will have to be made on a case-by-case basis because there will be many different characteristics of the properties.

Addressing Mr. Torrey, Ms. Cahill said the revised ordinance would be available by the first of October, with the public hearing on October 14. He asked staff to provide information about the

possibility of having a time frame developed within which a permit would be granted provided a bond was posted as security should the project cause damage.

Ms. Swanson Gribakov wondered if enforcement staff positions were covered 100 percent by permit fees. Ms. Norris said she will provide that information.

Ms. Keller said she was not interested in the mandated turnaround time unless all costs were recovered by the fees.

Mr. Farr pointed out that it is the people buying the homes that are paying for the program, calling this "another nail in the coffin of affordable housing."

V. WORK SESSION: SPECIAL ASSESSMENT DEFERRAL PROGRAM

Jeff Lankston, Public Works Department, described changes to the assessment deferral draft ordinance for undeveloped properties since the council last considered it, noting that results from a council poll following the earlier discussion were contained in the meeting packet. He asked the council to review the deferral concept and provide direction on the criteria to be included in the ordinance and direct staff to proceed with drafting of the ordinance. Mr. Lankston said that the ordinance would give the council the ability to decide, on a project-by-project basis, whether to defer assessments on applicable properties. Funding for the program would be provided from internal sources or from other agencies as available (with reimbursement when the assessment is collected). He said the program would enhance the City's ability to provide road improvements in a timely manner.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to move ahead with the drafting of the proposed ordinance.

Ms. Keller said many of the problems raised have to do with the way the City does assessments in general, adding she supported an overall revision. The City is left with the question of how to treat this particular group of people equitably under an "unfair system." She said the costs for improvements to roads outside the urban growth boundary (UGB) should be shared with Lane County. Ms. Keller suggested removing the central area from consideration to encourage development in the core rather than the periphery.

Mr. Lankston clarified that the County does do assessments of some projects. He said the question of the UGB has been raised before and the probability of collecting an assessment, if deferred, beyond the UGB would be almost nil, so it would be a good idea to include a provision to exempt those properties. Funding for those would have to be from another source and they would not be deferred. Mr. Lankston said the ordinance calls for the council to make a decision on a project-by-project basis so, in that way, it could focus development wherever it chose.

Mr. Boles said he did not intend to support the motion for the following reasons: 1) when originally presented, he raised the question of increased pressure at the periphery for "leap frog" development and he had not received a satisfactory response; and 2) if the council wanted to engage in constructive

activity with the County Board of Commissioners, the most appropriate thing to do would be not to accept roads for City purposes that have not been constructed or reconstructed to City standards, which was yet another attempt to undermine rational land use planning laws.

Mr. Torrey supported the motion, saying the City cannot ask property owners to pay for additional improvements, noting that Lane County has offered to put up money if the City can guarantee repayment.

The motion passed, 4:3; with Councilors Boles, Hornbuckle and Keller opposed.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to provide a variable rate tied to the City's cost of providing the deferral.

Ms. Keller said she would not support any of the ordinance options, reiterating her concern with continuing to "piecemeal" this system, adding that the system needed to be fixed.

Addressing a question from Mayor Bascom, Mr. Lankston said one of the issues is that there is insufficient funding available for all of the parcels that would fit the criteria.

Mr. Boles suggested that staff draft the proposed ordinance using results from the council poll. Ms. Norris agreed to do that.

The motion passed, 4:3; with Councilors Boles, Hornbuckle, and Keller opposed.

VI. CONTINUED WORK SESSION: MULTIPLE-UNIT HOUSING PROPERTY TAX EXEMPTION PROGRAM

Mayor Bascom indicated that Councilor Nathanson had hoped the council would move forward with the three staff recommendations contained in the meeting packet, but if that was not the case, she wished to have any decision postponed in her absence.

Richie Weinman, Planning and Development Department, recalled the last discussion on the topic, saying that the major question is whether to extend the program into the future. He reviewed staff's recommendations and displayed a map of the program's boundary.

Addressing a question from Ms. Swanson Gribakov, Mr. Weinman said Ms. Keller had suggested removing the West University neighborhood area from the boundary because the City should not be encouraging additional rental housing. Ms. Norris said the other point of view is that although there is much rental housing, much of it is in need of replacement or rehabilitation and the program may encourage redevelopment.

Mr. Laue moved, seconded by Ms. Swanson Gribakov, to maintain the existing program boundary area.

Ms. Keller moved, seconded by Mr. Boles, to amend the motion to limit the program boundary area to what is commonly known as the downtown core area with an extension to include west 13th Avenue near the university.

Mayer Bascom reminded the council of Ms. Nathanson's desire to postpone action in her absence.

Ms. Keller moved, seconded by Mr. Boles, to table the motion. The motion passed, 4:3; with councillors Farr, Laue, and Torrey opposed.

Respectfully Submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Yolanda Paule)
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