

## MINUTES

Eugene City Council  
McNutt Room—City Hall

October 16, 1996  
11:30 a.m.

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

**COUNCILORS ABSENT:** Kevin Hornbuckle.

The meeting of October 16, 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 Gribkov, to approve the order of the agenda, 6:1; with Ms. Keller opposed.

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

#### A. Bureaucratic Jargon

Ms. Nathanson cited the phrase "street vacation" as an example of "bureaucratic" jargon unknown to many citizens. She suggested that staff and/or the Citizen Involvement Committee (CIC) could review City public notices to identify terms that may require further explanation for public consumption.

#### B. Recovery House

Ms. Keller called attention to a letter from the Southeast Neighbors Association asking the council to discontinue the practice of granting conditional use permit fee waivers to recovery houses. Ms. Nathanson asked that staff consider the process itself and broadly look at the pattern that has been set. It was referred to staff for follow-up.

#### C. Erosion Ordinance

Ms. Keller called attention to an October 15 *Register-Guard* article about Hyundai seeking changes in its Department of Environmental Quality (DEQ) permit because the runoff limitation imposed by the current permit cannot be met. She said it was not consistent with what the council was attempting to do

through the erosion control ordinance under consideration and suggested that the council consider sending a letter to the agency supporting continued protection of wetlands. The item was flagged for further discussion at the end of this agenda item, time permitting.

#### **D. Illegal Drug Trade**

Mr. Farr said he was struck by public testimony on October 14 that raised the problem of illegal drug trade in the community and he hoped the council would address the issue.

#### **E. Public Forums**

Mr. Farr recalled that the council had asked the CIC to review the public forum format and that group has suggested holding the forums at each Monday council meeting. The issue was flagged for further discussion at the end of this item, time permitting.

#### **F. Prison Siting**

Ms. Swanson Gribskov reported that the prison siting issue was on the Public Safety Coordinating Council's (PSCC) October 24 agenda.

Mr. Boles noted that the Lane County Board of Commissioners did not support all of the conditions developed by the council and requested information, adding that he wanted to make sure the City was adequately represented at the table.

#### **G. Skinner Butte Cross**

Mr. Torrey requested information regarding the cost to the City and the estimated plaintiffs' fees from the court decision.

#### **H. West Eugene Wetlands Plan**

Mr. Boles asked the council officers to schedule a council discussion to decide the City's next steps in the West Eugene Wetlands Plan amendment process, given Lane County's decision to refer the amendments back to the Lane County Planning Commission.

City Manager Linda Norris recalled that more information was requested after a joint planning commission hearing last spring. The normal process calls for a joint meeting of both commissions so that both have the same information to make recommendations to their respective elected officials, and the elected officials also hold a joint hearing for the same reason. This situation is different because there was new information after recommendations. Ms. Norris added that the Bureau of Land Management's (BLM) proposed FY97 budget included \$3 million for the West Eugene Wetlands acquisition program.

#### **I. Community Survey**

Mayor Bascom said suggested community survey questions will be distributed in the council packet and they will be considered by the council in the near future.

#### **J. Chinju, Korea**

Mayor Bascom circulated a plaque she received in Eugene's sister city, Chinju, Korea, and invited the council to view a video of the visit.

#### **K. Broadway/Willamette Plaza**

Mayor Bascom invited the council to attend a plaza opening ceremony at 5 p.m. on November 1, with a dance to follow.

#### **L. System Development Charges (SDC) Appeal**

Ms. Norris said she has received a request from Neale Hyatt for an appeal before the City Council on SDCs for Hyundai's plumbing permit. She said Mr. Hyatt missed the deadline for appeals, but she has addressed his concerns and a copy of her response will be distributed in the council packet.

There being sufficient time, the council returned to the item flagged earlier for further discussion.

#### **E. Public Forums (Continued)**

Mr. Farr said the CIC has discussed the importance of the public's ability to give input on issues of public interest. He asked the council to hold another public forum at the next Monday meeting and schedule a discussion about holding more frequent forums.

Ms. Keller supported the idea of holding more public forums provided the testimony was time-limited and people's opportunities to speak were limited to once a month. Mayor Bascom said the only restriction she favored was a three-minute speaker limit. She suggested having public forums at all Monday meetings through the end of the year. Mr. Boles said he objected to having portions of the CIC's review of the City's public information/public involvement process come back to the council on an ad hoc basis, although he will honor the council majority's wishes. Mr. Farr noted that a broad discussion of the citizen involvement process was scheduled for the next CIC meeting.

### **III. ACTION: ORDINANCE CONCERNING EROSION PREVENTION**

**CB 4565**—An ordinance concerning erosion prevention and construction site management practices, adding sections 6.625, 6.630, 6.635, 6.640, and 6.645 to the Eugene Code; and amending Section 6.406, 6.990 and 8.005 of that code.



Michelle Cahill, Public Works Department, provided the staff presentation and reviewed the packet material, noting the program was a work-in-progress. She emphasized that the proposed program will be followed by a one-year evaluation. Ms. Cahill addressed council questions raised in the October 14 public hearing.

Ms. Cahill said a permit price has not been included in the cost estimates done by City staff because that figure is yet unknown. Also not included is monitoring and maintaining the erosion devices and overhead for the company. She noted that the program was not method-based but rather tailored to the specific site.

In response to questions, Ms. Cahill gave the following details. The permit price for a single-family dwelling would range from \$50 to \$100. The department's goal is a permit turnaround of 30 days. A mandated turnaround period is not included in the proposed ordinance and none of the permitting processes have a mandated turnaround. Commercial development permit costs will be based on the size and/or the value of the development. Wet weather will be addressed in the Administrative Rules and the permit is effective until the site is "stabilized," and that could extend it through a wet season. Staff is relying on the professionals that are required to develop erosion control plans so staff review time will be limited and most of the time will be spent in the field, where it is needed, at the problem sites.

City Attorney Glenn Klein added that, as drafted, the ordinance covers everything that is in the administrative rules. He said that if one of the objectives is to focus on neighboring properties, language should be added to make it clear so it can survive legal challenges. Ms. Cahill added that Eugene's standards are much more stringent than similar communities. Addressing follow-up questions, Mr. Klein said that the council has the authority to change the ordinance to override the City Manager and also change the administrative rules. The council also has the authority to change the code to require the manager to bring before it administrative rules before they are adopted, but under the current ordinance, the authority to adopt administrative rules is delegated to the City Manager.

Ms. Norris noted that she has always sent administrative rules to the council before the comment period and before adoption.

Addressing a question from Mayor Bascom, Ms. Cahill said that the department advisory committee is under the CIC guideline of a two-year sunset, but an extension has been granted. The next phase is the development of standards in January.

Ms. Keller moved, seconded by Mr. Boles, to extend the discussion by five minutes and postpone adoption of the Intergovernmental Relations (IGR) Committee minutes. The motion passed, 6:1; with Mr. Farr opposed.

Ms. Norris asked the council to consider council bill number 4565.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, 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.

Mr. Farr said that the ordinance, as written, is too narrow and too expensive to administer. He said it will add from 8.5 to 10 percent to the cost of housing.

Ms. Swanson Gribskov expressed support for the motion and asked to have the one-year evaluation come back to the council.

Ms. Nathanson expressed support for the motion, saying it was a good compromise. She encouraged staff to report any issues objectively.

Ms. Nathanson moved, seconded by Ms. Keller, to amend the ordinance by adding two words: in Section 6.625(a), add "adjacent properties," following the phrase "negative impacts to." The motion passed, 6:1; with Mr. Farr opposed.

Mr. Boles said he would reluctantly support the motion, but it was not clear to him that the ordinance adequately "protected the commonwealth of the community and ensure that commonwealth is preserved for our posterity."

Ms. Keller said she believed the ordinance did not go far enough and too much had been compromised, but the evaluation will inform the council and the program may be revisited.

Mr. Farr asked the council to take "a good, hard look" at the administrative rules before they are enacted.

The motion passed unanimously, 7:0.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, that the bill be approved and given final passage. The motion passed unanimously, 7:0; and the bill, having been approved became Ordinance Number 20067.

#### **IV. WORK SESSION: AMENDMENTS TO ORDINANCE PROHIBITING DOGS AND SKATEBOARD RIDING IN THE 13TH AND ALDER AREA**

Lt. Becky Hanson, Department of Public Safety (DPS), provided the staff presentation, highlighting the ban's success within the prohibited area. She said the problem then moved west, particularly into the area of Mill Street and 13th Avenue. The proposed expansion for the ban is Willamette Street to Kincaid Street; the south curb line of 12th Avenue to the south curb line of 14th Avenue. Lt. Hanson said the boundary is slightly changed from the previous proposed expansion because White Bird Clinic raised an issue so the new proposed expansion excludes its side of the street.

Ms. Keller moved, to extend the discussion time beyond the eight minutes left, by deleting Item VI. The motion died for lack of a second.

Ms. Keller expressed surprise that the dog and skateboard ordinance was being used to fight the illegal drug problem in the town, adding that if that was the objective, there were already ordinances to do that.

Ms. Nathanson commended officers and DPS staff who are trying to use a new tool to address a number of problems, including illegal drug traffic. She wondered, however, where the boundary would eventually stop if the problem continued to be pushed into another location, adding that she had also received a comment about citizens being caught up in the "sweeps." Ms. Nathanson asked the department to bring back other options.

Referring to a letter in the meeting packet from St. Mary's Church, Mr. Boles said that, with the motion, the council was "simply repackaging this can of worms in a larger can." He added that there were adequate laws on the books that simply needed to be enforced. Mr. Boles said he appreciated Ms. Nathanson's suggestion for other creative options, but it was most appropriate within the larger context of a Citizen Review Board and he hoped such a group would be convened.

Mr. Torrey reported having toured the area in question for an hour on October 15 and that without exception the comments he solicited were positive. He urged support for the expansion, saying the council could not allow this illegal and unlawful activity to exist anywhere in the community.

Ms. Keller called for the orders of the day.

Mr. Laue moved, seconded by Ms. Keller, to extend the discussion by 10 minutes by dropping Item V. The motion passed, 5:2; with councilors Boles and Farr opposed.

Ms. Swanson Gribskov flagged for consideration at another time the request from St. Mary's Church.

Mr. Laue said he opposed the motion, believing the extension was too far out. He said that appropriate enforcement actions should address the illegal behaviors raised, adding that he is not sure that the ban is the most appropriate way to address those problems.

Ms. Norris pointed out that this was but one tool addressing a number of problems. She said staff could do more analysis and bring back more options from which the council may choose.

Mr. Farr left the meeting.

Mayor Bascom summarized the discussion by saying it seemed the council did not wish to move forward with the extension at this time, pending a fuller range of options.

Mr. Torrey moved, seconded by Ms. Swanson Gribskov, to draft an ordinance for the council's consideration to extend the boundary to the east side of Pearl Street.

Mr. Torrey urged support for the motion and asked council members to contact the people impacted, as he had done.



In response to a question from Mr. Laue, Lt. Hanson said the limited extension would provide some relief.

Mr. Boles reiterated his opposition to "moving the border around."

Ms. Keller pointed out that dog-walking and skateboarding were not illegal activities, and said the council should make sure it was making decisions based on only these two activities.

Ms. Nathanson said the City had apparently solved those two problems and that of illegal drug traffic as well with one tool.

Mayor Bascom expressed support for the motion.

The motion passed, 4:2; with councilors Boles and Keller opposed.

#### **V. INFORMATION BRIEFING: MUNICIPAL COURT JUDICIAL EVALUATIONS**

Ms. Norris introduced new Court Administrator Pat Kuka, who introduced Judges Mary Ann Bearden and Wayne Allen. The council discussed the self-evaluations with Judges Allen and Bearden and asked clarifying questions, made suggestions for future evaluations, and expressed appreciation for the judges. Judge Allen noted the increasing number of warrants he issues for failure to appear and raised a caution about the need for adequate jail space in the future. Judge Bearden concurred.

Ms. Keller asked the council officers to schedule time on a future agenda for discussion of the issues raised by Judges Allen and Bearden.

Mr. Boles said this was the first attempt at an informal evaluation and it was a great success, suggesting for future evaluations that defendants be given an opportunity to provide input. He asked for the judges' assistance in considering an evaluation of the integration of court and police services.

#### **VI. RESOLUTION NAMING THE PLAZA AT BROADWAY AND WILLAMETTE STREET**

Mayor Bascom suggested distributing a council straw ballot to resolve the issue of the naming of the new plaza. The council agreed.

VII. APPROVAL OF INTERGOVERNMENTAL RELATIONS COMMITTEE MINUTES

This item was deferred to a future meeting due to time constraints.

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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