

MINUTES

Eugene City Council
McNutt Room--City Hall

October 28, 1996
5:30 p.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 28, 1996, of the Eugene City Council was called to order, Her Honor Mayor Ruth Bascom presiding.

I. APPROVAL OF THE AGENDA AND TIME ESTIMATES

Mayor Bascom noted that she would leave the meeting at 6:20 p.m. to meet Vice President Al Gore at the Eugene Airport. Council President Tim Laue will preside over the council meeting upon her departure.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to approve the order of the agenda and time estimates. The motion passed unanimously, 7:0.

II. APPROVAL OF INTERGOVERNMENTAL RELATIONS (IGR) COMMITTEE MINUTES

Mike Redding, Administrative Services Department, said the committee has opposed some ballot measures--something the council may wish to discuss.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to approve the September 19, 1996, IGR Committee minutes.

Ms. Keller noted an error in the briefing statement, saying that there was no motion for approval of the "Planning and Development Department's submission for support for an Oregon Department of Environmental Quality (DEQ) grant request . . ." at the meeting. The minutes, however, were correct.

Mr. Farr ascertained that once the IGR Committee minutes were approved by the council, there are no staff resources spent on taking positions. However, the council, as a whole or individually, can

espouse the position. Ms. Keller added that groups may refer to the council's position on those particular ballot measures.

The motion passed unanimously, 7:0.

III. WORK SESSION/ACTION: DISTRESSED HOUSING TAX EXEMPTION PROGRAM OPTIONS

Richie Weinman, Planning and Development Department, recalled from the council's previous discussion that he was asked to bring back ideas for home-ownership incentive programs. He provided the council with information about the options available for a distressed housing tax exemption program. He noted that the meeting packet included a map of the neighborhoods staff has recommended for inclusion in the program: Bethel triangle; Downtown; Far West; Jefferson; West University; West Side; and Whiteaker.

New Construction

Mr. Weinman described the new construction program for single-family units as being for up to ten years for improvements only. The provision is that the value of the unit can be no more than 120 percent of the median sale price for the area. He noted that the State statute prohibited the structures from being manufactured homes. Mr. Weinman said that in order to get the full exemption, School District 4J would have to approve it because it and the City of Eugene comprise more than 50 percent of the taxing units. If the school district did not approve it and the City did, the exemption would only be for City taxes. The State requires the units to be under construction by June 30, 2,003; although it is likely that that date will be extended.

Mr. Weinman said the Multi-Unit Tax Exemption program also has a home-ownership provision in the "Transit Oriented Districts." He referred to the map contained in the agenda packet and described the area as closer to the downtown and West University neighborhood. He noted that the main difference between the two new construction programs is that this one has no cap of 120 percent of median value.

In response to a question from Ms. Nathanson, Mr. Weinman said a "granny flat," if detached from the existing unit, would be considered new construction.

Ms. Swanson Gribakov ascertained that household income is not considered in qualifying for either program according to the State statute; however, the City can overlay that if desired. She also affirmed that the program helped agencies such as NEDCO or St. Vincent de Paul to find tenants that can afford lower rents because the payments included the principal, taxes, and insurance.

Ms. Keller questioned the methodology for identifying areas suitable for the program given that the areas included the South University Neighborhood. Mr. Weinman said that the area closest to the university matched one set of the criteria, and the council may choose to eliminate neighborhoods.

Rehabilitation

Mr. Weinman said this also was a 10-year program that did not exempt taxes but rather froze the assessed value of the property. He noted that the people typically served by the existing City Rehab Loan program are single women with children or single elderly women. The housing has to have violations of State or local codes to be eligible. Except for the July 1, 1998, sunset, all the other provisions are the same as for the new construction program.

Mr. Weinman stated that approval of the exemptions in both of these programs can be by either staff or the council on a case-by-case basis. He explained that the only State requirement is that once a year the council pass a resolution that packages up all the exemptions approved over the year and sends them to the County Assessor's office. Mr. Weinman said that staff recommends staff approval of exemptions, with a 30- or 40-day waiting period for the council to request council discussion or action.

Mr. Weinman outlined the council's options:

- Approve the programs as described
- Approve the programs with amendments
- Approve the Multi-Unit Housing Tax Exemption program in the transit oriented district
- Decide not to enact home ownership incentive programs at this time

Addressing a question from Ms. Keller, Mr. Weinman said the freeze on assessed value applied to value increases for both improvements and accrued value. In response to a follow-up question from Ms. Keller, Mr. Weinman said the exemption currently stays with the property that requires an annual certification; however, the City may change it to stay with the owner. He added that the program was focused on stabilizing neighborhoods, not low-income home ownership.

In response to another question from Ms. Keller, Mr. Weinman said that there would be an initial application fee but he was unsure how large the fee should be to support the program.

Ms. Swanson Gribakov expressed concern that the program was not targeted at low-income individuals and asked about the ramifications of the programs on the tax base. She wondered if the program could be piloted in a smaller area. Ms. Swanson Gribakov asked about how City building and rehabilitation inspections would be coordinated.

Mr. Weinman said staff's criteria was designed to stabilize certain neighborhoods but staff could revisit the criteria at the council's request, adding that the State did not require specific criteria. He recalled that inspections in the past were conducted under a City Housing Code, which does not exist currently, and the housing code under development will likely eliminate those types of problems. With regard to the tax roll, Mr. Weinman said the tax lost to the City would be minuscule.

Ms. Norris added that this is the first time a program such as this has come before the council and staff wanted to give an idea of the full range of options; however, staff could take the council's direction from this discussion and bring back further analysis.

In response to a question from Mr. Farr, Mr. Weinman said that approval was automatic if the criteria was met and an appraisal was conducted prior to plan approval to ensure compliance with the 120 percent assessment requirement. Mr. Weinman noted that the State statute allows for considerable local discretion on approvals.

Ms. Nathanson said she was inclined to have staff do more analysis to narrow the options, although she appreciated hearing about the full range. She indicated a greater interest in rehabilitation projects. In response to a follow-up question from Ms. Nathanson, Mr. Weinman said he was unsure about why the State prohibited manufactured homes.

Mr. Torrey ascertained that the City could withdraw from the programs at any time. He wondered if it were possible to develop programs such as these with funding from the private banking industry that are underwritten by the City. He agreed with Ms. Swanson Gribkov's suggestion to implement a small pilot program first.

Mr. Laue agreed that the scope of the programs should be limited to begin with.

Mr. Boles spoke in support of placing an income test of 80 percent as part of the criteria. He said he would consider dropping the South University Neighborhood from the areas if the council majority agreed. He suggested considering as a criterion the neighborhood income level as well.

Addressing a question from Mayor Bascom, Ms. Norris said information gleaned from the work on a City Housing Code will provide the ownership/rental ratio in the South University Neighborhood. Mr. Weinman added that a piece of the attachment was incorrect. The South University Neighborhood was not recommended by staff for this program.

Mayor Bascom left the meeting.

Ms. Keller said that retaining the low-income criteria throughout the program's life would be considerably expensive for the City and wondered if another program such as loan underwriting, as mentioned by Mr. Torrey, might be a better approach. She added that there were other mechanisms in place to help provide low-income housing. Ms. Keller said she opposed tax freezes on rehabilitation property as inappropriate.

Ms. Swanson Gribkov moved, seconded by Ms. Nathanson, to approve in concept the property tax exemption for residential rehabilitation and new construction of single-unit housing in distressed urban areas, with proposed staff changes to come back before the council on a future agenda.

Ms. Swanson Gribkov asked staff to consider a West University or Bethel area pilot program and bring back proposed programs and include input from low-income housing providers and the Bethel and 4J school districts.

Mr. Boles ascertained that the Whiteaker area was included in the proposed areas.

Ms. Nathanson spoke in support of the motion and asked that options be developed for both new construction and rehabilitation. She added that she was interested in saving neighborhoods in a "physical" sense, i.e., in conserving dwelling units and physical structures, and preserving the character of neighborhoods. Ms. Nathanson said that by approving only the multi-unit program, the council would be encouraging the transition from home ownership to rentals.

Ms. Keller said she opposed the motion because of what it might mean in terms of residential rehabilitation and the cost of such programs to the City, adding that she is convinced that there were better options. If the council proceeds, she said she hoped the council instead of looking at distressed urban areas only, consider only housing provided through local low-income housing providers.

The motion passed; 6:1, with Ms. Keller opposed.

IV. COUNCIL DIRECTION: COUNCIL COMMITTEE ON ENVIRONMENT AND ECONOMICS

Mary Walston, Administrative Services Department, and James Ollerenshaw, Public Works Department, provided the staff presentation. Ms. Walston said the council action requested is direction on the remaining recommendations from the Council Committee on Environment and Economics (CCEE). She said there were eight items that, at the direction of the council officers, have been set for discussion in three separate work sessions. The items this evening are wastewater issues. The remaining items are scheduled for council discussion on October 30 and December 4, tentatively.

Mr. Ollerenshaw said the following three issues/CCEE recommendations for this evening's discussion are refinements to the industrial pretreatment program which the cities of Eugene and Springfield operate. He reminded the council that the program regulates what industries are allowed to discharge into the wastewater collection system and be treated at the regional wastewater treatment plant.

1. Provide financial incentives to encourage dischargers to treat pollutants to a greater degree than required by their permit.

In response to a question from Mr. Farr, Mr. Ollerenshaw said the City could impose stricter requirements than are currently in place in both cities but the Metropolitan Wastewater Management Commission (MWMC) prefers that identical programs be implemented.

Ms. Keller reminded the council that the request was simply to authorize more research. She said the City has never used financial incentives as a way of gaining compliance and a study would provide useful information on this and other approaches. This is an opportunity to see what others are doing.

Mr. Keller moved, seconded by Mr. Torrey, to direct staff to conduct the research to determine what other municipalities were doing and to develop financial incentives to encourage dischargers to treat pollutants to a greater degree than required by their permit, and to research individual limits implemented by other communities.

Ms. Keller said that the 25 hours of staff time required will provide invaluable information that may well save money later.

Addressing a question from Ms. Nathanson, Mr. Ollerenshaw said the work would be assigned to staff in the industrial pretreatment program and completed in the spring, given that there is no time frame attached to the motion.

In response to a question from Ms. Swanson Gribskov, Ms. Norris said no additional costs would be incurred. Addressing a follow-up question from Ms. Swanson Gribskov, Mr. Torrey, the council's representative on the MWMC has asked to have such matters brought to its attention, but other than that, no municipality outside the MWMC area was addressing the issue. Mr. Ollerenshaw added that Springfield staff have been involved in discussions.

At Mr. Farr's request, Mr. Ollerenshaw explained what was meant by a "local limits" approach. It involves calculating the amount of permissible pollutants based on the maximum amount that can be received daily at the treatment plant in order not to violate water quality standards in the Willamette River, not pose a problem for sludge disposal, not cause operational problems because of upset of the biological system, and worker safety problems. He said that the other approach was to look at each industrial discharger separately and come up with different limits for each while still preserving the same amount that can be received at the treatment plant.

The motion passed unanimously, 7:0.

2. **Install monitoring equipment in wastewater collection system to provide early warning of industrial spills and to assist in locating the source of the spill.**

Ms. Keller moved, seconded by Mr. Torrey, to direct staff to research Item 2 of the Briefing Summary (in bold above).

Ms. Keller spoke in support of her motion.

Mr. Farr called attention to staff's assertion that there was no known effectiveness level and wondered if the research would provide clarification. Mr. Ollerenshaw said it was unknown what the data from other communities would produce.

Addressing a question from Ms. Swanson Gribskov, Mr. Ollerenshaw said the equipment referred to in the recommendation was hardware that would be installed at strategic points in the wastewater collection system. He added that the industries with permits were required to monitor their wastewater and give notice immediately of any spill.

Mr. Boles said that the motion proposes to research automating the reporting process of spills.

Mr. Ollerenshaw said that there is no equipment that will give advance warning of any spill. Mr. Boles asked that, as part of the research, staff look across the risk categories for spills in this community and see what sensor technology could be applied against those.

Ms. Nathanson said that some spills happen in the stormwater system and wondered if that was relevant to this discussion. Ms. Ollerenshaw said this would only apply to the wastewater collection system.

Ms. Swanson Gribakov said that given the constraint on staff resources, the council might want to rank and sequence the work, or postpone it. Ms. Ollerenshaw pointed out that it would be most cost-effective to do both 1 and 2 together because it involved the same staff.

Addressing a question from Mr. Laue, Mr. Ollerenshaw recalled there being a "fairly serious" spill about 10 years ago from a local user who did not immediately report the incident. He added that spills are infrequently reported and he could not remember the last incident.

The motion passed unanimously, 7:0.

3. Increase industrial spill prevention program oversight.

Ms. Keller moved, seconded by Mr. Torrey, to direct staff to proceed with Item 3 above.

Mr. Ollerenshaw said that this item asked for increasing staff to the City's oversight of industrial spill prevention programs. He added that a budget request to increase the industrial pretreatment staff by 1 FTE (full time equivalency) has already been submitted and this request is above and beyond that. Ms. Norris said the budget request, if approved, would add staff in the next fiscal year and the council could choose to add staff sooner than that.

Ms. Keller said the next budget cycle was most appropriate.

Mr. Boles said he was supportive but it was not clear to him that MWMC had a cost allocation algorithm that would do anything other than put this back in the entire rate base. There is nothing in place that charges the cost of adding staff to those in the industry that have brought the added risk into the community, he added. Mr. Boles asked the council, itself or through the IGR Committee, to send a message to the MWMC that "it is not wise to continue to externalize the costs that are created by a few on the entire rate base." Mr. Ollerenshaw said the topic comes up frequently in rate discussions and the commission chose its current system.

Mr. Farr said he was concerned that the motion did not take into account the need for coordination with the City of Springfield. Mr. Ollerenshaw noted that industrial pretreatment staff are regional staff and it would be appropriate to forward the next year's staffing budget request to the MWMC.

Addressing a question from Mr. Torrey, Mr. Ollerenshaw said he believed additional staffing for the following activities was a higher priority: revise the City's local limits; develop local limits for organic pollutants; increase monitoring in the collection system; increase the program and oversight to small dischargers; develop an educational program for small businesses and households; and develop additional "best management" practices for some commercial sectors.

Mr. Torrey offered the following friendly amendment: to add additional staffing, with a recommendation to move forward with Item 3 and the activities outlined by staff in the foregoing paragraph.

The friendly amendment was accepted by both the maker and second.

The motion passed unanimously, 7:0.

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Linda H. Norris

Linda H. Norris
City Manager pro tem

(Recorded by Yolanda Paule)
r:\96council\cc53028.106

MINUTES

City Council
Council Chambers—City Hall

October 28, 1996
7:30 p.m.

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

COUNCILORS ABSENT: Kevin Hornbuckle

As the mayor was absent at the beginning of the meeting, Council President Tim Laue called the City Council meeting of October 28, 1996, to order.

I. PUBLIC FORUM

Michael Gorman, 108 Cross Place, read into the record, a letter to Police Chief Leonard Cooke. Mr. Gorman expressed his anger and frustration at what he called, "the military styled assault helicoptering," utilized by the Department of Public Safety (DPS) during the protest march on Tuesday, October 22, 1996. He said that life was placed in danger because of the "aggressive flight patterns of the still unidentified police officer." He requested that Chief Cooke resign his position.

II. CONSENT CALENDAR

- A. Approval of City Council minutes of September 16, 1996, Dinner Meeting; September 18, 1996, Lunch Work Session; and September 25, 1996, Lunch Work Session
- B. Ratification of Council Officers' Recommendations of October 22, 1996
- C. Resolution Naming the Plaza at the Intersection of Willamette Street and Broadway

Res. No. 4505--A resolution naming the plaza at the intersection of Broadway and Willamette Street.

Mr. Boles requested that item C be pulled for discussion at the end of the agenda.

Ms. Keller requested that the minutes from September 16, 1996, and item B be pulled for discussion at the end of the agenda.

Ms. Swanson Gribkov moved, seconded by Mr. Boles, to approve the minutes of September 18 and 25, 1996. Roll call vote; the motion passed unanimously, 7:0.

III. ORDINANCE CONCERNING DEFERRAL OF ASSESSMENTS

CB 4596—An ordinance concerning deferral of assessments; amending Sections 7.195, 7.197, and 7.205 of the Eugene Code, 1971; and declaring an effective date.

City Manager Linda Norris introduced the item and noted that Jeff Lankston would give the staff presentation.

Mr. Lankston stated that on September 25, 1996, the City Council held a work session in which it directed the staff to prepare an ordinance on assessment deferral. He stated that the ordinance was prepared based on the results of a council poll dated June 18, 1996, and the ordinance would allow the City Council to defer street construction assessments on large developable, vacant or partially developed properties. He said that the council would have the option to examine the health and safety needs of the community, the funding availability, the effects of the assessment on land owners, the effects of the deferral on compact and timely urban growth, and to determine whether deferrals are warranted on a given project.

Mr. Lankston stated that if the council determined that deferrals were not warranted because they were not consistent with the council goals and policies, then it could initiate the project without deferrals or delay initiation of the project. He noted that the funding for the deferral would come from other agency sources or internal sources approved by the council.

Mr. Lankston stated that staff also included amendments to the City's current senior deferral program eligibility requirements. He said that currently senior citizens could own assets worth four times the allowable income that makes them eligible for deferral. He said that because property values had increased so dramatically since the last revision in 1980, that the policy effect of the deferral had been affected. Staff was recommending revisions that would allow seniors to own assets worth eight times their allowable income be approved.

Mr. Lankston stated that because the ordinance amended general ordinances covered under the Eugene Charter, passage would then require six votes from the council to be approved.

Ms. Swanson Gribakov confirmed that approval of this ordinance represented the last phase of the two previous council work sessions that dealt with the properties at the edge of the Urban Growth Boundary (UGB).

Ms. Nathanson confirmed that there was nothing within the ordinance that would exclude Warren Street.

Ms. Keller said that while the majority of what was being proposed had been discussed, the changes to sections 37 and 38 had not been discussed by the council.

Responding to Ms. Keller's question, David Biedermann, Financial Operations Director, said that the changes to those sections addressed the eligible senior citizens' additional wealth not related to their places of residence.

Ms. Keller stated that the changes applied not only to the one section in question, but also to sections 7.055 and 7.154 and to nuisance abatement liens. Mr. Biedermann stated that those sections were related to the assessments that were being deferred for senior properties. He explained that staff suggested that

because the council was amending sections in the Assessment Code, it seemed appropriate to make these "housekeeping" changes to the Code to update the City's current policy.

Ms. Keller suggested that the council consider the changes separately and perhaps consider only the changes that had been previously discussed in a council work session.

Responding to Ms. Swanson Gribkov's question, Mr. Biedermann said he was responsible for the Assessment Collection and Senior Deferral Program, and when Mr. Lankston told him that staff was putting together deferral program changes relating to large lots on the edges of the city boundaries, he suggested that it would be a good time to address Senior Deferral Program issues that had become pressing in the last five-six years. He said that seniors who qualify under all of the other characteristics and criteria of the Senior Deferral Program had been disallowed from having deferrals on the assessments because of the way in which the code was written; that is, four times limitation on other assets owned. He said that within the last 16 years the valuation of all of the other assets had increased significantly, so there was one criterion that no longer met the present-day test. He said the income criteria continued to increase by virtue of inflation, the asset limit did not increase. He said that the change was considered a housekeeping measure, to implement current policy and he apologized to the council for any surprise.

Mr. Boles referred members to page 87 of the notes and asked if the council would have the option to initiate construction without deferrals or delay initiation. Mr. Lankston said that was correct and agreed that there were no particular criteria that would be used to judge if a project did or did not encourage "leap frog" development. Mr. Boles said that the answers reinforced his belief that the council should not pass the ordinance.

Ms. Swanson Gribkov 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.

Ms. Keller moved, seconded by Ms. Swanson Gribkov, to delete all references to section 7.195, section 1 (Senior Deferral Program).

Ms. Keller said that the council was often met with the question of who determines council policy, whether it be the council or the staff. She said that the council had not discussed the necessity of updating the criteria in the Senior Deferral Program and said that it was highly inappropriate for the council to consider the item at this time.

Mayor Bascom arrived at 7:52 p.m.

Ms. Swanson Gribkov stated that she supported the motion because it would take six affirmative votes on the council to make the ordinance effective and she believed this compromise would help garner that number of votes.

City Attorney Glenn Klein asked if deleting section 7.195 from the title would be part of the motion.

Ms. Keller said that it would be part of the motion.

Ms. Nathanson said she appreciated the attention to the need to update ordinances for housekeeping purposes, and she said it was better for the council to receive, in advance, such suggestions with background material. She said that she would support the amendment.

Roll call vote; the amendment passed unanimously, 7:0.

Roll call vote; the motion passed unanimously, 7:0.

Ms. Swanson Gribakov moved, seconded by Mr. Boles, that the bill be approved and given final passage.

Mr. Torrey expressed his support of the motion and said that the ordinance was needed. He expressed confidence that future councils would take their duties seriously and work for the good of the community.

Mr. Boles said that he did not share Mr. Torrey's optimism about the behavior of future councils. He said that the ordinance would encourage misbehavior on the part of future councils by allowing them to effectively do nothing about "leap frog" development.

Ms. Keller said she would reluctantly support the motion and noted that this council had been unwilling to exercise its option to render a significant judgment on whether specific properties appropriately adhere to the intent of the regulations. She expressed pessimism about future councils rendering such judgments. She said that the ordinance was needed because the City had a nonfunctional methodology for paying for street improvements and until the council dealt with the larger issue of how the City paid for street improvements, the City would not have the kind of road system it wanted or the kind of progress of development that was desired. She urged the new council to engage in discussions concerning the methodology for paying for street improvements.

Ms. Nathanson said that Ms. Keller's comments were directly related to the difficulties that would be faced in attempting to improve Warren Street in Southwest Eugene. She said that she would support the ordinance.

Roll call vote; the motion passed 6:1, with Mr. Boles voting no and became ordinance 20068.

IV. ORDINANCE AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR FERRY STREET BRIDGE

CB 4597--An ordinance authorizing the institution of proceedings in eminent domain for the acquisition of property interests for the Ferry Street Bridge Corridor Preservation-Enhancement project (Job #905); and declaring an emergency.

Mr. Torrey recused himself from the discussion. He declared a conflict of interest because he owns property covered by the ordinance. Mr. Torrey left the meeting.

Ms. Norris introduced the item and stated that Dave Reinhard, Public Works, would give the staff presentation.

Mr. Reinhard stated that the City was making good progress with its partners at the Oregon Department of Transportation (ODOT) and with the consultants in working toward completion of the final plans for the project by the end of 1996. He said that, in order to continue that progress, staff would appreciate the council's approval of the right-of-way authorization.

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.

Ms. Keller said that the City took a long time in reaching consensus on how it would proceed with the Ferry Street Bridge and while it was difficult, she believed that the end product would be excellent. She stated her support of the motion and said that she hoped the motion would have enough votes to enact the emergency clause.

Roll call vote; the motion passed unanimously, 6:0.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, that the bill be approved and given final passage. Roll call vote; the motion passed unanimously, 6:0 and became ordinance 20069.

Mr. Torrey returned to the meeting.

V. PUBLIC HEARING: REQUEST FOR ANNEXATION OF PROPERTY LOCATED IN THE SOUTHERN GLENWOOD AREA (A 96-31--WILDISH INDUSTRIAL DEVELOPMENT CORP., ET AL.)

Res. No. 4507--A resolution furthering annexation to the City of Eugene and the Lane County Metropolitan Service District for the territory described as Area A located in the southern Glenwood area. The effective date for the annexation will be January 3, 2000.

Res. No. 4508--A resolution furthering annexation to the City of Eugene and the Lane County Metropolitan Service District for all or any part of the territory described as Area B located in the southern Glenwood area. The effective date for the annexation will be January 3, 2000.

City Manager Linda Norris introduced the item and noted that Cathy Czerniak, Planning and Development, would provide the staff report.

Ms. Czerniak briefly summarized the City Code criteria that the Planning Commission and City Council must use to approve annexations. She said that the property to be annexed had to be inside the urban growth boundary (UGB), the proposed annexation had to be consistent with adopted plans and policies, and minimum level of key urban services must be available to the properties.

Ms. Czerniak stated that this was the first annexation that had come before the City Council in a number of years. Consistent with the Code, annexations were normally processed directly to the Boundary Commission after review by Planning staff. She said that this annexation request was submitted in July

1996, and if it had been processed directly to the Boundary Commission as originally requested by the applicants, it could have been effective by early September 1996. She said that it was being processed through the Planning Commission and the City Council because of a staff decision to recommend a delayed effective date.

Ms. Czerniak explained that the special circumstance that prompted the staff recommendation for the delayed effective date option was that the jurisdiction of the Glenwood area was being reconsidered. She said that Springfield was tentatively scheduled to have a preliminary work session on this item that evening, but it had been rescheduled for sometime in November. She said that Springfield City Council would review a report and recommendations from its staff and it could decide to recommend a transfer of jurisdiction of some part or all of Glenwood to Eugene and Lane County or it could decide not to move forward. She said that Springfield expected to have a recommendation forwarded to Eugene and Lane County by the end of 1996 or by early 1997.

Ms. Czerniak stated that the proposal to delay the effective date for this annexation and to separate the annexation into two parts was an effort to address both short-term and long-term interests of a variety of parties; Eugene, Springfield, Willamalane Park and Recreation District, Glenwood Water District, and the industrial property owners. She said the proposal, as configured, achieved four objectives: 1) it addresses the concern that immediate annexation of the entire 90 acres could be viewed as predetermining the outcome of the jurisdictional study; 2) it eliminates the need to make immediate and possibly interim changes to current service delivery provisions; 3) it eliminates the need to change the boundaries of the affected special districts in the short-term; and 4) it allowed the applicants to proceed with construction of sanitary sewers, at their own costs, to provide the developed and occupied properties a connection to sanitary sewer, and it allows the existing drain field to be pulled out of the vacant properties.

Ms. Czerniak said that in summary, the recommendation from the Planning Commission was to approve the annexation through adoption of two resolutions. She said that the Planning Commission conducted a public hearing and a work session on the item and found that the proposed annexation was consistent with the criteria in the Eugene Code.

Ms. Czerniak stated that the three-year time frame was selected because it was reasonable to expect that the jurisdictional issue would be resolved within three years. She added that any associated Metro Plan amendment should be completed by that time as well. The resolution for Area A would direct Planning staff to file that resolution immediately with the Boundary Commission for action at its December 5, 1996, meeting. She said if the annexation for Area A was approved by the Boundary Commission, then sanitary sewers could be constructed, developed properties could be connected to sewers, but no other City services would be extended until the effective date of the annexation.

Ms. Czerniak stated that the resolution for Area B would approve the annexation for all or any part of the unoccupied properties with the same delayed effective date. She said that the resolution would direct staff to hold the resolution and would streamline the process if, sometime between now and January 3, 2000, the owners of one or more properties wanted to move ahead with development.

Mr. Laue announced that he had received some calls from people who were concerned about the absence of the public notice in *The Register-Guard*.

Ms. Czerniak stated that the City met its obligation in getting notice of this meeting to *The Register-Guard*, but for an inexplicable reason it was not published in *The Register-Guard*. She added that the Boundary Commission met the first Thursday of every other month and the next meeting was scheduled for December 5. She said the deadline for getting items on that agenda was November 5, 1996.

Mayor Bascom asked if staff could hold the public hearing open for written testimony through the following day. Ms. Norris responded that staff could hold the item open until the following afternoon at 3 p.m.

Ms. Keller said that it would be difficult for people who did not find out about the continuance of the public hearing until the next morning to get their input to the City by 3 p.m. She suggested that the hearing remain open until Friday, November 1.

Ms. Czerniak stated that as long as City staff had a signed certified true copy of the council resolution in time to submit to the Boundary Commission before 5 p.m. on Tuesday, November 5, then it would be acceptable to keep the hearing open until Friday.

Mr. Boles asked what the consequences would be if the council left the hearing open until a week from Wednesday.

Ms. Czerniak stated that staff would not be able to submit the annexation proposal to the Boundary Commission in time for its December meeting and staff would instead submit it for the February 1997 meeting. She said that it was important to note that there had been a public hearing before the Planning Commission and notice had been sent to the standard Planning Commission interested parties list. She said that the item was on the Planning Commission agenda three different times and anyone who showed up at those meetings had been notified of this public hearing.

Mr. Boles said that the concern was that there were many things occurring in the community at once. He suggested that the council would be better off leaving the public hearing open as long as possible.

Mr. Torrey said that he hoped that council would find a way to deal with this item in order to meet the staff's deadline. He said that it was unfair to ask the applicant to wait another four months before being able to go ahead with plans for the property in question.

Mayor Bascom opened the public hearing.

Randall Hledik, PO Box 7428, Manager of Wildish Industrial Development Corporation, testified that the group had been waiting 15 years for the opportunity to annex and service company-owned industrial property in Glenwood. He said that Wildish had participated in the adoption of the Metro Plan, two industrial land studies, the Glenwood Jurisdictional Study, and both phases of the Glenwood Refinement Plan and noted that each document recognized the existing and potential industrial development opportunities that characterized the land in Glenwood. He noted that easy access to Interstate 5, Franklin Boulevard, and the Southern Pacific Railroad Line were important assets of the area. He said that the major deterrent to further development had been the lack of sanitary sewers, but with installation of the Glenwood Pump Station, it was now possible to serve the area proposed for annexation. He said that the staff report was thorough and provided the necessary findings to approve the request. In conclusion, he emphasized four points: 1) the land proposed for annexation was within the UGB and was already serviced

by all public facilities and services with the exception of sanitary sewer; 2) the land was entirely industrial; 3) the sanitary sewer was being designed to service the industrial land, adjacent lands were not part of the design criteria, and the cost of construction of the sewer would be paid for by the land owners who were seeking annexation; and 4) the annexation was voluntary and was being requested to make partially serviced industrial land fully developable. He said that Wildish fully understood the jurisdictional issues between the cities of Eugene and Springfield and the City staff had done a commendable job responding to those issues and the annexation request.

Scott Meisner, 66 North Adams, spoke on behalf of the Planning Commission stated that the commission unanimously supported the annexation. He said that it was important to recognize that the annexation application had been submitted under the normal rules and if normal procedure had occurred, then the annexation would have been in place 1 ½ months ago. He noted that, instead, the applicant agreed to go through this process and they had been very cooperative and extremely patient. He said that he would answer any questions the councilors might have. He commended City staff for a job done incredibly well.

Steve Moe, PO Box 847, read a letter from the Glenwood Water District into the record and he entered it as written testimony. Mr. Moe noted that the Glenwood Water District was voted into existence in 1941 and it provided water and all public street lighting in Glenwood. He added that the water district was also charged with providing fire protection, for which it contracted with Springfield. He noted that the fire protection had been so satisfactory that in May 1996, Glenwood voters passed a new tax base for fire protection by the largest percentage of any tax base in Lane County. He noted that the response distance from Springfield was less than that of Eugene and it made sense for Springfield to continue its fire protection in the Glenwood area and noted that if Glenwood was annexed by the City of Eugene and fire protection was taken over by Eugene, the average level of service would decline because the response time would go up by 40 percent. He said that he believed that immediate annexation of this area would place another road block in the path of Glenwood becoming a part of the City of Springfield. He noted that the people who lived in the area were being forced into a future that they did not want. He said that the Water District believed that Springfield was the best server and it requested that any approval of the annexation request be done in a manner that would not affect the outcome of the Jurisdictional Study.

Mayor Bascom closed the public hearing, for oral testimony.

Ms. Nathanson stated that while she understood the importance of responding to land use applications in a timely fashion, sometimes there were reasons for taking some extra time. She asked Mr. Meisner or Ms. Czerniak to respond to the distinction between legal commitments and the general ethic for dealing with land use proposals in a timely fashion.

Ms. Czerniak stated that the council had a required time in which it must take action and she believed that was ten days. She said that there was nothing that required the council to meet the deadline for the December Boundary Commission meeting.

Ms. Nathanson asked if the testimony at a Boundary Commission public hearing would be regarded in the same light as testimony at a City Council meeting. Ms. Czerniak responded by saying that the Boundary Commission was obligated to evaluate any annexation based on established criteria.

Mr. Torrey asked if the council would have an opportunity to rescind its approval of the annexation request once it had sent it to the Boundary Commission. Ms. Czerniak stated that once an

annexation application is submitted, the Boundary Commission had to take action.

Ms. Keller asked why it was important to meet the December deadline if the effective date was not until January 3, 2000. Ms. Czerniak responded that once the annexation was approved by the Boundary Commission, the annexation and process would be complete and the annexation assured. The developer could then move forward with connecting to sanitary sewers.

Ms. Keller reiterated that the reason for the annexation with the delayed effective date was to accommodate the possible transfer to Springfield. She asked if there was currently a hazard created by the existing properties. Ms. Czerniak stated that there was no hazard, but this annexation would be one step closer to allowing vacant property in the area to be developable.

Ms. Czerniak explained that if between now and the year 2000 one of the property owners wanted to develop the land then this authorization would allow annexation of certain tax lots with a delayed effective date.

Ms. Keller thanked Wildish and said that she could not see any reason to deny the request. She expressed concern about the number of people who called her and asked to have the record left open and since it was not critical to move forward immediately she believed the record should remain open at least until Friday, November 1.

Ms. Swanson Gribkov flagged, for the council's attention, Mel Oberst's comments from the October Boundary Commission meeting and said that Springfield fully supported the proposed annexation.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to keep the record open, for written testimony, until noon on Friday and then revisit the issue on Monday at 5:30 p.m. to dispense with the item.

Mr. Boles asked what the tax implications would be for this jurisdiction. Ms. Czerniak stated that the City would have no tax revenue from the properties until after the effective date and the City would not be providing any other services to the area. She said that while the owners would pay a sanitary sewer fee, they would not pay taxes until January 3, 2000.

Roll call vote; the motion passed unanimously, 7:0.

VI. PUBLIC HEARING: BOUNDARY REVISION TO ORDINANCE PROHIBITING DOGS AND SKATEBOARD RIDING IN THE 13TH AND ALDER AREA

CB 4598--An ordinance concerning dogs and skateboards; amending Section 4.427 to the Eugene Code, 1971; amending Section 5.450 of that code; and declaring an emergency.

Ms. Norris introduced the item.

Ms. Norris stated that in August 1996, the City Council amended the Eugene City code to prohibit dogs

and skateboards on 13th Avenue from Kincaid Street to Ferry Street including the alley ways between 12th Avenue and 14th Avenue on Alder Street. She said that the council took the action to attempt to fight crime and drug trafficking in the area. She noted that 27 citations were issued in August. She reported that some of the activity did move west and the council had requested that staff bring back suggestions as to how to better fight drug trafficking and other crime in the area. She explained that the ordinance in question would expand the ban from the eastern sidewalk on Ferry Street to the eastern sidewalk on Pearl Street along 13th Avenue.

Mayor Bascom opened the public hearing.

Jim Antonini, 564 East 13th Avenue, stated that he managed a business at 564 E. 13th Avenue and he asked for the council's support in giving greater resources to the Rapid Deployment Unit (RDU) and the neighborhood watch groups. He complained of antisocial behavior in the area and said that residents and business owners had experienced crime, harassment, and dog fights in the area. He said that he hoped the City Council would continue to support area residents and business owners by expanding the ban.

Rand Stamm, 90 North Lawrence, stated his opposition to the ban in its entirety. He said that the citations written in the area of 13th Avenue within the last year represent a very small portion of all of the citations written within the city limits. He suggested that the ban was unnecessary and represented a Draconian law. He urged the council not to pass an extension of the ban.

Chris Hanai-Wills, 4580 Old Dillard Road, said he was 9 years old and he had been skateboarding for 2 years. He expressed his fear that more streets would be closed down to skateboarders.

Dave Hanai-Wills, 4580 Old Dillard Road, spoke against the expansion of the ban. He said that in an effort to deal with a segment of society, the City Council had penalized skateboarders who used their boards for fun, sport, and transportation. He said that there were already laws in place that were meant to fight drugs and crime and the police force should be accountable for those laws. He added that the signage in the area was terrible in that the signs were eight feet above the sidewalk and difficult to see and read. He said that he hoped the City Council would offset the negative image of skateboarders that had been created by the ordinance by creating more skateboard parks.

Estley Schick, 2154 Escalante, testified that he owned a house on 13th Avenue since 1935 and he had been renting to students since that time. He said that he had seen a girl hit and his son was hit in the mouth. He said that during one day he counted 63 people within a 1/2 block area. He noted that he was pleased with how the neighborhood had been cleaned up and added that anything the police or the City could do to help in the area was greatly appreciated.

Lorraine Still, 83076 North Bradford Road, spoke against the ban stating that the other day she was approached by a panhandler in a wheelchair. She said that the person did not have a dog or a skateboard and sarcastically stated that perhaps the City should ban wheelchairs.

Kathy Leighton, 2811 "B" Oak Street, testified that she owned a business at 13th Avenue and High Street. She said that that area had become ground zero and she urged the council to extend the ban to Pearl Street. She explained that recently a person had taken a knife to her 18-year-old daughter's neck before the police could arrive and take the person away. She said that the ban seemed to be working and she supported it.

Walter Hunt, 2745 Spring Boulevard, said that the citizens in the Whiteaker Neighborhood had been fighting a drug war. He said that he had been shocked by the remarks and the lack of response, by the RDU, in his neighborhood and surprised greatly by how quickly the RDU has responded to the skateboarders and dogs in the University Area. He said that it should be the prime responsibility of the RDU to stop the flow of heroin onto the streets of Eugene.

Diana Applegarth, 1915 Teresa Avenue, spoke against the ban stating that she used her skateboard as transportation. She said that dogs and skateboards were not the problem, drugs were the problem and they should be addressed directly. She said that bicycles in the area were as much of a nuisance as skateboards.

John Applegarth, 1915 Teresa Avenue, said that he loved the City of Eugene and it used to have many recreational and social outlets for youth, but that was not true anymore. He suggested that rather than banning skateboarding and taking away another youth outlet, that the City directly target the problem of drugs in the area. He suggested that the City create more youth-centered activities in the city so that youth would have more to do recreationally. He expressed his love for the City of Eugene and asked that the City Council vote against the ordinance.

Andrew Ross, 1195 Almaden, asked the councilors to think about what made Eugene unique. He said that to him one of the things that made Eugene special was that people were independent and they were questioning in nature. He said that he was sure that the councilors had wanted to create a law that would fight behavior and not people for how they looked, but they had not created that law. He said they had made a mistake. He said that he was on 13th Avenue every day and he believed the police were out of control. He said that moral harm and distrust had resulted from the law. He said that he witnessed a man being stopped by a police officer and have his belongings searched without a warrant. He said the man was stopped because he was taking a short-cut across an open area of a parking lot and the man happened to have blond dreadlocks. He said the law was ridiculous when it allowed \$200 citations to be given to teenage runaways. He thanked Ms. Keller for her public acknowledgment that her initial vote on this ban was wrong and Mr. Boles who had always voted in opposition to the ban.

Sandra McCourry, 1312 Mill Street, said that there was a large volume of pedestrian using the sidewalk on 13th Avenue. She said that many times a person cannot even walk on the sidewalk. She expressed concern about the drug trafficking in the area and she said that she believed skateboards should be carried in congested areas. She spoke in support of extending the ban.

Sherman Smith, 1970 Todd Street, representing the Mid-Town Business Association, said that his association had observed what had been happening on 13th Avenue and it was attempting to be proactive. He stated his support of the ban and the extension of the ban. He stated his support for a stronger public safety department that would continue to enforce the laws of the City.

Alicia Meriaho-Enloe, 5849 "F" Street, Springfield, said she was the manager of the 13th and High Coffee Corner and that she did not think the ban was the best way to deal with the problem but it did seem to be working. She said that she supported the extension of the ban.

Cynthia Grimes, 522 East 13th Avenue, said that she was the manager of the Guest House on 13th Avenue, an agency under the umbrella of Catholic Community Services. She said that she lived on a

block that was covered by the ban. She said that with the enforcement of the ordinance to east side of Ferry Street, the Guest House had once again become a welcoming place. She said that the sidewalks were much clearer. She voiced support of the extension of the ban.

Ellen Klowden, 1093 East 25th Avenue, said she was opposed to the original ban and the extension. She said that she had been moved by Ms. Keller's words about manipulating what the stated purpose of the ordinance was and what was actually being enforced. She said she found it ironic that a city that prided itself on supporting alternative forms of transportation was in the business of banning skateboards. She said that she had watched video tapes of what she believed to be police misconduct and discrimination in the area. She said that it was disturbing to her that people were being targeted because they looked alternative. She said that she supported a civilian review board. She also urged the council to lift the ban on public camping.

Matt Clipinger, 605 East 13th Avenue, said he was part owner of Campus Skate Company and noted that his business did not support the ban in the area and he did not appreciate the businesses in the area being lumped together. He said that his business had seen a sharp decline in business. He spoke against the extension of the ban and the original ban itself. He said that if the problem was drugs and drug dealing then that needed to be dealt with in a more direct and effective manner.

Linda Crimmell, 2755 Kincaid Street, said she was with Citizens for Public Accountability and Friends of Eugene. She said that she worked at the corner of 13th and Mill and the area had been under siege all summer. She said that she did not know if the ban was the answer; however, she supported the help in the area. She said that she supported the Rapid Deployment Unit (RDU) and the attention that has been given to the area. She said that she watched the sweep and she saw all sorts of people being arrested. She said that the police were thoughtful and non-reactive. She said that she knew the ban had helped.

Mayor Bascom closed the public hearing.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, that the council postpone action on the item until Wednesday.

Ms. Keller said that it seemed to her that the council wanted to postpone this item because it did not want to make a decision in front of the people who had testified. She said that she did not see any reason to postpone the item for further discussion.

Ms. Nathanson said that she had asked for the postponement because it would give the council ample time for discussion. She said that she wanted to have time to fully consider the testimony before taking action. She said that her current thinking was that she was reluctant to support extension of the ban. She said that that in no way reflected a lack of confidence in the police officers who were enforcing the ban, but she was not sure that this was an appropriate tool to use to solve the problem that remained. She said that she had asked for information about other methods that could be used to solve the remaining problems and she wanted to find out what those methods were before making a decision.

Mr. Boles said it was not clear to him that 48 hours would provide any additional information with respect to the decision that was before the council and he was prepared to vote that evening. He said he would vote against the motion.

Mr. Farr said that he was one of the councilors that had requested an extension of the thinking process for this item. He said that he was reluctant to extend the ban, but he wanted to gather more information before taking action.

Mr. Torrey expressed his opinion that the ban should be extended and he was prepared to vote that evening.

Roll call vote; the motion passed 4:3 with councilors Keller, Boles, and Torrey voting no.

VII. PUBLIC HEARING: ORDINANCE CONCERNING USE OF EXECUTIVE SESSIONS

CB 4598--An ordinance concerning use of executive sessions and providing a limited exception to the provisions of subsection 2.011(8)(b) of the Eugene Code, 1971; and declaring an emergency.

Ms. Norris introduced the item.

Mr. Klein provided the staff report. He said the ordinance was designed to implement the decisions that the council made the previous week with regard to the use of executive sessions. He said that the purpose of the action item was to provide the opportunity for public input and the adoption of the ordinance that would allow for greater flexibility than the current code in order to ensure that the council did not have to take action in open session immediately after deciding who the top candidates were. He said that this would give the council the ability to conduct any additional investigation, a site visit, and then a final decision at a later point.

Mayor Bascom opened the public hearing.

Ellen Klowden, 1093 East 25th Avenue, said that she had not read the material but she was confused about the use of private sessions when hiring a public employee. She asked if press could attend.

Mayor Bascom stated that press would be allowed to attend the executive sessions but the public would not be allowed to attend.

Ms. Klowden said that she hoped that any and all meetings would be open to the public.

Mr. Klein explained that there had not been an executive session in Eugene in probably three to four years and noted that it was used quite infrequently.

Mr. Laue explained that the council was conducting the screening of City Manager applicants in executive session in order to protect the candidates during the initial screening process. He said that the subsequent interviews would be held in public sessions.

Mayor Bascom closed the public hearing.

Mr. Klein read the council bill by number and title only.

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; the motion passed unanimously, 7:0.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, that the bill be approved and given final passage. Roll call vote; the motion passed unanimously, 7:0, and became ordinance 20070.

VIII. REVISITATION OF THE CONSENT CALENDAR

Referring to page 12 of the September 16, 1996, minutes, Ms. Keller requested that the second sentence of paragraph seven be rewritten as follows (additions in bold and deletions in strikeout): "She reiterated that the council was reacting to a **position problem** that had been created by the Federal Government."

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to approve the minutes of September 16, 1996, as amended. Roll call vote; the motion passed unanimously, 7:0.

Referring to the Council Officers' Recommendations, Mayor Bascom stated that if Measure 47 was approved, the council wanted some time on November 8, 1996, to be updated by staff. Mr. Laue said that the November 8 meeting had been canceled. Mayor Bascom said that this would be an additional meeting.

Mayor Bascom stated that the wetlands discussion was to be rescheduled for November 25, 1996.

Mr. Boles said with a December 17, 1996, Lane County Planning Commission Public Hearing scheduled, then that time line would obviate the possibility of establishing a City Council public hearing. He said that continuing to push this item out made a "laughing stock" of the process.

Ms. Keller said that she wanted to have the opportunity to vote against the recommendations because of Item C with regard to parks acquisition. She said that she was voting in opposition because this was an issue that she had been working on for four years and she was incensed that staff would not be ready to discuss this item with the current council. She said that she had put in hundreds, if not thousands of hours to ensure that this item would be ready to be discussed before the end of 1996. She said that she believed it was incumbent upon staff to accommodate a time schedule to which it had committed.

Mr. Laue moved, seconded by Ms. Swanson Gribskov, to approve the Council Officers' Recommendations of October 22, 1996, as amended. Roll call vote; the motion passed 5:2, with Ms. Keller and Mr. Boles voting no.

With regard to naming the plaza, Mayor Bascom stated that Mr. Hornbuckle said he was comfortable with Broadway Plaza in recognizing that there were more votes in favor of that name.

Mr. Boles said that he had some investment in the plaza being called Celebration Square and it had been his original suggestion. He said that the name Celebration Square would cause citizens to remember the annual event in which diversity and unity were celebrated. He said that he did not know of any other

jurisdiction in the nation incorporating the word Celebration in the name of a street or a plaza. He urged the councilors to change their minds.

Mr. Boles moved, seconded by Mr. Laue, to call the corner of Broadway and Willamette Celebration Square.

Ms. Keller stated that her first choice would be to not name the intersection. She said that the place will have a name and it would not necessarily be what the council named it. She said that it made sense to wait and see what people named it before imposing a name upon the area. She reminded the councilors of the Eugene Centre and noted that she had never heard that area referred to as Eugene Centre. She said she was opposed to voting at this time. She lightheartedly said that if the council wanted to name the area "Where the fountain was," then she would consider voting in favor of that suggestion.

Mayor Bascom said that the three names that were sent to the council by staff were the most supported names. She said that the citizens with whom she had spoken supported the Broadway Plaza name. She expressed hope that in giving it a geographic name, then the name would stick.

Ms. Nathanson said that none of the names seemed unique or special to her, so she preferred Broadway Plaza.

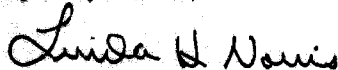
Mr. Boles withdrew the motion.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, that the name be Broadway Plaza. Roll call vote; the motion passed 5:2, with Ms. Keller and Mr. Boles voting no.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to adopt the resolution. Roll call vote; the motion passed 5:2, with Ms. Keller and Mr. Boles no.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,



Linda H. Norris
City Manager *pro tem*

(Recorded by Jennifer Self)
r:\96council\cc73028.106