

MINUTES

Eugene City Council
McNutt Room--City Hall

January 11, 1995
11:30 a.m.

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

The meeting of January 11, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. APPROVAL OF THE ORDER OF THE AGENDA

Mr. Torrey moved, seconded by Ms. Nathanson, to delete Item VII and have Council Officers reschedule the item.

Mr. Hornbuckle suggested that the item remain on the agenda, adding it could be postponed later, if needed.

The motion failed, 8:0.

Mr. Hornbuckle moved, seconded by Mr. Boles, to rearrange the agenda by placing Item V after Item VII. The motion passed, 5:3; with Mr. Laue, Ms. Nathanson, and Mr. Torrey opposed.

Ms. Nathanson moved, seconded by Mr. Boles, to approve the order of the agenda, as modified. The motion passed, 7:1; with Ms. Keller opposed.

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

A. Mayor's Presentation

Mayor Bascom said that Pennsylvania State's Bill Welch sent gifts for the City and Council, including three gallons of "peachy Paterno" ice cream, which was served to all present.

B. Enclave Building

Mr. Boles said citizens have expressed concern about "enclave" building and asked for a staff report.

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C. Dean Kramer Performance

Mr. Boles referred to Dean Kramer's performance as "stunning," adding that there would be another performance on January 19.

D. Sustainable Cities Conference

Mr. Boles invited those present to the Sustainable Cities Conference where he will hold a work session on technology and sustainability.

E. Confidentiality

Mr. Boles questioned staff's response regarding confidentiality--specifically, turning over copies of letters sent to councilors from private citizens--and asked for a clarification report, including public access to electronic mail received by councilors in their official capacity.

F. Founding Forefathers

Mr. Hornbuckle read comments from Alexander Hamilton from a book titled Democracy for the Few, adding that in the next few months he would research the election history in Eugene to determine how contested elections are for City Council and Mayor.

G. Gang Presentation

Mr. Green reported on Tim Crowe's School District 4J presentation on gangs, saying he was impressed with the notion of designing infrastructure to discourage gang activity.

H. Community Partnership for Gang Prevention

Ms. Swanson Gribskov said she serves on the Executive Committee of the Community Partnership for Gang Prevention and would keep the council apprised of its activities. The committee's next meeting is scheduled for January 12 and the partnership's next meeting is scheduled for January 19.

I. Public Safety

Mr. Torrey noted that in annual reports, all jurisdictions highlighted public safety as a priority. He reported thefts at his office twice in the last week.

J. Kudos for Eugene Police Department

Ms. Keller said a friend has begun "scanning" police communications and related that she was impressed with how compassionate and considerate the vast majority of the officers were. She commended the Department of Public Safety.

K. Masonic Cemetery Association

Ms. Keller called attention to a memorandum she distributed at the beginning of the meeting and said she would introduce a motion at the end of the item, time permitting.

L. State of the County

Mr. Laue reported on the State of the County address and encouraged councilors to secure a copy.

M. Dave Broder Column

Mr. Laue distributed a column by David Broder, describing it as "extraordinary." He reiterated his comments from the State of the City event about introducing and reintroducing ourselves, adding that "we don't cooperate with strangers, we cooperate with people we know."

N. Staff Clarification

City Manager Mike Gleason said he heard the council ask for reports on "enclave" development and on access to public information from the City Attorney. Mr. Boles clarified that he wants an interpretation of the State's Public Records Law.

Finding sufficient time, the council returned to an earlier agenda item.

K. Masonic Cemetery Association (Continued)

Ms. Keller appealed to the council to support the Masonic Cemetery Association, noting that the City's founder, Eugene Skinner, was laid to rest there.

Ms. Keller moved, seconded by Mr. Torrey, that 1) once ownership of the Masonic Cemetery is transferred from Masonic Lodge #11 to the Masonic Cemetery Association, Inc., the nonprofit should be approached to ascertain its willingness to legally donate the Eugene and Mary Skinner gravesite to the City of Eugene, and 2) once the City takes legal ownership of the gravesite, the City Manager is directed to release a Request for Proposals for gravesite maintenance and for historical interpretation at the gravesite of Eugene and Mary Skinner. The contract amount for these services shall not exceed \$500 per year, nor shall the term of the agreement exceed five years. Funds for this contract shall come from the City's contingency fund.

Mr. Hornbuckle said that the City was violating the First Amendment (separation of Church and State) by supporting a religious organization; and, if it is to be treated as public property, the City should be involved in it. He said the site should be brought into the City in a historic way, thus avoiding the violation of the First Amendment.

Mr. Laue moved, seconded by Ms. Keller, to extend the discussion by five minutes, with the time taken from Item V. The motion failed 6:2; with Mr. Laue and Ms. Keller voting in favor.

Responding to the council's confusion about how to proceed, Mr. Gleason clarified that if the motion to extend the time failed, the council, nonetheless, had to vote on the motion on the floor.

The motion failed, 6:2; with councilors Keller and Torrey voting in favor.

III. ELECTION OF 1995 CITY COUNCIL OFFICERS

Mayor Bascom expressed concern that there were no prepared ballots available for the election of council officers.

City Attorney Glenn Klein explained that the Code required that council officers be formally elected at the first regular meeting, which is defined as an evening meeting. He added that officers have to be elected with a council majority and both the officers have to be elected in the same manner. If elected today, the vote would have to be ratified at the next regular meeting.

Mr. Boles noted that, historically, those who have served the longest and have not held office on the council, are, by council consensus, declared the incoming officers. He said those would be councilors Keller, Hornbuckle, and himself. Of these, none have expressed an interest in the offices.

Ms. Keller nominated, seconded by Mr. Torrey, Ms. Nathanson as Council President.

There were no other nominations.

Ms. Nathanson was elected Council President by a 7:1 vote; with Mr. Hornbuckle opposed.

Ms. Keller confirmed that she was not interested in either office.

Ms. Keller nominated, seconded by Mr. Hornbuckle, Mr. Boles for Council Vice President.

Ms. Nathanson nominated, seconded by Mr. Torrey, Mr. Laue for Council Vice President.

Mr. Boles said he has had the opportunity to serve as both President and Vice President and withdrew his name from consideration.

Mr. Laue expressed concern with the process but said he was willing to serve.

Ms. Keller moved to postpone the item to a date certain. The motion died for lack of a second.

Mr. Hornbuckle moved, seconded by Ms. Nathanson, to extend the discussion for five minutes. The motion failed, 5:3; with Mr. Laue, Ms. Keller, and Mr. Boles opposed.

Mayor Bascom declared the motion "passed" and Mr. Laue appealed that ruling--that a simple majority can extend the discussion.

Mr. Gleason clarified that the council in its ground rules decided that a super majority would be required to change the order of the day; therefore, Mr. Hornbuckle's motion to extend discussion had failed so a vote must be taken on the previous motion.

Mr. Laue expressed concern with the process and the council's interpretation of Robert's Rules of Order.

The motion to overrule the mayor failed, 4:3:1; with councilors Boles, Keller, and Laue voting against, and Ms. Swanson Gribkov abstaining.

Mr. Laue was elected Council Vice President, 5:1:2; with Ms. Keller opposed and councilors Green and Hornbuckle abstaining.

Mr. Laue left the meeting.

Mr. Green expressed concern with the process and asked to change his vote in favor.

Ms. Nathanson raised a question of privilege, asking the council to take a five-minute recess.

Ms. Nathanson moved, seconded by Mr. Torrey, to take a five-minute recess, with the time taken from Item VIII. The motion passed, 5:2; with councilors Keller and Hornbuckle opposed. (Mr. Laue was not present for the vote.)

Mayor Bascom requested a short break at 12:28 p.m.

Mayor Bascom reconvened the meeting at 12:34 p.m.

IV. WORK SESSION/ACTION: STORM WATER FINANCING--LOCAL GAS TAX

A. Staff Presentation

Les Lyle, Public Works, gave the staff presentation, saying the proposed ordinance paralleled State of Oregon practices for collection of gas taxes. The 2.7 cent/gallon tax would be collected at the time other gas tax revenues are collected by the State, and would be used to finance the road-related share of the storm water program. He said the following were key issues the council may wish to address: 1) review of the attached ordinance for a local

relationship to other actions that may influence the timing of a local gas tax.

Mr. Laue returned to the meeting.

B. Clarifying Questions

Ms. Keller wondered why the measure itself did not specifically say that the tax would offset the storm water fee. Mr. Lyle explained that the last council resolution with regard to this made that point. In response to a question from Ms. Keller, Mr. Klein said the reason it was not included was because it was not required. Mr. Gleason added that excluding it from the ordinance avoided a potential conflict with State law.

Mr. Torrey ascertained that if the council took no action, the current rate schedule would remain in effect.

C. Council Discussion

Ms. Keller said that while she believes the gas tax is appropriate, moving forward with it at this time would not be prudent and would jeopardize other important measures the council hoped to put before the voters. She added that an attempt should be made to limit items on the ballot.

Mr. Laue agreed with Ms. Keller in regards to the appropriateness of a gas tax, adding that it would be better to go to the voters for the "discussion." He indicated he would introduce a motion after the council's discussion.

Mr. Green expressed concern with how the State Legislature would view the local tax and how it might affect its lobbying efforts.

Mr. Hornbuckle said voters would reject the tax, just as they have all other regressive taxes put before them. He said he would vote no and await alternative methods of financing the storm water system.

Mr. Boles recalled the initial discussion that acknowledged that there are costs associated with storm water runoff, and those costs are being paid by one allocation method. He said the question is "Do we want to continue to subscribe to the principle that costs should be borne at the locus where they occur." He noted that "some 21 percent of the storm water runoff costs are attributed directly to vehicle use." Mr. Boles urged the council to implement the tax and let it stand the challenge of referendum.

Mr. Torrey said he was concerned with the regional aspect of the tax and it was unwise to have the City viewed as the "pocket of the gas tax." He questioned the need for the additional revenue and cautioned against rushing into something with such negative implications that may jeopardize future revenue measures placed before voters.

Mr. Laue moved that the council instruct staff to prepare a resolution for referral in September; and instruct staff to

prepare a voter's pamphlet on the measure. The motion died for lack of a second.

Ms. Keller moved, seconded by Mr. Torrey, to discontinue consideration of a local gas tax at this time, to fund a portion of the storm water system.

Mr. Boles expressed disappointment, adding the council should continue to address the issue "at the locus of costs."

Mr. Laue said he could not support the motion, adding it should be taken to the voters. He opined that the voters are sophisticated enough to understand the issues before them and would not necessarily reject the tax.

Mr. Hornbuckle expressed support for the motion, adding he agreed with Mr. Boles that the point source needed to be identified; however, the council should consider cause/effect relationships and take it further than Mr. Boles is suggesting--a level that asks what vehicle usage impacts are attributable to.

Ms. Swanson Gribkov expressed support for the motion.

The motion passed, 6:2; with councilors Laue and Boles opposed.

V. REPROGRAMMING FY94-95 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

A. Staff Presentation

Linda Henry, Planning and Development, gave the staff report and noted that block grant money was usually dealt with in the council's Consent Calendar but that opportunity would not present itself in the near future. She said the Statement of Objectives revision required council action and a public hearing, which was held on December 8, 1994.

Addressing a question from Mr. Boles, Ms. Henry said the CDBG Advisory Committee supported the reprogramming unanimously.

Ms. Nathanson moved, seconded by Mr. Laue, to reprogram \$69,150 of Community Development Block Grant funding currently designated for Down Payment Assistance and HOME Program Administration to funding for low-income housing preservation. Roll call vote.

In response to a question from Mr. Green, staff explained that there was no penalty for prepaying loans.

The motion passed unanimously, 8:0.

VI. WORK SESSION: VOTER'S PAMPHLET REVISIONS

A. Staff Presentation

David Biedermann, Administrative Services, made the staff presentation and suggested that the council focus on the following: 1) the nature of a structured political question as it relates to the City Club recommendation regarding the expenditure of City funds; 2) retaining or eliminating the neutral statement; and 3) the question of whether the City can charge for petitions which paid collectors to collect signatures.

Addressing a question from Mayor Bascom, Mr. Biedermann said that the Code currently required the City Manager to publish a voter's pamphlet unless the council voted against it. Mr. Laue added that if the council adopts the City Club's recommendation, it will be written into the Code that publication of a voter's pamphlet is mandatory.

B. Council Discussion

In response to a question from Mr. Hornbuckle, Mr. Biedermann said the "structured political question" was not in the ordinance, it was an issue raised by the City Club regarding the expenditure of City funds to promote a City position. He added that the City's position is that when a ballot measure title is adopted by the council, the result is a "structured political question"--in the words of the City Club. The Club's position is that that line is crossed somewhere ahead of the adoption of the ballot title. Mr. Biedermann said staff knows of no way to write that without knowing, from the council, what the "structured political question" is. Mr. Hornbuckle suggested holding that discussion another time and focusing on the ordinance proposal at this time.

Mr. Hornbuckle made the following suggestions to amend the voter's pamphlet ordinance:

1. All ballot questions trigger publication of a voter's pamphlet. "City Measure" means any question placed on the City ballot.
2. Fee/and Signatures
 - a. Fees for statements and arguments shall be \$100.
 - b. All statements and arguments require 150 signatures.
 - c. 250 signatures may substitute for the \$100 fee.
3. Pamphlet Distribution
 - a. Pamphlet shall be distributed citywide for all ballots for election of City Councilors and Mayor.
4. Contents

- a. Pamphlet shall include participation rate for five previous elections on both ballot questions, council/mayor elections.
- b. Arguments shall be limited to 500 words.
- c. Arguments submitted by referrers and initiators shall be included without need for fee or additional signatures.

Mr. Torrey said he supported the Club's 750-word pro description of the measure, with a con description of the same length, and 250-word rebuttals to both descriptions. He said there ought to be a way for other people to make their views known, and he hoped the council would address that issue. Mr. Torrey questioned staff's cost estimates. Mr. Biedermann explained both direct and indirect costs, including staff support, entailed in the current process. Mr. Torrey asked for further analysis of the costs.

Mr. Boles said he favored a compromise that would include the pro/con argument and rebuttals; however, he was opposed to any paid pro/con insertion. Insertion of pro/con arguments, he added, should occur purely as a result of signatures, with paid collection of signatures noted in the pamphlet. Responding to a question from Mr. Laue, Mr. Boles said the signature threshold for inclusion he favored was 500.

Ms. Nathanson said she was interested in discussing methods of distribution, saying it was important to coordinate the timing of the pamphlet with the issuance and submission of absentee ballots, given their popularity. She said that she agreed with Mr. Hornbuckle that the 250-word limit to explain the measure was insufficient. Ms. Nathanson said she had concerns about the size and format of the pamphlet.

Mr. Green left the meeting.

Ms. Keller asked that council officers review the structuring of issues for council discussion, adding that the current process did not work well. She said she was pleased with the ordinance before the body except that either an explanatory neutral statement or structured pro/con argument was needed. Ms. Keller said paid pro/con statements could not be counted upon to provide a good description of the issue.

Ms. Swanson Gribkov favored structured pro/con arguments with rebuttals. She noted that neutral statements often do not offer the insights produced in rebuttals and that enticed voters. She said she was inclined to support maximum airing of an issue; therefore, she opposed limiting the size of the pamphlet.

Mr. Laue said his experience in developing a neutral statement led him to believe that timing of the pamphlet was most important, allowing enough time for the process. He added that he also favored structured pro/con arguments with rebuttals; although, the current format worked well. Mr. Laue expressed support for Mr. Hornbuckle's suggestion of triggering any election with the issue of producing the pamphlet.

Mayor Bascom asked that staff include decision/activity points in the next iteration of the item.

Ms. Keller moved, seconded by Mr. Torrey, to delete Item VIII, Ratification of Council Officers' Recommendations, from the agenda.

In response to a question from Ms. Nathanson, staff indicated that nothing in the officers' recommendations carried a deadline.

Mr. Boles said he expected to raise under that item the issue of the City's participation in the Measure 8 law suit, which is not included in the recommendations. He addressed his concern "around process" to the City Manager.

The motion passed unanimously, 7:0.

Mr. Torrey moved the order of the day.

VII. VOTER'S PAMPHLET FOR VIDEO POKER TAX BALLOT MEASURE

Mayor Bascom explained that if the council wished to issue a voter's pamphlet for the video poker tax, it needed to take action today.

In response to a question from Mr. Hornbuckle, Mr. Biedermann confirmed that a voter's pamphlet on the video poker tax would be produced unless the council voted against it. Mr. Hornbuckle expressed support for producing a pamphlet.

Ms. Keller also supported a voter's pamphlet, adding that it should be clear to voters what the money is going to be used for and who is being taxed.

Ms. Nathanson said one of the stated ways for determining the need for a voter's pamphlet was to weigh the economic, environmental, and social impacts against the expense. She said she believed the social impact to be significant and she, therefore, favored publishing the pamphlet.

Mr. Laue noted that national data revealed that voter's pamphlets are read by about 25-30 percent on general and primary elections and the rate was somewhat less for local elections. He added he believed the public should have an opportunity to express its interests, but he favored engaging the public in discussion in other ways.


Ms. Nathanson moved, seconded by Mr. Laue, to direct staff not to prepare a voter's pamphlet for the March 1995 Video Poker Tax Ballot Measure.

Ms. Keller moved, seconded by Mr. Boles, to call the question. The motion passed, 6:1; with Mr. Torrey opposed.

The motion to direct staff not to prepare a voter's pamphlet passed, 4:3; with councilors Hornbuckle, Keller, and Nathanson opposed.

The meeting adjourned at 1:30 p.m.

Respectfully submitted,



Micheal Gleason
City Manager

(Recorded by Yolanda Paule)
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