

## MINUTES

Eugene City Council  
McNutt Room--City Hall

November 8, 1995  
11:30 a.m.

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

The meeting of November 8, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

### I. APPROVAL OF THE ORDER OF THE AGENDA

Mayor Bascom noted that Item VI was dropped due to time constraints.

Ms. Nathanson moved, seconded by Mr. Laue, to approve the order of the agenda. The motion passed unanimously, 8:0.

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

#### A. Apologies

Mr. Laue apologized for missing lunch with Ms. Keller, not having distributed a report in a timely manner on a community policing conference he attended, and misstating an estimated FTEs (full time equivalents) while making a Council Committee on Environment and Economics (CCEE) report. He corrected the estimate to 18-36 FTEs.

#### B. Local Street Draft Plan Public Hearing

Mr. Laue reported on the Planning Commission's public hearing on the Local Street Draft Plan and said he is looking forward to its report.

Ms. Swanson Gribkov said she understood that the plan was an issue because of the timing of the report. She expressed concern for the Planning Commission's workload. Ms. Keller responded that if there was a problem with the workload, she expected the commission would communicate it to the council.

#### C. Lorane Highway Public Hearing

Mr. Laue said the public hearing on Lorane Highway has been postponed until after the council's fall break.

**D. Sheriff's Levy**

Mr. Laue thanked Ms. Swanson Gribkov for her assistance on addressing the County Sheriff's tax levy. Ms. Swanson Gribkov added that a report would be made to the council on November 13.

**E. Public Works Fire**

Ms. Swanson Gribkov expressed appreciation for the update on the fire at the Public Works facility on Roosevelt Boulevard and said she understood the disruption to staff during this time.

City Manager Mike Gleason acknowledged the council's understanding, adding that staff were able to secure three fire trucks and a significant parts inventory from being destroyed, but had the fire burned longer, the 9-1-1 back-up facility would have been destroyed. He said the council should add a comprehensive view of the City's emergency service capacity to its work program.

**F. Lane Council of Governments (LCOG) Board**

Ms. Swanson Gribkov asked staff to announce in the Council Newsletter LCOG's 50th anniversary dinner, scheduled for Friday, December 8, 1995.

**G. Minimum Wage**

Ms. Keller brought to the council's attention an article in today's paper on a petition drive to increase the minimum wage and urged the council to endorse the effort.

**H. Woodleaf Village**

Ms. Keller asked the council to accept an application for contingency funds to cover permit charges for Woodleaf Village, a low-income housing project. Council concurred.

**I. Morse Ranch**

Ms. Keller reported calls of concern regarding the Morse Ranch dog-off-leash park and asked staff to consider access to the west section of the park.

**J. City Publications**

Ms. Keller questioned the need to print in color the leaf program recycling information that was placed in the council packet.

**K. Veterans War Memorial**

Mr. Torrey noted that new leadership for the Veterans of Foreign Wars was in the audience and asked to add the issue of the memorial's wording at the end of the agenda item, time permitting.

**L. Heritage Tree**

Mr. Torrey indicated that staff had admitted erring in issuing a demolition permit for the felling of a heritage tree, and that lent credibility to the City.

Mr. Boles said the issue came to light because two councilors had requested a report and he was distressed that the City could not manage its permitting process. He apologized to citizens for the error.

Mr. Gleason accepted responsibility and expressed regret. He described the significance of the construction activity, adding that any future errors will be communicated to the council.

**M. Growth Management Study**

Mr. Torrey announced a press conference on the Growth Management Study at 10:30 a.m. on November 15, in the McNutt Room.

**N. Letter to the Editor**

Mr. Farr thanked David Schlossberg, a citizen, for his letter to the editor.

**O. Runoff Pollution**

Mr. Hornbuckle asked staff to investigate the legality of gas station attendants hosing off station bays and letting the runoff enter the stormwater system.

**P. Proportional Representation**

Mr. Hornbuckle said a Congressional Representative from the state of Georgia has introduced a bill, HR 2545, which would allow states to elect their congressional delegations by preference voting and urged people to write Oregon Legislators to support the bill.

**Q. People's Weekly World**

Mr. Hornbuckle called attention to an article entitled "GOP Admits Hidden Agenda" in this week's People's Weekly World, which recommends the elimination of Medicare. He also read from another article entitled "Jobs Referendum on November 7 Ballot," which would create living wage jobs in public works projects.

**R. City Manager's Evaluation**

Mr. Boles flagged for discussion the City Manager's performance evaluation at the end of the item, time permitting.

**S. Committee on Environment and Economy (CCEE) Recommendations**

Ms. Nathanson said there was public confusion about the council's actions regarding the CCEE recommendations. The public's perception is that the council voted to do nothing, when in fact, it voted to move ahead immediately on certain items and direct staff to scope others, with the remainder to be discussed in January.

**T. League of Oregon Cities Resolutions**

Ms. Nathanson asked for assistance from staff in analyzing resolutions from the League of Oregon Cities to check their consistency with the City's adopted goals and policies.

**U. Looking Glass Contingency Fund Request**

Ms. Nathanson asked the council to accept an application for contingency funds for capital expenses to provide a shelter for runaway youth. There was consensual support for the application.

**V. Votes in Absentia**

Ms. Nathanson said she explained to Mr. Boles that when she tried to have a vote recorded on his behalf, the City Attorney said votes in absentia were not permitted. Mr. Boles asked to discuss the issue at the end of the item, time permitting.

**W. Council Ballots**

Mayor Bascom reminded councilors to submit their ballots on the Human Rights Commission (HRC) appointments and automation.

**X. West University Public Safety Station**

Mayor Bascom invited those present to the grand opening of the West University Public Safety Station at 2 p.m. today.

**Y. Sites for Affordable Housing**

Mayor Bascom said that the organization Habitat for Humanity has reported that lots for affordable housing are hard to find in this community. She asked the council to consider approving a plan for acquiring land from private owners by offering incentives.

**Z. Rural Development Funds**

Mayor Bascom noted that LCOG has taken over the loan development program allowed by rural development funds--something the City has always managed--and asked Ms. Swanson Gribkov to raise the issue with the LCOG Board.

There being sufficient time, the council returned to the items flagged for discussion.

**K. Veterans War Memorial (Continued)**

Mr. Torrey read the inscription first proposed for the war memorial: "to honor the memory of Lane County veterans who gave their lives in service to our nation, grateful citizens have dedicated this memorial." He said the Veterans of Foreign Wars have asked to change the inscription to: "These Lane County veterans fought and died in the cause of freedom and self-government." He noted that the group and the City's Parks Division had agreed on the location for the memorial.

Mr. Torrey moved, seconded by Mr. Farr to accept the changed wording for the memorial.

Ms. Keller said the information was incomplete; the inscription actually included the lines "give peace a chance" and "along with soldiers, many men, women, and children have perished in wars and may there be an end to war. . . ." She noted that the new phrases were not a part of any proposal approved by the council and she opposed the motion.

Mr. Boles asked for the original wording, but it was not contained in the material distributed.

Ms. Keller moved, seconded by Mr. Hornbuckle, to table the motion. The motion failed, 6:2; with Ms. Keller and Mr. Hornbuckle in favor.

Ms. Swanson Gribkov moved, seconded by Mr. Laue, to postpone the item to the next Wednesday work session, November 15.

Ms. Keller called for the order of the day.

City Attorney Glenn Klein clarified that, at the Mayor's discretion, the council could move on to the next agenda item or continue the present discussion. If the someone disagrees, the council can vote to overrule the Mayor.

Mr. Laue moved, seconded by Mr. Torrey, to extend the discussion by three minutes, taken from the next item. The motion passed; 5:3, with Mr. Hornbuckle, Ms. Keller, and Mr. Boles opposed.

Mr. Farr urged the council to reach closure on the memorial as veterans hoped to hold the dedication on November 11.

Mr. Boles expressed concern that veterans would not be able to celebrate the holiday by installing the monument, but there was no way to process the item because the council did not have the information it needed.

Mr. Hornbuckle supported the motion to postpone, saying the process was undemocratic and broke the council's established rules.

Mr. Laue said he also supported the motion to table, calling the process unfortunate.

The motion to postpone the item to November 15 passed, 6:2; with Mr. Torrey and Mr. Farr opposed.

Mr. Boles asked that the other items flagged for discussion be addressed at the end of the meeting, time permitting.

### **III. HOMELESS CAMPING**

#### **A. Staff Presentation**

Deputy City Manager Linda Norris introduced the topic and Richie Weinman, Planning and Development Department, made the presentation which included short-term, medium-term, and long-term options. He emphasized that homelessness was a national problem and the City should not expect to have a comprehensive local solution. He described the homeless population, the different tracks that lead to homelessness, the community impacts from homelessness, and government's response to the issue.

Mr. Weinman posed the following policy questions: Is the City making appropriate financial contributions to services? Is the current contribution to the Intergovernmental Human Services Fund having the maximum effect? Are local ordinances balancing the humane treatment of homelessness and the homeless with the general public's health and safety?

Mr. Weinman called attention to staff's short-term recommendations in the meeting packet: 1) consider appropriating additional funds to the Intergovernmental Human Services program to address gaps in funding for homeless needs; and 2) develop a plan for short-term homeless shelter in the event of extreme cold weather through local churches, schools, or other public institutions. He noted there were homeless experts in the audience, as well as Public Safety and Public Works staff, to answer questions and serve as a resource.

#### **B. Council Discussion**

Mr. Hornbuckle said it was unfortunate to have staff set the parameters of the council's discussion because they had a duty to follow status quo, which was constrained and did not address basic problems. There is a comprehensive solution that is affordable, he argued. The only way is to have the Federal Government to declare housing a human right and to do that, "we need socialism." Mr. Hornbuckle said the council needed to make this a political fight, adding it was his duty to raise these broader issues because he was not "into governing on the basis of charity" (financing independent projects).

Ms. Keller asked the council to discuss the City's funding level to IHSC, including what portion of that should be dedicated to homelessness, but having that discussion at another time and prior to the funding cycle and adoption of the next fiscal year's budget. She noted that current work on the zoning code

addressed long-term options. She expressed concern that the council might be undermining its effort to secure the \$1 million funding dedicated to affordable housing.

At Ms. Swanson Gribbskov's request Ms. Norris said the scope of the State's House Bill 2482 was narrower than anticipated, adding that it does not relate to parks and does not apply to camping cars. Addressing a follow-up question, City Attorney Glenn Klein said he has not heard of any lawsuits filed as a result of the new State law, but other communities are involved in suits based on United States constitution issues.

Mr. Farr said the council needed, at some point, to address the problem of the larger homeless population that has a choice over homelessness. He said he agreed with Mr. Hornbuckle that jobs were related, but it would be private industry that provided those jobs.

Mr. Boles expressed disappointment that staff's recommendations did not address the need for the "emergency nature of request for shelter this fall," recalling also that there was council consensus that this was an inter-jurisdictional issue that should be managed through IHSC. He said he expected to hear about what immediate short-term changes the City could make in its ordinances that would allow, at a minimum, not-for-profit organizations to offer to provide camping on their properties. Mr. Boles said there were no proposals before the council that would allow it to make an immediate decision addressing this winter's problem.

Mr. Torrey said he would introduce a motion addressing the short-term problem, adding that single men and women have the greatest need.

Mr. Laue agreed with Mr. Boles that the locus of the problem belonged in the IHSC and inter-jurisdictional cooperation would render the best outcome. He asked for a map of public lands in the urban growth boundary (UGB). He said the municipality's authority was limited.

At the Mayor's request, Mr. Klein, City Attorney's Office, explained that there were two types of ordinances related to camping: 1) Chapter 4 prohibiting camping in the public right-of-way; and the council had the authority to change Chapter 4 without a public hearing or the 20-day notice; 2) Chapter 9 (land use ordinances) which regulate how people can use private property and the public can use public property; and the council was prohibited by the City Code and State law from changing it without a lengthy public process. Any immediate remedies, he said, would have to deal with the prohibition on camping in Chapter 4. If the council pursued a change to Chapter 9, he added, the change would have to be one that is consistent with the Metro Comprehensive Plan. If proposed changes such as allowing camping in personal back yards violate the Metropolitan Plan density designation, the council would first have to initiate a change to the Metro Plan.

Ms. Nathanson acknowledged the receipt of letters opposing camping on public property, but said that the issue of camping on private commercial/industrial property had not been addressed. She expressed disappointment that no short-

term solutions appeared to be available at this time because of the interplay between camping and zoning issues. She wondered how Section 4.185, which referred only to ownership, related to the zoning code. Mr. Klein explained that these were two separate regulations. The City had to comply with both the zoning regulation and Section 4.185. If 4.185 were repealed, the zoning restriction would still apply. He noted that the recent community proposal for a homeless camp was on land zoned for mixed-use, which prohibits camping.

Mr. Boles said he continued to hope that the council would find a way to allow people to camp on church property, adding he opposed any funding proposal unless it went through IHSC.

Mr. Gleason clarified that the zoning ordinance could be changed to accommodate camping on church grounds or any other nonprofit, but it would require initiating a public process that, when expedited, takes about six months to complete. In addition to that, the change must be consistent with the general plan.

Mr. Laue moved, seconded by Ms. Nathanson, to extend the discussion by ten minutes, with the time to be taken from the next item. The motion passed unanimously, 8:0.

Ms. Keller said there was no comprehensive solution to the problem so she was looking for an incremental one. She emphasized that something was needed for the short term.

Ms. Keller moved, seconded by Ms. Nathanson, to direct staff to prepare an ordinance to amend the Eugene Code Section 4.815 to permit camping of single household units on occupied residential properties, and up to three household units on occupied properties belonging to nonprofit and governmental agencies, and containing an emergency clause.

Ms. Keller defended her motion, saying it addressed the problem inexpensively, provided supervised camping, reduced the impact on particular segments of the community, and diffused the problem.

Mr. Farr expressed support for the motion, adding that he was anxious to hear a legal opinion.

Ms. Nathanson wondered if the motion could supersede the zoning code. She asked Ms. Keller if that were the case, if she intended this to be a short-term solution. Ms. Keller responded that she preferred for this to happen immediately, but even if it could not be done, she did not want to withdraw it as a direction.

Mr. Klein said that Section 4 was the section of the code that dealt with offenses and prohibitions and 4.185 was a prohibition on camping on private property. He said the motion instructs staff to draft an ordinance that would actually authorize an activity, as opposed to prohibiting an activity, adding that there was nothing unlawful about that. The problem, he said, was that

the ordinance would change land use and a change to Chapter 9 would be necessary to actually authorize it. Anyone disagreeing with the council action could challenge it on that basis and the court would find it an unlawful action.

Addressing a question from Mr. Laue, Mr. Klein said the intent of the motion makes it unnecessary for churches to apply for a conditional use permit.

Ms. Swanson Gribkov said she was not ready to vote and asked staff to elaborate on the City's enforcement policy. Jim Hill, Department of Public Safety (DPS), confirmed that enforcement was complaint-driven, and officers did not patrol neighborhoods looking for camping violations.

Ms. Keller moved to extend the discussion by 10 minutes, and dropping the next item from the agenda. The motion died for lack of a second.

Ms. Nathanson moved, seconded by Mr. Laue, to extend the discussion by 10 minutes, reducing Council Officers' recommendations to 3 minutes, with the remainder of the time going to the last item. The motion passed; 7:1, with Ms. Keller opposed.

Mr. Torrey clarified that the discussion is not about allowing camping in parks, which is a major concern for the public.

Ms. Norris expressed concern that the motion may have the unintended consequence of having students and others who want to save housing expenses camping in yards resulting in sanitary and other problems. She noted that the City of Portland was constructing a new temporary shelter to replace a Salvation Army shelter, pending completion of a two-year analysis for a long-term solution.

Mr. Laue suggested the council today 1) allocate \$40,000 immediately to the Interfaith Shelter program to offset a shortage that resulted from an expansion; and 2) entertain the proposed Looking Glass homeless youth shelter proposal.

Mr. Hornbuckle observed that the council structure was inadequate to address the problem comprehensively, adding he agreed with Mr. Laue's approach.

The motion failed, 5:3; with Ms. Keller, Mr. Farr, and Nathanson voting in favor.

Ms. Nathanson moved, seconded by Ms. Keller, to refer the specific issue of amending Section 4.185 of the Code to the Zoning Code Review project. The motion passed, 6:2; with Mr. Hornbuckle and Mr. Laue opposed.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to appropriate out of the Contingency Fund \$40,000 for operational spending, on a one-time basis, to stabilize the Interfaith Shelter Program.

Mr. Boles asked Mr. Laue to instead provide information on his motion next week.

Mr. Laue withdrew his motion, Mr. Torrey was amenable.

**V. DECISION ON TIME LINE: MARCH AND MAY 1996 BALLOT MEASURES**

Ms. Keller moved, to postpone discussion of the item to another date as there was no time for discussion. The motion died for lack of second.

Ms. Keller said that the officers' recommendation to place the utility tax on the March ballot assured its defeat.

Mr. Torrey moved, seconded by Mr. Farr, to place the utility tax measure on the March 1996, ballot.

Ms. Swanson Gribbskov said she understood that the March ballot was a mail-in election, which will also contain the sheriff's levy, adding she was compelled to move forward, given the homelessness and affordable housing issues.

Ms. Keller said that both the Housing Policy Board and the affordable housing work group have suggested a May ballot, recalling that the council last left the discussion requesting ballot title language for approval. She said that consensus on the Housing Policy Board is that to win the measure must go on the May ballot. She questioned the officers' motives for wanting a March election.

Mr. Boles said that if council were really concerned with this, it would not even go on the ballot. He said he was supportive of anything that would prevent the council from postponing it further.

Mr. Hornbuckle moved, seconded by Ms. Keller, to amend the motion to include the City including postage-paid envelopes for the returned ballots.

Mr. Hornbuckle said his motion was specifically intended to increase voter turnout.

At the Mayor's request, Mr. Klein said there may be a legal issue because it is a State election, but he could give an opinion next week. Mr. Hornbuckle asked the council to move ahead with the amendment, pending a legal opinion.

Ms. Nathanson asked for both legal and administrative considerations, including the cost of the amendment, which could be reported when the ballot title comes before the council.

Ms. Swanson Gribbskov agreed with Ms. Nathanson's position.

Mr. Laue called for the question.

The motion to amend the motion passed, 5:3; with Ms. Swanson Gribkov, Ms. Nathanson, and Mr. Torrey opposed.

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

V. RATIFICATION OF OCTOBER 31, 1995. COUNCIL OFFICERS' RECOMMENDATIONS

Ms. Nathanson moved, seconded by Mr. Laue, to adopt the Council Officers' recommendations of October 31, 1995.

Ms. Keller expressed concern about how the Council Officers were using their meetings and using the ratification of minutes to set the agenda. She cited the officers' placement of the West End Committee time line modification on the consent calendar and their request for council approval of its multi-year financial planning sessions as an examples. Ms. Keller said the council was being asked by officers to approve actual policy decisions rather than a listing of agenda items.

Mr. Torrey called for the question.

The motion to vote immediately passed, 6:2; with Mr. Hornbuckle and Ms. Keller opposed.

Ms. Keller left the meeting.

The motion ratifying Council Officers recommendations failed, 4:3; with Ms. Nathanson, Mr. Torrey, and Mr. Farr voting in favor.

Councilor Laue suggested the recommendations be discussed again when Ms. Keller was present.

The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Micheal Gleason  
City Manager

(Recorded by Yolanda Paule)  
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