

MINUTES

Eugene City Council
McNutt Room--City Hall

November 27, 1995
5:30 p.m.

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

COUNCILORS ABSENT: Nancy Nathanson

Her Honor Mayor Ruth Bascom called the adjourned meeting of November 15, 1995 to order. The council agreed to move item C to first on the agenda.

A. Contingency Fund Request--First Night Eugene

Carol Brewster, Special Events Coordinator, Library, Recreation, and Cultural Services (LRCS), spoke on behalf of the First Night Eugene Committee. Ms. Brewster said the committee was requesting \$2,500 in contingency funds for police services for the First Night event, an alcohol-free celebration focusing on downtown.

Ms. Keller moved, seconded by Mr. Laue, to direct the City Manager to enter into a contract for \$2,500 to provide Eugene Police foot patrol services for First Night Eugene on December 31, 1995, on the Eugene downtown mall. The motion passed unanimously, 7:0.

B. Work Session: Erosion Control and Construction Site Management Practices

Les Lyle, City Engineer, reviewed the agenda briefing statement, noting that the Council Committee on Economics and Environment (CCEE) had recognized this as an existing work program item. Mr. Lyle reviewed the three components of the proposed program: a permit application process requiring an erosion control construction site management plan for 1) all sensitive areas; 2) for any site over five acres; and 3) a checklist construction site management for any other site.

Mr. Lyle reviewed outreach efforts and informed the council about the composition of the Department Advisory Committee.

Councilors asked a number of questions of Mr. Lyle. In response, Mr. Lyle confirmed that this program evolved from the National Pollution Discharge Elimination System (NPDES) Stormwater Management permit. He also reviewed information about the templates and manuals that would be developed to assist applicants with the permit process. Mr. Lyle told the council that feedback indicated general acceptance of the need for the program.

Councilors expressed particular concern about adding another set of regulations and the impact of the program on permit turnaround time. Mr. Farr stated that inspections and plan reviews drive up the cost of houses and delays are costly. Mr. Boles suggested performance bonding to provide incentive while still ensuring high quality water. Ms. Keller agreed that bonding should be discussed as part of the public process. She added that fines should be sufficient to prevent violations.

Mr. Laue moved, seconded by Ms. Keller, to direct staff to bring back, by March 1, the ordinances necessary to implement the program as proposed, with incentive options, including performance bonding. The motion passed unanimously, 7:0.

C. Voter's Pamphlet Revisions

David Biedermann, Finance Operations Director, reviewed the history of this issue and presented the results of the preference vote ballots as follows:

Elimination of the neutral statement received six votes.

Reduce statements to one pro and one con received four first choice and one second choice vote.

The method for choosing opposing argument committees received a split vote.

The methods for including additional statements received three first choice votes for petition by non-paid gatherers.

Ms. Keller said the method for choosing opposing argument committees should have more than two options. Ms. Keller also argued for a more significant difference between the number of signatures needed on petitions by paid and unpaid gatherers, stating that 500 signatures was a lot for an individual to gather. Mr. Hornbuckle agreed, stating that 60-80 would be a more appropriate number for individual unpaid signature gatherers. Mr. Boles confirmed that voter's pamphlet statements would require a disclosure that signature gatherers were paid.

Mr. Laue moved, seconded by Mr. Torrey to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, including candidates statements the same as for the State voters' pamphlet, maximum number of words for pro and con statements at 500, maximum number of words for rebuttal at 200, and including additional pro and con statements.

Mr. Hornbuckle argued that the issues should be separated. Mr. Laue withdrew the motion. Mr. Torrey agreed.

The council then reviewed the issues one at a time.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, including elimination of the neutral statement.

Mr. Boles called the question. The motion to vote immediately passed 5:2, with Ms. Keller and Mr. Hornbuckle voting in opposition.

The main motion passed 5:2, with Ms. Keller and Mr. Hornbuckle voting in opposition.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, limiting statements to one pro, one con and one rebuttal.

Mr. Hornbuckle said the council should decide the method for selection prior to deciding the limits. Ms. Keller argued against the motion, stating that eliminating the neutral statement already limited the amount of information available to voters. She also disagreed with the current process.

The motion passed 5:2, with Ms. Keller and Mr. Hornbuckle voting in opposition.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, to use the same candidate statement standards as the State voters pamphlet.

Mr. Hornbuckle moved to amend the motion to reduce the candidates' statement fee to \$50. The motion died for lack of a second.

Mr. Hornbuckle moved, seconded by Mr. Laue, to amend the motion to reduce the candidates statement fee to \$100. The motion passed 4:3, with Mr. Torrey, Mr. Boles, and Mr. Farr voting in opposition.

The main motion passed unanimously, 7:0.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, including a maximum of 500 words for each pro and con statement.

Ms. Keller moved, seconded by Mr. Boles, to amend the motion to allow a maximum of 350 words, arguing that 500 words were

excessive. The motion passed 5:2, with Mr. Farr and Mr. Hornbuckle voting in opposition.

The main motion passed 6:1, with Mr. Hornbuckle voting in opposition.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, limiting the rebuttal statement to 200 words. The motion passed unanimously, 7:0.

Mr. Laue moved, seconded by Mr. Torrey to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, to limit additional statements to 350 words.

Ms. Keller moved, seconded by Mr. Hornbuckle, to amend the motion to limit statements to one-half of an 8-1/2" x 11" page.

Ms. Keller spoke to her amendment, reasoning that people who provide additional statements should be able to use the space as they wish. Mr. Torrey said he would support the amendment only to revisit it when staff could demonstrate what it means. He added that he would oppose variable font sizes.

The motion passed 6:1, with Mr. Farr voting in opposition.

Mr. Laue suggested it was unnecessary to vote on the main motion, since the council had just passed a substitute motion.

Being out of time, the council agreed to return to the McNutt Room following the 7 p.m. meeting

The council adjourned to the Council Chamber, returning at 7:20 p.m. to the work session.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, to allow the Mayor to appoint three members from the applicants for opposing argument committees.

Ms. Keller spoke against the motion, pointing out that impartiality would be an issue, whether real or implied. Mr. Boles agreed, pointing out that the neutral statement was eliminated to remove the process from political intervention, and therefore, the method for choosing should be by lot. Mr. Hornbuckle also argued against the motion.

Mr. Farr supported the motion, stating that the Mayor, being elected by a majority of residents, would select members on the basis of representing the people of Eugene. Mr. Torrey said he was uncomfortable with the idea of

having no control over the participants, and he would support the motion. Ms. Swanson Gribkov said she would vote against the motion to distance the council from the voter's pamphlet.

The motion failed 6:1, with Mr. Hornbuckle, Ms. Keller, Ms. Swanson Gribkov, Mr. Boles, Mr. Torrey and Mr. Farr voting in opposition.

Mr. Laue moved, seconded by Mr. Torrey, to direct staff to prepare an ordinance concerning the Voter's Pamphlet, amending Sections 2.993, 2.994, 2.996, and 2.998 of the Eugene Code; and repealing Section 2.995 of that Code, to allow the three members for the opposing argument committees to be chosen by lot from among the applicants.

Mr. Hornbuckle argued in favor of the motion, noting that the method would allow greater diversity on the committee.

The motion passed unanimously, 7:0.

Mr. Laue moved, seconded by Mr. Torrey, that the ordinance include that people be included in additional pro and con statements by petition if the argument is accompanied by the signatures of 500 electors of the City, and if the signatures have been gathered by non-paid signature gatherers.

Ms. Keller moved, seconded by Mr. Hornbuckle, to amend the motion to include signatures of 100, rather than 500 electors.

Ms. Keller and Mr. Hornbuckle argued that 100 signatures were difficult to get, especially recently. Mr. Torrey said 100 signatures were not enough. Mayor Bascom argued that she had recently gathered signatures in three different instances, and expressed the belief that 100 signatures were not enough.

The motion to amend failed 5:2, with Mr. Boles, Mr. Torrey, Mr. Laue, Ms. Swanson Gribkov, and Mr. Farr voting in opposition.

Ms. Keller moved, seconded by Mr. Boles, to amend the motion to include signatures of 300, rather than 500 electors.

Mr. Hornbuckle argued that the number needed to be lower, citing recent experiences he had had collecting signatures.

The motion passed 5:2, with Mr. Hornbuckle and Mr. Laue voting in opposition.

The main motion passed 6:1, with Mr. Hornbuckle voting in opposition.

Mr. Laue moved, seconded by Mr. Boles, that the ordinance include that people be included in additional pro and con statements by

petition if the argument is accompanied by a fee of \$250 and the signatures of 500 electors of the city if the signatures have been gathered by paid signature gatherers.

Ms. Keller moved, seconded by Mr. Boles, to amend the motion to set the fee at \$500 and the number of signatures at 600.

Mr. Boles spoke in support of the amendment, stating that it made the distinction between volunteers and those who can afford to pay signature gatherers. However, Mr. Boles said there could be a legal issue involved.

The motion to amend passed unanimously, 7:0.

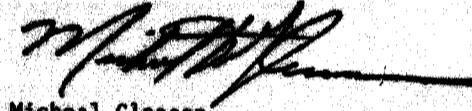
The motion passed 6:1, with Mr. Hornbuckle voting in opposition.

Ms. Keller moved, seconded by Mr. Torrey, to require all paid signature gatherers to prominently wear a 3" diameter button that states only, "I am a paid signature gatherer."

The motion passed 5:2, with Mr. Farr and Mr. Laue voting in opposition.

This meeting adjourned at 8:02 p.m.

Respectfully submitted,



Michael Gleason
City Manager

(Recorded by Hannah Bradford)

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MINUTES

Eugene City Council
Council Chambers--City Hall

November 27, 1995
7:00 p.m.

COUNCILORS PRESENT: Shawn Boles, Tim Laue, Pat Farr, Kevin Hornbuckle,
Barbara Keller, Laurie Swanson Gribkov, Jim Torrey,
Mayor Bascom

COUNCILORS ABSENT: Nancy Nathanson

The adjourned meeting of November 15, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. CONSENT CALENDAR

- A. Approval of City Council Minutes of October 9, 1995, Meeting; October 11, 1995, Lunch Work Session; and October 18, 1995, Special Trimester Work Plan
- B. Approval of Hearings Official's Findings and Recommendations of October 13, 1995, and Adoption of Resolution Concerning Local Improvement District for Ash Street

Res. No. 4466--A resolution forming a local improvement district (LID) for sanitary sewers on Ash Street from Sycamore Street to 200 feet south. (Job #3376)
- C. Ratification of October 31, 1995, and November 14, 1995, Council Officer's Recommendations

Ms. Keller requested that the minutes of October 18, 1995, and the Council Officers' recommendations of October 31, 1995, and November 14, 1995, be removed from the consent calendar for further consideration at the end of the agenda.

Mr. Laue moved, seconded by Ms. Swanson Gribkov, to adopt the City Council Consent Calendar with the exception of the minutes of October 18, 1995, and the Council Officers' Recommendations. Roll call vote; the motion passed unanimously, 7:0.

II. ORDINANCE AUTHORIZING THE INSTITUTION OF PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF PROPERTY INTEREST AT THE NORTHWEST CORNER OF 2ND AVENUE AND CHAMBERS STREET

CB 4555--An ordinance authorizing the institution of proceedings in eminent domain for the acquisition of property interests along 2nd Avenue and Chambers Street for Department of Public Safety Fire Redeployment Plan purposes (Milland and McKeegan Properties).

Deputy City Manager Linda Norris introduced the bill.

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

Mr. Laue moved, seconded by Mr. Boles, that the bill be approved and given final passage. Roll call vote; the motion passed unanimously, 7:0 and became Ordinance 20029.

VII. MINUTES FROM OCTOBER 18, 1995

Ms. Keller referred members to the third paragraph under a section "Housing Code Development" on page five of the October 18, 1995, minutes and requested the following changes (changes in bold and deletion in [brackets]): "The council also requested copies of the materials sent to the CIC when the committee is formed [for council discussion at that time]."

Mr. Laue moved, seconded by Mr. Boles, to adopt the minutes of October 18, 1995, as corrected. Roll call vote; the motion passed unanimously, 7:0.

Ms. Keller referred members to page 77 of the agenda packet regarding the Council Officers' Recommendations and stated that with regard to the proposed December 4, 1995, Work Session concerning the Two-year Enterprise Zone extension request from Hyundai, that it was her understanding that the charge had been given to the Council Committee on Economics and Environment (CCEE) to process that issue prior to it coming back to the council. She said that she had not heard any concern from councilors or staff regarding that approach, so she wanted clarification about the necessity of the work session.

Ms. Norris stated that Council Officers had since removed that item from the agenda.

Ms. Keller referred members to page 93 of the Council Officers' Recommendations and stated that while she had called out concerns about the memorandum regarding the charges to the committees, the way in which the recommendation

currently read, it would appear that the Council Officers were intending to change the charges of the committees to conform with the memorandum. She requested the following changes (changes in bold and deletion in [brackets]): "Officers recommend that no changes be made at this time to the memo regarding charges of the council committees [as reflected in the staff-to-council memorandum of November 2].

Ms. Norris said that her understanding was that the Council Officers had directed staff not to redo the memo, but rather assure that that information be included in the information packets sent to the committees in January. She noted that Ms. Keller's wording was in compliance with staff's understanding.

Mr. Boles asked how this would address the inaccuracies in the staff memo.

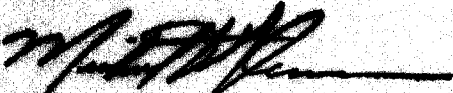
Ms. Keller said it would come back to council in January 1996 for further discussion.

Mr. Boles stated that with respect to the CCEE, the secondary charge was not included in the staff memorandum, and he viewed that as an inaccuracy in the memo.

Mr. Laue moved, seconded by Mr. Boles, to adopt the Council Officer's Recommendations as amended. Roll call vote; the motion passed unanimously, 7:0.

The meeting adjourned at 7:20 p.m.

Respectfully submitted,



Michael Gleason
City Manager

(Recorded by Jennifer Self)
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