

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

REGULAR MEETING

Wednesday, December 15, 1993

Pursuant to notice given to *The Register-Guard* for publication on December 9, 1993, and distributed to persons on the mailing list of the District, the regular monthly meeting of the Board of Directors of the Lane Transit District was held on Wednesday, December 15, 1993, at 7:30 p.m. in the LTD Board Room at 3500 E. 17th Avenue, Eugene.

Present: Kirk Bailey  
Peter Brandt, Treasurer  
Janet Calvert (late)  
Tammy Fitch, Vice President  
Patricia Hocken  
Thomas Montgomery, Secretary  
Keith Parks, President, presiding  
Phyllis Loobey, General Manager  
Jo Sullivan, Recording Secretary

**CALL TO ORDER:** Mr. Parks called the meeting to order at 7:30 p.m. He informed the members of the audience that they were welcome to comment on the Draft Environmental Impact Statement for the Eugene Station, but could not change the public record, because all testimony had been due by December 6, 1993.

Mr. Parks also thanked staff and the other Board members for his eight years' experience on the LTD Board, and wished the continuing and new Board members a lot of success and enough energy to complete their terms.

**AUDIENCE PARTICIPATION:** Mr. Parks asked for public input. There was none.

**EMPLOYEE OF THE MONTH:** Mr. Parks introduced Bus Operator Frank Wikle, who was hired on May 26, 1992, and promoted to full-time on September 26, 1993. At the last employee awards banquet, he received an award for excellent attendance. He was nominated by a bus rider, who said that Mr. Wikle went out of his way to help a woman find the address of her destination and make sure she got off at the correct stop. The caller said she was impressed with Mr. Wikle's kindness and concern. When asked what makes Mr. Wikle a good employee, Transportation Administrator Bob Hunt had stated that, in addition to compiling excellent safety, attendance, and Correct Schedule Operation (CSO) records, Mr. Wikle has built a fine reputation with his customers and peers. He is dependable, knowledgeable, helpful, and always cheerful--a true professional in all aspects of his work.

Mr. Parks presented Mr. Wikle with his certificate and check, and thanked him for his excellent service on behalf of LTD. Mr. Wikle said that when he was hired, he had been asked

about some of his goals for LTD. One of his first goals was to be selected as Employee of the Month, because that showed what an employee was capable of doing, and was based on criteria that the Bus Operators accomplished all the time.

**MOTION**      **CONSENT CALENDAR:** Mr. Montgomery moved that the Consent Calendar for December 15, 1993, be approved as presented. Mr. Brandt seconded, and the Consent Calendar  
**VOTE**      was approved by unanimous vote. The only item on the consent calendar was approval of the minutes of the November 17, 1993, regular meeting.

**MOTION**      **FACSIMILE SIGNATURE FOR PAYROLL PROCESSING:** Mr. Brandt moved that the Board authorize staff to purchase facsimile signing equipment prior to implementation of District-processed payroll. Mr. Montgomery seconded the motion. Mr. Brandt said he had read the information in the agenda packet and it looked good to him. He asked if staff had plans to use the facsimile signing equipment. Finance Administrator Tamara Weaver said that staff did plan to use facsimile signing equipment when the District's payroll became an in-house operation. In January, staff would bring to the Board a resolution authorizing the use of the equipment, but because the time line for installing the payroll system was tight, staff needed the Board's authorization to research and purchase the facsimile signing equipment. She added that staff also would ask the Board in January for permission to open another bank account for account signing.

**VOTE**      There was no further discussion, and the motion carried by unanimous vote.

**MOTION**      **ELECTION OF OFFICERS:** Mr. Brandt moved that the election of officers and an MPC representative be deferred until the January 19, 1994, regular meeting. Ms. Hocken seconded the motion. Mr. Parks stated that January 19 also would be the date of an 11:30 a.m. City Council work session that would cover the downtown Eugene parking issue, including replacement parking for the Eugene Station. There was no further discussion, and the motion  
**VOTE**      carried by unanimous vote.

Ms. Loobey stated that Ms. Calvert was making a special effort to attend the meeting to be present for the vote on the site for the Eugene Station, so asked the Board to defer that agenda item until Ms. Calvert's arrival.

#### **ITEMS FOR INFORMATION AT THIS MEETING:**

**Board Member Reports:** **MPC:** Ms. Hocken told the Board that both the November and December Metropolitan Policy Committee meetings were canceled due to lack of a quorum. She thought there would be a January 13 meeting. **V-PACT:** Ms. Hocken stated that at the last meeting of the Willamette Valley Policy Advisory Committee on Transportation, the committee had heard presentations by the Metropolitan Policy Organization (MPO) of each of the major metropolitan areas. A meeting was scheduled for December 16, at which the committee would hear a presentation about the intermodal connections between air, rail, and the private automobile. Mr. Montgomery asked how other communities compared with Eugene. Ms. Hocken explained that Portland was different because it was a bigger city. Portland was using heavy-duty computer modeling and 50-year projections for transportation issues. Corvallis and Albany were more informal than Eugene/Springfield because they were

not actual MPOs. The Eugene/Springfield area had a legally-adopted metropolitan transportation plan. She added that one of the issues of the Salem/Keizer MPO was whether a new bridge over the Willamette was needed. One interesting statistic was that, of trips by commuters to the downtown business district, 43 percent were made by public transportation, and 27 percent of non-commuting trips were made by public transportation. She said that this showed the value of a concentrated business district. TransPlan Update Process: Ms. Fitch said she had been unable to attend her TransPlan Land Use task force meeting that day. Planning Administrator Stefano Viggiano reported that the task forces would be reviewing background information for a couple more meetings, and then would begin discussing strategies. That day, Ms. Fitch's task force had discussed the history of transportation in the community. Ms. Hocken stated that her TDM task force had heard the same presentation that week. She said that the first local metro plan was adopted in the 1950s, which she found interesting. Her task force also was still in the information-gathering stage, and would have a presentation at its next meeting by LTD Customer Service Administrator Andy Vobora about what TDM meant, the Curb Your Car project, and other related items. She said that there were 22 people on her task force, with probably 18 attending each meeting, and a lot of interest on the part of participants. Mr. Parks stated that he participated in the 1959 plan, and had seen the same problems then as now.

1994 Intergovernmental Lobbying Trip to Washington, D.C.: Ms. Loobey said that staff were contemplating going to Washington, D.C., in February with a metro area lobbying group comprised of elected officials and staff representing the Cities of Eugene and Springfield, Lane County, LTD, School District 4J, LCOG, EWEB, the University of Oregon, School District 19, and Lane Community College. Staff and the Board members who had attended in the past had found this trip to be productive for LTD and the community. Intergovernmental staff had developed a coordinated agenda for the past two annual visits. Ms. Hocken attended with Ms. Loobey in February 1993. Ms. Loobey stated that staff would need to begin making reservations, so would need to know by the January 1994 meeting if a Board member wanted to participate in 1994. Ms. Fitch stated that she would be interested, but would need to check her calendar.

Draft ADA Plan Update: 1993-94: The Board members had received copies of the Draft Americans with Disabilities (ADA) Plan Update for 1993-94. Ms. Loobey explained that this was a required annual process of reporting back to the federal government the District's compliance with the ADA. Board approval of the Plan Update would be requested at the January 1994 meeting, following a public hearing.

Ms. Loobey said that LTD and the Lane Council of Governments (LCOG) had held a celebration of ADA compliance and the introduction of RideSource. More than seventy people attended, and newly-appointed Board member Dave Kleger had spoken to the group, based on his participation in accessible issues with LTD over the years. Ms. Fitch commented that the celebration had received nice press coverage.

Annual Review of LTD Deferred Compensation Plan: Ms. Loobey said that last March the Board had asked staff to review the District's Deferred Compensation plan with regard to its soundness. Staff had Selected Weiss Research to evaluate the plan, which Weiss had given an A- rating, as explained beginning on page 28 of the agenda packet.

Ms. Hocken asked if the plan was rated the previous year, and if it was, what the rating had been. Ms. Weaver said she did not know the answer, so staff would let the Board know in January. She added that Weiss Research was one of the most stringent raters, which was why staff had selected it.

**Governor's Energy Award Presented to LTD:** Ms. Loobey stated that the Governor of Oregon had recognized LTD's group pass program with the University of Oregon with a statewide energy award. The application had then been forwarded to the U.S. Department of Energy to represent Oregon in the National Energy Awards program. In October 1992, LTD won a U.S. Department of Energy Award for Energy Innovation for its participation in the Partners for Smart Commuting Public Service Campaign.

**Board Correspondence:** The Board had received a letter from the Fairmount Neighbors requesting service around the Laurelwood Golf Course area. Ms. Loobey said that the request would be reviewed with the other service requests LTD received in the past year. When staff receive letters addressed to the Board, there is an obligation for the Board to see them, but many other requests are directed toward staff throughout the year.

Ms. Hocken wondered if staff had talked with Eugene School District 4J about the possibility that 4J might eliminate public transportation for its students. Ms. Loobey said that School Superintendent Margaret Nichols her assistant, David Piercy, had met with Ms. Loobey and LTD Director of Administrative Services Mark Pangborn about the possibility. The school district received an annual subsidy from the state, and spent an additional \$750,000 for transportation. There were some legal questions about whether 4J could shed itself of the responsibility to provide transportation for its students. LTD's issues were that LTD did not want to operate yellow school buses, and the transit buses did not have the same rules of the road as school buses, so there were some safety considerations. Another issue was how LTD would handle the morning peak. The afternoon peak period would be easier because schools dismissed their students throughout the afternoon. Contact with the school district would continue in the future.

Ms. Hocken asked if 4J would retain the responsibility to provide transportation for students with disabilities. Ms. Loobey said that was not yet known. By law, LTD could not run a school-exclusive service; it would have to be available for anyone to use. The District did have a schedule from downtown Eugene to Marist, but anyone could ride that bus. She added that it would be an interesting opportunity for LTD, but there were a lot of issues to explore before LTD would embark upon that kind of service. Mr. Bailey said he understood that the City of Honolulu provided school service. Ms. Loobey said staff had not yet talked to anyone else, but she did know that Portland did not have school buses. Tri-Met had been running some dedicated school service, but had to open it to the public. This issue had been studied at least twice before--once on a statewide level. The first time LTD studied providing school service, employment of part-time bus operators was not an option, but would be necessary when providing morning and afternoon trips. Ms. Loobey said that this type of service would be a different planning ball game for the District.

**November 1993 Financial Statements:** Ms. Loobey said that the large jump in special services charters was due to the large physicists' conferences for a couple of weeks the past

summer. Ms. Hocken asked if the revenues from passenger fares for people who use Special Mobility Services (now RideSource) were reported in General Fund revenues. Ms. Weaver said that those fares were retained by the subcontractor. LTD reported them annually, but did not receive the funds.

Mr. Parks acknowledged and thanked Mr. Brandt for his work as chairman of the Board Finance Committee for many years.

**Employee Awards Banquet:** Ms. Loobey reminded the Board that the Employee Awards Banquet would be held on Sunday, February 6, and that Board members were welcome to attend, adding that the employees liked to see the Board members at District events.

**ACTION ITEM--EUGENE STATION SITE SELECTION:** Mr. Parks stated that, as many years as Ms. Calvert had worked on the Eugene Station issue, he thought she would like to be present for that evening's vote. He called a short recess at 8:05 p.m. Ms. Calvert arrived, and the meeting was called to order again at 8:13 p.m.

Ms. Loobey reminded the Board that the reason for making a decision on the site for the Eugene Station at that time was so that the District could move forward with the Conditional Use Permit (CUP) process. A number of issues had not yet been resolved and would not be resolved for a period of time, including a decision by the City of Eugene regarding parking concerns raised at the public hearing on the Draft Environmental Impact Statement.

Planning Administrator Stefano Viggiano stated that staff were recommending that the Board select the McDonald site, realizing that it was not a "neat and clean" package. He said there were a number of unresolved issues that the District would be working on during the next couple of months, including Olive Plaza's concerns raised at the public hearing. He said it was important to note that staff believe the McDonald Site to be the only viable site studied in the DEIS. For reasons outlined in the agenda packet, the District could no longer keep the station at the current site, and there were houses that were eligible for the federal register of historic buildings on the IHOP Site. He said that staff were not minimizing the issues at the McDonald Site, but did not think this site contained a fatal flaw, and would work hard to resolve the issues. He said he believed they could be resolved. He added that staff also were asking the Board to direct staff to begin the architect selection process.

Mr. Brandt asked if LTD's price was set with the City. Ms. Loobey said that the District had a lease option to purchase the site for the appraised value of the property plus \$865,000 to be used toward parking replacement. Ms. Hocken added that there still were issues about whether the District would have to pay more for parking replacement. Ms. Loobey explained that the issue would be before the Eugene City Council on January 19. If the City wished to, it could use the entire \$1.4 million for that purpose, which would cover LTD's obligation for replacement parking. LTD staff believed that the entire amount (\$1.4 million) should be used for parking replacement, and that upon signing the option, LTD's obligation had been satisfied. Mr. Brandt asked if someone did not believe that. Ms. Calvert explained that there was a difference of opinion, with some City staff saying that the City did not believe the price of the property should be applied to replacement parking, and might ask the District for additional

funding for parking. Mr. Brandt asked how this had come about, and Ms. Loobey explained that it was raised during discussions with City staff as a result of the District's request to talk to the City Council on January 19. Mr. Brandt thought the District had a legally-binding contract with the City that stated otherwise. Mr. Viggiano said that staff would agree with Mr. Brandt. A CUP hearings official could raise some additional requirements for LTD, but this would be independent of the City, and the CUP process would not go before the City Council. An appeal would go to the Eugene Planning Commission and then to the State Land Use Board of Appeals.

Mr. Brandt wondered if the District had given any indication that it was willing to pay more. Ms. Loobey said that staff did not believe they had ever said that the District had any obligation beyond the \$865,000 and the purchase price for the property. Mr. Viggiano thought the City was negotiating for additional funding. Mr. Brandt said that the Board did not vote to negotiate. Mr. Viggiano explained that City staff had requested more funding, but the City Council would not be discussing this issue until January 19. The City staff's estimate for additional parking places was around \$750,000, and was not yet an official request.

Mr. Parks said he could not speak for the new Board, but believed that the District had a "done deal" and the only thing the Board should respond to was something necessary for the functional working of the station. Mr. Brandt said that if the District received a letter asking for additional funding a month ago, the Board should have been notified, and the District should have had its attorney write a letter saying the District was not willing to change its position. Ms. Loobey explained that LTD had not received a letter; the issue was part of an ongoing discussion with the City, and staff had stated that LTD's obligation was as originally agreed. Mr. Viggiano added that staff had discussions with City staff about how best to proceed, and the LTD staff's response had been the same as Mr. Brandt's. Mr. Brandt said it was disappointing to him that the District had not responded in the strongest terms that the District already had a deal. He said that people should be talking to the City about parking issues, not to LTD, because it was the City's responsibility. He asked why LTD staff were meeting with City staff. Ms. Loobey replied that staff routinely met about issues that affect both agencies. City staff were concerned about the loss of parking and the concerns expressed by the Olive Plaza, Lane Community College (LCC), and Downtown Eugene, Incorporated (DEI). She said that City staff were struggling to understand that the parking solution was a City problem. One of the solutions presented to LTD was that if LTD put more money toward parking, the City could add two floors to the OverPark, but LTD staff's response was that they believed LTD had fulfilled its obligation.

Ms. Loobey said it was the perception of the community that parking replacement was LTD's problem because LTD would be siting the station there. The community that relied on that parking approached LTD during the December 1, 1993, public hearing on the DEIS to talk about the loss of parking and how LTD would respond. Ms. Fitch mentioned Jim West's November 1, 1993, response to the DEIS, and the response by Eugene City Planning and Development at the December 1 public hearing. She said that their comments were about things that had taken place in CATS, such as bike lanes and parking. Lane Community College's (LCC's) testimony had expressed concerns that LTD was turning money over to the City and the City might choose not to use that money to replace parking. She thought they were hoping that the Board would use its influence to suggest to the City that the money LTD

paid to the City should be used in full to replace the parking, including the cost of the land and the additional \$865,000. Mr. Brandt said he didn't know if the Board had that kind of influence, and said this information would change the motion for him. Ms. Calvert said, however, that she did not think this discussion changed the action the Board needed to take. She thought the CUP process might have an impact on what LTD did in the future, but it still had the same role, so far. Mr. Parks added that it was still the responsibility of the City Council to allocate the money and provide money for parking within the downtown area. He said that parking had been used because it was available, but no promises had been made that the parking would remain when the site was developed. Mr. Viggiano added that there was no code-required parking where the McDonald site was located.

**MOTION** Ms. Fitch moved that the Board select the McDonald Site for the new Eugene Station; direct staff to proceed with an application for a Conditional Use Permit for that site; direct staff to develop recommendations for the Board to consider in response to outstanding concerns regarding station development at the McDonald Site; and direct staff to initiate the architectural selection process. Ms. Hocken and Ms. Calvert seconded the motion.

Mr. Brandt said he would like to have it explained what "direct staff to develop recommendations for the Board to consider in response to outstanding concerns" meant. He said he didn't know what outstanding concerns the District had. Mr. Parks said that from the initial DEIS, the District had to come up with a final EIS. In order to do so, it had to respond to concerns raised in the DEIS. Staff would recommend responses based on the DEIS, and the Board would decide if those were appropriate. Mr. Brandt asked for a list of concerns. Mr. Viggiano stated that they were parking replacement and several issues raised by the Olive Plaza residents regarding noise, air quality, and traffic. Mr. Brandt asked why parking replacement was a concern. Ms. Calvert said it was a concern because it was raised at the public hearing, and Ms. Loobey added that the District had to respond as a matter of public record. Mr. Viggiano said that the City had stated that the District used out-dated data in the DEIS, so there might be a technical issue. A consultant was looking at that issue to determine its merit. He added that the District could not ignore any issue raised as input on the DEIS. Mr. Brandt asked if the District would be forced to address a concern with more study even if that concern was raised by only one person. Mr. Viggiano said that at the very least, the District would need to acknowledge and respond to the concern. Mr. Montgomery stated that the District could choose to say that it had examined the new data on parking and believed it was not required to do anything else, but had to in good faith look at all sides of the issue.

Mr. Viggiano asked land use attorney Al Johnson, who was present at the meeting, if the District had a legal responsibility to respond and mitigate an issue even if that had an adverse impact. Mr. Johnson said that if LTD determined not to mitigate by more than turning the money over to the City, which had the authority to mitigate, and the Federal Transit Administration (FTA) and the Environmental Protection Agency (EPA) agreed, the Court would not set that aside. The District currently had a letter from the EPA asking for more explanation about mitigation, and he and staff were not sure what the significance of that letter was. The CUP official would have to be satisfied that the net impact of what LTD was doing was satisfactory, or the official could say that, because it was LTD's obligation to show that the project was compatible with downtown development, LTD had some additional responsibilities for mitigation. However, that was as yet unknown. One way to approach the CUP process

would be to push through with the results of the DEIS as they stood and wait for the hearings official to decide whether more mitigation would be necessary. Another approach would be to try to find something that everyone affected by the station could live with and then submit that to the hearings official. Mr. Johnson said that staff would need to go back to the Board with more information about mitigation at a later date. City staff still needed to talk to the City Council and LCC.

Mr. Brandt thought it had been a waste of money to complete the study, if the issues were already known ahead of time. Mr. Johnson explained that the purpose of the EIS was to determine where to build and how and what to mitigate in order to build there. He added that the results could not be predetermined. As part of that process, people were able to criticize the project, and that was what was being discussed at that point in the process. Ms. Calvert said that this would happen no matter what site was chosen, and that the DEIS actually had provided new information, such as the historical status of houses on the IHOP Site. Ms. Hocken added that the City had been collecting parking data, which was not available to LTD until after the DEIS was published. That made the parking issue more important than it originally seemed to be.

Mr. Brandt asked about the time line and cost of the CUP. Mr. Johnson said that the District hoped to file the permit the following week. The statutory maximum time for a decision once an application was made was 130 days, but other statutes would allow that time to be stretched. Because there were some unresolved issues going into the CUP process, if everything went smoothly, he thought it would be April or longer before a decision was available. He said it was not expensive to file for the CUP. By getting into the CUP process, people had to face decision points, and the hearings official was set up as a mediator or arbitrator.

Mr. Brandt said that the motion said one thing and the consequences of the requested action seemed to say a lot more, including continued discussion and development of solutions. He asked if the motion meant that staff would be developing something for the Board. Ms. Loobey said that the motion was to direct staff to develop recommendations regarding the outstanding concerns that had been expressed by the Olive Plaza, LCC, and the City of Eugene. Staff would need to monitor that communication and narrow the issues down to the more specific concerns that would help the District prepare for the CUP process. She stated that LTD was not operating in a vacuum, and needed to know the range of concerns and determine where the District stood, and bring that back to the Board.

**VOTE**

Ms. Calvert called for the question. The motion carried by a vote of 6 to 1, with Mr. Montgomery voting against and all others in favor.

Ms. Calvert then stated her opinion that there should be a sense from the Board that, yes, the amount the Board agreed to pay for the land and parking was the District's total obligation. She said she would like to express her view that this was what the Board said and that was what it meant. Mr. Bailey agreed, adding that at the last work session on November 8 the Board heard some possible resolutions. He thought that the previous comments were correct; that the District's obligation was done and it was the City's issue now.



**FAREWELL TO THREE BOARD MEMBERS:** Ms. Loobey presented retiring Board members Peter Brandt, Janet Calvert, and Keith Parks with small wooden buses and chocolate truffles as an expression of the District's appreciation for their years of service on the Board. She read the plaques on each bus, stating the length of service and offices held.

Ms. Calvert, who had been on the Board since 1982 and served as Board President from 1983 to 1990, said that serving on the Board had been a pleasure for her; it was time to end, but it had been a rewarding experience. She said that the size of the District was such that the staff and Board felt they could accomplish things and effect some changes. She gave a tribute to Ms. Loobey for her leadership, and to the cooperation and patience of staff. She commented that the first Board meeting she observed had made her think that this would be a difficult assignment, but the Board had changed and it had been a good experience.

Mr. Brandt's tenure on the Board also began in 1992, and he had been the Board Treasurer since 1983. He said that his time on the Board had gone rapidly and had been very enjoyable, partly because the staff with whom the Board had a chance to work had been outstanding, doing a wonderful job and being very responsive to the Board. He said also that the Board had been good to work with. He stated that he didn't always operate as smoothly as he should, but he asked his questions and voiced his concerns out of his concern for the organization, because he cared. He believed that LTD was run very differently than a typical government institution, and that a lack of leadership or inattention to detail did not happen at LTD, because the staff and the Board were good. He stated that the organization had never given him any concerns regarding legalities and improprieties. He ended by saying that he hoped the District would continue to go forward in the same manner, and he wished the Board and staff the best of luck.

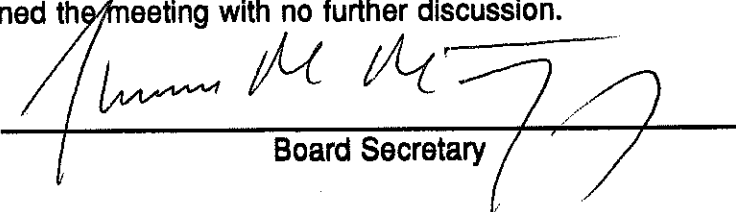
Mr. Parks had been a Board member since 1986, and President since 1991. He added to his comments at the beginning of the meeting by saying that he had begun his public service in February of 1946, and was concluding it in 1994. He stated that he appreciated Mr. Brandt and Ms. Calvert, and had always depended on Mr. Brandt to bring up what needed to be brought up, and Ms. Calvert to settle the issues back down again.

Ms. Fitch said that she and the other Board members would miss the three retiring members and their wisdom.

Ms. Fitch left at this point in the meeting.

**EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(d):** Following a five-minute recess, the Board moved into Executive Session pursuant to ORS 192.660(1)(d), to conduct deliberations with persons designated by the governing body to carry on labor negotiations. Bob Hewett of Cascade Employers was present to discuss the negotiations with the Board.

**RETURN TO REGULAR SESSION:** The Board returned to regular session at 10:05 p.m., and unanimously adjourned the meeting with no further discussion.

  
Board Secretary