MINUTES

Eugene City Council
Council Chamber—City Hall
777 Pearl Street—Eugene, Oregon

February 13, 2012
7:30 p.m.

COUNCILORS PRESENT: George Brown, Pat Farr, Betty Taylor, Andrea Ortiz, George Poling, Mike Clark, Chris Pryor.

COUNCILORS ABSENT: Alan Zelenka.

Her Honor Mayor Kitty Piercy called the February 13, 2012, regular meeting of the Eugene City Council to order.

2. CONSENT CALENDAR

The council returned to the Consent Calendar, which passed at the earlier 5:30 p.m. work session with the exception of item B, *Ratification of Minutes of the Committee on Intergovernmental Relations*, which was pulled by Councilor Taylor. Intergovernmental Relations Director Brenda Wilson was present to address questions regarding the item.

> Councilor Taylor, seconded by Councilor Brown, moved to change the City's position on House Bill 4017 to Oppose.

Ms. Wilson reviewed the components of the bill, which had been introduced on behalf of Mothers Against Drunk Driving (MAAD) and would require individuals with four driving under the influence of intoxicants (DUII) convictions in the ten years prior to the revocation of their license to secure an interlock device for their vehicle. In addition, the individual in question must have been convicted for any degree of murder, manslaughter, criminally negligent homicide, assault in the first degree, or aggravated vehicular homicide. She reported the bill passed out of the Judiciary Committee earlier that day and was going to the floor for full consideration.

Councilor Taylor confirmed with Ms. Wilson that the bill's requirements would be triggered after the convicted individual served their sentence and after they got their license back. Councilor Taylor believed that such individuals would have already suffered embarrassment and remorse. She termed the requirement five more years of punishment and she considered it excessive.

Councilor Pryor said the bill did not impact someone who drove once under the influence, but would affect a habitual driver and drinker who killed someone. Such individuals were frequently very difficult to keep out of their cars when they drank in spite of all efforts. He thought that the proposal to require an interlock device for such drivers was a very smart idea and he believed the City should support the bill. He did not think the notion such individuals had suffered enough was sufficient to address their behavior after they left jail.

Councilor Poling concurred with the remarks of Councilor Pryor. He said his years of experience as an officer in collusion reconstruction work confirmed that those potentially affected by the bill were repeat offenders. He supported the bill in its present form.

Councilor Farr observed that the bill had bipartisan support and passed unanimously out of the House Judiciary Committee.

Councilor Brown did not perceive the bill was a continuation of the punishment already meted out. He suggested that instead, it would provide for post-supervision of such individuals. Such individuals could continue to drive but the interlock device would assure they were sober when they did so. He supported the staff recommendation for Priority 3, Support.

Roll call vote: The motion failed, 6:1; Councilor Taylor voting yes.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Jean Stacey, Ward 1, believed that the Occupy movement was a reaction to changes that people were overwhelmed by and was creating awareness for needed changes. She opposed the Downtown Public Safety Zone (DPSZ), which she found confusing and discriminatory. She asked the council to end the DPSZ and suggested there were better approaches to solving the problems downtown.

Larry Leverone, Ward 1, did not support the DPSZ.

Patricia Diehl, Ward 1, expressed support for a proposed council resolution calling for a constitutional amendment to repeal the Supreme Court decision in *Citizens United versus Federal Communication Commission*. She asked that the question be placed before the voters as well.

Tony Hernandez, Ward 2, expressed concern about the continued deterioration of publicly owned tennis courts. He asked that City-owned public courts at the three high school competition sites be cleaned and repainted during the upcoming summer. The surfaces were unsafe for the high school athletes and general public who used them. He called for a better communication between City staff, the high school administrators, and the students who used the courts about the maintenance of the courts.

John Davidson, Ward 2, supported the proposed council resolution calling for a constitutional amendment to repeal the *Citizens United v. Federal Communications Commission*. He asked that the resolution be revised to call for a complete prohibition on corporate spending on political campaigns.

Mark Callahan, Ward 4, expressed opposition to the extension of West Eugene EmX. He said that Lane Transit District (LTD) employee pensions were not fully funded but it was using federal funds paid by others to build a system that was used by only six percent of the population. LTD had no plans for how to pay for the increased operational expenses from EmX. He asked the council to be fiscally responsible stewards of the taxpayers' dollars and questioned spending tax money on a membership in the International Council on Local Environmental Issues. He suggested that the council begin acting in a financially sustainable manner rather than merely thinking it was being sustainable by supporting green and environmental initiatives. He also suggested the council stop talking about resolutions that would have no impact.

Lela Trope, Lane County, thanked Mr. Callahan for his comments. She questioned if corporations were really all that evil and asked how many people present worked for a corporation and wanted to end it. Ms. Trope objected to spending taxpayer money on services that could be delivered privately. She believed the West Eugene EmX extension would hurt businesses, who were reluctant to take on the

government. She advocated for referring West Eugene EmX to the voters. LTD should be required to state the financial impact of the system to all, including businesses.

Charles Hibberd, Ward 8, suggested that the council refer the West Eugene EmX route to the voters if it was such a popular idea. He questioned LTD's investment in the extension, which proposed to serve an industrial neighborhood. He contrasted the proposed route to the route between Eugene and Springfield, which replaced an already busy bus and served major hubs. He said federal money was not free money.

Stan Taylor, Ward 2, expressed support for the resolution put forth by "We the People of Eugene" regarding the Supreme Court decision in *Citizens United* and asked that the resolution be revised to reflect that organization's original text.

Joe Tyndall, Ward 1, reviewed a handout distributed to the councilors describing the reasons that the Occupy movement started. He opposed the DPSZ and supported the proposed resolution regarding *Citizens United.*

David Ivan Piccioni, Ward 1, supported the resolution calling for an amendment to repeal the Supreme Court decision regarding *Citizens United.* He also opposed the DPSZ.

Michael Todd, Ward 1, expressed opposition to the DPSZ. He had been banned from riding LTD even though he was disabled and excluded from downtown while he had been trying to help a friend. He said he was welcome in downtown businesses and thought his exclusion was wrong. People needed a place to lay their heads so they could be productive. He was listed as a transient but was a resident, was working, and looking for four walls. He felt his treatment by police was appalling.

Fergus McLean, Dexter, supported the proposed council resolution calling for a constitutional amendment to repeal the Supreme Court decision regarding *Citizens United.* He opposed the inclusion of unions in the resolution because he perceived that they spoke for the people and unlike corporations, unions were combinations of individuals.

Randy Cain, Ward 1, spoke in opposition to the DPSZ. He maintained that people were discriminated against by the police on the basis of what they looked like and what part of town they were in.

Alley Valkyrie, Ward 1, discussed her experience with the DPSZ and expressed opposition to its extension because she believed the zone had been intended to address violent offenders who were a danger to the community but instead the zone was being used against the homeless and low-level criminals. She believed that homeless people downtown had become a target for harassment. She objected to the City Prosecutor's tactics and said he distorted the facts of a case she was familiar with to appear to make the individual look worse than he was and pointed to the defendant's criminal history as a reason to support the exclusion, which was ultimately denied by the judge.

John Monroe, Ward 1, was opposed to the DPSZ. He shared the concerns expressed by Ms. Valkyrie, particularly as they regarded an individual's past record. He believed that it was a gross violation of one's due process. He believed that homeless people were being excluded for minor, petty crimes such as traffic violations. He believed the zone had been consistently misused and that the regulations governing the zone were overly complex. He called for an end to the zone.

Sue Sierralupe, Ward 1, reported on a medical clinic being operated by Occupy Eugene. She said the clinic was organizing a street outreach team. She anticipated the clinic would soon outgrow its existing space and would move to the Parks Blocks inside the DPSZ, meaning the clinic could no longer serve the patients that were excluded. She did not think that Eugene needed an exclusion zone and maintained that

it was being used to treat the homeless as a visual hazard that must be shielded from the eyes of the middle class.

Charlie Swanson, Ward 3, supported the proposed council resolution calling for a Constitutional amendment to overturn the Supreme Court decision in *Citizens United* and asked the council to include the revisions proposed by We the People of Eugene. He recommended that copies of the resolution be sent to the local State delegation and that it be referred to the voters for an advisory vote.

Scott Russell, Ward 8, shared his objections to the City's decision to award a motorcycle contract to an out-of-state firm and said that because of the decision, he employed one less person. He did not think the City's decision was fair.

Charlie Warren, Lane County, Midtown Business Associates (MBA), expressed support for the DPSZ. However, the zone and increased bicycle patrols downtown had caused downtown trouble makers to shift to midtown and the association's private security was overwhelmed. Mr. Warren believed the zone should be applied communitywide because otherwise it did not eliminate the problem but merely shifted it. He said that the MBA's problem was not with the homeless or the unemployed but rather with the alcoholics, drug dealers, vagrants, and so-called travelers who come to Eugene because of its reputation of tolerance. He believed that midtown would continue to be overwhelmed with problems until it got help from the City.

David Bomar, Coburg, a midtown property owner in Eugene, concurred with Mr. Warren about the impacts of the zone on midtown. He asked that any street crime or vagrancy ordinances be enforced on a citywide basis to avoid the problem of shifting crime. He also asked that a bicycle patrol be assigned to midtown and more attention be given to patrolling midtown. While downtown officers tried to patrol midtown, their numbers were limited and their top priority was downtown. He asked councilors Brown and Zelenka to take a lead in securing more police protection for the area.

Hugh Prichard, Ward 3, owned property both in midtown and downtown. He had owned property downtown for 34 years and had seen conditions worsen. Mr. Prichard asked the council to deploy police resources equitably and where they were needed without consideration of boundaries. He believed that other areas of the community were adversely affected by ordinances specific to a single area. He suggested that downtown was really just one neighborhood.

Art Bowmurr, Ward 2, perceived that there were few consequences for officers who misbehaved and recommended the council consider that when it considered extending the DPSZ.

Joel Narva, Santa Clara, opposed Lane County's proposal to revise the boundaries of the Eugene-Springfield Metropolitan General Area Plan. He believed that the change would result in "fast track" approval for gravel extraction and other uses he did not believe were appropriate for urban areas. He did not believe that one family's experience should result in such a significant change. He maintained that the Board of County Commissioners had ignored the "hundreds of us" who had lived in the area for decades and relied on what he believe d was the protection provided by the participation of Eugene and Springfield in boundary decisions. He further averred that the proposal placed the burden of appeal on "ordinary citizens."

Allana Strader, Portland, spoke of the growth in the use of skateboards and recommended that the council reclassify skateboards as vehicles to reduce accidents and near-misses.

Kortney Jolley, Ward 1, concurred with the remarks of Ms. Strader. She believed that many accidents were a result of the current classification and suggested that current regulations were unenforceable and

unrealistic. She recommended that skateboarders be governed by workable and enforceable codes that properly fit the environment. While it was true that the feet of skateboarders touched the ground, skateboarders traveled significantly faster than pedestrians but could not stop as fast or maneuver as efficiently as pedestrians. Skateboards were not designed to be on sidewalks due to the cracks in sidewalks.

Adrian Eames, Beaverton, recommended that the council pass an ordinance that allowed people on skateboards to have the same rights and duties as bicyclists. He suggested that required that skateboards be outfitted to include visible white lighting on the front and red lighting on the rear of skateboards. He also recommended that the Eugene Police Department should maintain records of skateboard injuries and report annually to City Council. Mr. Eames recommended that the City also designate preferred skating routes.

Brian Weaver, Ward 8, shared survey results that indicated many residents were confused about the outcome of Envision Eugene and a majority of residents supported expansion of the urban growth boundary. Mr. Weaver continued to oppose the West Eugene EmX extension and encouraged broader public involvement in the decision. He believed that LTD was misleading the public about shared lanes. He asked the council to ensure that LTD was clear in its responses to public questions.

Bill Rodgers, Ward 8, expressed support for the proposed council resolution calling for a constitutional amendment to repeal the Supreme Court's decision in Citizens United. He reviewed the history of court decisions in relationship to corporate free speech and reported that polls indicated that most Americans found the court's reasoning to be troubling and feared that the country was being lost to corporate influence.

Cliff Gray, Ward 7, objected to the inclusion of labor unions in Resolution 5055. He said labor unions were not corporations but were entities composed of real people. He suggested that including unions was opportunist and distracted from the intent of the resolution. The resolution had to say the same thing across the country. He invited the council to "go right ahead" and consider that topic through another resolution.

Mayor Piercy closed the Public Forum. She thanked those present for attending. She said that when the council had its last meeting the attorney recommended the language regarding unions because it mirrored the decision of *Citizens United*. She said that Councilor Alan Zelenka had asked the resolution be drafted to mirror the requests made by We the People of Eugene.

Mayor Piercy called on the council for comments and questions.

Ms. Ortiz requested an update on how the City handled Requests for Proposals so councilors could better explain City policy in response to constituent inquiries. Speaking to those advocating on behalf of skateboarders, she encouraged them to contact the City's Bicycle and Pedestrian Advisory Committee.

Mayor Piercy adjourned the meeting at 8:58 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)