

MINUTES

Eugene City Council
McNutt Room—City Hall
777 Pearl Street—Eugene, Oregon

January 25, 2012
Noon

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

Her Honor Mayor Kitty Piercy called the January 25, 2012, work session of the Eugene City Council to order.

A. WORK SESSION

An Ordinance Concerning Downtown Public Safety Zone; Amending Section 4.74 of the Eugene Code, 1971; and Providing a Sunset Date

Lieutenant Sam Kamkar led the council through a PowerPoint presentation on the Downtown Public Safety Zone (DPSZ) that included a review of all exclusion dispositions from October 2008 through November 2011 and demographic information about people receiving exclusion orders. Police Chief Pete Kerns and Prosecutor Dan Barkovic were also present for the item.

Lt. Kamkar recommended that the word “shall” in Section 4.875 be changed to “may,” and that the sunset in the ordinance be eliminated.

Councilors asked questions clarifying the details of the presentation.

Mr. Clark, seconded by Mr. Farr, moved to have the manager bring back the ordinance appropriately changed to reflect the staff recommendation.

Mr. Clark believed the zone had improved downtown safety conditions. He noted the Police Auditor had received no complaints about the City’s enforcement of the ordinance in the three years of the zone’s existence. He also noted that the Police Commission held a public forum to solicit public input on the zone and subsequently recommended that the council extend the ordinance and remove the sunset.

Ms. Taylor suggested that the City suspend the zone for one year so it could determine how the addition of more downtown officers affected crime rates. She wanted to know where those excluded from downtown went and if they were arrested in some other place. She questioned whether those excluded from downtown had sufficient faith in the system or even enough knowledge of it to pursue their options under the law.

Mr. Poling believed the exclusion zone was working as planned and indicated support for the motion.

Mr. Farr asked for a list of other municipalities with similar zones.

Responding to a question from Mr. Pryor about the increase in crimes after the establishment of the zone, Lt. Kamkar attributed the increase to having more officers available to respond to calls and the fact that

downtown businesses were more apt to contact the police and report a crime knowing they would receive a prompt response. Mr. Pryor concluded that reporting rather than crime had gone up and anticipated over time the actual number of citations would decrease if the zone was working. Lt. Kamkar agreed.

Responding to a question from Mr. Pryor, Lt. Kamkar confirmed that the exclusion zone was not being used to target individuals but rather to target criminal behavior.

Mr. Brown did not think the motion was necessary at this time, noting the public process to follow. He questioned the effectiveness of the zone given the data provided by staff and suggested the zone represented an unnecessary layer to the existing policing system. Like Ms. Taylor, Mr. Brown also wanted to know what happened to those who were excluded. He noted that the Mid-Town Merchants Association reported a large spike in incidents in that area, which was immediately adjacent to downtown.

Mr. Brown supported the word change recommended by staff.

Mr. Zelenka believed it was hard to definitely state that zone worked and he continued to have due process concerns. He questioned why one in five challenged exclusions was denied by a judge. Mr. Barkovic said that in some instances cases were dismissed when the court discovered the crime underlying the exclusion was not eligible for a 90-day exclusion order, although the crime might be eligible for one-year exclusions in the event of a conviction. Mr. Zelenka asked for more detail about those cases.

Ms. Ortiz requested additional information about how Latinos were identified in the demographics.

Ms. Ortiz believed downtown crime had leached into nearby neighborhoods as a result of the zone, decreasing those residents' quality of life. She had considered the zone a stopgap measure pending the assignment of more police officers, which she anticipated would have a greater impact than the zone. She agreed the motion was premature and did not support it.

Mayor Piercy believed the intention was that the City would have less need for the zone as other public safety initiatives moved forward. She suggested to Mr. Zelenka that the number of dismissed cases argued that the zone was working. She pointed out the community continued to lack sufficient jail beds and she did not know when that would change. Mayor Piercy acknowledged that focusing on crime in one location frequently shifted it to another location.

Mayor Piercy supported retention of the sunset and a future reexamination; however, she questioned if the time was right to end the zone given the City's goals for downtown.

Mr. Clark agreed with Mayor Piercy. He believed the zone had been effective in removing the worst offenders from downtown and held them accountable at a time the City lacked jail beds to contain them. He recommended those in disagreement contact downtown business owners like Tom Kamis and Betty Snowden to ask them if they thought the zone made a difference.

Mr. Poling agreed with Mr. Clark and Mayor Piercy. He considered the zone a tool to mitigate the loss of County jail beds. He anticipated that Lane County will make even more reductions to public safety. He thanked Sgt. Terry Fitzpatrick and Lt. Kamkar for their administration of the ordinance.

Responding to a question from Mr. Farr, Chief Kerns said studies suggested that focused patrols would disperse concentrations of crime and when they occurred elsewhere they were in smaller concentrations. As the concentration dispersed, the police followed it. The loss of jail beds undermined the police effort.

Mr. Farr expressed interest in knowing if the dispersed crime was at the same level as the downtown crime level.

Mr. Zelenka also supported retaining the sunset. He wanted to see more statistics about crime in adjacent areas and wanted more information about the advocacy program. Lt. Kamkar acknowledged the advocacy program had not been used and believed it was because people found the information complicated. He thought changes could be made to make the program clearer and more effective and suggested judges could also remind defendants about the program.

Mr. Zelenka also considered the motion premature.

Mr. Pryor supported the intent behind the motion but wanted to give the manager time to process the concepts raised by the council and the public in a thoughtful way. He was unprepared to address the issue of the sunset without more discussion of its relationship to other public safety tools the City was deploying in downtown.

Ms. Taylor wanted to hear from people who had been excluded. She believed that those who were unable to understand the process or who lacked knowledge about the system would fail to appear and would be unable to fight the exclusion. She also questioned where the City would jail people who violated an exclusion order in the absence of sufficient jail beds.

With the consent of his second, Mr. Farr, Mr. Clark withdrew his motion.

B. WORK SESSION

Envision Eugene: Low-Density Residential Re-Designation

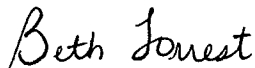
Associate Planner Heather O'Donnell led the council through a PowerPoint presentation regarding the community's low-density residential land need. Planning Director Lisa Gardner and Metropolitan Community Section Manager Carolyn Weiss were also present for the item. The presentation included maps showing the areas proposed for possible resignation. Ms. O'Donnell reported that the Planning Commission supported the staff recommendation for North Eugene and Option C for West Eugene.

Councilors asked questions clarifying the details of the presentation.

Ms. Weiss reviewed the project timeline, indicating staff would return with a draft recommendation in March, which would be followed by community forums, a public hearing, and council action in May.

Mayor Piercy adjourned the meeting at 1:19 p.m.

Respectfully submitted,



Beth Forrest
City Recorder

(Recorded by Kimberly Young)