

MINUTES

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

January 9, 2012
7:30 p.m.

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

COUNCILORS ABSENT: Alan Zelenka.

Her Honor Mayor Kitty Piercy called the January 9, 2012, regular meeting of the Eugene City Council to order.

1. CEREMONIAL MATTERS

Mayor Piercy read the following proclamation into the record:

WHEREAS: The University of Oregon is an invaluable “town and gown” partner and an important voice and resource in our efforts to address community and neighborhood issues. The university’s spirit of collaboration and communication is strong and greatly appreciated; and

WHEREAS: We are proud of the University of Oregon’s academic success and its economic and cultural contributions to the Eugene community; and

WHEREAS: The University of Oregon serves more than 21,000 current students and has more than 160,000 alumni around the world. It is home to top programs in architecture, law, education and sports business and continues to gain ground in all areas; and

WHEREAS: We value the partnership between the City and the university in planning for and implementing the 2012 Olympic Track and Field Trials; and

WHEREAS: We were proud to honor both athletic and academic champions at the 2011 Celebrating Champions Parade. The parade was a great opportunity to take stock of and celebrate many local community, academic, and athletic champions; and

WHEREAS: The University of Oregon football team achieved great success during the 2011 football season, culminating in a win at the Rose Bowl on January 2, 2012, their first victory at this event since 1917; and

WHEREAS: The University of Oregon has been the outright PAC-10/PAC-12 champion in football for three consecutive seasons; and

WHEREAS: The exemplary achievements of University of Oregon athletes, students, faculty and staff bring pride to Oregonians and UO alumni everywhere,

NOW, THEREFORE, I, Kitty Piercy, Mayor of the City of Eugene, do hereby proclaim Monday, January 9, 2012, as

“University of Oregon Appreciation Day”

and encourage all citizens to recognize and honor the accomplishments and contributions of the University of Oregon staff, faculty, students, athletes, and supporters.

**2. ACTION:
Election of City Council Officers for 2012**

Councilor Taylor, seconded by Councilor Brown, moved to elect George Brown as President of the City Council for 2012. Roll call vote: The motion passed unanimously, 7:0.

Councilor Brown, seconded by Councilor Taylor, moved to elect Pat Farr as President of the City Council for 2012. Roll call vote: The motion passed unanimously, 7:0.

3. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Ernie Short asked the council to support the many workers employed by the United States Postal Service and to oppose the closure of the Gateway mail processing facility, which would result in reduced community service. He asked the council to communicate with the manager of the Portland district and shared a sample letter. Mr. Short also shared a commentary from Gary Jarvis from a recent edition of *The Register-Guard* and a factsheet.

Gary Jenkins, 96939 Prairie Road, reiterated past testimony about his family’s encounter with the police, which resulted in the arrests of his wife and son, and asked the council to become involved.

Dennis Gabrielson, 300 South 10th Avenue, Creswell, criticized Mayor Piercy for what he perceived to be procedural errors made at past council meetings.

Bob Brown, 1728 Ferry Street, suggested Occupy Eugene reflected unmet needs and people’s need to feel safe. He hoped the community’s leaders could come together to address those issues but feared the community would remain divided and people’s expressions would become more desperate and violent.

Jean Stacey, 944 West 12th Alley, expressed sympathy to Mr. Jenkins on behalf of all present. She said the community needed to consider what some police were doing and hoped the City looked into that in the future. The actions of the police had a great impact on the homeless. She advocated for consideration of tent cities to house the homeless and help them toward self-sufficiency. She cited the Share Wheel in Seattle and Dignity Village in Portland as examples to follow.

Joe Tyndall 361 West Broadway, said that Rick Youngblood became the 112 homeless person in Eugene-Springfield to die prematurely from natural causes in 2011. His tragic death was used to force the closure of Occupy Eugene, which was making inroads toward solving homelessness. He said no

transition services promised were provided and the homeless were instead dispersed. He suggested that the City cynically broke the group into smaller units so when dispersed it was easier to handle.

Maria Jenkins, 96939 Prairie Road, reiterated past testimony about her family's encounter with the police, which resulted in her arrest and the arrest of her son and asked the council to become involved.

Teresa Bishow, 2911 Tennyson Road, Suite 400, represented Arlie and Company. She supported Resolution 5051 pertaining to the Veterans Clinic. She said that Arlie and Company believed the resolution offered the City a clear and simple way to clarify its code interpretation without the legislative gymnastics that hindered the draft code amendment. Arlie and Company supported the City's attempt to clarify that a Veterans Administration Clinic was permitted on land zoned I-1, Campus Industrial, and supported the City's effort to provide assurance to the Veterans Administration that it had land suitable for a new outpatient clinic. The resolution safeguarded the allowance of the Veterans Administration on non-industrially zoned land that permitted other medical health treatment facilities. She trusted the City to ensure the provision of concurrent public infrastructure.

Steven Wilson, 4549 Souza Street, criticized Councilor Poling for failing to react favorably to the naked women who protested outside his house on Christmas Day. He criticized Councilor Poling's opposition to the allowance of warming fires at the Occupy Eugene encampment.

Alley Valkyrie, 1760 Olive Street, also criticized Councilor Poling for his reaction to trespass at his house on Christmas Day and for characterizing the Occupy Eugene protesters as terrorists. She defended the protest by saying protest at the houses of elected officials was a time-honored American tradition and that Councilor Poling made a decision that offended and affected many people.

Dan Liev, 174 West K Street, Springfield, criticized the council for its decision to end the Occupy Eugene encampment and for not doing enough for the homeless. He encouraged the councilors to join their Occupy Eugene constituents to try for solutions that transcended the limits of money and political reality.

John Monroe, 1760 Olive Street, concurred with previous speakers regarding the Occupy Eugene encampment. He said the homeless were capable of taking leadership roles and helping themselves and those around them. He averred that the homeless had moved out of town for fear of reprisals from the police and Occupy Eugene had lost the opportunity to assist them. He questioned the current hierarchical approach to service delivery. He spoke of a person who had been homeless for 15 years yet managed to run the Occupy Eugene kitchen successfully and suggested he was just one of many examples of the homeless finding success at Occupy Eugene.

Michael Gannon, PO Box 10324, Eugene, 97440, discussed the importance of salmon to the Northwest, particularly to native peoples, explorers, and early settlers. He asked the City Council for support and to talk to his organization's lobbyist about salmon and the bottle bill.

Maggie advocated for more public funding for housing and health care and called for collaboration to determine how to house people more humanely and efficiently. She asserted that the directors of agencies such as United Way and St. Vincent de Paul were paid millions of dollars that could instead be spent on housing for the homeless. She advocated for the warming centers to be open before temperatures reached the freezing point.

Johnny Lake, 650 Harlow Road, Springfield, asserted he was racially profiled by the Eugene police on a regular basis because of his race. He said people made judgments based on appearance all the time, and

suggested that people did not need much information to confirm something they already thought was true. Dr. Lake said that others he worked with who were white did not have the same experience.

Kristin Taylor, 132 East Broadway, Suite 200, TGS Architects, represented *The Register-Guard*. She spoke in support of Resolution 5051. She said adoption of the resolution was essential if potential Eugene sites were to be selected by the Veterans Administration for an outpatient clinic.

Bill Kloos, 375 West 4th Avenue, #204, spoke in support of the Resolution 5051 on behalf of Aquas Development. The company hoped to be the developer selected to develop a Veterans Administration Clinic on *The Register-Guard* site. He acknowledged there was likely to be opposition to the council's interpretation from other potential developers. Mr. Kloos believed that if the council passed the resolution it would not be picking a site but rather would be expanding the number of sites available for such a use. He said that the interpretation merely identified a Veterans Administration clinic as a government service and the interpretation would not impact the Zoning Code. There would only be one such clinic in the community and the issue was where it would be. Mr. Kloos recalled that his client requested such a code interpretation from the Planning Director, who provided the interpretation but was subsequently reversed by the Hearings official. Staff sought council action because a private party could not. He believed adoption of the resolution placed the council in a defensible position in the case an appeal was filed.

Bob Macherione, 1994 Brewer Street, expressed his support for Councilor Poling and advised members of Occupy Eugene that if they wished to change people's opinions they should avoid attacking people's families and children. He said one must earn respect to receive it. He said Mr. Youngblood was not a martyr; instead, he was a victim of Occupy Eugene. His death happened at Occupy Eugene. He attributed the situation to the council's decision to allow the encampment in a public park without a permit or bond to indemnify the taxpayers against the cost of something going wrong. Mr. Macherione said the council placed Councilor Poling in a difficult position and recommended it apologize to him. He believed the council had divided and polarized the community and any support he had for the cause of Occupy Eugene was eroded by its actions. He said that Occupy Eugene should have been required to follow the rules.

Dennis Randazzo, 1851 NE 60th Avenue, Portland, expressed opposition to Resolution 5051. He referred to a packet of materials he had provided to the council. He did not think the resolution was about improving the I-1 zone but about competing for a real estate deal. He said the Hearings Official had determined that a Veterans Administration clinic was not an appropriate use and declined to approve an interpretation involving the same property, same owner, and same developer. He agreed with that decision. He believed staff was asking the council to "wave its magic wand" when it had not done the due diligence to determine the impact such a facility in an I-1 zone would have. He thought that should be considered and asked the council to decline to adopt the resolution.

Charles Hibberd, 5555 West 11th Avenue, noted the mayor had placed an emphasis on jobs in her recent State of the City speech but Eugene had a perception as a bad place to do bring a business. He was unsure how the City could overcome that perception. He apologized to Councilor Poling for the behavior of those who protested at his home. He said that when the Tea Party held a protest it went through the permitting processes and left the area clean. He said that laws prohibiting camping were in place for a reason and he believed that those in charge should have known the situation would grow out of control.

James Mattheson expressed support for the establishment of a Veterans Administration outpatient clinic. He then turned to his son and confirmed he was very upset when he had to leave the Occupy Eugene

encampment at Washington-Jefferson Park and had been scared because he did not know where he was going to go.

David Piccioni expressed his support for Occupy Eugene. He had seen nothing as organized, communal, or democratic as Occupy Eugene during his time in the community. He said he would never apologize to Councilor Poling unless Councilor Poling apologized for putting people out in the cold. Mr. Piccioni said people had nowhere to go unless they went to the Eugene Mission, where they had to pray. He read excerpts from a police report regarding the encampment and denied any of the report's contents were true.

Jennifer Frenzer, 380 East 34th Place, suggested the Bill of Rights was embodied by the day-to-day interactions and exchanges between local government and the citizens and law enforcement and the citizens. All were learning their roles in making democracy work and she considered that very important. Ms. Frenzer advocated against overreacting because that played into the hands of those wishing to usurp the democratic process. It was not her goal as a protestor to frighten or be aggressive but she would be bold, provocative, and exercise her free speech rights to their fullest extent. She called for the country's "full democratic process" to be restored in her lifetime. She said that Occupy Eugene was not a dangerous group. She said terrorists would have nothing to do with Occupy Eugene and Occupy Eugene would have nothing to do with them.

Elizabeth Yandel, 1022 West 4th Avenue, thanked all those who cared enough to express themselves in such a setting. She asked the council to adopt a resolution stating that the City of Eugene did not recognize corporations as persons and to take the stand that businesses that did not pay taxes were not welcome in the community. She advocated for all to be fairly treated under the law and suggested enforcing laws written in and applicable to the past was inappropriate. Laws not written in the spirit of protecting and serving all people were not acceptable.

Mayor Piercy closed the Public Forum. She thanked those present for coming and expressed support for their attendance at the meeting. She said all councilors strove to make good decisions and supported staff when it operated within council direction. If staff did what the council asked of it, the council was responsible for staff's actions. Mayor Piercy supported all councilors' rights to their opinions. She pointed out that those who offered the council testimony were not necessarily supported by evidence or facts, represented their own opinion, and could only be a part of the whole story.

Speaking to the Jenkins, Mayor Piercy reiterated that the council was constrained by the City Charter from addressing City personnel issues.

Mayor Piercy encouraged those offering testimony to speak in a way that allowed them to be heard by most of Eugene and to recognize that citizens held different opinions. She believed the more one opened one's self up to expressing an opinion in a way that allowed others to have a different opinion, the better off the community would be.

Mayor Piercy solicited council comments.

Councilor Pryor expressed appreciation for the passion in the room. He weighed the arguments about an issue on their merits and regardless of who raised them. Councilor Pryor called for a focus on the issue and not on the individual. He advocated for civility and asked people to refrain from personal attacks.

Councilor Taylor also thanked those who offered testimony. She regretted that the encampment was closed so and closed so abruptly. She was glad for the formation of the task force charged to formulate solutions for the homeless but thought that effort should have occurred before the camp closed. Speaking

to the testimony offered by Mr. Short regarding the post office, Councilor Taylor said she supported a post office that served everyone and considered the post office to be an important part of the democracy.

Councilor Ortiz expressed appreciation for the remarks of Mayor Piercy and Councilor Pryor. She requested a copy of the letter supplied by Mr. Short and hoped the council could support the postal workers. Speaking to the testimony offered by Dr. Lake, Councilor Ortiz said everyone had a different experience in the community and Dr. Lake had the experience he mentioned. She acknowledged the challenge it could be for people of color or not of the dominant race to live in Eugene.

Councilor Poling thanked Mr. Madison for his service to the country. He thanked the many citizens who had contacted him for their words of support and encouragement. It meant a great deal to hear from those on both sides of the issue about his right to make a decision he considered to be the right decision. He also thanked the members of the Eugene Police Department who responded to his wife's call for assistance on Christmas Day. All officers had responded with the utmost professionalism in spite of protestors' attempts to bait them into a confrontation and he commended them for their actions.

Councilor Clark also expressed appreciation for those who spoke and appreciation for the work of the Eugene Police Department. He commended the remarks of Councilor Pryor. He said he respected many of the Occupy Eugene participants although he did not necessarily agree with them. He hoped people could rise above their disagreements. Councilor Clark said the United States was not actually a democracy but a constitutional republic, and the position he held belonged to the people of Ward 5. He attempted to represent them as best he could and speak for them as he understood their values. He hoped that the Occupy Eugene participants understood that not everyone agreed with them and the councilors were trying to do the best they could to reflect the will of their constituents.

4. CONSENT CALENDAR

- A. Approval of City Council Minutes**
 - October 24, 2011, Regular Session**
 - November 9, 2011, Work Session**
 - December 20, 2011, Emergency Meeting**
- B. Approval of Tentative Working Agenda**
- C. Adoption of Resolution 5050 Acknowledging Receipt of the City of Eugene, Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2011**
- D. Appointments to Expenditure Panel for the Downtown Urban Renewal Plan**
- E. Adoption of Resolution 5051 Clarifying that an Outpatient Clinic Operated by the United States Department of Veterans Affairs is a "Government Service"**

Councilor Brown, seconded by Councilor Poling, moved to approve the items on the Consent Calendar.

Councilor Poling pulled item E.

Roll call vote: The motion, with the exception of Item E, passed unanimously, 6:0; Councilor Farr no longer being on speakerphone.

Councilor Poling recalled that he had asked City staff if it had contacted the Land Use Board of Appeals for a sense of its position on the resolution and learned that was not allowed. He had also asked about precedents that might exist and reported that staff could find none. Councilor Poling believed the council was moving in the right direction in its efforts to locate a Veterans Administration clinic in Eugene for the

good of veterans already here and those who would return shortly. He agreed with testimony suggesting that the council was not deciding where the clinic should go, but rather was enlarging the number of potential sites. He expressed appreciation for the materials submitted by Mr. Randazzo and for the point of view he expressed in his cover letter.

Roll call vote: The motion passed unanimously, 6:0.

Mayor Piercy adjourned the meeting of the Eugene City Council and convened a meeting of the Urban Renewal Agency.

5. ACTION:

Adoption of Resolution 1063 Acknowledging Receipt of the Annual Financial Report of the Urban Renewal Agency of the City of Eugene, Oregon, for the Fiscal Year Ended June 30, 2011

City Manager Jon Ruiz reported that the City's audit firm, Isler CPA, had completed its audit of the agency for the fiscal year ending June 30, 2011, and issued a clean opinion, which indicated the information was accurate and reliable. The auditors found nothing that suggested the agency was not in compliance with applicable laws and regulations. He asked the City Council, acting as the Board of Directors of the Urban Renewal Agency, to adopt the resolution.

Councilor Brown, seconded by Councilor Poling, moved to adopt Resolution 1063 acknowledging receipt of the Annual Financial Report for the Urban Renewal Agency of the City of Eugene for the fiscal year ended June 30, 2011. Roll call vote: The motion passed unanimously, 6:0.

Mayor Piercy adjourned the meeting of the Urban Renewal Agency and convened a meeting of the Eugene City Council.

Mayor Piercy adjourned the council meeting at 8:57 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)