MINUTES

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

December 20, 2011
Noon

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

COUNCILORS ABSENT: Alan Zelenka.

A. OCCUPY EUGENE

Her Honor Mayor Kitty Piercy called the December 20, 2011, emergency meeting of the Eugene City Council to order and read the following statement she had prepared for the meeting:

Occupy Eugene has demonstrated against the economic inequities in this country and has worked to alleviate some of those inequities at the local level as they apply to the unhoused members of our community. Their camp has been a key part of their local efforts. As you know last week our city manager and police chief expressed concerns about growing unsafety in the camp. The council heard this and voted to end the waiver for the park on Jan 11, giving some time for Christmas to pass and a thoughtful transition to take place.

Unfortunately, last night there were several violent incidents at the site, one resulting in a serious life threatening injury to one individual. This has caused me to see the wisdom in moving sooner than originally decided. The safety of the public and our officers has to be foremost for us. That is why I have called this emergency meeting.

I ask council to end the camping ban waiver immediately and to direct the city manager to begin the process of closing the Occupy Eugene camp.

I ask Occupy Eugene, the broader community and council to come together in unified support of the peaceful closure of the camp. It is my hope that just as hundreds of community members have donated and volunteered in the demonstrations and camp they will now turn their efforts to helping people with the transition through volunteering and donating to organizations that provide services for the homeless.

It is important to us all that the good lessons learned from the Occupy Eugene camp experience be used to help us move forward. This is already true in terms of council direction to expand our existing car camping program and to support providing shelter for those with mental health and addiction issues this winter.

Our staff has been meeting with service providers and Occupy Eugene to plan for helping people as the camp closes. A homeless action task force is being formed and the first meeting is to be on Dec 28.

City Manager Jon Ruiz shared the details of an attack that occurred at the Occupy Eugene encampment the evening of December 19, leaving a person in critical condition. It was not yet known if the victim would survive. He reported he had subsequently briefed Mayor Piercy and she immediately called an emergency meeting of the council.

City Manager Ruiz recommended that the council direct him to close the encampment and ensure the restoration of the site as soon as possible. He believed the City's response to Occupy Eugene had been measured, reasonable, and adaptable as conditions evolved on the site. He believed the previous night's incident confirmed the dangers of the site. City Manager Ruiz anticipated staff would work with Occupy Eugene representatives and nonprofit services providers to transition people from the site thoughtfully and compassionately. He said staff had prepared an ordinance to permit tents to be defined as vehicles at car camping locations as part of that transition. He recommended the council pass the ordinance that day.

Police Chief Pete Kerns shared the details of other incidents that had occurred at the encampment, which included theft, drug use, drug sales, prostitution, and physical assault. In regard to the December 19 incident, Chief Kerns reported that the victim was found face down and unconscious. The responding officer and onsite medic had administered CPR to the victim until an ambulance arrived. Two individuals thought to have been fighting with the victim had been interviewed but had yet been charged with a crime. As a result of the attack, the police presence at the site had been increased.

Speaking to suggestions that the violence that occurred in the camp would have happened in the absence of the camp, Chief Kerns said that might be true but he believed the number of people in the camp suffering from multiple diagnoses and chemical addictions had reached a critical mass and that increased risk. He reported that the Eugene Police Department (EPD) had developed contingency plans to close the encampment with the assistance of human service providers.

Mayor Piercy reported that Councilor Zelenka could not be present but had expressed his support for immediate revocation of the camping ban. She solicited council comments and questions.

Ms. Ortiz expressed appreciation for the work of the EPD. She acknowledged that the situation had not worked out as hoped and concurred with the manager's recommendation.

City Attorney Glenn Klein reviewed two staff-prepared motions regarding the camp closure and proposed ordinance.

Ms. Ortiz suggested the motion related to the end of the encampment include the word "peaceful." She urged people to remain as peaceful as possible. She was also concerned there was no timeframe associated with the motion. She did not think it was necessary to grant Occupy Eugene more time but she acknowledged it would take time for people at the encampment to decide where to go. Chief Kerns reiterated that the EPD had a plan to clear the camp. He believed the transition could be done more safely if the City worked cooperatively with Occupy Eugene.

Mr. Clark had safety concerns about the encampment since its inception. He was pleased to hear support for the manager's recommendation. While he defended anyone's right to protest at any time and place, he did not think that camping was the necessary to protest and had inevitably led to the situation facing the council.

Mr. Brown agreed that the incident of December 19 was a cause for concern. He believed the plan the council adopted on December 14 was still a good plan and its implementation needed to be accelerated.

He said that required getting the problem population, which he defined as chronic alcoholics, the drug-dependent, and those with untreated mental health issues, into warming centers and facilities such as the proposed wet bed facility. Mr. Brown believed the council needed to pass the proposed car camping ordinance immediately. He thought that some churches would respond immediately to the need for spaces if the program was expanded.

Mr. Farr said the council was contemplating an action that gave Occupy Eugene participants little time to transition to other situations. The council had missed an opportunity to give Occupy Eugene more time. Now it was contemplating a "snap decision" that affected many people who he believed should have had more time to prepare. He was sad the process had come to this point and sad for those at the Occupy Eugene site who had nothing to do with the violence or crime that had occurred there.

Mr. Poling was concerned about the council's decision to use money intended to pay for road and park maintenance to support the cost of the City's response to Occupy Eugene. He hoped some the funding could be restored.

Mr. Poling supported the immediate removal of the encampment. He hoped the transition occurred smoothly and that both EPD officers and Occupy Eugene participants remained safe.

Mr. Clark determined from City Manager Ruiz that he believe the City would spend less than anticipated on December 14 given the encampment was ending earlier than planned, but the manager did not know how much less. Mr. Clark invited more information about how the transition would work.

Ms. Taylor did not think the council should precipitously end the encampment. She asked where the people now living at the encampment had lived prior to the encampment. Chief Kerns said that some were homeless people living on the streets in and around Eugene. Ms. Taylor asked where Chief Kerns thought those people would go. Chief Kerns responded that the City would attempt to provide them with services but he acknowledged it was unlikely all would receive services and many would return to the streets. Ms. Taylor asked if Chief Kerns thought that would be better. Chief Kerns believed the camp as designed and managed was less safe than those situations.

Ms. Taylor suggested the EPD ask those committing crimes at Occupy Eugene to leave rather than moving everyone out of the encampment. Chief Kerns pointed out the hazard created by the number of bystanders who could possibly interfere with officers responding to a call for service at Occupy Eugene.

Responding to a question from Ms. Taylor, City Manager Ruiz acknowledged the car camping program would not accommodate all those at the camp but the City would continue to work with Occupy Eugene to transition people into the program.

Ms. Taylor wanted the council to take more time to make the decision.

Mayor Piercy believed the EPD and other City staff would do what was possible to employ the existing capacity in the system to help individuals at Occupy Eugene and she anticipated the task force the council had formed would help to build additional system capacity.

Ms. Ortiz agreed it would be difficult to find places for all those at Occupy Eugene. She reported that St. Vincent de Paul Director Terry McDonald had expressed to her his concerns about the added demand on services that would be created by the end of the camp. Ms. Ortiz said the City did not have the answer to the problem of homelessness but hoped it could make an impact on the problem working with its partners. She did not think the council could expect any particular outcome. She pointed out that the homeless had

been living in the community under bridges and in the bushes for years and frequently formed small supportive bands. That critical mass could be challenging to deal with, and she did not think Occupy Eugene had signed up for such a challenge.

> Ms. Ortiz, seconded by Mr. Poling, moved to revoke the exemption for overnight camping granted by the council on December 14 and to direct the City Manager to ensure the restoration of the space now occupied by Occupy Eugene as soon as practicable and as peacefully as practicable.

Mr. Farr agreed with Ms. Ortiz that the homeless lived all around the community and would be in Eugene after the camp ended. No one could predict where the homeless could go but it was likely they would go where they had been before. Mr. Farr advocated for more assistance for the homeless and hoped the task force would find ways to leverage existing resources to ensure the system was as robust and adaptable as possible.

> The motion passed, 5:2; councilors Taylor and Brown voting no.

City Attorney Klein reviewed the details of the ordinance expanding the car camping program and noted the need for unanimous council consent to proceed with the ordinance as well as the requirement of a public hearing.

Ms. Taylor objected to the abbreviated process. Following an explanation of the abbreviated process from City Attorney Klein, Ms. Taylor withdrew her objection.

While he preferred a process that provided for more public input, Mr. Poling was willing to proceed with the abbreviated process because it concerned a minor revision of an ordinance already in place and did not represent a change in policy.

Mayor Piercy opened the public hearing.

Irene Cardenas supported the continuation of the Occupy Eugene encampment because it was safer than open tent camping alternatives due to the presence of many people. She did not find homeless shelters to be a good social environment.

John Monroe did not think the City's proposed approach was sufficient to address the needs of the community that formed at Occupy Eugene. He questioned whether the car camping program could accommodate more than 150 people. He questioned allowing people to camp without the support they received at Occupy Eugene. He thought that disregarded their human needs and the emergency situation that existed. He believed there would be a community backlash to the council's actions. He asked the council to work with Occupy Eugene to ensure those on the site were taken care of, could retain their community connections, and receive services.

Carol Berg Caldwell said she visited Occupy Eugene nearly every day. She perceived a sense of hope and safety at the encampment. People who had previously tied up police and court resources were no longer doing so and she attributed that to Occupy Eugene. She found the ordinance inadequate and asked the council to take a second look.

Big John Cahill said the car camping program was full. It had 60 spaces and an eight-month waiting list. He said if Occupy Eugene ended the people now there would go back to the bushes and camp all around the community. There was nowhere else for them to go. He noted the upcoming fund raiser sponsored

by the Coalition of Homeless People at the WOW Hall on December 21, which would include a reading of the names of the 111 homeless people who died in Eugene in 2011.

Kristin Carpenter criticized the proposal as something intended to make the council feel more comfortable. It displaced people and distributed them in a way that did not remind the council of its failure to solve the problems of homelessness, poverty, and wage disparity. The council continued to perpetuate a system of structural violence that would continue to oppress the homeless. She termed the ordinance a disgrace and suggested the council wanted to end Occupy Eugene because it had made homelessness visible on a 24-hour basis.

Jean Stacy agreed with Ms. Carpenter. She suggested the council was engaging in an age-old technique of dividing a population into small groups so it had no power because the homeless threatened the council by making it feel ashamed of itself. She maintained that the camp gave the homeless power and a voice. She felt the ordinance was hypocritical.

Mark Rust expressed support for the proposed ordinance. He suggested the council consider adding provisions for additional tents instead of merely considering tents as a vehicle that counted toward the current number of spaces, which would build system capacity.

Alley Valkyrie did not think that car camping was a solution to the problem. She felt safe at Occupy Eugene. She would not feel safe inside a tent at a parking lot. Ms. Valkyrie said that Occupy Eugene was a community where members kept each other safe. She did not think people understood the power of the community that was Occupy Eugene. She expressed concern about the future of those living at Occupy Eugene.

There being no further requests to speak, Mayor Piercy closed the public hearing and solicited council comments.

Ms. Ortiz said she did not think the City had failed to take care of its residents. The community's human service agencies worked very hard; when facing budget cuts, they reduced the number of staff but not the number of clients they served. She agreed that when people came together they had a louder voice, but she believed the best way to realize change was to get involved with the organization one wanted to change. She cited her own experience as an example. Ms. Ortiz supported the ordinance as a step in the right direction.

Mr. Clark perceived the ordinance as providing greater flexibility in the car camping program. He was happy to support it. In response to testimony, Mr. Clark recalled that Mr. Cahill had offered testimony at an earlier public hearing that spoke to the importance of creating a civil society and of people coming together to solve problems. He agreed with Mr. Cahill about that, although he acknowledged they might disagree on solutions. While the council's earlier action eliminated the option of camping, he did not think it preclude people from coming together.

Mayor Piercy did not think any councilor believed that expanding the car camping program would solve the community's homeless issue. Expanding the program was merely one of many tools. She understood that Occupy Eugene participants had invested a great deal in community and she understood why the proposal seemed like a poor alternative to them.

Ms. Taylor pointed out to Mr. Clark that Occupy Eugene had been an opportunity for people to come together to solve problems, which was why she did not want to see it end so suddenly. She hoped Occupy Eugene participants would find a place to meet together regularly to continue to problem-solve.

Mr. Clark, seconded by Mr. Farr, moved to adopt Council Bill 5061, an ordinance temporarily amending the car camping ordinance.

Mr. Clark supported the ordinance for the reasons he previously cited. He anticipated that as a result of the council's actions the EPD had difficult work ahead, and he hoped the council was supportive of the City's officers as they carried out the council's policies.

Speaking to the remarks of Mr. Clark, Ms. Ortiz expressed her support for the EPD and said it was her expectation that the officers would operate within the department's own policy framework as well.

Mr. Farr commended the success of the current program and hoped the task force could identify more camping spaces to expand the program's capacity.

Ms. Taylor conceded that the ordinance was better than nothing. She hoped the police did not employ Tasers or tear gas to dislodge the campers.

Mayor Piercy reminded the audience that the council had discussed a temporary shelter for those with mental health and addiction issues. Those concepts had not been forgotten. She endorsed Mr. Clark's recommendation that Occupy Eugene keep meeting.

The motion passed unanimously, 7:0.

Mayor Piercy adjourned the meeting at 1:11 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)