

MINUTES

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

December 12, 2011
7:30 p.m.

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

Her Honor Mayor Kitty Piercy called the December 12, 2011, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Because of the number of people signed up to speak in the Public Forum, Mayor Piercy limited the forum to one hour to ensure the council had sufficient time to address all the action items on the agenda. Each speaker was given two minutes to speak. Mayor Piercy reviewed the rules of the Public Forum and opened the forum.

Vincent Faini, Ward 1, asked the council to extend the camping ban for Occupy Eugene. He reminded the council that Occupy Eugene was also a protest. He was inspired by what he had seen at the camp and believed that Occupy Eugene had found creative and innovative ways to help the homeless at no cost to the taxpayer.

James A. Rodman, no ward given, called for an end to the Occupy Eugene camp because he believed that matters had gotten out-of-hand and would cost the taxpayers more in the future. Laws had been broken. He felt for the plight of the homeless but believed Occupy Eugene had become a quagmire. He recommended that people who wished to demonstrate follow the law. He asked what services would be reduced so the City could give money to Occupy Eugene. He questioned how wastewater on the site was being addressed.

R. Jamil Jonna, Ward 1, Avenue, spoke to contentions that Occupy Eugene participants did not need to camp. He said Occupy Eugene knew that the homeless would come to the camp and decided to welcome them. Occupy Eugene had not lost sight of the fact it was a protest. He believed the homeless were growing in number because of systemic economic problems and that the country was in a depression. He invited people to visit the camp and experience the collaborative engagement that was occurring.

Gweneth Van Frank, Ward 3, asked the council to consider Option 4.

Lauren Regan, Ward 1, discussed Occupy Eugene's work with the City to ensure the safest possible camp. She asked the council to extend the exemption until a permanent location for the camp was planned and constructed. She offered to provide bi-weekly reports about the camp. She also asked the council to exempt the camp from the City's ban on open fires.

Diane Thurlow, Ward 3, said any additional expenses created by the Occupy Eugene camp cost should be borne by the City Councilors who voted to support the camp. She did not want to pay for the camp.

She believed the campers were breaking the law. She said it was the council's job to take care of the homeless and she advised the council to "deal with it."

Becky Lemler, Elmira, suggested the money spent to police the Occupy Eugene camp could have been used to feed the homeless. She objected that Occupy Eugene had been allowed to disregard laws and occupy public property at public expense. She suggested that Occupy Eugene's original message was lost when it allowed illegal activity at the camp and harbored minor runaways, felons, and sex offenders. She understood there were reports that people at the camp were preparing weapons to use to fight the police if asked to disband. Ms. Lemler feared Eugene would become a magnet for protestors from other communities that had closed their Occupy camps and called for the camp to be ended before they converged on the community and caused more problems.

Jonathan Schwartz, Ward 7, said Occupy Eugene wished to be accountable and work with the City toward solutions. He did not think that closing the camp was the right thing to do and suggested that the camp be allowed to continue until the spring. He believed that if the City worked with Occupy Eugene they would find a mutual solution. He referred the council to his written communication.

Ruth Duemler, Ward 3, hoped the council extended the exemption as she did not think winter was the right time to move the camp. She shared her positive experience attending Occupy Eugene rallies, saying they were attended by a diverse group of people, were well-organized, and the results well-communicated to other participants. It had been an amazing experience. She hoped all councilors could visit the site.

David Ivan Piccioni, Ward 1, said Occupy Eugene was a means of expression for the poor and disenfranchised. He believed it would be undemocratic to prevent those populations from exerting political power through protest and organizing.

Jerry Smith, Ward 2, spoke of the work that Occupy Eugene did with the homeless at no cost to the taxpayer. He spoke of the injustices he perceived in the economic system and said Occupy Eugene was trying to bring economic and social justice to the country. He asked the council to allow the camp to continue. He maintained the community supported the camp. Mr. Smith believed it would be tantamount to terrorism to tear down the tents in the middle of winter.

Thomas Price, Ward 8, asked the council to extend the camping ban exemption for Occupy Eugene. He spoke of the economic hardships many residents were experiencing. He had been to the Occupy Eugene camp and knew it was a good thing.

Shaun Haskins, Springfield, shared his view of the origins of Occupy Eugene, which he found in economic inequality, leaving the wealthy the *de facto* policy makers.

Carol Berg Caldwell, Ward 3, suggested that if the Occupy Eugene camp was closed the City would incur costs in other areas. She spoke of the plight and despair of the homeless and suggested that the costs of the camp were "chump change" when compared with the benefits the homeless were receiving from the camp. She asked that the council allow a reasonable extension that gave services time to coalesce around a broader community effort.

Michelle Townsend, homeless, submitted a petition with 1,700 signatures to the mayor and council in support of continuing the Occupy Eugene camp.

Irene Cardenas, General Delivery, Eugene, discussed her preference to live outdoors in harmony with nature.

Jeff Gent, Ward 7, rejected the EPD's reports about the Occupy camp. He acknowledged there were problems but conditions were improving every day. He said kitchen resources could be secured in three days if the City extended the exemption. He said Occupy Eugene was willing to meet the City more than half-way and thanked the City and other agencies for their willingness to work with Occupy. Occupy Eugene did not want to cost the City money. There were many volunteers willing to give resources but time was needed to develop a real plan for a long-term solution.

Ross Howard, Ward 7, likened the Occupy movement to the Arab Spring and asserted the camp was about participants' constitutional rights to camp at Washington Jefferson Park. He maintained that the movement had "done a great job" and had succeeded where others had failed. He did not think it was right to end the camp now and asked the City to work with Occupy. He believed the result would be fewer homeless people

M. V. Lazar, Ward 1, identified himself as a small downtown business owner downtown and supporter of Occupy Eugene.

Gary Cornelius, Springfield, believed that Occupy Eugene allowed the disenfranchised and marginalized to hope change might happen. He advocated for the continuance of the camp while a long-term solution was found. He thought the movement offered people an opportunity for better long-term support not provided by the government.

Ben Rubaker shared remarks authored by **Chuck Gerard**, Ward 1, a White Bird Clinic coordinator, who commended Occupy Eugene for its work with the homeless. Mr. Gerard acknowledged the current situation was not perfect and also acknowledged the increased City costs but suggested they were only incurred because of the additional police presence at protest activities unrelated to the camp. He acknowledged safety concerns but suggested that any death could not be the fault of the council given that many homeless died alone each year in Eugene. He suggested that Major Tom Egan might have been found in time if he had been at such a camp. Mr. Gerard asked the council to continue the exemption while the movement and City worked to develop the park or an alternative site as a long-term solution.

Mark Callahan, Ward 4, opposed further extension of the exemption to the camping ban granted to Occupy Eugene. He said as a member of the 53 percent who paid taxes, he was concerned about the public funding that had been spent to allow Occupy Eugene to stay in a public park that others could not then use. He did not believe camping could be equated with speech. Mr. Callahan said the council was charged to enforce the law for all citizens. He would be required to secure permits and licenses if he wished to build a structure, cook and serve food, or provide medical care. He had yet to see proof that similar requirements were made of Occupy Eugene. Mr. Callahan suggested that the City should invoice Occupy Eugene for the costs incurred to date.

Claire Syrett, Ward 7, urged the council to allow Occupy Eugene to exist at the current site or move to a new space. She averred that the camp was a protest site, a refuge, and a public meeting space for people to come together and share ideas for moving the country toward greater equality. She said current human services were overwhelmed by demand but had begun to work with the movement to explore ideas for serving people in immediate need and find a permanent solution. She acknowledged the City struggled to address homelessness and recommended that the council let Occupy Eugene "take this on" with the assistance of providers. She believed the least the City could do was provide Occupy Eugene with a small parcel of publicly owned land.

Lotus, Ward 1, said she was living at Washington-Jefferson Park and attested that freedom of speech was very important to participants. She wanted to prioritize people above the rules. She called for long-term solutions that did not marginalize people and services that made them feel welcome.

Teri Ferguson, Creswell, discussed her positive experience at the Occupy Eugene camp. She discounted the police reports because she averred they concerned crimes that had occurred nightly and unreported for years. She suggested the council's decision would not be difficult if "made from the heart." She feared that if the council ended the exemption to the camping ban the movement could not reach its full potential.

Scotty Perey, Ward 1, expressed his disagreement with the general direction of government and society. He suggested that the City was picking on Occupy Eugene even though it was "cleaning up the mess that was killing us all." He maintained the camp made the movement possible and was different than anything that had ever been seen before. He asked the council to "not get in our way" because Occupy Eugene "was already moving on." He envisioned a larger and more built-out camp with educational programs serving all people. He was willing to be arrested if the City ended the camp.

Eugene Wanderer, Ward 7, quoted Section 1 of the Oregon Constitution as rationale for continuing the Occupy Eugene encampment and cited *State v. Henry* as rationale for preferring the State over the federal constitution in this instance.

Mayor Piercy closed the Public Forum.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes**
 - October 24, 2011, Work Session
 - October 26, 2011, Work Session
- B. Approval of Tentative Working Agenda**

The council had approved the Consent Calendar at the 5:30 p.m. work session.

3. PUBLIC HEARING AND ACTION:

Adoption of a Resolution Adopting a Supplemental Budget; Making Appropriations for the City of Eugene for the Fiscal Year Beginning July 1, 2011, and ending June 30, 2012

Mayor Piercy opened the public hearing.

John Barofsky, Ward 3, reviewed the appropriations included in the supplemental budget and endorsed those appropriations as a good use of City funds.

Nancy Woodke, Ward 2, expressed support for the funding proposed for Laurelwood Golf Course and suggested that the long-term future of the golf course was a livability issue.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Resolution 5049 adopting a Supplemental Budget; making appropriations for the City of Eugene for the Fiscal Year beginning July 1, 2011, and ending June 30, 2012. Roll call vote: The motion passed unanimously, 8:0

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

4. PUBLIC HEARING AND POSSIBLE ACTION:

Adoption of a Resolution Adopting a Supplemental Budget; Making Appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year Beginning July 1, 2011, and ending June 30, 2012

Mayor Piercy opened the public hearing. There being no requests to speak, Mayor Piercy closed the public hearing.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Resolution 1062 adopting a Supplemental Budget; making appropriations for the Urban Renewal Agency of the City of Eugene for the Fiscal Year beginning July 1, 2011, and ending June 30, 2012. Roll call vote: The motion passed unanimously, 8:0.

Mayor Piercy adjourned the meeting of the URA and reconvened the meeting of the City Council.

5. ACTION:

An Ordinance Concerning State Traffic Laws; Amending Section 5.005 of the Eugene Code, 1971, and Providing an Effective Date

City Manager Jon Ruiz introduced the item, reporting that the council updated the code annually to ensure consistency with the State Traffic Code. Since the last update in 2010, the State Legislature had made changes to the State code requiring amendments to the City Code.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Council Bill 5058, an ordinance concerning State Traffic Laws, amending Section 5.005 of the Eugene Code, 1971, and providing an effective date. Roll call vote: The motion passed unanimously, 8:0.

6. ACTION:

Ordinance Vacating a Portion of Moss Street Located Between East 15th Avenue and East 17th Avenue (VRI 10-1)

City Manager Jon Ruiz asked the council to take action on an ordinance that vacated a portion of Moss Street between East 15th and East 17th avenues. The sole criterion governing the vacation was that the council must find it in the public interest.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Council Bill 5052, an ordinance vacating the portion of Moss Street located between East 15th Avenue and East 17th Avenue.

Councilor Poling acknowledged the letter the council received from Greg Rikhoff, Director of Community Relations for the University of Oregon (UO) that outlined the University's extensive community outreach in regard to the vacation. He thanked the UO for its approach to the vacation.

Roll call vote: The motion passed unanimously, 8:0.

7. ACTION:

Exemption to Code on Overnight Camping—Occupy Eugene

Councilor Taylor moved to amend the City Council's November 9 motion exempting Occupy Eugene from the overnight camping prohibition under section 4.815 of the Eugene Code by changing the date from December 15 until May 15, 2012.

The motion died for lack of a second.

Councilor Brown, seconded by Councilor Ortiz, moved to adopt modified Option 3 provided by Councilor Zelenka to extend the camping exemption and provide transition services until the completion of the community task force's work.

- 1) Mayor would immediately form a community task force to report back to the council within 90 days to identify strategies on homelessness for council consideration. The task force could include council members, OE representatives, nonprofit agency representatives, and other community members.
- 2) Hire a nonprofit agency to lead an effort to mobilize and coordinate transitional human services for homeless campers, and consult with OE about the security and management of the OE camp. These transition human services will not replicate the OE camp experience; however, they could provide opportunities for OE homeless campers to continue to receive basic services, such as: a legal place to camp/stay (see 3c and 3d below), food, clothing, and medical services; while the task force develops recommendations for a more sustainable and effective provision of services.
- 3) Temporarily increase the funding for the car camping program, and expand the program's scope to include legal tent camping on sites when appropriate. Currently, three vehicles are allowed under certain conditions in parking lots of religious institutions, business or public entities.
- 4) Create a short-term site, like an Egan warming center, for the rest of the winter specifically for chronic homeless with behavioral and addiction issues; essentially, a secure temporary wet housing pilot program. The facility would be open seven days per week, but with hours restricted to 5 p.m. to 8 a.m. and staffed by nonprofit agencies and trained community volunteers.
- 5) Extend the camping exemption for 45 days to allow full implementation of transition services.
- 6) Occupy Eugene, nonprofit agencies, and City staff are continuing to meet to discuss these possibilities. The cost for transition services, such as these is likely to exceed \$100,000. The City Manager will provide funding options at your Wednesday, December 14, 2011, work session.

Councilor Ortiz suggested that City Manager Ruiz meet with the leadership of Occupy Eugene to determine if it was in agreement with the elements of the motion and report back to the council on December 14.

Councilor Zelenka concurred with Councilor Ortiz. He also wanted to hear Occupy Eugene's response to the proposal.

Councilor Zelenka, seconded by Councilor Taylor, moved to direct the City Manager to bring back a final motion on Wednesday after discussing the modified Option 3 motion with Occupy Eugene representatives.

Councilor Clark requested a cursory estimate of the cost of the modified motion. City Manager Ruiz estimated a cost of \$50,000 to \$150,000 for transition services. He was unsure of the policing costs but believed they would be more than was being spent currently. Councilor Clark suggested the costs could go as high as \$250,000. City Manager Ruiz acknowledged that was possible.

Councilor Clark wanted any transition to be as peaceful as possible and to be conducted in such a manner that allowed people to be heard and treated them with dignity. However, he was concerned that the City was treating Occupy Eugene differently from other citizens when it came to accountability. He wanted to know who spoke for the group and who the City was entering into an agreement with given the nature of Occupy Eugene. City Manager Ruiz anticipated the City would meet for representatives of Occupy Eugene although he expected that they would offer the disclaimer they did not speak for the entire group. He said the City had worked with the group and worked through most of the issues it identified. He expected a similar model.

Councilor Clark asked what the point of the City's action would be if a subset of Occupy Eugene decided to resist.

Councilor Taylor had offered a motion for more time because of the requests the council heard and had believed May 15 would be a good date because the weather would be better and it would give the community time to think about the issues. She wanted to give Occupy Eugene more time to figure out its future and collect donations.

Councilor Farr did not support the motion. He continued to have major concerns regarding sanitation and disease at the camp and those concerns had not been satisfied. The City had worked hard through a variety of initiatives to help the homeless and but only a small percentage of homeless people were staying at the camp. He did not think that wastewater was being handled appropriately and feared the City was creating the conditions for an outbreak of disease.

Councilor Ortiz wanted Occupy Eugene to respond to the City Council's offer to work together. She acknowledged the many homeless people in the community and said that while people learned to survive, they were not living in optimal conditions. She did not expect Occupy Eugene to end homelessness but any step toward that end would make her happy.

Councilor Pryor suggested the question was how much time it would take to move toward a different solution. While he was unsure anyone liked the 45-day deadline, it was a middle point people could agree on. Councilor Pryor supported the motion to postpone action as a way to give Occupy Eugene time to consider the proposal. He also liked the idea of involving the service providers.

Councilor Clark asked staff to prepare an estimate of costs in time for the December 14 discussion. He also wanted an estimate of the number of people who would cooperate with the deadline and how many would not.

Councilor Clark was challenged to support the motion because it gave tacit approval to the camp site. He was interested in hearing further discussion on December 14 but continued to be concerned the City was subsidizing a protest. He defended Occupy Eugene's right to protest but did not want to spend tax dollars to further a protest that was not supported by all residents.

City Manager Ruiz pointed out the motion did not call for the termination of the camp in 45 days.

Councilor Poling indicated tentative support for the motion. He questioned the source of funding and how it affected other services. He recommended the funding come from Council Contingency Funds. Councilor Poling was concerned about extending the exemption for 45 days. He preferred to retain the December 15 date and let staff determine how to close the camp down as soon as practical. He objected to continued extension of the exemption. The camp was not needed to realize the other elements of the motion, which he supported as common sense steps. He anticipated further discussion of that date.

Councilor Zelenka said each Occupy movement was different and in Eugene it had focused on homelessness. He believed that Occupy Eugene captured people's imaginations and at least their attention. He believed that Occupy Eugene represented an opportunity for meaningful change in regarding to homelessness. The intention of his motion was that the camp would close at the end of 45 days. Transition services would be in place to move the campers into more stable conditions with better services. Regarding costs, Councilor Zelenka anticipated the manager would provide the council with funding options at the December 14 meeting and further anticipated the manager would provide ranges of cost.

Councilor Farr was glad for the delay because he hoped it would provide more answers. He continued to be concerned about safety and planned to visit the camp. He had serious concerns about sanitation and questioned where the gray water was going but would keep an open mind and would see if his concerns could be alleviated.

Councilor Brown questioned whether 45 days was sufficient time to transition the event. He suggested the council might need to revisit that decision given the complexity of the tasks that lay ahead. He agreed with the remarks of Councilor Zelenka.

Speaking to the issue of money, Councilor Brown suggested that the revenue from the Moss Street vacation could be one funding source.

Mayor Piercy recalled that the bulk of police-related expenses came from the protests that occurred at the beginning of the camp. She acknowledged that more expenses had been accrued over time. She acknowledged that Occupy Eugene was a political movement that was shining a big light on the problem of the homeless. She thanked the 70 people who signed up to speak and said she tried to treat all fairly whether she agreed or disagreed with their views. She had wanted to ensure the council got to its decision point on the issue. Mayor Piercy believed inequity was a big problem. She thanked those present for caring.

The motion passed, 7:1; Councilor Clark voting no.

Mayor Piercy adjourned the meeting at 9:23 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)