MINUTES

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

December 12, 2011
5:30 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, work session of the Eugene City Council to order.

A. WORK SESSION: Occupy Eugene

City Manager Jon Ruiz introduced the item. He emphasized the ongoing cooperation between the City of Eugene staff and representatives of Occupy Eugene.

At the request of City Manager Ruiz, Police Chief Pete Kerns discussed the experience of the Eugene Police Department (EPD) with the Occupy Eugene encampment in Washington-Jefferson Park. He noted the growing number of homeless people now living in the camp. They included homeless youth, homeless people who received services in Lane County, and homeless people who suffered from drug and alcohol addictions, severe mental health afflictions, or a combination of the two. He reported that as the encampment's population grew, incidents of disorderly conduct and assault also grew. There was a steady increase in the demand for homeless services.

Chief Kerns shared examples of the problems EPD officers were encountering when they toured the encampment, which included illegal warming fires, illegal drug use, assault, runaways living in the camp, known sexual offenders living in the camp, and stolen property sales. Campers were carrying knives and axes openly and on occasion those implements were used as weapons. Tents were grouped together with tarps overhead, obscuring the view of officers responding to calls for service. Chief Kerns expressed concern about the safety of officers who entered the encampment, which he characterized as an unpredictable environment.

Chief Kerns acknowledged that many things had gone well with the encampment but other issues were very difficult to deal with given the nature of the people residing at the camp.

Building Official Stuart Ramsing shared his findings from a tour of the encampment and reported on the building, fire, and electric code violations he discovered and the remediation that occurred. He suggested there was a potential of hazard to the community from the structures that had been constructed on site, which could blow into the street. Councilors asked questions clarifying the details of Mr. Ramsing's findings.

City Manager Ruiz reminded the council of his three objectives: 1) ensure free speech rights were protected; 2) maintain a safe and healthy environment for Occupy Eugene participants, campers, City

staff, and the general public, and 3) work collaboratively with Occupy Eugene to find new ways to address homelessness in the community. He thought the Occupy movement had raised interesting possibilities for addressing the problem of homelessness. He believed that one of the positive aspects of the movement was the respect and dignity it demonstrated for the community's homeless, which he thought worth emulating. City Manager Ruiz suggested the council engage Occupy Eugene and the community at large to explore the lessons of Occupy Eugene. He recommended the council form a community task force to work over the next few months to identify strategies to address the needs of the homeless. He acknowledged that health and safety were still concerns for the current encampment and he was also concerned about the potential of injury or illness at the site.

City Manager Ruiz reviewed the four options for proceeding he had e-mailed to the council the previous weekend.

City Manager Ruiz recommended that the council not extend the exemption to Section 4.815 of the Eugene Code and that it provide transition services to the homeless until the completion of the task force's work. Those services could include expansion of the City's car camping program to include tents. He said regardless of the council's decision, the City would continue to work with Occupy Eugene.

Mayor Piercy solicited council comments and questions.

Mr. Zelenka complimented City staff and representatives of Occupy Eugene for their mutual cooperation. He shared Chief Kerns' concerns about health and safety. He offered the following modification to City Manager Ruiz's recommendation for consideration at the regular meeting held later in the evening:

Modified Option 3 Summary: extend the camping exemption and provide transition services until the completion of the 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 homeless ness for council consideration. The task force could include council members, Occupy Eugene representatives, nonprofit agency representatives, and other community members.*

2) *Hire St. Vincent de Paul 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 Occupy Eugene camp. These transition human services will not replicate the Occupy Eugene camp experience; however, they could provide opportunities for Occupy Eugene 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 programs 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 xx 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. City manager will provide funding options at your Wednesday, December 14, 2011, work session.*

Mr. Farr determined from City Manager Ruiz that the costs of transition services could reach $50,000 to $150,000, depending on the extent of the services provided. Mr. Farr observed that $150,000 was approximately the same amount the City provided to human services each year in supplemental funding. He noted the current budget shortfall faced by many current human service providers and expressed some dismay at the proposed expenditure given the demand for such services.

Mr. Clark reiterated his belief that the original exemption was a bad idea. He did not believe the City had to waive its camping ban so people could protest. The exemption was justified by supporters on the basis that camping was necessary to the statement being made. He expressed concern about the City's costs of managing the impact of Occupy Eugene and suggested that if the council had first discussed how much it was willing to spend on Occupy Eugene the outcome would have been different.

Mr. Clark questioned why no one was charged with theft of services when the illegal electrical connection was made. Chief Kerns acknowledged that the City could have issued a citation for theft but the connection was discontinued when the matter was brought to the attention of Occupy Eugene representatives. He said that staff had to make such discretionary choices all the time. Mr. Clark asked if Occupy Eugene had applied for permits for the structures that had been built. Mr. Ramsing said no. City Attorney Glenn Klein said if the council decided to extend the exemption, Planning and Development Department would have to pursue enforcement of the Building Code.

City Manager Ruiz emphasized the cooperative approach the City had taken to Occupy Eugene to this point.

Mr. Clark asked staff to provide the council with information about other ordinances it decided against enforcing at the Occupy Eugene site. City Manager Ruiz said he could provide a list of areas where City staff had used its discretion.

Mr. Clark asked what threshold action would compel the manager to shut down the encampment. City Manager Ruiz said he did not think a threshold had been reached yet, although he acknowledged that conditions continued to deteriorate and he believed they would continue to do so as the camp population increased. If the council supported an additional exemption, the city would need to put some resources into the encampment to keep occupants safe.

Ms. Ortiz requested information about the costs the City incurred responding to the June 1997 protest.

Ms. Ortiz agreed the human services providers all needed additional funding but pointed out allocations to the providers were made by an intergovernmental committee, not the City alone.

Mr. Poling was unable to support Mr. Zelenka's proposal because he perceived it continued current conditions at the camp. He did not want to commit the City to any additional expenditure without

knowing the source of funding and other affected services. He agreed with the remarks of Mr. Farr and Mr. Clark. He suggested if homeless was the issue of concern, the mayor and manager could have placed the topic on a council agenda long ago. He believed the chief's daily reports were incomplete because officers could not be the site all the time. Mr. Poling was concerned about the safety of the City's police officers and fire fighters at the site. He said the City could work on the homeless problem, but Occupy Eugene did not need to camp for that to occur.

Responding to a question from Mr. Brown, Chief Kerns indicated he heard anecdotal suggestions that Occupy Eugene had reduced crime levels downtown but had no statistics to support or refute them. Mr. Brown speculated that the troublesome element in the camp would be a problem no matter where they were. He suggested that if the homeless were scattered across the community they could be subject to violence. He found the camp peaceful and orderly on a recent visit and viewed the operations of the kitchen, which appeared to be well-run. He pointed out there were never guarantees against violence or serious illness.

Ms. Taylor favored free speech and freedom of protest but she did not think the council envisioned the encampment would turn into a homeless camp. She said if the council had been planning on such a camp more thought should have gone into the drawbacks, advantages, and costs of such an approach. She acknowledged she would not have voted to establish a homeless camp in Washington-Jefferson Park but did not think the City could make it disappear now it was established. Ms. Taylor reported that she had walked the length of the park and questioned how much it was actually used by other people given she had seen only two people outside of those in the encampment. She understood that Occupy Eugene was receiving donations and suggested that would reduce the funding needed from the City.

City Manager Ruiz reported that the encampment had relied on volunteers and donations for food and portable toilets. The City's expenses included police overtime, some other City staff time, dumpsters, and fencing.

Mr. Farr requested information about where the water from the wastewater barrels at the camp was being disposed of.

Mr. Farr emphasized the community's long history of work to reduce homelessness in Eugene.

Mr. Zelenka did not think the City was going to solve homelessness but he hoped to provide some basic services to the homeless. He did not think the City had reached the threshold that would cause it to end the encampment but acknowledged conditions at the encampment could worsen. He feared that an abrupt end to the encampment could add to the City's costs.

Responding to a question from Mr. Clark, City Manager Ruiz said his interpretation of the council's direction was that the encampment would remain open unless immediate health and safety concerns arose, upon which he had the authority to close it. Until this point, he had not found immediate health and safety concerns that required him to take that action. He acknowledged he did not have specific criteria for making such a decision and suggested it would be a judgment call based on conditions. He thought conditions at the site were deteriorating and would continue to deteriorate so unless those at the encampment were transitioned to other situations or the City increased its resources to make the camp safer and healthier.

Mayor Piercy distinguished between the City's costs related to the Occupy Eugene protest marches and the City's costs related to the encampment. She said the pressures of homelessness had been building prior to the Occupy movement and suggested there was a synergy in their coming together as had

occurred all across the country. She believed the Occupy Eugene participants wanted to do more than talk about societal inequities in country. She suggested that the City could use Occupy Eugene as an opportunity to build more capacity in the system.

While she liked the concepts behind Mr. Zelenka's modification, Ms. Ortiz wanted to ensure that it incorporated the concept of accountability on the part of Occupy Eugene organizers. She invited Occupy Eugene to contribute to the costs of maintaining the encampment and wanted to know what Occupy Eugene was doing to make it a safer place. She did not support continuing the current situation indefinitely.

Mr. Poling believed the encampment had reached the threshold mentioned by Mr. Clark. He suggested that City Manager Ruiz would have been criticized by many councilors if he closed the encampment without council consultation. He agreed with Ms. Taylor about the importance of free speech but did not think that was what the discussion was about. He believed the City needed to continue to work on homeless issue. However, he also believed it was time for the camp to end. Mr. Poling did not think the City's past experiments in operating a homeless camp were successful and did not think another homeless camp would be successful.

Mr. Brown thought the Occupy Eugene encampment represented an unusual unique situation. He did not think that Occupy Eugene had envisioned that it would be joined by hundreds of homeless people. He thought that Occupy Eugene had done a good job taking care of the homeless and helping them take care of themselves. He acknowledged the encampment did not look good and many residents were angry. He did not think they should be angry at the homeless, who were the victims, or their rescuers, who were highlighting the system flaws that enabled homelessness. Mr. Brown suggested the City had an opportunity to move to "Square 3"; evicting the campers would take the community back to "Square 1" because people's hopes would be shattered. He advocated for an extension while the human service agencies figured out the problem.

Mr. Pryor suggested that both the manager and Mr. Zelenka's proposals could help the council identify the next steps and preserve what had worked well with the Occupy Eugene encampment, particularly its work with homeless youth. He did not think the current encampment location worked for the long-term. Mr. Pryor believed Eugene was ready to work with Occupy Eugene on solutions in company with the service providers.

Mr. Clark indicated his opposition to the further expenditure of public funds to subsidize a protest. He believed continuing the encampment could lead to catastrophic outcomes, and he did not think it was responsible for the City to enable that. Mr. Clark asked that those offering solutions that cost money be prepared to identify a corresponding offset in the budget.

Mr. Poling suggested that if the City had to close the camp, the council be prepared to stand behind the Police Department for the actions it would have to take because everyone in the community would want to second-guess those actions. Ms. Ortiz concurred. She would support all actions the EPD took that were within department policy.

B. WORK SESSION: Boards and Commissions

Due to a lack of time, the item was postponed.

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

Ms. Taylor, seconded by Mr. Brown, moved to approve the items on the Consent Calendar. The motion passed unanimously, 8:0.

Mayor Piercy adjourned the meeting at 7:01 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)