

MINUTES

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

November 28, 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 November 28, 2011, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Michael Carrigan, 1439 West 4th Avenue, Community Alliance of Lane County, expressed support for the council's action to exempt Occupy Eugene from the City's camping ordinance. He spoke of the services being delivered on the site, the security that existed, and suggested that lives were saved by quick responses to medical emergencies. People were provided with a safe place to camp. Occupy Eugene was making progress in helping with homeless issues and could help the City and Lane County develop a long-term plan that could be a model for the country. He urged the council to extend the exemption past December 15, 2011.

Jean Stacey, 944 West 12th Alley, discussed the challenges faced by Occupy Eugene to accommodate homeless campers and the volunteer medical services now available to them as a result of the encampment. She believed that a young man would have died of an overdose but for the presence of the camp. She acknowledged the issues of the homeless were challenging and reported that Occupy Eugene had adopted a social contract that must be signed by all participants at the encampment. She overviewed the contract and assured the council that those who refused to leave would be persuaded to do so with individuals trained in non-violent techniques and the police if necessary. She believed Occupy Eugene was encouraging people to become sober and said Occupy Eugene had zero tolerance for drug paraphernalia.

Joe Tyndall, 361 West Broadway, noted the disparity between the assets of the richest Americans and those of the majority of Americans and said that Occupy Wall Street was a response to the systematic looting of the economy. Occupy Eugene was also a homeless camp. He reported that 90 percent of camp participant comprised the homeless and youth, those most impacted by the "corporate cult of greed." Many were there for services and protection from the police. He believed the homeless were making progress because they were shown respect by Occupy Eugene. Many homeless people had become sober and homeless youth participated in service delivery. Violence was not tolerated. He asked the City to continue to allow camping at the site and to support it with donations of food, cash, and time.

Bob Bussell, 3054 Grand Cayman Drive, expressed support for the Bascom Village project. He said the community needed affordable housing and higher wages. He cited a report that stated that 45 percent of all United States residents lacked economic security, living above the federal poverty threshold but not

earning enough for housing. He shared the concerns expressed by area residents about school crowding but suggested the problem could be attributed to inadequate funding, rather than new housing. He believed that the neighbors were opposed to the project because it was an affordable housing project and suggested their concerns could be addressed in a way that demonstrated solidarity for the low-income.

Carla Newbre, 544 West 16th Avenue, Occupy Eugene, spoke of her dedication to the Occupy movement and the education she received when she spent time with other Occupiers. She encouraged the councilors to visit the site and sit in on committee meetings and general assembly meetings. She asked the council to extend the exemption to the camping ban.

Mark Callahan, 3621 Mahlon Avenue, discussed his perception of the hypocrisy of the Occupy movement. Occupy participants criticized corporations while organizing on the Facebook corporate site with devices made by corporations while sleeping in tents and sleeping bags made by corporations sipping coffee made by Starbucks and using portable Bucks toilets. Media celebrities such as Michael Moore supported the movement while acknowledging he was one of the one percent. He noted that one Occupy movement had opened an account at a Wells Fargo Bank, one of the banks the movement railed against. He suggested that Bank Transfer Day actually assisted large banks by reducing the cost of their FDIC insurance.

Doug Cooley, 1710 Salem Industry Drive NE, Salem, an employee of Comcast, discussed Internet Essentials, a program for households with children who qualify for the National School Lunch Program to provide internet services for \$9.95 monthly. He shared brochures about the program.

Kevin Reed, 3117 RiverBend Avenue, thanked the council for listening to all sides regarding the Bascom Village question.

Lotus, Occupy Eugene, was present on behalf of her daughter because she did not want her to grow up as she had. She asked the council to lift the camping ban permanently because those she had met at the camp cared about her regardless of what she could do for them. Occupy Eugene was building a community of people who supported each other. She wanted to stay at the camp because the relationships that were building there were paramount to the world she wanted her daughter to live in. She left everything she had to join the encampment because her presence was her protest about corporate greed. She had seen lives changed by Occupy Eugene. She urged the council and the audience to join Occupy Eugene.

Alley Valkyrie, 1716 Olive Street, a participant in Occupy Eugene, discussed how the homeless were now community-building at Occupy Eugene and were no longer hanging out and creating problems downtown. She averred that the police and downtown property owners agreed with her. The answer was in the park. Amazing humans were participating. She asked that the encampment be allowed to continue.

Bridget Baird, Occupy Eugene, said she was recovering from a meth addiction with the assistance of the Occupy Eugene. She would not have been able to get clean without community support. Occupy Eugene was important to her and many others. She asked the council to allow the encampment to remain through the holidays. The movement was creating a change in a safe place. She asked the council to allow Occupy Eugene to rebuild somewhere else so participants could stay together as a family.

Scotty Perry, 715 West 23rd Avenue, Occupy Eugene, thanked the council for the exemption from the camping ban. He appealed to the council for consensus on allowing the encampment to stay. Speaking to earlier criticism suggesting that the movement was hypocritical, Mr. Perry said his group was not anti-capitalism, just anti-corruption. It wanted the playing field to be fair. He was employed and he loved his

job. His time was precious but for the last six weeks he had put all his energy into Occupy Eugene, which he had waited for all his life. He had seen lives changed. He asked the council to talk to downtown businesses about the changes they had experienced and to the service providers to see how their bottom lines were affected.

John Monroe, 805 Horn Street, Occupy Eugene, suggested that Occupy Eugene represented a civil society that supported people when they down. He believed Occupy Eugene was a radically inclusive attempt to recreate civil society. There were no bounds to who could participate because a civil society did not consider socio-economic status. Occupy Eugene was trying to rebuild a civil society as a gift for those who were raised without one. The movement was not anti-commerce but he believed that corporations had privatized basic needs and worked against civil society networks to profit from them. Occupy Eugene sought to affirm that human beings should have the right to help one another, support to do so, and a community.

Charles Hibbert, 5555 West 11th Avenue, said that if Occupy Eugene had its way there would have been no business at Valley River Center on Black Friday. He said that small businesses relied on large businesses and what they developed and created. He believed that Occupy Eugene was seeking to undermine the country's financial system. He recommended that Occupy Eugene share its complaints with Congress given that body's role in making the rules that governed banks and financial institutions. He did not think the problem lay with large corporations and banks.

Blackhorse Shasta, 961 Almaden Street, thanked the council for being open to the Occupy Eugene movement. He had moved to Eugene from California and was amazed and warmed by the sense of community he found. He had been warmed by seeing lives changed by being involved in the Occupy environment. He emphasized the importance of free speech to Americans and said Eugene's openness to the Occupy movement's freedom of assembly made a strong statement to the world. He hoped the council's support continued. He acknowledged the challenges that faced Occupy Eugene and requested patience on the part of the City so the movement could work some things out.

Mayor Piercy closed the Public Forum. She thanked those who testified and for the kind hearts that all brought with them. She knew that not all residents agreed about Occupy Eugene but thought all could agree about the hearts of those who spoke. She solicited council comments and questions.

Councilor Pryor also thanked those who testified. He had supported the camping ban through December 15 and had asked if there was a way to evolve the movement to the next level. It appeared that most of those camping were homeless and their needs must be addressed. He was unsure if camping was the right solution. He hoped to see more solutions and invited Occupy Eugene to work with the City to reach a mutually agreeable consensus on where Occupy Eugene could occur on a more sustained basis. He did not think it could continue at its current location.

Councilor Pryor thanked Mr. Cooley of Comcast for the service he described, which he thought was a wonderful thing.

Councilor Ortiz agreed with the remarks of Councilor Pryor regarding Occupy Eugene and concurred in his thanks to Mr. Cooley. She had anticipated the positive impact of Occupy Eugene because she thought participants had good intentions. She had toured the site and was willing to talk some more. She was challenged by the thought of having Occupy Eugene at its present site for much longer.

2. **CONSENT CALENDAR**
 - A. **Approval of City Council Minutes**
 - September 26, 2011, Regular Meeting
 - October 17, 2011, Work Session
 - B. **Approval of Tentative Working Agenda**

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

3. **ACTION:**
An Ordinance Extending the Sunset Date for the Rental Housing Code

City Manager Jon Ruiz asked the council to consider extending the current sunset date for a nine-month period ending on September 30, 2012, which would provide more time for evaluation of the program. No fees would be billed for the next fiscal year in the interim.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Council Bill 5056 extending the sunset date for the Rental Housing Code nine months to September 30, 2012.

Mayor Piercy referred to remarks submitted by John VanLandingham of Lane County Legal Aide, who suggested the City could examine the Rental Housing Code and determine how to make the program work so that it was as helpful to property owners as it was to property renters. She supported an extension so the City could find a way to achieve that goal.

Councilor Ortiz agreed with Mayor Piercy. She was not happy with the length of the extension and hoped staff could return with a recommendation earlier than had been suggested.

Councilor Clark agreed with Councilor Ortiz. He preferred a six-month extension, but would not offer that as a motion at this time. He believed the landlords' testimony suggested there was a problem with the program. He was concerned that the City was over-collecting for the program. Conversely, Councilor Clark acknowledged that there were occasional "bad apples" among landlords and the program provided a conduit for communication between them and their tenants without recourse to the courts. He supported the extension because the City would not be billing for the next annual cycle due to the surplus that existed.

Councilor Poling also intended to support the motion but agreed nine months was too long. He said he would be interested in further discussion of the fee and its relationship to the program budget. He was also concerned about other factors being incorporated into the code, such as energy conservation, because he believed the code was intended to be narrower in scope.

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

4. **ACTION:**
Approval of Funding for Housing Affordable to Low-Income Persons

City Manager Ruiz asked the council to take action regarding the commitment of HOME funds, City of Eugene systems development charge waivers, and the disposition of the County Farm land bank site for construction of Bascom Village, a 101-unit affordable housing development proposed by St. Vincent de

Paul Society of Lane County and the Housing and Community Services Agency of Lane County (HACSA). The Intergovernmental Housing Policy Board recommended approval of the proposal.

Councilor Taylor, seconded by Councilor Brown, moved to approve, for Phase 1 development of Bascom Village: 1) transfer of the western portion of County Farm land bank site to Saint Vincent de Paul; 2) commitment of \$351,603 in HOME funds; and 3) provide for \$249,593 in Eugene system development charge (SDC) waivers and to also approve for Phase 2 development of Bascom Village: 1) transfer of the eastern portion of County Farm land bank site to the Housing (HACSA); 2) commitment of \$294,603 in HOME funds; and 3) provide for \$224,346 in Eugene SDC waivers. In addition, make a recommendation to EWEB to approve an SDC grant for each phase of the project.

Mayor Piercy solicited council comments and questions.

Councilor Clark, seconded by Councilor Poling, moved to postpone the item to December 12, 2011.

Councilor Clark commended the fact that the Housing Policy Board (HPB) had done more public outreach regarding the proposed development but said many neighbors did not feel their concerns were incorporated into the proposal due to a lack of time. That left the council with an up or down choice. Councilor Clark believed the community needed more affordable housing and if such a project was to be built, Saint Vincent de Paul was the entity to build it. However, he wanted to postpone action to investigate alternatives, such as a suggestion from attorney Mike Reeder that the City sell the site and use the proceeds to purchase a more appropriate site.

Councilor Poling asked Housing Specialist Becky Wheeler if postponement would affect the federal funds underwriting the project. Ms. Wheeler said no. Councilor Pryor asked how selection of a different site would affect the funding. Ms. Wheeler said that delay past the beginning of the year would affect the developer's ability to seek State funding and would add to the developer's cost as each proposal was site-specific. Councilor Pryor asked about the availability of HOME funds in the next federal funding cycle. Ms. Wheeler said that a 38 percent reduction in HOME funding had been proposed, which equated to about \$450,000 for the City of Eugene.

Councilor Pryor suggested it was conceivable that the council might not have a lot of additional information to weigh in two weeks. Ms. Wheeler concurred. She said staff considered many issues when it considered site suitability, many of which were federal requirements related to environmental and social justice. Responding to a follow-up question from Mayor Piercy, Ms. Wheeler confirmed that any new site would be reviewed by the HPB.

Councilor Brown was unconvinced by Mr. Reeder's arguments. He supported both the project and its proposed location and pointed out that a private developer would be able to build a much denser development that was likely to be less attractive. He said two weeks was not sufficient time to evaluate a complex real estate transaction and advocated for moving the project forward.

Councilor Farr said it was difficult not to support an opportunity for more deliberative thinking. However, he was concerned that delay could jeopardize the project's funding and construction. At Councilor Farr's request, Ms. Wheeler described the annual low-income site-specific tax credits application process and indicated delay would not provide the developers with time to apply in 2012. She said the property was purchased with both Community Development Block Grant (CDBG) funds and

General Fund dollars, and if the property was sold the proceeds must be returned to the City's CDGB Fund.

Councilor Clark suggested a two-week delay would place the onus for information on the neighbors at no cost and with no problems.

Councilor Brown believed a two-week delay would be a useless exercise that could possibly damage the project's viability. He thought the council had the information it needed about other sites.

Councilor Zelenka agreed with Councilor Brown that the delay could put the project funding in jeopardy. He suggested the motion would establish a precedent that resulted in affordable housing projects being second-guessed at the council level. He did not support the motion.

Roll call vote: The motion failed, 6:2; councilors Poling and Clark voting yes.

Councilor Ortiz determined from Ms. Wheeler that staff was working to find a solution to the lack of sidewalks serving the site.

Councilor Pryor said the decision was a very challenging one for him. He had learned some lessons from the process about how being more mindful in integrating such projects into the community. He shared the neighbors' infrastructure concerns. He wanted the council to take definitive action to ensure that the street capacity issues brought up in testimony were addressed and that sidewalk access be required as part of the project.

In regard to the project itself, Councilor Pryor pointed out the site in question was one of the City's last land bank sites and a last opportunity. The decision process had been slowed to address the concerns expressed by neighbors. He would work hard to ensure their fears were not realized.

Councilor Pryor, seconded by Councilor Clark, moved to amend the motion to provide that sidewalks from Parkview to Crescent be added to the project to be paid for by the developer.

City Manager Ruiz suggested to Councilor Pryor that alternatively, the council direct him to investigate ways to provide the additional infrastructure.

Without the concurrence of his second, Councilor Clark, Councilor Pryor withdrew his motion with the expectation that the manager would return with a proposal.

Councilor Poling believed there were many issues that remained to be addressed, including the project's consistency with the Housing Dispersal Policy, the presence of a Head Start facility on site, zoning, and the proposed density. Ms. Wheeler indicated a Head Start facility could be included in the context of a conditional use permit. She noted the existing precedents for such a facility.

Councilor Poling was concerned about the lack of sidewalks and bicycle lanes on County Farm Road as well as about bus routes. He was concerned about additional traffic on Matt Drive when it was eventually connected. Councilor Poling said while he supported affordable housing, he could not support the project as presented. He believed the council needed to step back. He questioned whether the neighbors received adequate notification of the proposal.

Councilor Zelenka said he visited the site and found a bus stop located 100 feet away from the site. He questioned why the City would require the developer to construct a sidewalk all the way to Crescent Drive given that. He agreed that sidewalks should be all over the City, but feared the requirement would drive up project costs or force the elimination of an amenity intended to serve residents. He suggested the manager consider the alternative of putting a sidewalk to the nearest bus stop.

Councilor Clark appreciated the City Manager's willingness to consider safety improvements to ensure the safety of children using the road, which was now a gravel road frequently traveled by large trucks. He wished that the council would consider other options and indicated he would likely vote against the motion. Councilor Clark did not think the City Council was following the City's Housing Dispersal Policy if it approved the project as the policy was intended to preclude the clustering of a lot of low-income families in one place.

Councilor Farr noted some of the concerns raised by people throughout the process and said he believed that the City had made a good effort to address them. He said the issue for him was about the provision of needed affordable housing and getting children into houses.

Roll call vote: The motion passed, 6:2; councilors Poling and Clark voting no.

5. ACTION:

Approval of Sustainability Commission Amended Work Plan

City Manager Ruiz asked the council to approve the Sustainability Commission's work plan, which had been revised in response to concerns expressed by the council at its October 19 work session. The original work plan included an item stating "Support rental housing code revisions for energy efficiency" and to "articulate economic benefits and implications." The item had been changed to read "Encourage energy efficiency when addressing health and safety issues in the rental housing program" and "articulate economic impacts" Sustainability Liaison Babe O'Sullivan and Sustainability Commission Chair Josh Skov were present to answer questions.

Councilor Taylor, seconded by Councilor Brown, moved to approve the Sustainability Commission's Fiscal Year 2012 work plan as amended.

Responding to a request for clarification from Councilor Poling, Mr. Skov said the commission intended to explore the issue but did not intend to expand the regulatory mandate.

Councilor Zelenka pointed out there was currently no linkage between the replacement of broken windows, for example, and Eugene Water & Electric Board's weatherization program. He suggested that the commission could help create a synergy that did not now exist as currently, landlords were not provided information about the program. The weatherization program could reduce costs for the property owner.

Councilor Taylor said she intended to propose that the council add energy efficiency to the Rental Housing Code.

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

5. ACTION:
An Ordinance Concerning the Human Rights Commission and Amending Sections 2.013, 2.265, 2.270, 2.275, and 2.280 of the Eugene Code, 1971

City Manager Ruiz asked the council to take action on an ordinance amending the code regarding the Human Rights Commission's structure and focus.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Council Bill 5057 concerning the Human Rights Commission.

Councilor Ortiz supported the motion but reminded the commission of the council's ultimate authority over commission appointments.

Councilor Farr thanked Human Rights Commission Chair Toni Gyatso and Vice Chair Ken Neubeck of the Human Rights Commission for their work.

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

6. COMMITTEE REPORTS AND ITEMS OF INTEREST FROM MAYOR, CITY COUNCIL, AND CITY MANAGER

This item was not addressed.

Mayor Piercy adjourned the meeting at 9:07 p.m.

Respectfully submitted,



Beth Forrest
City Recorder

(Recorded by Kimberly Young)