

MINUTES

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

November 9, 2011
Noon

COUNCILORS PRESENT: George Brown (via speakerphone), Andrea Ortiz, Mike Clark, Chris Pryor, Alan Zelenka, Pat Farr.

COUNCILORS ABSENT: Betty Taylor, George Poling.

Her Honor Mayor Kitty Piercy called the November 9, 2011, work session of the Eugene City Council to order.

A. WORK SESSION:
Exemption to Code on Overnight Camping

Ms. Ortiz, seconded by Mr. Pryor, moved to exempt Occupy Eugene from Section 4.815's prohibition on camping for Washington-Jefferson Park between 6th and 7th avenues. Unless extended by council action, this exemption shall terminate on December 15, 2011. Prior to December 15, the City Manager shall update the council on the Occupy Eugene event, at which time the council can decide whether to extend the December 15 deadline. If, in the opinion of the City Manager, the presence of Occupy Eugene poses an immediate or ongoing risk to public health or safety, the City Manager is authorized to revoke the allowance granted by this motion.

Mayor Piercy solicited council comments and questions.

Mr. Farr said he continued to be concerned about sanitation, the environment, public safety, and public and private property rights. He determined from Police Chief Pete Kerns that Eugene Police Department (EPD) overtime costs related to Occupy Eugene were approximately \$20,000. He also determined from City Manager Jon Ruiz that it would cost about \$10,000 to reseed the lawn at the current Occupy Eugene site at Washington-Jefferson Park. City Manager Ruiz did not know if reseeding had been necessary at the Alton Baker Park site and had no estimate of the administrative staff time required in the form of staff attending meetings, etc., but he acknowledged Occupy Eugene had required staff time and committed to providing the council with an estimate of all costs.

Mr. Farr observed that the Council Committee on Human Services Funding had been meeting to discuss how to secure more adequate funding, and questioned how much Occupy Eugene was eroding the City's ability to add to its human services budget.

Mr. Farr asked if it was legal for camping to occur within the Willamette River Greenway. City Attorney Glenn Klein said his preliminary research did not find any greenway regulation that governed camping. Chapter 9 of the Eugene Code applied to land zoned for public use and that chapter addressed camping. City Attorney Klein pointed out that the motion before the council was tied to the prohibited camping provision in Chapter 4 of the code and did not apply to any other code section. He reported that if one

were to apply for a greenway permit one must satisfy several criteria that were generally intended to apply to property closer to the river. He was unsure how the criteria would be applied if someone applied for a permit for the site in question. He concurred with Mr. Farr that the site was inside the greenway. Mr. Farr asked about regulations related to dumping in the greenway. City Attorney Klein confirmed there were regulations related to dumping in the greenway, but he had not yet had time to research whether there was a regulation that applied to the property in question.

Mr. Pryor spoke to the question of what happened when the proposed exemption expired. He said he was willing to be patient if the exemption led to something other than more camping, which he did not consider a desirable outcome. He said drawing attention to a problem was not solving the problem; it was merely a first step. There must be a next step. He suggested the extension gave the community an opportunity to craft an effective, productive, and worthwhile next step. He wanted the City to work with Occupy Eugene on the next step before the exemption expired.

Mr. Clark considered the exemption granted to Occupy Eugene a monumentally bad idea. He believed the council had created the potential for what he thought were very real life, health, and safety problems as well as some environmental problems. He noted that photographs of the site showed stacked firewood and asked if it was legal to have open fires in Washington-Jefferson Park. Mr. Clark pointed out it would soon get colder and he questioned if open fires would be allowed or if campers would have heaters in the tents that might cause health or safety issues.

Mr. Clark noted the presence of several large signs at the site and asked if Occupy Eugene was also exempted from enforcement of the Sign Code. He observed that the City had gotten "pretty hard core" with some other parties about Sign Code violations. Mr. Clark said the unequal application of the law concerned him a great deal, as did the fact that the encampment created the appearance of a "Hooverville" at an entrance to the community.

City Manager Ruiz reminded the council that if chose to pass the motion it would only be exempting Occupy Eugene from the camping ordinance; all other ordinances continued to apply, including violations of the Sign Code and drinking in the parks.

Mr. Clark asked City Attorney Klein to confirm that the placement of very large oversized signs in Washington-Jefferson Park created a violation of the Sign Code. City Attorney Klein did not know if those signs constituted a violation and said he would meet soon with staff to discuss a complaint about signs on the site that had already been filed. He anticipated the City would enforce the code for violations caused by Occupy Eugene in the same manner it enforced the code for other entities. Mr. Clark questioned who was responsible for the sign, the individual who placed it or Occupy Eugene. City Attorney Klein was unsure and believed the issue was complicated by the fact the property was owned by the State and leased by the City.

Ms. Ortiz supported the motion. She described a recent tour she took of the encampment, noting the presence of portable toilets and fact the encampment had a temporary kitchen permit. She believed that Occupy Eugene was monitoring its own problems. She said that Occupy Eugene was a microcosm of society and contained both those who obeyed the law and those who did not. Ms. Ortiz suggested the encampment would reduce interactions between the police and the homeless. She wished Occupy Eugene well. Ms. Ortiz was glad to hear there would be follow-up regarding the Sign Code. She acknowledged it was illegal to burn inside the city limits and Occupy Eugene needed to follow the rules in that regard.

Mr. Brown said the problems that Occupy Eugene was calling attention to had taken years to come to fruition. He considered it unrealistic to think that Occupy Eugene would come up with a solution to all

those problems immediately and believed it would be outstanding if Occupy Eugene could come up with even one solution. He endorsed Mr. Pryor's suggestion for more City dialogue with Occupy Eugene and suggested the City could work with Occupy Eugene on local solutions to problems such as homelessness. He said that Occupy Eugene had been peaceful, orderly, and respectful of persons and property. He supported the motion and indicated support for indefinite future exemptions requested by Occupy Eugene as long as the event remained peaceful and orderly.

Mr. Zelenka also supported the motion. He believed the staff response to Occupy Eugene reflected well on the City and the community. He said the Franklin Boulevard site did not appear to have been occupied and he understood that Occupy Eugene had cleaned the site as well as the Alton Baker Park site. He perceived Occupy Eugene to be a very organized group and thought its impacts on Washington-Jefferson would be minimal. He noted that signs were posted forbidding the use of drugs and alcohol, and participants patrolled the site and were working with the Eugene Police Department.

Mr. Zelenka also supported Mr. Pryor's suggestion. He considered Occupy Eugene a unique circumstance that deserved a unique response. He encouraged the representatives of Occupy Eugene present to comply with all laws and hoped Occupy Eugene continued to be orderly and peaceful.

Mayor Piercy reported that she had received calls from the cities of Portland, Seattle, and Denver asking how Eugene was managing its situation so well.

Mr. Farr felt the City's reaction to Occupy Eugene had been exemplary and particularly singled out the EPD for praise. He suggested the City's early work through the Council Committee on Homelessness and Youth had prepared Eugene for such a situation and hoped that the mayor's response to calls from other cities included mention of that. Mr. Farr asked if staff had discussed the potential of lawsuits from environmental organizations concerned about the impact of the encampment on the greenway. City Attorney Klein did not believe council approval of the motion on the floor exposed the City to any liability because the motion merely exempted Occupy Eugene from the City's camping ban. Mr. Farr asked if the City was liable if it did not respond to violations of the law. City Attorney Klein indicated he would need more specificity about the laws Mr. Farr was referring to. He was unaware of any laws being violated by Occupy Eugene participants that would expose the City to any liability.

Responding to a question from Mr. Pryor, Chief Kerns reported that the relationship between the EPD and Occupy Eugene had been open and productive. Lieutenant Sam Kamkar served as the department's liaison and the Occupy Eugene representatives were compliant with his requests for changes.

Mr. Pryor supported the enforcement of sanitation and safety ordinances. He did not support a confrontational attitude toward the encampment and suggested there was more probability of someone getting hurt if that occurred than there was of the City being sued for non-enforcement of the law. He pointed out the additional costs that might be created by a confrontational attitude. He did not predict or hope for a riot but could not rule one out if the City became too confrontational. He suggested the cost of maintaining a peaceful relationship was more reasonable than the cost of a full-out confrontation, which he hoped to avoid.

Mr. Clark did not support the motion. He supported the right of Occupy Eugene to protest and be heard and its right to seek redress of its grievances, but no one needed to camp to protest and be heard.

Mayor Piercy also expressed appreciation to the staff that had been involved in working with Occupy Eugene. She said she did not know how the movement would evolve over time or if it would be able to do anything that made a real difference to the community, although she hoped so. She believed those

participating in Occupy Eugene had high aspirations and wanted to make a difference and improve the community.

The motion passed, 4:2; Mr. Clark and Mr. Farr voting no.

Mr. Brown left the meeting.

B. WORK SESSION:

Envision Eugene—Land Need for Single-Family Homes and Public Uses

The council was joined by Planning Director Lisa Gardner, Metropolitan Community Planning Manager Carolyn Weiss, and Associate Planner Heather O'Donnell. Staff distributed a correction to the Public Lands Needs Summary included as Attachment A to the Agenda Item Summary and copies of a memorandum entitled *Envision Eugene: Follow-up from Council Work Session on Housing Mix*.

Ms. Weiss and Ms. O'Donnell led the council through a PowerPoint presentation entitled *Envision Eugene: Project Update for City Council Work Session November 9, 2011*. The presentation included information on the public land need through the planning period as well as site maps identifying the locations proposed for inclusion inside Eugene's urban growth boundary (UGB) for public land purposes. The presentation also included information about the single-family housing land framed in terms of capacity inside the UGB and the remaining land need after that capacity had been determined. Councilors asked questions clarifying the details of the information presented.

Mayor Piercy solicited additional council questions and comments.

Mr. Clark requested a regional analysis that considered the single-family housing mix over time for Veneta, Elmira, Coburg, Creswell, Harrisburg, and Cottage Grove to determine how Eugene's land use decisions in the last 10 to 20 years had affected those communities to ensure the council's decision regarding the land supply was balanced with that more regional look. He said the City lacked a reasonable market analysis of the data to determine what type of housing that people moving to Eugene wanted to live in. He understood that at least 70 percent were looking for single-family houses. Mr. Clark asked if the council would have market data to help it in its decision-making. Ms. O'Donnell referred Mr. Clark to the memorandum distributed by staff, which addressed his question.

Mr. Clark was concerned that experts in the housing industry believed the City needed more land than the City's studies suggested it did. He said Eugene continued to have a housing affordability problem and he feared that further artificially constraining the land supply would increase the price of land and housing and exacerbate the affordable housing problem. He was also concerned the council was not doing a better job of creating a market environment that allowed for the construction of affordable housing for all. City Manager Ruiz responded that his recommendation attempted to avoid artificially constraining the market. He believed reasonable people could make a logical argument about any of the housing mixes under consideration. He anticipated the council would have an extensive policy discussion based on all the information presented before it reached a decision.

Speaking to Mr. Clark's remarks, Mayor Piercy said that presenters at recent conferences she attended had suggested that the past housing trends could no longer be relied on and the United States was moving into a different time. She anticipated more multi-unit construction and less detached single-family housing in the future. Mayor Piercy believed that demographics also suggested that more multi-family development would occur to accommodate aging residents, young families, and entrepreneurs. She

acknowledged that the community had generally relied on its past experience to project future trends but she believed there was a "new experience" driving "big changes" across the country, and Eugene was part of that.

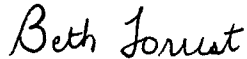
Mr. Farr supported an allowance for secondary dwellings on existing single-family lots, which he believed could help address the housing affordability issue. He asked if the City encouraged residential uses on commercial land. Ms. O'Donnell reported that the code already allowed residential uses on commercial land and the Technical Research Group had discussed how much additional multi-family residential development would happen on commercially zoned lands along transportation corridors and in downtown.

Responding to a question from Mr. Zelenka, Ms. O'Donnell said projections indicated that permitting incentives could produce about 100 more secondary dwellings in a 20-year period. Mr. Zelenka acknowledged both the additional density such an approach provided as well as the potential of conflict between that added density and neighborhood livability. He believed the City Council needed to be careful how it proceeded given the potential impact of more secondary dwellings on developed residential areas such as those around the University of Oregon, where such development could change the character of the neighborhood.

Mr. Pryor asked staff to highlight the conclusions it reached that served more than one scenario. He wanted to know where different possible futures had common aspects.

Mayor Piercy adjourned the meeting at 1:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Beth Forrest".

Beth Forrest
City Recorder

(Recorded by Kimberly Young)