

MINUTES

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

October 24, 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 October 24, 2011, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Scott Smith, 728 Pond Lane, believed the City's Rental Housing Code was unnecessary and encouraged the council to retain the sunset clause and consider ending the program.

Eugene Drix, 307-1/2 East 14th Avenue, related that he recently visited Portland and Seattle and believed Eugene had many ideas to share with those cities. He suggested everyone should have someone from each ten-year period of their lives in their lives to enrich them. He discussed the outreach to University of Oregon (UO) students undertaken by members of the West University Neighborhood Association and representatives of the UO and the City, noting the participation of Mayor Piercy and Police Chief Pete Kerns in that effort. He encouraged residents to get acquainted with their neighbors.

Charles Hibberd, 5555 West 11th Avenue, questioned the recent assertions made by a Lane Transit District staff representative on a local radio program about the potential for residential expansion in west Eugene. He opposed the proposed camping ban exemption for Occupy Eugene and asked who would clean up the site and if the campers were insured. He suggested that Occupy Eugene participants protest during the day and go home at night.

Sue Wolling, 108 High Street, believed residents were very excited about the City's draft Bicycle Pedestrian Master Plan and said getting the plan right was key to the success of many related City planning efforts, such as 20-minute neighborhoods. She invited councilors to join her on a bicycle tour of proposed bicycle projects in their wards.

Bob Macherione, 1994 Brewer Street, found it ironic a liberal city like Eugene was spending tax money to fight free speech as represented by the signs he displayed at his business. He had learned the confidential complainant was a personal friend of Mayor Piercy, a past member of the Lane Transit District (LTD) Budget Committee, and was featured on LTD's web page as an EmX supporter. He questioned why the City continued to prosecute him given those facts. He noted the City was contacted by the American Civil Liberties Union (ACLU) regarding its concerns about Sign Code enforcement. Mr. Macherione asked the City to stop prosecuting him for violations of the Sign Code because it was the right thing to do. He anticipated that Occupy Eugene would receive an exemption to the camping ban,

and asked why Occupy Eugene received permission to violate the code when he was prosecuted for his violations. He promised to continue to fight for free speech.

Ruth Duemler, 1745 Fircrest Drive, advocated for more 24-hour public bathrooms in the community and expressed disappointment the City lacked a point person to answer questions about the availability of 24-hour bathrooms. She said there was an increase in homeless families and individuals but there were still few reliably open 24-hour bathrooms.

Michael Gannon, no address given, questioned the proposed extension of the Multi-Unit Property Tax Exemption (MUPTE). He believed there had been no community discussion of the ramifications of the amount exempted annually. Mr. Gannon maintained the City should require such projects to include low-income units to house the homeless. He said the Lane Transit District received no funding from construction to support the additional density created by new development and the City did not appear to consider the impact of the additional density on the biomass in the places where such construction occurred or the sustainability of such developments. He believed that "an extraordinary" level of parking was being provided for such developments in a very dense part of the City where parking was a major problem, which exacerbated the situation and affected the entire city.

Mayor Piercy closed the Public Forum. Speaking to Mr. Macherione's remarks, Mayor Piercy said she did not know who the complainant was and had nothing to do with the complaint.

Mayor Piercy solicited council comments and questions.

Also speaking to Mr. Macherione's remarks, Councilor Zelenka averred that Mr. Macherione's statements about the Sign Code and free speech rights were "very misleading to the public." Councilor Zelenka asserted that Eugene's Sign Code was content-neutral. He said Mr. Macherione could have any sign he wished as long as it complied with the City's rules. He questioned why Mr. Macherione could not make adjustments as others had. He said the City was working with the ACLU on the issues it had raised. Councilor Zelenka further asserted that the ACLU refused to take Mr. Macherione's case because of his "extreme position" that the City could not regulate political speech in any form.

Councilor Taylor agreed with Ms. Duemler's comments about the need for more bathrooms and thanked her for raising the subject.

2. CONSENT CALENDAR

- A. Approval of City Council Minutes**
- B. Approval of Tentative Working Agenda**
 - September 26, 2011, Work Session
 - September 28, 2011, Work Session
 - October 4, 2011, Boards and Commissions Interviews

Councilor Taylor, seconded by Councilor Brown, moved to approve the items on the Consent Calendar. Roll call vote: The motion passed unanimously, 8:0.

3. ACTION:
Adoption of Resolution 5044 Realigning City Ward Boundaries and Repealing Resolution No. 4693

City Manager Ruiz asked the council to adopt a resolution establishing new Eugene ward boundaries. The boundaries had been based on criteria established by the council following public input and, if approved, would take effect immediately.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Resolution 5044, realigning City ward boundaries and repealing Resolution 4693.

Councilor Ortiz thanked staff and the council for the work involved and commended the process, which left boundaries largely the way they were.

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

4. ACTION:
Adoption of Resolution 5045 Extending the Completion Date for a Multiple-Unit Property Tax Exemption (The Paradigm on Pearl)

City Manager Ruiz introduced the item, asking the council to approve the resolution granting a four-month extension to April 30, 2012, for a previously approved exemption. The MUPTE was approved in May. The project was moving forward but had experienced delays outside the developer's control.

Councilor Taylor, seconded by Councilor Brown, moved to adopt Resolution 5045 extending the completion date for construction of residential units granted a Multiple-Unit Property Tax Exemption under Resolution 5032, as amended under Resolution 5045 (The Paradigm on Pearl).

Councilor Farr claimed a point of personal privilege and went on to express his appreciation to Mr. Macherione for the straightforward and consistent nature of his remarks to the council during the Public Forum.

Councilor Zelenka had not supported the original MUPTE application under consideration but he considered the motion before the council to be about flexibility in City government and follow-through with a previous agreement. He believed the developer had worked hard to complete the project within the proposed time frame.

Councilor Ortiz agreed with the remarks of Councilor Zelenka. She acknowledged she had promised to no longer support MUPTEs in the neighborhood in question but she wanted to see the project completed.

Councilor Brown also had opposed the original application but was prepared to support the extension because of his own experience with construction delays.

Councilor Taylor had opposed the original application and opposed the resolution. She did not think it was consistent with the rules governing the MUPTE.

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

5. WORK SESSION:
Cal Young Neighborhood Association Boundary Revision

City Manager Ruiz asked the council to formally recognize two new neighborhood associations, the Goodpasture Island Neighbors and Northeast Neighbors, by adopting their charters.

Councilor Taylor, seconded by Councilor Brown, moved to adopt a resolution approving and accepting the Goodpasture Island Neighbors Charter.

Councilor Clark said he and Councilor Poling had an opportunity to participate in the process that led to the separation of the Goodpasture Island Neighbors into three smaller associations, including the two before the council. He attributed the success of the effort to resident John Jaworski and congratulated Mr. Jaworski for shepherding the process to a successful conclusion. He also recognized the work done by Neighborhood Program Manager Michael Kinnison to facilitate the process.

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

Councilor Taylor, seconded by Councilor Brown, moved to adopt a resolution approving and accepting the Northeast Neighbors Charter. Roll call vote: The motion passed unanimously, 8:0.

6. PUBLIC FORUM—OCCUPY EUGENE

Mayor Piercy reviewed the rules of the Public Forum.

Ralph McDonald, 55 Prall Lane, asked the council to grant Occupy Eugene an exemption to the camping ban. Occupy Eugene was trying to fix the broken safety net. Its participants were diverse and included both the homeless and a variety of professionals. Mr. McDonald believed the broader community supported Occupy Eugene. He invited the councilors to spend a night at the encampment.

Carol Berg Caldwell, 2510 Augusta Street, suggested Eugene was a model city because of its response to Occupy Eugene. Eugene had not experienced the difficulties other cities encountered with their Occupy encampments. Ms. Berg Caldwell praised the Eugene Police Department for its positive approach to Occupy Eugene and saluted the department and City leadership for upholding basic freedoms. She commended the national Occupy movement and expressed gratitude to Lauren Regan, the Civil Liberties Defense Center, the American Civil Liberties Union, and all who worked to uphold citizens' constitutional freedoms.

Michael Carrigan, 458 Blair Boulevard, expressed pride in the open communication between Occupy Eugene and the City. He said a meeting held on October 21 between City leadership and Occupy Eugene led to the proposal for an exemption to the camping ban now before the council. He asked the council to support the exemption. He said Occupy Eugene reflected the tenet that people should come first.

Mark Callahan, 3621 Mahlon Avenue, opposed the proposed exemption. He suggested the exemption was based on fear of what would happen if the encampment was broken up. He questioned if the council had faith in the EPD to enforce the community's laws, which were intended to enhance the lives of all Eugene citizens. Mc. Callahan asked for equal protection and equal enforcement of all laws, not just some laws. He questioned whether the council would consider the same exemption for the Tea Party

movement and suggested that based on comments made earlier in the year by Councilor Zelenka expressing his disdain for the Tea Party movement, such an outcome was not likely.

Duane Morgan, 370 Cherry Drive, suggested that prior to granting the exemption the council discuss the reason the ban was in place. He said if there was no reason for a ban, the council should repeal the ban. He suggested that such rules punished the innocent when they were doing no wrong.

Robin Geer, 5729 Main Street, #251, Springfield, identified herself as homeless person and expressed appreciation for Occupy Eugene, which gave her shelter and support. She reported that there were children in Occupy Eugene who did not have parents who cared enough to care for them but the encampment had taken them in. She described her work at the encampment's kitchen and said she believed the camp was slowly coming together.

Donna Riddle, 1238 Crest Drive, supported the proposed camping ban exemption and said she rather agreed with the individual who called for the ban to be eliminated. She contrasted the pay of chief executive officers to that of the average worker in the United States and said it was time for economic justice. She was excited by how organically the Occupy movement had grown around the world. She hoped the council allowed the City Manager and EPD to work with Occupy Eugene to come up with a permanent location for the encampment without dictating where it should be.

Michael Williams, 174 West Hays Street, Springfield, contrasted the disparity between those bailed out by the government with taxpayer money and those living at Occupy Eugene. He said the Occupy movements made it impossible for people to forget the less fortunate. He expressed appreciation to the City for its work with Occupy Eugene and to Occupy Eugene for keeping the issue of economic disparity alive. He looked forward to a time when Occupy Eugene returned to downtown to be a more visible reminder of income inequality.

Lela Trope, Hayden Bridge Road, Springfield, shared Ms. Duemler's concern about 24-hour bathrooms. She suggested that empty schools and Civic Stadium could be retrofitted for use by the homeless. Ms. Trope referred to her t-shirt, which read "Occupy Scio" in commemoration of a fundraiser held in that community to support replacement of a barn. She suggested that the Occupy movement should be for such positive things and recommended that the local movement avoid the violence experienced in Europe. Ms. Trope recalled that local members of the Tea Party had investigated the use of the Park Blocks for an election event and learned that it would require an insurance policy for at least \$1 million and the organization would have to additionally indemnify the City from all claims. She said an exemption for Occupy Eugene was a bad idea.

Dennis Gabrielson, 300 South 10th Street, Creswell, was a Eugene native who opposed the propose exemption to the camping ban. He believed the council treated people differently based on their political affiliations and he did not think that was right. He said he was one of the 53 percent who paid taxes.

Lauren Regan, 259 East 5th Avenue, #300A, representing Occupy Eugene, thanked the manager and Police Chief for their work with Occupy Eugene. She believed the movement was different from any other protest movement before it. Participants were diverse and found common ground in seeking economic justice and security for all. Ms. Regan described the community support the movement was receiving and its work with homeless youth. She suggested that work was a "win" for Occupy Eugene no matter what happened.

Tracy Joscelyn, PO Box 931, expressed support for Occupy Eugene. She said a miracle was occurring at the encampment. She had experienced homeless over the past year and had to sleep in her truck. She had

no place to park her truck or use a bathroom. She planned to return to the encampment to work with the youth and offer them good adult examples. She asked the council to give Occupy Eugene time so it could do good things in the community. She said "the parks are for the people."

Roman Lunsford, 590 Tyler Street, thanked the council for cooperating with Occupy Eugene. He said his experience at the encampment had been amazing. He had participated to support the 99 percent and subsequently witnessed an amazing level of cooperation and engagement between very different people. He attended the meeting to demonstrate there was no stereotypical Occupier. He suggested that his demands were also the council's demands given their status as members of the 99 percent.

Alley Valkyrie, 1760 Olive Street, supported the proposed camping ban exemption. She was proud to be part of a community where such an action was contemplated as she thought it spoke to the community's values. She was concerned about those who had to camp out of necessity and were frequently cited by police. She asked what such an exemption said about the community's values when it was considered for a political event but not for the chronically homeless.

David Hazen, 4349 Shadow Wood Drive, expressed support for the proposed exemption. He commended City Manager Ruiz and Chief Kerns for their willingness to work toward a win-win solution. He advocated for continuing the conversation and suggested that beyond the exemption the City also consider funding "wet beds" for addicted people who were still using.

Sarita Lief, 174 West K Street, Springfield, expressed her gratitude for all those at the Occupy Eugene encampment as she believed their work would make the Egan Warming Center unnecessary. She thought the encampment had considerable community support. She believed history was being made in Eugene.

Cimmaron Gillespie, 1648 Alder Street, supported the camping ban exemption. He believed Occupy Eugene was both a movement and a political demonstration that should be protected. He said the local protest had been joined by many diverse individuals, including those with mental illness and addictions. He was participating because he believed in Jesus' admonition that "what you do to the least of my brethren you do also to me." He said the encampment was helping meet the basic needs of the homeless, who needed a place to stay.

Mika Hutchison, 2555 Laurel Hill Road, supported Occupy Eugene's right to peaceful assembly but did not think that camping in a park was a right. She said the park was for general recreation purposes and not for camping. She asked who would pay the insurance to cover the encampment. She did not want her tax dollars going for that purpose. Ms. Hutchison had visited the encampment and observed the damage to the grass, trash, and beer cans on the ground. People were openly smoking pot. She said Occupy Eugene did not have to camp to protest.

John Monroe, no address given, said that Occupy Eugene was not about politics as generally understood but rather about politics in the original sense of the word in that people were living together and creating rules on the spot. He said that people were coming to the park and they brought their problems and addictions with them. They lacked institutions to help them but now had a place to camp and volunteers to support them. Mr. Monroe said that Occupy Eugene was encouraging communication between people of all political persuasions and was not a left-right issue. The movement had been supported and encouraged by the police and the participants communicated with the police to ensure they could do their job. He encouraged the council to participate in Occupy Eugene.

Fergus McLean, 38574 Dexter Road, Dexter, representing We the People, invited the council and viewing audience to a teach-in and forum on Occupy Eugene in context on November 9 at Harris Hall.

He reported he had attended that day's General Assembly and was struck by the involvement of the street youth. He received the impression that the youth were engaged in something productive and that they felt part of an intergenerational community for perhaps the first time in their lives and suggested that alone made the council's support worthwhile.

Chris Calef, 865 East 32nd Avenue, proposed that the council eliminate the camping ordinance to accommodate the many homeless living in the community and to avoid accusations of favoritism. He believed that the present situation constituted an emergency that would be addressed if those experiencing it were not homeless. He suggested if the community could not shelter such individuals it should at minimum allow them to camp in a public park.

Don Bischoff, 1632 Bradley Drive, supported the proposed camping ban exemption. He praised the movement for speaking out about the financial system. He commended the diversity of the participants in Occupy Eugene and their willingness to stand up, march, camp, and call for action. He asked the council to be flexible in the location it provided for Occupy Eugene. He preferred to see Occupy Eugene downtown. He commended the EPD and the City Manager for their positive interactions with the movement. He believed that Occupy Eugene was the type of movement that the country's forefathers envisioned.

Mayor Piercy closed the Public Forum. She called on the council for comments and questions.

Councilor Ortiz was pleased that Occupy Eugene had highlighted the plight of the homeless. That factor was the silver lining of the encampment. Those without a place to be were given a place where they did not have to worry about being forced to move. She supported the manager's recommendation to grant the exemption and said she would be willing to discuss further relaxing the ban to accommodate the homeless in all parks. She acknowledged there might be insufficient council support for such a discussion.

Councilor Pryor said the council's decision was not a black and white one. The council was being called on to choose between two value sets, both of which had merit. The council had to decide what values to support at this time. Councilor Pryor recommended the council focus on the exemption for Occupy Eugene and discuss the potential of a broader "humanitarian" exemption in the future.

Councilor Pryor wanted to separate the political implications of Occupy Eugene from other considerations. He did not think his personal political inclinations should play into his decision. He felt he should be able to state that he would be willing to grant the same exemption to the Tea Party that he would grant to Occupy Eugene.

Councilor Brown commended City Manager Ruiz and Police Chief Kerns for their respectful and sensible response to Occupy Eugene. He supported the manager's recommendation. He acknowledged the park was a public space and believed the public, as represented by Occupy Eugene, was using the park as a laboratory for democracy and community dialogue. Councilor Brown pointed out the event had been peaceful and violence-free. He hoped that Occupy Eugene would prod Eugene into doing something substantive for the homeless.

Councilor Taylor found the public hearing inspirational. She supported the City Manager's recommendation, although she wished it was not site-specific. She expressed appreciation to City Manager Ruiz and Police Chief Kerns for their tolerance and ingenuity in working with Occupy Eugene.

Councilor Farr recalled the establishment of Eugene's camping ordinance, which provided for legal, safe, and sanitary places for temporary overnight occupancy in parking lots at churches, businesses, and other

designated areas. The ordinance attempted to address an untenable situation where campers were congregating in what were often unsafe and unsanitary conditions. The ordinance did not address the broader issue of homelessness and its root causes.

Councilor Farr said the City had to consider the safety of people camping in an urban environment as well as the safety of passers-by and residents, the potential of park damage caused by overnight use in a space not intended for overnight use, and the needs of other park users. He believed any temporary variance on camping should address those considerations, and that Occupy Eugene was responsible for complying with regulations intended to govern those considerations. Councilor Farr feared that granting the exemption could have serious implications on the future of camping allowed in the city for other organizations, such as the Boy Scouts.

Councilor Clark expressed interest in Ms. Trope's suggestion that the City use abandoned schools to house the homeless.

While Councilor Clark was proud of Oregon's broad free speech protections, he questioned whether camping was needed for Occupy Eugene to make a free speech point.

Councilor Clark recalled his efforts on behalf of the Active 20-30 Club to secure a City park for a fireworks display to raise money for children, which required a lengthy process, \$3,000, and the purchase of liability insurance. He noted the council's receipt of e-mails threatening violence if the council decided to close the encampment and suggested the City's disparate treatment of Occupy Eugene was based on fear of what might otherwise occur. Councilor Clark continued to question if Occupy Eugene needed to camp overnight for free speech purposes. He did not think so. He "absolutely got" there was more work to be done in regard to the homeless.

Councilor Poling asked what liability the City faced if something bad occurred at the encampment. City Attorney Kathryn Brotherton said the City's liability would be no greater than for any other person using the park.

Councilor Poling said the City needed to be consistent in its enforcement actions and permitting processes. He believed that someone was spreading misinformation about the EPD's response to Occupy Eugene, which resulted in threatening e-mails to the council. He drew the line at that point. He was sympathetic to the situations that Occupy Eugene participants found themselves in. He continued to work after retirement and shared the Occupiers' sentiments about problems in the financial system. However, he believed the issue before the council was about camping rather than free speech.

Councilor Zelenka expressed appreciation for the public testimony, particular that related to the plight of the homeless. He thanked City Manager Ruiz, Chief Kerns, and those participating in Occupy Eugene for the way they handled themselves. He acknowledged disappointment about what he termed an "overreaction" to misinformation about the EPD's response to Occupy Eugene.

Councilor Zelenka emphasized that the exemption was not permanent and ended on December 15. He reported he had visited the Occupy Eugene encampment at the Park Blocks and was impressed with the camp and its organization. He believed that Occupy Eugene was very different from other protest movements he had witnessed and that it merited the exemption.

Responding to a request for input from Mayor Piercy, Chief Kerns emphasized that staff did not endorse violations of the law such as illegal camping and the EPD was neutral in regard to the movement's politics. Staff's recommendation was pragmatic and based on the EPD's low staffing levels, the

community's high property crime rates, increasing violent crime, and limited jail beds. He anticipated that enforcement of the camping ban, which was a minor violation, would require thousands of hours in police overtime and would take away from the EPD's ability to accomplish other work. He said staff perceived the protest as respectful and peaceful, leading to the recommendation before the council.

City Manager Ruiz believed that the Occupy movement was somewhat unique in that it was a national movement. Staff was conscious of the need to be apolitical in regard to the movement but City Manager Ruiz felt responsibility for ensuring for the public safety and health of the entire community. He characterized the people involved in the movement as extremely respectful and very professional. Occupy Eugene participants wanted to continue to send out their message while minimizing their negative impact on nearby residents and businesses.

City Manager Ruiz reported that he met with representatives of Occupy Eugene on October 21 and discussed a mutual desire for a collaborative approach that helped Occupy Eugene to achieve its objectives in a safe way. He expressed appreciation to those who attended and showed willingness to continue to work with the City.

City Manager Ruiz acknowledged that the City was responsible for enforcing the City's ordinances but because of the positive environment created by Occupy Eugene and the resource limitations mentioned by Chief Kerns, he had authorized Chief Kerns to exercise more latitude in the enforcement of those ordinances. The resolution the council would consider later exempted Occupy Eugene from the overnight camping ban, ending the issue about enforcement, established the site and a timeline, and stipulated that additional council action was needed if Occupy Eugene moved to another site. City Manager Ruiz anticipated that prior to the December 15 deadline staff would ask the council to extend the exemption or end it.

Mayor Piercy expressed appreciation for the civility shown by all sides, which was demonstrated by Occupy Eugene when it vacated the Park Blocks so Saturday Market could operate and left the site clean. She commended Occupy Eugene for its respectful approach and said the staff recommendation was an effort to make the best use of City resources and elicit the most positive response from Occupy Eugene. She acknowledged community differences about substantial issues.

Councilor Clark reiterated his support for free speech as well as the equal application of the law.

Speaking to the question of liability, Councilor Clark pointed out the City had recognized Occupy Eugene as an official event and questioned how the City could avoid liability when it had waived the law that would otherwise require the event to have liability insurance. City Attorney Brotherton said the motion merely lifted the prohibition on camping for the Occupy Eugene. Councilor Clark asked how the City avoided liability. City Attorney Brotherton clarified that the City was not approving any of the activities occurring within the event. Occupy Eugene had not applied for a special event permit, which would normally lay out the conditions of the event's use.

Councilor Clark asked if the City had exempted Occupy Eugene from the need for an event permit. City Manager Ruiz said the City Attorney had indicated the exemption allowed for camping for a set period of time but it did not create a permit for the event, nor did the event require a permit.

Noting the deadline for Occupy Eugene was December 15, Councilor Clark asked what the City would do on December 16.

Councilor Poling thanked City Manager Ruiz and Chief Kerns and commended the officers of the EPD. He shared Councilor Clark's concerns about the City's liability for the event. He believed the exemption exposed the City to liability. He also shared Councilor Clark's concern about what happened on December 16. He believed it was time for the event to end. He thought the matter came down to fairness and consistency in how the City treated people as it regarded enforcement of ordinances and permit applications. He noted the many constituent calls he receive in opposition to the continuation of the encampment.

Speaking to Councilor Clark's question about what happened on December 16, City Manager Ruiz said staff would return to the council prior to December 15 and the council would have made a decision by that date regarding the future of Occupy Eugene.

Councilor Farr did not think it would take much to turn what was now a positive experience into something negative given the absence of regulation. He questioned at what point the council would stop extending the exemption as he saw no end. He believed the camping ban was in place for good reasons and was intended not to exclude people but to ensure all were treated the same. He did not think the proposed deadline was a "real date."

Councilor Brown hoped that Occupy Eugene asked for future exemptions "until it gets the job done." He did not care how many months the encampment lasted. He noted that other communities had allowed their Occupy movements to continue and he was willing to do the same if the encampment continued to operate safely. He was prepared to continue his support indefinitely and was also prepared to consider relocating the encampment to another location.

Councilor Zelenka appreciated the pragmatic nature of staff's decision making. He did not think the EPD would be able to handle the mass arrests that might be necessary if the encampment was ended.

Councilor Zelenka agreed with others who said Occupy Eugene was a very positive event and he believed it was clean, safe, and well-run.

Councilor Zelenka determined from City Attorney Brotherton that the motion did not sanction the event, its activities, and did not grant a permit; it merely exempted Occupy Eugene from the camping ban.

Responding to a question from Councilor Clark about the staff response if the event spread to multiple locations, City Manager Ruiz anticipated staff would return to the council for direction if that occurred.

Responding to a question from Councilor Farr, Chief Kerns said the EPD monitored the event and if officers found the atmosphere in the camp changing, they would notify the council. City Attorney Brotherton noted that the resolution gave the City Manager the authority to revoke the exemption in the case of an immediate public risk.

While he did not discount the chief's response, Councilor Farr continued to be concerned that things could become negative at the encampment very quickly, particularly as some people perceived the exemption to be an open invitation to camp in Eugene at the site. He questioned whether the EPD's best efforts to respond would be adequate if things went wrong at the site.

7. **ACTION:**
Exemption to Code on Overnight Camping

Councilor Taylor, seconded by Councilor Brown, moved to allow Occupy Eugene to remain at Alton Baker Park until December 15, 2011. Prior to December 15 the City Manager will update the council on the Occupy Eugene event, at which time the council can decide whether to extend the December 15 deadline. If, prior to December 15, Occupy Eugene moves to a different location, the City Manager will ask the council to amend this motion to allow Occupy Eugene to remain at that second location. If, in the opinion of the City Manager, the presence of Occupy Eugene poses an immediate risk to public health or safety, the City Manager is authorized to revoke the allowance granted by this motion.

Responding to a question from Councilor Poling, Chief Kerns estimated the costs incurred by the City because of Occupy Eugene at approximately \$50,000. The money would come from the department's operational budget. He said most of those costs to this point were related to Occupy Eugene protest marches. Councilor Poling requested an estimate of future costs.

Councilor Clark expressed concern that Occupy Eugene participants might respond more strongly if the encampment had to be ended for health and safety concerns because they would interpret that as a breach of the City's commitment.

Councilor Taylor, seconded by Councilor Brown, moved to amend the motion to allow Occupy Eugene to use the downtown Parks Blocks if they decided to move. Roll call vote: The amendment failed, 6:2; councilors Taylor and Brown voting yes.

Councilor Zelenka suggested to supporters of Occupy Eugene that they were responsible for ensuring that the concerns expressed by some councilors were not realized and that the encampment remained safe, crime-free, and clean.

Councilor Farr pointed out the council had no assurances in regard to its concerns. He did not support the motion.

Mayor Piercy supported the motion. She concurred with the remarks of Councilor Zelenka remarks regarding the responsibility borne by Occupy Eugene.

Councilor Poling recommended that Chief Kerns "hope for the best and plan for the worst."

Roll call vote: The motion passed, 5:3; councilors Poling, Clark, and Farr voting no.

Mayor Piercy adjourned the meeting at 9:52 p.m.

Respectfully submitted,

Beth Forrest

Beth Forrest
City Recorder

(Recorded by Kimberly Young)