

MINUTES

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

June 13, 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 June 13, 2011, regular meeting of the Eugene City Council to order.

1. PUBLIC FORUM

Mayor Piercy reviewed the rules of the Public Forum.

Ruth Duemler, 1745 Fircrest Drive, anticipated that as many as 2,700 Lane County families would lose their Temporary Assistance to Needy Families (TANF) allocation and become homeless. She said the community must do more to see those families housed. Ms. Duemler suggested allowing homeless people to camp in trailers in the City's parks. She thought people might be willing to donate trailers to families who had nothing. She reminded the council that Portland provided the homeless with a place to store their belongings during the day and that service was needed in Eugene as well.

Ms. Duemler spoke to the needs of homeless residents confined to wheelchairs, saying the Eugene Mission did not take them and because of ShelterCare budget reductions such individuals were sleeping under bridges. Ms. Duemler also suggested the cost of recovering an impounded vehicle was beyond the means of the homeless, so once impounded the vehicle and their belongings were gone forever. She asked that such individuals be provided with a place to park their vehicles to avoid impoundment.

Jeremy Laurence, a homeless resident, requested a portable toilet be placed in downtown and be made available on a 24-hour basis. Mr. Lawrence believed states were eligible for federal funding to purchase and develop a building that could be used for a permanent boarding center. He emphasized "anything little thing" would help the homeless.

Mark Callahan, 3621 Mahlon Avenue, expressed his support for Councilor Clark's suggestion that the council recite the Pledge of Allegiance prior to some meetings. He suggested the pledge united Americans under one flag and one nation no matter one's political identity or geographic residence. He considered the flag to be a symbol of hope, courage, and character. He was saddened that two words, "Under God," were so controversial for some that it precluded them from participating in the pledge in such a forum as a City Council meeting. Mr. Callahan invited others to join him as he pledged allegiance to the flag.

Ann Bridgeman, 1970 Columbia Street, asked the council to support a resolution soon to be proposed by Councilor Brown calling for United States funds to be redirected away from the wars in Iraq and Afghanistan to domestic priorities. She said the federal government had spent more than \$1 trillion on the wars, partially funded through debt but also with money that could have aided Americans. Lane County

and Eugene had experienced millions in budget reductions since the wars began. She believed it was necessary for the council and other elected officials to place pressure on Congress to stop the wars. Ms. Bridgeman pointed out the fact the defense budget had doubled since 1998 to \$725 billion, which was more than necessary to keep the country secure. She cited some of the local domestic priorities that needed more funding, such as the schools, First Place, environmental programs, and infrastructure support.

Michael Carrigan, 1439 West 4th Avenue, representing the Community Alliance of Lane County (CALC), joined in Ms. Bridgeman's request and reported that if the City adopted Councilor Brown's resolution, it would be joining many other municipalities across the country. He noted that Mayor Piercy had submitted a similar resolution to the US Conference of Mayors and 70 mayors had signed on to the resolution.

Mr. Carrigan referred the council to the Web site for the National Priorities Project, where it could find information about how much the war had actually cost Eugene: <http://nationalpriorities.org/> He estimated the wars had cost Eugene about \$358 million. That translated into real services and programs, such as health care for low-income children, elementary school teachers, and assistance to veterans.

Mr. Carrigan believed the American people wanted the wars and the deaths they caused to end, and cited a Gallup poll indicating 59 percent of Americans wanted to bring the soldiers in Afghanistan home in support of his remarks. He asked the council to support Councilor Brown's resolution as he thought its action could have an impact beyond Eugene.

Duncan Rhodes, 1005 Lewis Avenue, #1, believed the Whiteaker neighborhood had a disproportionate number of homeless people. He reported that neighbors had recently met to discuss their concerns about homeless camping in Sladden Park. He agreed the homeless needed services such as 24-hour toilets and potable water.

Speaking to Councilor Clark's proposal that the council recite the Pledge of Allegiance, which he characterized as a "loyalty oath," Mr. Duncan termed the idea ridiculous and suggested it would lead to McCarthy-like hearings.

Bill Eddie, 830 Crest Drive, said the Crest Drive area street project was done and Crest, Storey, and Friendly streets were more dangerous than before. The rebuilt streets were too narrow and invited accidents, particularly in the curbed sections of the road. Mr. Eddie said he had to come to a stop when he encountered a large vehicle to let it pass, and the steep curb and drainage ditch left no room for maneuver. He had seen vehicles stuck up to their axels in the drainage ditch in an effort to avoid a collision. Mr. Eddie believed bicycle safety was ignored in the design, which he found strange in a community that promoted the use of bicycles as an alternative mode. In addition, there was no accommodation on the streets for any type of bus.

Mr. Eddie reported he had contacted the Public Works Department to share his concerns and had learned that City Engineer Mark Schoening was reluctant to sign off on the project or had refused to. If that was the case, Mr. Eddie suggested a moderately talented attorney could sue the City for millions in the case of a serious injury or fatal accident that could attributed to the street design. He believed there was still time to improve the safety of the streets through widening in certain areas, the installation of speed bumps in steeper areas, and the reduction of the steep curb cut to give vehicles more room to maneuver. Mr. Eddie suggested that if councilors had driven the streets they might agree with him, and observed that he had heard anecdotally that the mayor was concerned about the design. He asked the City to rely on its engineers and not on the whims of neighborhood associations for future road project designs.

Gary Jenkins, PO Box 40821, Eugene, asserted that on March 13, 2010, Eugene Police Chief Pete Kerns had lied to the media and Eugene citizens when he stated an officer was brutally attacked by his son and wife. He shared a photograph of a person he alleged to be an officer involved in the incident. He maintained that his son had been attacked by the police and had received 40 stitches in his head as a result of the attack. His family continued to deal with the aftermath of the incident. Mr. Jenkins said he was also accused of attacking an officer and suggested if that was true he would be in jail. He said that while the Civilian Review Board stated it had done a complete investigation, the board did not have his photograph. He called on the City Council to allow his case to be reviewed again. He said several residents signed a petition calling for a third party to investigate his allegations.

Mr. Jenkins believed Chief Kerns was abusing his authority. He called on the police to be responsible for their actions. His wife was willing to take a polygraph test to prove her innocence. She was now a felon because of the incident and she had never before been in trouble in her life. His family was homeless because of the incident and because of his wife's felony status it was difficult for them to find a place to live. He reiterated his request for assistance.

Maria Jenkins, PO Box 40821, Eugene, said her husband did not mention that the officer in question weighed 200 pounds and was depicted as smiling and laughing in the photograph, which was taken ten minutes after the officer asserted she had been attacked. She believed that Chief Kerns "worked the system" to his advantage with the result that she was in jail for four months and her son for two months, causing her family to "plead out." She asserted that Chief Kerns kept her family separated, which she maintained was a violation of her civil rights. She questioned why her husband was not charged.

Ms. Jenkins said her son was experiencing physical problems as a result of the incident and could not be hired because of that and because he was a felon. She attributed her family's homelessness status to the fines she paid monthly for a crime she did not commit. She was willing to take a polygraph test to prove her innocence. She asserted the incident created a legal liability for the City, which was why she believed Chief Kerns he lied to the public. She weighed 108 pounds and physical disabilities that made it impossible for her to fight a larger officer.

Ms. Jenkins questioned if it was City policy for the police to exit their vehicles carrying a flashlight with the "intent to maim and hurt somebody." She asserted her son fled the scene because he did not know what was going on, and as a result had been struck on the back of the head, pepper-sprayed, and his head was "beat in with a flashlight." She said he was struck in the same place he had been injured as a child in an automobile accident and was now facing many problems. Ms. Jenkins said that was wrong, and it was wrong for the City to close the case without having seen all the evidence.

Wayne Ford, 85560 Svarverud Road, representing the Homeless Action Coalition, shared a story about a past police response to a five-year warrant related to an outstanding camping violation for a person who was housed in a facility for the criminally insane to demonstrate the cost of enforcing the ordinance without any appreciable return. He asked how much the City spent to enforce the camping ordinance, and how much cost it cost the public to impound the vehicle of a homeless person who was too poor to get it back. Mr. Ford believed the City need to take such factors needed to be taken into account.

James Baptist, no address given, suggested the Pledge of Allegiance was one of the best things that children could learn. He believed the phrase "Under God" was necessary. He believed the council needed to address conditions downtown. He feared that the City would raise property taxes until nobody could live in the community except for those who lived in the streets. He said businesses paid the taxes for those who needed to be taken care of, but they were being devastated. Mr. Baptist questioned whether

Eugene would see any more money if the wars stopped tomorrow given all the debt faced by the United States. Eugene would have to learn to live on its own, and needed to stop raising taxes for such things as street projects when people had no money. He said if taxes increased more, he would merely pass it on to his tenants, who would then face losing their home. He advocated for job creation and downtown business support. Mr. Baptist acknowledged conditions downtown had improved over the last year but he thought more could be done.

Tom Kamis, 856 Lincoln Street, said many concerned downtown business owners and residents had asked the council in the past to take action to fight criminal behavior downtown. He suggested that council tolerance of such behaviors helped to explain the recent overdose of a high school freshman girl in a downtown public bathroom. The girl in question was well-known to the Eugene Police Department (EPD) but had been given free rein downtown to panhandle and was suspected of prostitution. Mr. Kamis had personally encountered her half-dressed, smoking methamphetamine with a 40-year old man behind the Atrium Building. He asked how such behavior could be tolerated and suggested that if a councilor's daughter was involved something might happen.

Mr. Kamis said that the issue downtown was not about homelessness, but about behavior that seemed to be deemed good by the council. Eugene was a destination and sanctuary for criminal travelers, homeless people, and mentally ill individuals prone to violence. The fact that the tools given to the EPD were not supported by the City and the City's lawyers gave more power to offenders than to law enforcement. Mr. Kamis cited a range of criminal activities witnessed by residents and said that the council and the City's lawyers appeared to believe such behaviors represented protected free speech. He said the council's inaction on what he termed assaults on its citizens was a crime.

Mr. Kamis proposed a different approach: that the City actually does something about the problems he discussed. He suggested the City consider the approaches used in cities such as Albuquerque, Berkeley, and Austin to limit panhandling in high crime areas of such as at automated teller machines, churches, transit stops, restaurants, sidewalks cafes, food carts, and bars. He said that Medford and Roseburg had adopted traffic ordinances that prohibited panhandling at traffic stops. Other communities, such as Dallas, Cincinnati, Minneapolis, and Greensboro issued licenses to panhandlers.

Mr. Kamis said he continued to believe in downtown but he also believed the council had a duty to act, and its actions would speak louder than words. He said the councilors stated their support of downtown businesses at election time, but when it came time for action, nothing happened. He said that coming downtown on First Fridays did not give the councilors a good idea of what happened downtown the rest of the month.

Mayor Piercy closed the Public Forum. She thanked those who spoke but pointed out that while anyone could address the council about any subject, those remarks were not always factual or true but were reflective of their opinions and values.

Addressing the remarks made by Mr. Kamis, Mayor Piercy acknowledged there were public safety issues downtown but the council was working diligently on them. She cited data-led policing and the addition of police officers as real actions taken by the City to reduce crime downtown.

Mayor Piercy solicited council comments.

Councilor Ortiz indicated interest in further information about the allegations made by Gary and Maria Jenkins. She shared with Mr. Ford that policy changes meant that the incident he described could no longer occur.

Councilor Ortiz expressed appreciation to Mr. Kamis for his remarks. She believed the City had done a lot to improve conditions downtown, although that might not be apparent to downtown residents and business owners. She said the issue permeated the council's work, and much of the extra funding that went to the EPD was focused on downtown. She acknowledged Mr. Kamis' frustration and expressed appreciation for his efforts downtown.

Councilor Ortiz suggested the council hold a work session on panhandling. She believed that panhandling on busy intersections could create safety problems.

Speaking to Councilor Ortiz's remarks about the Jenkins case, Mayor Piercy said that legal constraints precluded the council from becoming involved with personnel issues.

Speaking to Mr. Kamis' remarks regarding panhandling, Mayor Piercy said it was against the law for people to step in the street to panhandle, but the Oregon Constitution protected the rights of panhandlers to seek charity from passersby.

2. CONSENT CALENDAR

A. Approval of City Council Minutes

- April 20, 2011, Work Session
- May 9, 2011, Work Session
- May 9, 2011, Regular Meeting
- May 11, 2011, Work Session
- May 24, 2011, Boards and Commissions Interviews
- May 25, 2011, Boards and Commissions Interviews

B. Approval of Tentative Working Agenda

C. Ratification of Intergovernmental Relations Committee Minutes of June 1, 2011

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:

An Ordinance Establishing the S-HBS Historic Brunner-Schmitz House Special Area Zone, and Amending the Eugene Zoning Map

Councilor Taylor, seconded by Councilor Brown, moved to adopt Council Bill 5048, an ordinance establishing the S-HBS Historic Brunner-Schmitz House Special Area Zone and amending the Eugene zoning map. Roll call vote: The motion passed unanimously, 8:0.

4. ACTION:

An Ordinance Granting an Exemption to the Application of Section 6.200 of the Eugene Code, 1971 (Ordinance to Renew Five-Year Exception to Application for Controlled Ecological Burns)

Councilor Taylor, seconded by Councilor Brown, moved to adopt Council Bill 5049, an ordinance granting an exception to the application of the Eugene Code, 1971, Section

6.200, for prescribed wetland management burning. Roll call vote: The motion passed unanimously, 8:0.

5. ACTION:
Appointments to Boards, Commissions, and Committees

Civilian Review Board

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Eric Van Houton to Position 1 on the Civilian Review Board for a three-year term beginning on July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Snell Fontus to Position 2 on the Civilian Review Board for a three-year term beginning on July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to appoint George Rode to Position 5 on the Civilian Review Board, an unexpired term ending on June 30, 2012.

Councilor Poling, seconded by Councilor Clark, moved to amend the motion by substituting the name of Robert Case for George Rode. Roll call vote: The vote on the amendment to the motion was a 4:4 tie; councilors Poling, Clark, Pryor, and Farr voting yes, and councilors Taylor, Ortiz, Zelenka, and Brown voting no. Mayor Piercy cast a vote in opposition to the amendment and it failed on a final vote of 5:4.

Councilor Ortiz moved to amend the motion by substituting the name of Lizbeth Metteer for George Rode. The amendment to the motion died for lack of a second.

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

Councilor Taylor, seconded by Councilor Brown, moved to appoint Deborah Velure to Position 7 on the Civilian Review Board, an unexpired term ending on June 30, 2012.

Councilor Zelenka, seconded by Councilor Ortiz, moved to amend the motion by substituting the name of Lizbeth Metteer for Deborah Velure. Roll call vote: The amendment to the motion failed, 6:2; councilors Ortiz and Zelenka voting yes.

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

Historic Review Board

Councilor Taylor, seconded by Councilor Brown, moved to appoint Heather A. Kliever to Position 6 on the Historic Review Board for a four-year term ending on June 30, 2015. Roll call vote: The motion passed unanimously, 8:0.

Lane Regional Air Protection Agency

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Scott Lucas to Position 2 on the Lane Regional Air Protection Agency for a three-year term beginning

July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to appoint Stacy Vynne to Position 4 on the Lane Regional Air Protection Agency for a three-year term beginning July 1, 2011, and ending on June 30, 2014.

Councilor Ortiz, seconded by Councilor Clark, moved to amend the motion by substituting the name of Jeannine Parisi for Stacy Vynne. Roll call vote: The amendment to the motion passed, 6:2; councilors Taylor and Brown voting no.

Roll call vote: The amended motion passed, 6:2; councilors Taylor and Brown voting no.

Lane Workforce Partnership

Councilor Taylor, seconded by Councilor Brown, moved to reappoint John Lively to Position 2 on the Lane Workforce Partnership, a term ending on December 31, 2013. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Gary Wildish to Position 8 on the Lane Workforce Partnership, a term ending on December 31, 2013. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Shondra Holliday to Position 14 on the Lane Workforce Partnership, a term ending on December 31, 2013. Roll call vote: The motion passed unanimously, 8:0,

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Rosie Pryor to Position 9 on the Lane Workforce Partnership, a term ending on December 31, 2013. Roll call vote: The motion passed unanimously, 8:0.

Planning Commission

Councilor Taylor, seconded by Councilor Brown, moved to reappoint William Randall to Position 5 on the Planning Commission for a four-year term beginning on July 1, 2011, and ending on June 30, 2015. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Richard Duncan to Position 7 on the Planning Commission for a four-year term beginning on July 1, 2011, and ending on June 30, 2015. Roll call vote: The motion passed unanimously, 8:0

Police Commission

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Kaitlyn Lange to Position 1 on the Police Commission, the unexpired term ending on June 30, 2012.

At the request of Councilor Farr, Mayor Piercy reviewed the Police Commission appointment process, stressing it was a council-adopted process that called for her to interview and recommend the applicants for commission vacancies.

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

Councilor Taylor, seconded by Councilor Brown, moved to appoint Bob Walker to Position 4 on the Police Commission for a four-year term beginning on July 1, 2011, and ending on June 30, 2015. Roll call vote: The motion passed, 7:1; Councilor Farr voting no.

Councilor Taylor, seconded by Councilor Brown, moved to appoint Jesse Lohrke to Position 5 on the Police Commission for a four-year term beginning on July 1, 2011, and ending on June 30, 2015. Roll call vote: The motion passed, 7:1; Councilor Farr voting no.

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Tamara Miller to Position 6 on the Police Commission for a four-year term beginning on July 1, 2011, and ending on June 30, 2015.

Councilor Clark commended the volunteer service of Ms. Miller, a past chair of the Police Commission.

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

Councilor Taylor, seconded by Councilor Brown, moved to reappoint James Manning to Position 7 on the Police Commission for a four-year term beginning on July 1, 2011, and ending on June 30, 2015. Roll call vote: The motion passed unanimously, 8:0.

Toxics Board

Councilor Taylor, seconded by Councilor Brown, moved to appoint Thomas Carmichael to Position 1, an industry representative on the Toxics Board, for an unexpired term ending on June 30, 2013.

Councilor Poling expressed disappointment that the council received so few applicants for its boards and commissions positions. However, he would support the recommended names. Councilor Poling encouraged citizens to become involved and apply.

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

Councilor Taylor, seconded by Councilor Brown, moved to appoint Sheena Gardner to Position 2, an industry representative on the Toxics Board, for a three-year term beginning on July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to appoint Christine Zeller-Powell to Position 4, an advocacy representative on the Toxics Board, for an unexpired term ending on June 30, 2013. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to appoint Allison Guzman to Position 5, an advocacy representative on the Toxics Board, for a three-year term beginning on July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Stephan Flanagan to Position 7, a neutral representative on the Toxics Board, for a three-year term beginning on July 1, 2011, and ending on June 30, 2014.

Councilor Farr stated that once again, Ward 6 would be underrepresented on City boards and commissions due to a lack of applicants. He joined Councilor Poling in encouraging more people to apply. He noted that one Ward 6 applicant was bypassed in the process.

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

Whilamut Natural Area Citizen Planning Committee

Councilor Taylor, seconded by Councilor Brown, moved to reappoint William Hughes to Position 1 on the Whilamut Natural Area Citizen Planning Committee, for a three-year term beginning on July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Elliott McIntire to Position 2 on the Whilamut Natural Area Citizen Planning Committee, for a three-year term beginning on July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to appoint Patricia Moore to Position 6 on the Whilamut Natural Area Citizen Planning Committee, an unexpired term ending on June 30, 2012. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to appoint John Andriola to Position 8 on the Whilamut Natural Area Citizen Planning Committee, for a three-year term beginning on July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Councilor Taylor, seconded by Councilor Brown, moved to reappoint Mary Morrison to Position 9 on the Whilamut Natural Area Citizen Planning Committee, for a three-year term beginning on July 1, 2011, and ending on June 30, 2014. Roll call vote: The motion passed unanimously, 8:0.

Mayor Piercy congratulated all the successful candidates for City boards and commission appointments. She thanked all those who applied. Mayor Piercy adjourned the meeting at 8:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra J. Forrester". Below the signature, the word "Deputy" is written in a smaller, less legible script.

Beth Forrest
City Recorder

(Recorded by Kimberly Young)