

MINUTES

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

April 23, 2012
5:30 p.m.

COUNCILORS PRESENT: George Brown, Pat Farr, Betty Taylor, Andrea Ortiz, George Poling, Mike Clark, Chris Pryor, Alan Zelenka.

Her Honor Mayor Kitty Piercy called the April 23, 2012, work session of the Eugene City Council to order.

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

Mayor Piercy reported that she had welcomed the National Guard Association; met with the Associated Students of the University of Oregon (ASUO) regarding the proposed social host ordinance the council would hear more about later in the meeting; attended the “Breaking the Silence” event at the University of Oregon; attended the “WeGene” event where the River Road and Santa Clara neighborhood associations were recognized for their work; welcomed the Delta Kappa Gamma women teachers; participated in Earth Day events; and cut the ribbon at the new Moose Lodge.

Mr. Farr had attended a meeting of the Board of Directors for Food for Lane County (FFLC) and heard that the neighbors were happier with how the Dining Room conducted business. He noted the Dining Room was serving 300 meals each night. Food for Lane County planned to disperse its dining program more geographically over the summer. He emphasized the importance of the services provided by FFLC.

Mr. Zelenka arrived.

Ms. Taylor asked for more information about threats of censorship of neighborhood newsletters.

Mr. Poling said he spoke to a University of Oregon journalism class and answered student questions on current City issues. He was also invited by Boy Scout Troop 100 to discuss members’ concerns about the Bicycle Pedestrian Master Plan and the use of skateboards. He said the Travel Lane County Board of Directors would meet later in the week to discuss Lane County’s allocation of Transient Room Tax revenues.

Mr. Pryor announced that Eugene’s Intergovernmental Relations Director Brenda Wilson had been hired as the new executive director of the Lane Council of Governments (LCOG).

Ms. Ortiz said the Cascade Medical Team would hold a free community clinic on April 28-29. She had attended a meeting of the Trainsong Neighbors to discuss the neighbors’ interest in improvements to City-owned property at Garfield and Roosevelt. Ms. Ortiz had also attended the fund raiser “Chef’s Night Out.”

Mr. Zelenka reported he had been invited to speak by University of Oregon students who were examining athletic facilities and events through a sustainability lens. He had attended the Eugene Water & Electric Board Earth Day celebration and commended the event. He had also attended an Earth Day celebration at the Cascade Raptor Center and commended that event as well. He noted the center's national reputation for rehabilitation.

Mr. Brown also attended Cascade Raptor Center Earth Day celebration. He commended the raptor center as one of the best in the country.

City Manager Ruiz commended the work of Ms. Wilson and said she was a fabulous choice for LCOG.

City Manager Ruiz encouraged councilors to stop and visit with Officer Darwin Terry, one of the City's police officers assigned to downtown, when they had an opportunity.

City Manager Ruiz expressed appreciation for the corporate citizenship of Ninkasi Brewing Company.

B. WORK SESSION:

An Ordinance Concerning Unruly Gatherings; Adding Section 4.4670 and 4.672 to the Eugene Code, 1971; and Amending Sections 4.990 and 4.996 of that Code

The council was joined by Michael Kinnison of the Neighborhood Program, University of Oregon (UO) Community Relations Director Greg Rikhoff, and Kelly Putman of the Eugene Police Department (EPD), who led the council through a PowerPoint presentation titled *Social Host Ordinance*. The presentation highlighted the recommendations of the Neighborhood Livability Working Group, which put forth the proposed ordinance. Mr. Kinnison briefly reviewed the elements of the ordinance.

Mr. Rikhoff reported that the UO administration would take no official position on the ordinance. He described the UO's current efforts as they related to education strategies, student engagement, and incident responses and noted the City's involvement in those efforts.

Officer Putnam emphasized that the ordinance was not a prohibition of social gatherings, was not intended to regulate lawful gatherings, and did not affect property owners without significant repeat offenses in a 12-month period. The ordinance was focused in behaviors rather than groups or individuals. Staff did not consider it a silver bullet; it was one of several tools. She provided more details about the provisions of the ordinance.

Mr. Kinnison said a public hearing on a proposed ordinance was tentatively scheduled on May 14.

Councilors asked questions clarifying the details of the proposed ordinance.

Mr. Zelenka noted that he and Mayor Piercy had met with the leadership of the Associated Students of the University of Oregon, who had concerns about the ordinance, including who was considered the "responsible person." Officer Poling said officers typically used on-scene interviews to determine the responsible person.

Mr. Zelenka suggested adding a mandatory one-year review to the proposed ordinance. He also suggested that first offenses could trigger a community service requirement rather than a fine. Officer Putnam said the working group had discussed the community service and the concepts of restorative

justice, but she envisioned that those issues would be addressed by the courts rather than through an ordinance.

Mr. Farr pointed out that unruly gatherings frequently occurred on publicly owned property with disconcerting impacts on passersby and suggested that might be a topic of future council discussion.

Mr. Poling suggested a two-year sunset might be better for the purpose of seeing the results of the ordinance. He asked that the council be provided with a copy of the County's social host ordinance and a comparison of the two ordinances.

Mr. Brown advocated for a clear definition of "host" and suggested criteria be developed for that purpose.

Ms. Taylor thought the definition of an unruly gathering was too vague. She was concerned about the proposed fines because parties could grow in size without any single person being responsible. She thought the ordinance should be focused on problem solving rather than fining people. Ms. Taylor was also concerned about passing new laws when the City could not enforce the ones currently in place.

Mr. Clark shared Ms. Taylor's concern about passing new laws.

Ms. Ortiz agreed with Ms. Taylor that "unruly gathering" needed to be better defined. She questioned if the ordinance would result in savings for the City's "Party Patrol." She determined from Chief Kerns that the City's response ordinance addressed businesses and asked for more information about the relationship between that ordinance and the proposed ordinance. Ms. Ortiz did not support applying the ordinance citywide.

Mr. Pryor shared Ms. Taylor's concern about assigning an individual all the responsibility for a party that grew in size and suggested that the fine for the first offense be reexamined. He believed there was a core problem that the ordinance was intended to address and wanted to ensure that focus was maintained. He believed the ordinance needed more work so it could accommodate the accidental incident as opposed to the highly intentional incident.

Speaking to the concept of restorative justice, Mayor Piercy endorsed the use of community service or other non-monetary consequences for first-time offenders. She wanted to ensure that innocent bystanders were protected. Mayor Piercy called for an appeal process for tenants as well as landlords. She believed that good data collection and analysis was needed.

Mr. Rikhooff shared some of the UO's efforts related to restorative justice.

Mr. Zelenka questioned if the ordinance could be limited to a single geographic area. Mr. Kinnison said the Municipal Court encouraged staff to craft an ordinance with broad applicability. Mr. Zelenka suggested that the procedures used by the police to identify the "responsible person" could be useful in developing a better definition. He suggested the ordinance should include a provision that allowed a party host to call the police to request assistance for an out-of-control party and be held harmless. He asked if the ordinance could be incorporated into tenant lease and sublease agreements.

Mr. Brown supported the proposed ordinance. He believed the ordinance should be applicable to the entire community. He was concerned that the ordinance did not speak to the issue of party buses.

City Manager Ruiz reported that due to the concerns expressed by the students of the ASUO, the public hearing might be rescheduled.

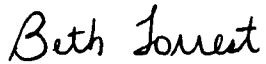
C. EXECUTIVE SESSION

Pursuant to Oregon Revised Statutes 192.660(2)(h)

The council met in executive session with City Attorney Glenn Klein to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation to be filed.

Mayor Piercy adjourned the meeting at 7:08 p.m.

Respectfully submitted,

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

Beth Forrest
City Recorder

(Recorded by Kimberly Young)