

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



---

## Approval of Council Minutes

---

Meeting Date: January 9, 2012  
Department: City Manager's Office  
*www.eugene-or.gov*

Agenda Item Number: 3A  
Staff Contact: Kim Young  
Contact Telephone Number: 541-682-5232

---

### ISSUE STATEMENT

This is a routine item to approve City Council minutes.

### SUGGESTED MOTION

Move to approve the minutes of the October 24, 2011, Regular Session, November 9, 2011, Work Session, and December 20, 2011, Emergency Meeting.

### ATTACHMENTS

- A. October 24, 2011, Regular Session
- B. November 9, 2011, Work Session
- C. December 20, 2011, Emergency Meeting

### FOR MORE INFORMATION

Staff Contact: Kim Young  
Telephone: 541-682-5232  
Staff E-Mail: [Kim.A.Young@ci.eugene.or.us](mailto:Kim.A.Young@ci.eugene.or.us)

## 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 14<sup>th</sup> 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 11<sup>th</sup> 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 10<sup>th</sup> 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 5<sup>th</sup> 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 32<sup>nd</sup> 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  
City Recorder

*(Recorded by Kimberly Young)*

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 6<sup>th</sup> and 7<sup>th</sup> 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,

Beth Forrest  
City Recorder

*(Recorded by Kimberly Young)*

MINUTES

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

December 20, 2011  
Noon

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

COUNCILORS ABSENT: Alan Zelenka.

**A. OCCUPY EUGENE**

Her Honor Mayor Kitty Piercy called the December 20, 2011, emergency meeting of the Eugene City Council to order and read the following statement she had prepared for the meeting:

*Occupy Eugene has demonstrated against the economic inequities in this country and has worked to alleviate some of those inequities at the local level as they apply to the unhoused members of our community. Their camp has been a key part of their local efforts. As you know last week our city manager and police chief expressed concerns about growing unsafety in the camp. The council heard this and voted to end the waiver for the park on Jan 11, giving some time for Christmas to pass and a thoughtful transition to take place.*

*Unfortunately, last night there were several violent incidents at the site, one resulting in a serious life threatening injury to one individual. This has caused me to see the wisdom in moving sooner than originally decided. The safety of the public and our officers has to be foremost for us. That is why I have called this emergency meeting.*

*I ask council to end the camping ban waiver immediately and to direct the city manager to begin the process of closing the Occupy Eugene camp.*

*I ask Occupy Eugene, the broader community and council to come together in unified support of the peaceful closure of the camp. It is my hope that just as hundreds of community members have donated and volunteered in the demonstrations and camp they will now turn their efforts to helping people with the transition through volunteering and donating to organizations that provide services for the homeless.*

*It is important to us all that the good lessons learned from the Occupy Eugene camp experience be used to help us move forward. This is already true in terms of council direction to expand our existing car camping program and to support providing shelter for those with mental health and addiction issues this winter.*

*Our staff has been meeting with service providers and Occupy Eugene to plan for helping people as the camp closes. A homeless action task force is being formed and the first meeting is to be on Dec 28.*

City Manager Jon Ruiz shared the details of an attack that occurred at the Occupy Eugene encampment the evening of December 19, leaving a person in critical condition. It was not yet known if the victim would survive. He reported he had subsequently briefed Mayor Piercy and she immediately called an emergency meeting of the council.

City Manager Ruiz recommended that the council direct him to close the encampment and ensure the restoration of the site as soon as possible. He believed the City's response to Occupy Eugene had been measured, reasonable, and adaptable as conditions evolved on the site. He believed the previous night's incident confirmed the dangers of the site. City Manager Ruiz anticipated staff would work with Occupy Eugene representatives and nonprofit services providers to transition people from the site thoughtfully and compassionately. He said staff had prepared an ordinance to permit tents to be defined as vehicles at car camping locations as part of that transition. He recommended the council pass the ordinance that day.

Police Chief Pete Kerns shared the details of other incidents that had occurred at the encampment, which included theft, drug use, drug sales, prostitution, and physical assault. In regard to the December 19 incident, Chief Kerns reported that the victim was found face down and unconscious. The responding officer and onsite medic had administered CPR to the victim until an ambulance arrived. Two individuals thought to have been fighting with the victim had been interviewed but had yet been charged with a crime. As a result of the attack, the police presence at the site had been increased.

Speaking to suggestions that the violence that occurred in the camp would have happened in the absence of the camp, Chief Kerns said that might be true but he believed the number of people in the camp suffering from multiple diagnoses and chemical addictions had reached a critical mass and that increased risk. He reported that the Eugene Police Department (EPD) had developed contingency plans to close the encampment with the assistance of human service providers.

Mayor Piercy reported that Councilor Zelenka could not be present but had expressed his support for immediate revocation of the camping ban. She solicited council comments and questions.

Ms. Ortiz expressed appreciation for the work of the EPD. She acknowledged that the situation had not worked out as hoped and concurred with the manager's recommendation.

City Attorney Glenn Klein reviewed two staff-prepared motions regarding the camp closure and proposed ordinance.

Ms. Ortiz suggested the motion related to the end of the encampment include the word "peaceful." She urged people to remain as peaceful as possible. She was also concerned there was no timeframe associated with the motion. She did not think it was necessary to grant Occupy Eugene more time but she acknowledged it would take time for people at the encampment to decide where to go. Chief Kerns reiterated that the EPD had a plan to clear the camp. He believed the transition could be done more safely if the City worked cooperatively with Occupy Eugene.

Mr. Clark had safety concerns about the encampment since its inception. He was pleased to hear support for the manager's recommendation. While he defended anyone's right to protest at any time and place, he did not think that camping was the necessary to protest and had inevitably led to the situation facing the council.

Mr. Brown agreed that the incident of December 19 was a cause for concern. He believed the plan the council adopted on December 14 was still a good plan and its implementation needed to be accelerated. He said that required getting the problem population, which he defined as chronic alcoholics, the drug-dependent, and those with untreated mental health issues, into warming centers and facilities such as the proposed wet bed facility. Mr. Brown believed the council needed to pass the proposed car camping ordinance immediately. He thought that some churches would respond immediately to the need for spaces if the program was expanded.

Mr. Farr said the council was contemplating an action that gave Occupy Eugene participants little time to transition to other situations. The council had missed an opportunity to give Occupy Eugene more time. Now it was contemplating a “snap decision” that affected many people who he believed should have had more time to prepare. He was sad the process had come to this point and sad for those at the Occupy Eugene site who had nothing to do with the violence or crime that had occurred there.

Mr. Poling was concerned about the council’s decision to use money intended to pay for road and park maintenance to support the cost of the City’s response to Occupy Eugene. He hoped some the funding could be restored.

Mr. Poling supported the immediate removal of the encampment. He hoped the transition occurred smoothly and that both EPD officers and Occupy Eugene participants remained safe.

Mr. Clark determined from City Manager Ruiz that he believe the City would spend less than anticipated on December 14 given the encampment was ending earlier than planned, but the manager did not know how much less. Mr. Clark invited more information about how the transition would work.

Ms. Taylor did not think the council should precipitously end the encampment. She asked where the people now living at the encampment had lived prior to the encampment. Chief Kerns said that some were homeless people living on the streets in and around Eugene. Ms. Taylor asked where Chief Kerns thought those people would go. Chief Kerns responded that the City would attempt to provide them with services but he acknowledged it was unlikely all would receive services and many would return to the streets. Ms. Taylor asked if Chief Kerns thought that would be better. Chief Kerns believed the camp as designed and managed was less safe than those situations.

Ms. Taylor suggested the EPD ask those committing crimes at Occupy Eugene to leave rather than moving everyone out of the encampment. Chief Kerns pointed out the hazard created by the number of bystanders who could possibly interfere with officers responding to a call for service at Occupy Eugene.

Responding to a question from Ms. Taylor, City Manager Ruiz acknowledged the car camping program would not accommodate all those at the camp but the City would continue to work with Occupy Eugene to transition people into the program.

Ms. Taylor wanted the council to take more time to make the decision.

Mayor Piercy believed the EPD and other City staff would do what was possible to employ the existing capacity in the system to help individuals at Occupy Eugene and she anticipated the task force the council had formed would help to build additional system capacity.

Ms. Ortiz agreed it would be difficult to find places for all those at Occupy Eugene. She reported that St. Vincent de Paul Director Terry McDonald had expressed to her his concerns about the added demand on

services that would be created by the end of the camp. Ms. Ortiz said the City did not have the answer to the problem of homelessness but hoped it could make an impact on the problem working with its partners. She did not think the council could expect any particular outcome. She pointed out that the homeless had been living in the community under bridges and in the bushes for years and frequently formed small supportive bands. That critical mass could be challenging to deal with, and she did not think Occupy Eugene had signed up for such a challenge.

Ms. Ortiz, seconded by Mr. Poling, moved to revoke the exemption for overnight camping granted by the council on December 14 and to direct the City Manager to ensure the restoration of the space now occupied by Occupy Eugene as soon as practicable and as peacefully as practicable.

Mr. Farr agreed with Ms. Ortiz that the homeless lived all around the community and would be in Eugene after the camp ended. No one could predict where the homeless could go but it was likely they would go where they had been before. Mr. Farr advocated for more assistance for the homeless and hoped the task force would find ways to leverage existing resources to ensure the system was as robust and adaptable as possible.

The motion passed, 5:2; councilors Taylor and Brown voting no.

City Attorney Klein reviewed the details of the ordinance expanding the car camping program and noted the need for unanimous council consent to proceed with the ordinance as well as the requirement of a public hearing.

Ms. Taylor objected to the abbreviated process. Following an explanation of the abbreviated process from City Attorney Klein, Ms. Taylor withdrew her objection.

While he preferred a process that provided for more public input, Mr. Poling was willing to proceed with the abbreviated process because it concerned a minor revision of an ordinance already in place and did not represent a change in policy.

Mayor Piercy opened the public hearing.

**Irene Cardenas** supported the continuation of the Occupy Eugene encampment because it was safer than open tent camping alternatives due to the presence of many people. She did not find homeless shelters to be a good social environment.

**John Monroe** did not think the City's proposed approach was sufficient to address the needs of the community that formed at Occupy Eugene. He questioned whether the car camping program could accommodate more than 150 people. He questioned allowing people to camp without the support they received at Occupy Eugene. He thought that disregarded their human needs and the emergency situation that existed. He believed there would be a community backlash to the council's actions. He asked the council to work with Occupy Eugene to ensure those on the site were taken care of, could retain their community connections, and receive services.

**Carol Berg Caldwell** said she visited Occupy Eugene nearly every day. She perceived a sense of hope and safety at the encampment. People who had previously tied up police and court resources were no longer doing so and she attributed that to Occupy Eugene. She found the ordinance inadequate and asked the council to take a second look.

**Big John Cahill** said the car camping program was full. It had 60 spaces and an eight-month waiting list. He said if Occupy Eugene ended the people now there would go back to the bushes and camp all around the community. There was nowhere else for them to go. He noted the upcoming fund raiser sponsored by the Coalition of Homeless People at the WOW Hall on December 21, which would include a reading of the names of the 111 homeless people who died in Eugene in 2011.

**Kristin Carpenter** criticized the proposal as something intended to make the council feel more comfortable. It displaced people and distributed them in a way that did not remind the council of its failure to solve the problems of homelessness, poverty, and wage disparity. The council continued to perpetuate a system of structural violence that would continue to oppress the homeless. She termed the ordinance a disgrace and suggested the council wanted to end Occupy Eugene because it had made homelessness visible on a 24-hour basis.

**Jean Stacy** agreed with Ms. Carpenter. She suggested the council was engaging in an age-old technique of dividing a population into small groups so it had no power because the homeless threatened the council by making it feel ashamed of itself. She maintained that the camp gave the homeless power and a voice. She felt the ordinance was hypocritical.

**Mark Rust** expressed support for the proposed ordinance. He suggested the council consider adding provisions for additional tents instead of merely considering tents as a vehicle that counted toward the current number of spaces, which would build system capacity.

**Alley Valkyrie** did not think that car camping was a solution to the problem. She felt safe at Occupy Eugene. She would not feel safe inside a tent at a parking lot. Ms. Valkyrie said that Occupy Eugene was a community where members kept each other safe. She did not think people understood the power of the community that was Occupy Eugene. She expressed concern about the future of those living at Occupy Eugene.

There being no further requests to speak, Mayor Piercy closed the public hearing and solicited council comments.

Ms. Ortiz said she did not think the City had failed to take care of its residents. The community's human service agencies worked very hard; when facing budget cuts, they reduced the number of staff but not the number of clients they served. She agreed that when people came together they had a louder voice, but she believed the best way to realize change was to get involved with the organization one wanted to change. She cited her own experience as an example. Ms. Ortiz supported the ordinance as a step in the right direction.

Mr. Clark perceived the ordinance as providing greater flexibility in the car camping program. He was happy to support it. In response to testimony, Mr. Clark recalled that Mr. Cahill had offered testimony at an earlier public hearing that spoke to the importance of creating a civil society and of people coming together to solve problems. He agreed with Mr. Cahill about that, although he acknowledged they might disagree on solutions. While the council's earlier action eliminated the option of camping, he did not think it preclude people from coming together.

Mayor Piercy did not think any councilor believed that expanding the car camping program would solve the community's homeless issue. Expanding the program was merely one of many tools. She understood that Occupy Eugene participants had invested a great deal in community and she understood why the proposal seemed like a poor alternative to them.

Ms. Taylor pointed out to Mr. Clark that Occupy Eugene had been an opportunity for people to come together to solve problems, which was why she did not want to see it end so suddenly. She hoped Occupy Eugene participants would find a place to meet together regularly to continue to problem-solve.

Mr. Clark, seconded by Mr. Farr, moved to adopt Council Bill 5061, an ordinance temporarily amending the car camping ordinance.

Mr. Clark supported the ordinance for the reasons he previously cited. He anticipated that as a result of the council's actions the EPD had difficult work ahead, and he hoped the council was supportive of the City's officers as they carried out the council's policies.

Speaking to the remarks of Mr. Clark, Ms. Ortiz expressed her support for the EPD and said it was her expectation that the officers would operate within the department's own policy framework as well.

Mr. Farr commended the success of the current program and hoped the task force could identify more camping spaces to expand the program's capacity.

Ms. Taylor conceded that the ordinance was better than nothing. She hoped the police did not employ Tasers or tear gas to dislodge the campers.

Mayor Piercy reminded the audience that the council had discussed a temporary shelter for those with mental health and addiction issues. Those concepts had not been forgotten. She endorsed Mr. Clark's recommendation that Occupy Eugene keep meeting.

The motion passed unanimously, 7:0.

Mayor Piercy adjourned the meeting at 1:11 p.m.

Respectfully submitted,

Beth Forrest  
City Recorder

*(Recorded by Kimberly Young)*