

MINUTES

Eugene City Council
Council Chamber--City Hall

January 23, 1995
7:30 p.m.

COUNCILORS PRESENT: Tim Laue, Shawn Boles, Bobby Green, Kevin Hornbuckle, Barbara Keller, Laurie Swanson Gribkov, Jim Torrey.

COUNCILORS ABSENT: Nancy Nathanson.

The regular meeting of January 23, 1995, of the Eugene City Council was called to order by Her Honor Mayor Ruth Bascom.

I. PUBLIC FORUM

Viola Smith, 127 Arbor Lane, Eugene, Veterans of Foreign Wars (VFW) Auxiliary Post 293, asked the council for permission to build a memorial wall in Skinner Butte Park for "fallen" Lane County veterans from World War I through the Persian Gulf War. She said locations under consideration are on the south side of "the cross" or by Lamb Cottage. Ms. Smith said the memorial would be paid for with donations from the community and the group wishes to have it dedicated by next Memorial Day.

Mayor Bascom indicated that staff would be in contact with Ms. Smith.

Dave Sweet, 2519 Kincaid Street, Eugene, said it was once again time to review the Mayor and City Council for the past year. He claimed they had accomplished nothing, describing the Mayor's tenure "lame from the get-go." Mr. Sweet referred to Mr. Torrey as "a couch potato"; Councilor Nathanson as a "right winger"; and the council as "clowns." He alluded to "Manager Mike Gleason's smoke-filled room" to which he hoped the two new councilors would bring "a breath of fresh air." Mr. Sweet said the citizens of Eugene would fully use their "democratic power not only to change the way this government does business but to change the nature of, and the staff of, City government itself."

For the benefit of new councilors, City Manager Mike Gleason explained why the public forum was created--to provide an unstructured way for citizens to bring to the council specific issues that the council had not scheduled for discussion. He noted that Mr. Sweet had attended every public forum for approximately two and a half years, adding that his experience was that Mr. Sweet had brought nothing but personal attacks to these meetings, except on rare occasions. He asked Council Officers to examine the original design of the forum to see if it is being met. Mr. Gleason said he has heard from staff and the citizenry expressing frustration that they are unable to address personal charges in this forum.

Mayor Bascom said she would refer the issue to Council Officers. Mr. Boles asked that the council be polled to assess interest in the discussion.

Richard Thorin, 2850 East 21st Avenue, Eugene, said that after walking with the Whiteaker patrol and participating in neighborhood activities, he felt the council's action last week (dropping consideration of some proposed street crime ordinances) was a "slap in the face." He indicated he had submitted written testimony dated September 29, 1994. He described the activities on the streets in his neighborhood as "an intense health hazard." He charged the American Civil Liberties Union (ACLU) and the Eugene Human Rights Commission (HRC) with "representing these irresponsible, criminal, lazy, drug-dealing, pieces of human debris" instead of "honest, hard-working" residents in the area.

Frank Blair, 25333 Hall Road, Cheshire, said the council had in its possession a letter from Eugene Granite Works and a sketch of the VFW memorial referred to by Ms. Smith. He urged the council to support the memorial, which would be built at no cost to the City.

Bob Roundsley, 476 East Broadway Street, Eugene, reported on crime on the Eugene mall, saying he was a victim of a panhandler two weeks ago. After he refused money, a young woman threatened to search him and beat him if she found change. She forced his glasses off his face and destroyed them as other youth laughed and encouraged her.

Curtis, 341 East 12th Avenue, Eugene, said he wished to remind the council that the community was still waiting for public rest rooms "on our streets and in our parks." He reported that the few remaining rest rooms have been closed for the winter.

David Hinkley, 1308 Jefferson Street, Eugene, said that the three-minute limit for speakers at public forums was insufficient, particularly at public hearings. He said it was also difficult to gauge the council's understanding of the testimony without some acknowledgment from the council. He made two suggestions: 1) use a green/yellow/red-light signal at the speakers' podium, with the yellow coming on to warn the speaker he/she has only a few seconds to speak; and 2) abandon "ad hominum" attacks.

Having no other requests to speak, the Mayor closed the public forum.

II. CONSENT CALENDAR

A. Resolution Calling for a Public Hearing: Special Withdrawals

Res. No. 4441--A resolution calling a public hearing to consider proposed withdrawal of territories (Peterson, EC EU 94-48; Shaw, EC EU 94-50; Stimson, EC EU 94-54; Mills, EC EU 94-59; Duiker/Jager, EC EU 94-65; and Scott, EC EU 95-17) from the River Road Water District and River Road Park and Recreation District;

proposed withdrawal of territories (Bauer, C EU 94-39; Sherman, C EU 94-47; Calloway, C EU 94-45; Radke, C EU 94-63; Hankey EC EU 94-69; Winger C EU 94-53; University of Oregon Foundation, C EU 94-70; and French, C EU 94-71) from the Santa Clara Water District; proposed withdrawal of territory (Miranda, EC EU 94-56) from the Glenwood Road Water District and from the Willamalane Park and Recreation District; proposed withdrawal of territory (Cooney, EC EU 95-02) from the Willamalane Park and Recreation District; and the proposed withdrawal of territory (Breedon Land Co., C EU 93-72) from the Junction City Water Control District.

B. Resolution Concerning Transfer of Thomason Property to Child Care, Inc.

Res. No. 4442--A resolution authorizing the transfer of City real property located on Thomason Lane to Child Care Incorporated.

C. Resolution Concerning 1994 CAPR

Res. No. 4443--A resolution acknowledging receipt of the Comprehensive Annual Financial Report (CAPR) for the City of Eugene for the fiscal year ended June 30, 1994.

D. Ratification of January 11 Election of Council Officers

Mr. Laue moved, seconded by Mr. Torrey, to approve the items on the City Council Consent Calendar. Roll call vote. The motion passed unanimously, 7:0.

The Mayor adjourned the meeting of the City Council and convened the meeting of the Urban Renewal Agency.

III. RESOLUTION CONCERNING GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE URBAN RENEWAL AGENCY

Mr. Gleason asked the council to consider resolution number 978 and said that Administrative Services Director Warren Wong was present to answer questions.

Res. No. 978--A resolution acknowledging receipt of the "General Purpose Financial Statements of the Urban Renewal Agency, a Component Unit of the City of Eugene, Oregon, for the Fiscal Year Ended June 30, 1994."

Mr. Laue moved, seconded by Mr. Torrey, to adopt the resolution. Roll call vote. The motion passed unanimously, 7:0.

Mayor Bascom adjourned the meeting of the Urban Renewal Agency and reconvened the meeting of the Eugene City Council.

IV. ORDINANCE CONCERNING ACQUISITION OF PROPERTIES

Mr. Gleason asked the council to consider Council Bill 4525, adding that Les Lyle, Public Works, was in the audience to answer questions.

CB 4525--An ordinance authorizing the institution of proceedings in eminent domain for the acquisition of property interests along Highway 99 N and Airport Road for airport purposes (Adleman, Bond/Meador, and Shepard properties).

Mr. Laue moved, seconded by Mr. Torrey, that the bill, with the unanimous consent of the council, be read the second time by council bill number only, and that enactment be considered at this time. Roll call vote.

Addressing a question from Ms. Keller, Mr. Lyle said that affected property owners would be notified and be actively involved in establishing the value of the property. In response to a follow-up question, Mr. Lyle said that the ultimate appeal would be before a judge, and the judge and jury would decide the appropriate value of the property if the City cannot reach agreement with property owners.

The motion passed unanimously, 7:0.

The bill was read a second time by council bill number only.

Mr. Laue moved, seconded by Mr. Torrey, that the bill be approved and given final passage. Roll call vote. The motion passed unanimously, 7:0 and became Ordinance 19998.

V. APPROVAL OF FEDERAL PRIORITIES

A. Staff Report

Linda Lynch, Council and Intergovernmental Relations Division Director, gave the staff report, adding the following to the material in the meeting packet: 1) the coalition of groups who would be traveling to Washington, DC, is still not set, pending notification from the University of Oregon; and 2) Councilor Nathanson asked that an effort be made to apply to NTIA for planning funds for information systems for a possible new library; and 3) staff's recommendation to the Intergovernmental Relations (IGR) Committee for Eugene's delegation is the Mayor, the Council President, and the Chair of the IGR Committee.

Mr. Laue moved, seconded by Mr. Torrey, to approve the recommendations of the Council Intergovernmental Relations Committee regarding 1995 federal priorities and approve the minutes of the January

13, 1995, meeting of the committee. Roll call vote. The motion passed unanimously, 7:0.

VI. OPENING OF WILLAMETTE STREET

A. Staff Report

Mr. Lyle said the meeting packet offers two options: a May election for the opening of Willamette Street; and one for a September election date. He referred the council to Section E of the packet for more detail. He added that staff had scheduled time at the council's January 25 meeting, should the council decide to take action then. Mr. Lyle said that if the council chooses the May election date, there will be about four weeks for the council subcommittee to work through a variety of design issues. He said he assumed the subcommittee would base its study on Olive Street as an example of what Willamette Street may look like. He noted that March 8 was the deadline for a referral to voters.

Ms. Keller ascertained that the proposed motion in the Item Summary was to defer discussion to January 25. She asked for information on a November election for that discussion. Ms. Keller expressed concern with the time lines, noting that the Citizen Involvement Committee has distributed a memorandum regarding compressed time lines for high interest/controversy projects. She said the council needed to "bring citizens along with us" to win any election, and urged a public discussion.

Mr. Hornbuckle said the mall was built at a time when people's purchasing power was such that when they came to the mall they would be doing "something the dominant class interests considered productive -buying goods and services." Now that people who have no money congregate on the mall, people want to repave it to get rid of those people. He asked that the motion include funding for a place that people, particularly young people, who are unemployed can go to.

Mr. Hornbuckle moved that the City Council in its future discussion of this item consider the November election date to be the target date for the Charter required vote. The motion died for lack of a second.

Mr. Torrey expressed concern with the number of elections coming before the voters this year, adding he believed it appropriate to put this particular measure on the May election, given results of a recent poll that indicated 65 percent of area residents believe the vitality of the downtown mall would be enhanced by opening Willamette Street. He recommended September for the public safety measure and the Ferry Street Bridge corridor issues for later in the year. He cautioned against putting too many issues on the same ballot.

Mr. Laue moved, seconded by Mr. Torrey, to consider a motion on Wednesday, January 25, regarding moving ahead with a selected option on reopening Willamette Street to vehicular and non-vehicu-

option on reopening Willamette Street to vehicular and non-vehicular traffic.

Ms. Swanson Gribskov asked to have, for the Wednesday discussion, Urban Renewal Fund balances and information about how parking garage proposals forthcoming to the council relate to the opening of Willamette Street.

Mr. Boles said he supported the motion and looked forward to the discussion. Given that it has to be referred to voters and there is already a design base, he said he believed the council could address Ms. Keller's concerns.

Mr. Hornbuckle said the motion was confusing and asked that it be restated.

Mr. Laue rephrased the motion as follows: "I move that on Wednesday, January 25, we consider moving ahead with a selected option on reopening Willamette Street to vehicular and non-vehicular traffic."

Mr. Hornbuckle said that "consider moving ahead" had the effect of "tabling the motion" and he could, therefore, support it.

The motion passed unanimously, 7:0.

The council took a ten minute break.

Human Rights Commissioners Carol Fernlund, Neil Van Steenberg, Rya Philips, Guadalupe Quinn, Ron Chase, Marion Malcolm, Peter Wotton, and George Russell joined the council in the Council Chamber.

VII. JOINT PUBLIC HEARING WITH EUGENE HUMAN RIGHTS COMMISSION: ORDINANCE PROHIBITING OFFENSIVE PHYSICAL CONTACT AND BLOCKING PEDESTRIANS

Mayor Bascom announced that the public hearing was on the ordinance prohibiting offensive physical contact and blocking pedestrians, adding that a joint work session in the McNutt Room on the "Stay Out of Areas of Prostitution" (SOAP) and "Stay Out of Drug Activity" (SODAS) would follow the public hearing.

CB 4526--An ordinance concerning offenses; adding Sections 4.705 and 4.707 to the Eugene Code, 1971; and amending Section 4.990 of that code.

A. Introduction

Tim McCarthy, Department of Public Safety, gave the staff report. He said the ordinance before the council added two specific sections to the Eugene Code: 1) Section 4.705, prohibiting offensive physical contact; and 2) Section 4.707, prohibiting blocking sidewalks.

Mayor Bascom opened the public hearing.

B. Public Testimony

John Walsh, 751 East 16th Avenue, Apartment 320, Eugene, said that increases in area jobs and affordable housing would help solve the problem. He also urged the City to enforce current laws regarding school attendance and resort to "reform schools," if necessary. Mr. Walsh said that in other communities, laws such as the proposed ordinance have been used to harass anybody on the street.

Curtis, 341 East 13th Avenue, Eugene, identified himself as a three-year resident. He said that the main problem with the proposed ordinance was that it left interpretation of harassment up to the police. He described an incident at "The Kiva" grocery store that he was involved in, saying it was the police officer that was doing the harassing. Curtis said he wanted the right to be able to share conversation with whomever he chooses.

Dave Sweet, 2519 Kincaid Street, Eugene, said he supported the proposed ordinance but was concerned about the language. He said that the City Attorney gets paid the more litigation he carries on, and said the ordinance seemed "like another trick to make litigation go on and on" and "cost the citizens of Eugene money." Mr. Sweet added that the other proposed ordinances were dropped because "the crooked lawyer decided they wouldn't fly."

Frank Jackson, 2620 Wilshire Drive, Eugene, Lane County Labor Council AFL-CIO, expressed concern that the proposed ordinance did not protect picket or "do not patronize" lines. He said Section 3 may address his concern, but the language was not specific enough and asked that the legislative intent be made clear.

Laurie McClain, 245 North Polk Street, Eugene, said she supported what she called the "aggressive solicitation" ordinance but was concerned about the process. She asked the council and HRC to get a broader perspective on community policing by consulting with other jurisdictions and courts. Ms. McClain urged the HRC to "work harder and get from behind the table" and develop more "workable, user-friendly awareness programs" to diffuse the polarization going on in communities. She invited the HRC to get out in the community and work with citizens on their own turf.

Jim Antonini, 2272 Harvard Street, Eugene, said he was the general manager of Atiyeh's Cleaning Services on East 13th. He described what he called "a change of our personality there," from a charming quaint street to an environment of fear due to the aggressive spirit of a handful of people. Mr. Antonini said the spirit in implementing the ordinance should be one of civil rights for all and civil responsibility by all. He urged adoption.

Mike Anderson, 2060 Churchill Street, Eugene, described a frightening personal experience at a 7-11 Store a week ago and urged adoption of the ordinance.

Wayne Ford, 1019 Fillmore Street, Eugene, Eugene-Springfield Homeless Coalition, said he supported the intent of the ordinance but was concerned that it was vaguely written. He recalled two cases that demonstrated an officer's

ability, when given more specific direction, to improve interactions with the community in implementing ordinances. Mr. Ford asked that the language be improved or that the Police Department produce written policy on implementing the ordinance.

Tom Hoyt, 460 Palomino Drive, Eugene, asked the City to empower the public to deal with panhandlers. As an example, he said, merchants in Berkeley offered tokens/vouchers to people panhandling. He said this was the type of thing he wanted to see the City experiment with. Mr. Hoyt encouraged staff to analyze Berkeley's policy with regard to street crimes.

Bob Lee, 860 East 13th Avenue, Eugene, described himself as a small business owner in the west university neighborhood. He said he was very concerned about freedom of speech rights and saw nothing in the ordinance that abridged anyone's freedom of speech. He urged adoption, adding that the problem will only get worse otherwise.

David Hinkley, 1308 Jefferson Street, Eugene, expressed the following concerns: Section 4.705--it does not address the property not on the person leaving it open to "pseudo extortion"; Section 4.707--could be used to stifle labor or political protests, could be used by the very practitioners of the activities we are trying to eliminate by limiting the effects of Neighborhood Watch and similar programs, and enforcement is questionable. He suggested an additional clause exempting labor disputes and public protest from 4.707 and greater specificity in the language to make it more enforceable.

Kurt Wilcox, 1490 Linda Avenue, Eugene, representative for AFSCME, said he was opposed to the ordinance as written although he appreciated the desire to address the issue. He agreed with previous testimony that the ordinance had great potential for interfering with the rights of union members, working people, community groups and individuals to publicly protest.

William O'Brien, 1914 East 17th Avenue, Eugene, said he has lived on the street periodically. He described incidents in Berkeley, California, and added that this community is headed in the same direction.

David Schuman, 2255 Alder Street, Eugene, identified himself as a cooperating attorney with the ACLU. He said that because the ordinance was directed against acts that a reasonable person would reasonably fear, it could not be used against lawful labor actions, it could not inhibit speech based on the content of that speech, and it did not confer undue discretion on police officers, the ACLU did not oppose the ordinance as written. He said that, as a teacher of State and Federal constitutional law, he did not find it unconstitutional.

Richard Greene, 766 East 13th Avenue, Eugene, said he was a business owner on 13th Avenue, adding that the area had become a gathering place of individuals who block the sidewalks, harass and intimidate pedestrians, and sell drugs. He noted that the City Council gave clear direction to craft the ordinances to give DPS additional tools to protect the rights of citizens to walk the streets without being harassed. Mr. Greene said that the HRC's recommenda-

tions have been considered and urged adoption of the ordinance. He also asked the council to direct the City Attorney to redraft the other ordinances as recommended by the HRC.

Peggy A. Thomas, 2555 Roosevelt, Apartment 39, Eugene, said that many crimes are committed out of desperation and asked the council to consider the connection between poverty and crime. She said the ordinance was not the answer to social problems, adding that what was needed were living wage jobs and affordable housing. She warned that society was headed toward a class war. Ms. Thomas asked that the poor be included in the process and shown compassion and understanding.

Having no further requests to speak, Mayor Bascom closed the public hearing and announced that the council and commission would reconvene in the McNutt Room to debrief the public hearing and hold a work session on the other proposed ordinances.

Mr. Hornbuckle moved, seconded by Mr. Boles, to remain in the Council Chamber for the work session to better accommodate the large audience.

Mr. Boles ascertained that the public cable network would cover the discussion in the McNutt Room.

Ms. Keller said the chamber was not conducive to work session discussion, adding that it was not an attempt to exclude members of the public.

The motion failed, 5:2; with Mr. Laue and Mr. Hornbuckle in favor.

Mayor Bascom invited those present to the McNutt Room.

The meeting adjourned at 8:50 p.m.

Mayor Bascom reconvened the meeting of the Eugene City Council in the McNutt Room at 9 p.m.

VIII. JOINT WORK SESSION WITH EUGENE HUMAN RIGHTS COMMISSION: PUBLIC HEARING DEBRIEF (ORDINANCE PROHIBITING OFFENSIVE PHYSICAL CONTACT AND BLOCKING PEDESTRIANS AND WORK SESSION ON VEHICULAR FORFEITURE AND S.O.A.P./S.O.D.A. ORDINANCES)

A. Debrief

Attorney's Presentation

Mr. Gary addressed five points raised in public testimony:

1) The language in Section 3 specifically addressed concern raised about protecting picketing and other lawful labor activity. He noted it was phrased

Like Portland's ordinance, which withstood a legal challenge.

2) Some who testified believed that the current ordinance on harassment was sufficient. Mr. Gary explained that the current ordinance protected against offensive physical touching while the proposed ordinance goes beyond that to protect against the "fear of offensive physical touching."

3) Concern was raised about how one goes about proving intent for purposes of the section that deals with intent to block access or passage to the sidewalk. Mr. Gary said there were numerous crimes in State law and the Municipal Code that turn upon an intent--as in almost all cases for proving intent, it is proved with circumstantial evidence.

4) Several witnesses indicated a concern that the standards imposed in the ordinance are vague. Mr. Gary said there were two aspects of vagueness--lay people use the term to mean "I don't understand what it means." From a legal standpoint, he said, vagueness is a term used to describe a situation where an ordinance protects but where you cannot tell whether the prohibited conduct is prohibited or constitutionally protected conduct. He noted that Professor Schuman testified that, from the ACLU standpoint, City legal staff was successful in drafting the ordinance to get around a vagueness challenge.

5) Addressing the suggestion that the purpose for drafting the ordinance in this way was to create more work for the City's attorneys by generating litigation, Mr. Gary said there are never any guarantees, and in fact, the purpose of any ordinance can be to generate litigation because, invariably, someone will be charged and they will have the right to a hearing, further defining the ordinance. He said the City's legal staff is satisfied that it can defend the ordinance.

Mr. Gary addressed testimony that the ordinance was drafted to generate "more money for crooked lawyers." He noted that the City's tort litigation costs during the first six months of this fiscal year were about half those for the same period last fiscal year--a trend that has existed for the last four years. He said this is largely due to the good risk management practices on the part of the City.

Council/Commission Questions

In response to a question from Mr. Torrey, Mr. Gary said that the best legislative history was what the council says its intent is, and that could be done either now or at the January 25 meeting. Addressing a follow-up question, DPS staff indicated that there was no reason to preclude having a written policy for implementation.

Ms. Keller agreed that a written policy was important. She wondered how political speech might be affected by the ordinance. Mr. Gary said the ordinance exempts any otherwise lawful conduct so one has to begin by asking if the political speech or demonstration is lawful, which may depend on where the speech is taking place, e.g., is the Valley River Center an appropriate forum for demonstrations? He said the ordinance does not answer that question

but it does protect lawful speech/conduct, noting that trespassing laws address the location of specific incidents. In response to a follow-up question, Mr. Gary said there are numerous other circumstances where the ordinance might apply, e.g., harassment without asking for money or an action motivated by a desire to inconvenience a person.

Mr. Hornbuckle wondered if standing in front of someone walking down the sidewalk constituted a violation. Mr. Gary responded that if it is in an attempt to block or interfere with access to pedestrian or vehicular entrances with the intent to interfere, it is a violation. Mr. Hornbuckle expressed concern with the interpretation of the law. Mr. Gary replied that all laws require prosecutorial discretion and discretion by the officer.

Mr. Gleason said that the ultimate arbitrator is the court, adding that that process will help structure the response by officers on the street.

Ms. Malcolm wondered why Section 3 applied only to 4.707. Legal staff indicated the ordinance was modeled from the City of Portland, and there was no reason why one could not put it in Subsection 1. Addressing a follow-up question, legal staff indicated there was no reason why the ordinance could not include a clause exempting political protest or labor activity, etc. but in doing so, one would be narrowing the statute, i.e., the more specific the more narrow.

In response to a question from Mr. Boles, DPS staff indicated that the types of crimes the ordinance covers occur most frequently in the west university area. Addressing a follow-up question, Mr. McCarthy said he had not been asked to research Portland's S.O.A.P. and S.O.D.A. ordinances. For the January 25 meeting, Mr. Boles asked to have an estimate of the total staff costs expended to date in staff's attempts to address these issues since the council's meeting of July 27, 1994.

Mr. Wotton ascertained that physical contact did not include spitting.

Council/Commission Comment

Mr. Hornbuckle said he believed generally that the government should not outlaw that which it causes or will not create alternatives for. He said it was hypocritical of the council to approve the ordinance without at the same time moving toward progressive taxation. He said it was appropriate to adopt the ordinance but not in the absence of other activities.

Mr. Chase requested a formal review of the ordinance at the end of two years to see if it did what it was supposed to do.

Mr. Seibert said he did not believe the ordinance was vague. He expressed concern that some might believe that passing the ordinance was going to make "these people go away," adding he was very interested in how it would be enforced, particularly with equity across all the different types of behaviors.

Mr. Russell said he heard much about enforcement and whether it would be even-handedly applied, adding he would appreciate having the draft policy reviewed by the HRC.

Ms. Malcolm said she would be happier if the Section 3 language applied to both 4.705 and 4.707, and if the language was amended to apply to people politically protesting or engaged in activity in conjunction with a labor dispute without taking out the phrase "and other activities otherwise made lawful."

Ms. Quinn expressed concern about disseminating information about the new ordinance to the non-English speaking population.

Addressing a question from Mr. Green, DPS staff said the behavior did not necessarily need to have been witnessed by an officer to issue a citation. In response to a follow-up question, Mr. Laue recalled that the work on the ordinances was first raised in a meeting of the Council Committee on Public Safety at Mr. Boles request, to respond to escalating problems in the Whiteaker neighborhood.

Staff indicated that the suggestions made at the meeting would be framed as options for council action on January 25.

At the Mayor's request, the HRC confirmed its support of the ordinance.

Mr. Hornbuckle moved to adjourn. The motion died for lack of a second.

B. S.O.A.P. & S.O.D.A.--Staff Presentation

Mr. Cooke gave the staff report, saying that at the council's request staff researched what other communities were doing with respect to these types of street crimes. The department was permitted to create an ad hoc Rapid Deployment Unit for 90 days to address those problems immediately, with the understanding that current staffing levels could not sustain the unit beyond February 7. Mr. Cooke described some of the activities, other than the ordinance work, the department followed up on. They included consulting with the Whiteaker neighborhood and the Immigration and Naturalization Service, and ongoing work with a group seeking solutions to prostitution. Mr. Cooke said staff uncovered legal and constitutional problems, adding that working around some of those problems and moving forward with the ordinances would entail significant expenses for redrafting and administering (via the Court system) the ordinances. That was why staff recommended not moving forward with the ordinances; instead they recommended working more closely with the community, and the court system at an interjurisdictional level. Among the staff's recommendations is permanent status for the Street Crimes Unit. Mr. Cooke said that the department was committed to an aggressive response to all the problems facing the City.

Council/Commission Discussion

Mr. Boles said the greatest crime in his ward is drug activity and that he held the community off from taking what it saw as legitimate vigilante action by assuring them that he had absolute faith in the council's and staff's ability to generate the tools that the department said it needed to deal with the problems (hard drugs, prostitution, and unsupervised youth). The department added aggressive panhandling to those. Mr. Boles said the council gave specific staff direction to look to other communities and build on those. He noted it was now six months later and there were no "tools" with which to address the problems so it was difficult for him to defend the council's performance with respect to this. He urged the council to expedite solutions to street crimes. Worst of all, he said, it sets a tone for the community that says "you're on your own." He appealed to the HRC to recognize that it was not just the rights of the individual but the rights of individuals to feel safe in their homes and on their streets.

Mr. Hornbuckle said Mr. Boles was being mechanistic in thinking the ordinances would address drugs, troublesome youth, and prostitution. He reiterated that they are social phenomena and that the ordinances will have the effect of having them spring up elsewhere. Mr. Hornbuckle said that Chief Cooke's comment that these "problems aren't going to go away" is the kind of expression that is often also applied to homelessness and would have us think these are natural outcomes that we always have to put up with. He urged those present to struggle against this type of thinking because there are solutions to the problems. Mr. Hornbuckle said he would give the council an opportunity on January 25 to move toward affirmative political action toward solving some of these social and economic problems by offering the following motion: The City Council observes that begging, as a social phenomena, has been created by the reduction of purchasing power and resultant poverty. Because poverty is caused, in part, by regressive taxation, the City Council observes that progressive taxation, at all levels of government, should be a partial solution.

Ms. Keller said she was quite disappointed in Mr. Cooke's presentation because he used the time to sell the council the Rapid Deployment Unit. She said that the ordinances were specifically to address those concerns so the City did not have to keep falling back on "response." She noted that she had received from the Eugene Police Department copies of Portland's ordinances. She urged the council not to give up on these "because of very bad communication and drafting on the part of our staff."

Mr. Seibert agreed that the problems will not go away, adding that community vigilante activity was not the answer. He said he was proud of the council for recognizing that these problems were not going to go away and stepping back to consider options.

Ms. Swanson Gribkov suggested that the HRC make recommendations to address the problems around restricted areas.

Mr. Chase said he agreed with Ms. Keller with regard to the Rapid Response

Unit, adding it was contrary to what he considered the goals of community policing. He noted that the half a million dollars annually for ten years would build 400 units of housing--a much better investment. With respect to S.O.A.P. & S.O.D.A., he expressed concern that there was no due process or appeal and, worst of all, there was no way to rescind it once implemented. Mr. Chase urged the City to hold off on the forfeiture ordinance.

Mr. Wotton expressed concern that the City was more focused on enforcement/punishment than on prevention.

Mr. Gleason said he recognized there are many approaches to the problem, adding that the solution set to the problems required an interjurisdictional case management system, involving all the institutions, i.e., schools, courts, etc.

Mr. Laue moved, seconded by Ms. Keller, to drop from consideration vehicle forfeiture in relation to prostitution; continue to study the areas of "Stay Out of Areas of Prostitution" (SOAP) and "Stay Out of the Areas of Drug Activity" (SODA), using a strategy of condition of probation or parole, possibly limiting it to public properties to begin with because much of these activities occur in parks; that we do not move too fast on that until we get some determinations on legality; to intergovernmentally work on truancy and youth system-wide; and to look at the structure of the society in addressing these issues as these are structural problems as suggested by Mr. Hornbuckle.

Mr. Hornbuckle raised a point of order, saying he wished to adjourn after discussion on the motion.

Mr. Hornbuckle moved, seconded by Mr. Laue, to divide the motion and asked for the first clause. Mr. Laue said the first clause was "to drop vehicle forfeiture from further consideration." The motion to divide passed, 4:3; with councilors Boles, Green, and Keller opposed.

Mr. Keller moved the previous question (to drop vehicle forfeiture). The motion passed, 5:2; with Mr. Boles and Mr. Green opposed.

Mr. Laue restated the second part of the original motion as follows: to continue the research into S.O.A.P. and S.O.D.A. legislation, predicated upon a condition of parole or probation, and to work on issues of truancy and youth.

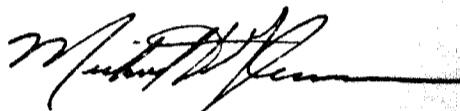
Mr. Boles said he was opposed because the reality was that the council was no closer to getting to an integrated solution by supporting the motion. "All we are doing," he said, "is burning staff money around the topic." He urged the council to defeat the motion and charge the HRC and representatives of the council to work with the manager and other jurisdictions to start to address the issue in an integrated fashion.

Mr. Green echoed Mr. Boles comments, adding that the motion was not time specific.

Ms. Swanson Gribskov moved, seconded by Ms. Keller, to table the motion to a date certain: Wednesday, January 25. The motion passed, 6:1; with Mr. Hornbuckle opposed.

The meeting adjourned at 9:45 p.m.

Respectfully submitted,



Micheal Gleason
City Manager

(Recorded by Yolanda Paule)
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