

# MINUTES

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

September 27, 2010  
5:30 p.m.

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

Her Honor Mayor Kitty Piercy called the September 27, 2010, work session of the Eugene City Council to order.

Mayor Piercy proclaimed the week of October 1 - October 10 to be Oregon Days of Culture Week. She called on Eugene citizens to participate in Oregon's culture, to celebrate its vibrancy and depth, and to give to the arts to ensure their future vitality. She emphasized the importance of the Oregon Cultural Trust, which had invested \$502,000 in the City of Eugene since 2003 and which continued to contribute to the arts scene and economy.

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

Mayor Piercy reported that she had recently attended the "Rail Now" Conference in Salem, an effort pushing for action on high-speed rail. She had also attended, and she commended, the recent Bethel Talent Show put on by the Bethel Education Foundation to benefit the Bethel School District.

Mayor Piercy recalled the memorial held in September at the Hult Center to honor former Mayor Ruth Bascom.

Mayor Piercy reported that Eugene had hosted the League of Oregon Cities (LOC) Conference in September, and she commended City staff and Hilton Hotel staff for their work in support of the event. Mayor Piercy announced that Lane Independent Living Alliance (LILA) had opened a new peer support center downtown, and Fifth Street Market owner Brian Obie had unveiled his plans for a new hotel, "The Inn at Fifth." She also noted the recent ground-breaking ceremony at Alton Baker Park for the Nobel Peace Laureate Monument.

Mayor Piercy spoke about a gathering in the West University Neighborhood that occurred over the weekend and had turned into a situation that required a police response. She said the University of Oregon (UO) played an important role in the state and local economy. The City welcomed UO students and asked that they be law-abiding community members. She emphasized that many of those involved in the event were not students, and the students who participated represented a small percentage of UO students.

Mayor Piercy said the City took the event seriously and was working with a number of stakeholders, including the UO, property owners, landlords, students, and the Eugene Police Department to prevent future such events from happening. She anticipated the event would have legal consequences for many

individuals. She noted the outreach she planned to do to new and returning students about such issues.

Mr. Poling called attention to an error in the media calendar, saying the Harlow Neighborhood Association would have an Executive Committee meeting, not a general meeting on September 30.

Mr. Poling reported he had recently attended a meeting of the Board of Directors of Travel Lane County and heard a presentation about Kesey Enterprises' success in increasing ticket sales for events at the Cuthbert Amphitheater. He noted that Kesey Enterprises had just received another five-year contract to manage the amphitheater. Mr. Poling said the Travel Lane County's chief executive officer Kari Westlund was evaluated by the board and received high remarks. He commended the work of Ms. Westlund. Mr. Poling also reported that Eugene would host the Governor's Conference on Tourism scheduled for April 10-11, 2011.

Mr. Poling indicated he would meet September 30 with residents of Sandy Drive and Eric Jones of the Public Works Department regarding the condition of Sandy Drive at the Methodist Church at Oakway and Cal Young roads.

Mr. Poling called attention to some postcards the council had received regarding budget reductions potentially affecting St. Vincent de Paul and asked for more information, as he was unaware of the situation.

Mr. Poling thanked Eugene Police Department officers and officers from supporting police agencies for their response to the West University Neighborhood situation. He reported he had attended Food for Lane County's "Empty Bowls" charity auction with Ms. Ortiz. He regretted he had been unable to attend the LOC Conference because of the conflict created by other obligations.

Speaking to Mr. Poling's question about the postcards the council had received, Ms. Solomon reported the Human Services Commission (HSC) was rebalancing its priorities, and concern about that effort might be the source of the postcards.

Ms. Solomon reported that she recently attended a meeting of the Public Safety Coordinating Council. She had also chaperoned a third-grade field trip to Alton Baker Park where participants were able to view the Talking Stones.

Mr. Brown reported on the most recent Police Commission meeting, saying the Use of Force Subcommittee presented revisions to policies 306 and 308 and voted 5:4 to support the continuation of the Downtown Public Safety Zone (DPSZ) after considerable discussion.

Mr. Brown reported that he also attended the last Civilian Review Board (CRB) meeting and said Police Chief Pete Kerns, Police Auditor Mark Gissiner, and the CRB all agreed that the attack of a police dog on a homeowner rather than the burglar he was confronting was not within policy. He had also attended the recent Human Rights Commission meeting.

Mr. Brown noted that he had attended the United Day of Caring event and worked the mayor and other councilors to clean debris and clear blackberries at Alton Baker Park.

Mr. Brown recommended that people view the exhibit currently at the Jordan Schnitzer Museum on the UO campus, "Giuseppe Vasi's Rome."

Ms. Ortiz reported that the Lane Regional Air Protection Agency (LRAPA) Board of Directors had agreed to work with consultant Bob Chadwick on consensus building. She had also attended the Bethel Talent Show and reported all the seats were sold out and the show raised \$6,000, with all the entertainment provided by district staff.

Ms. Ortiz said she, Lane County Commissioner Rob Handy, and several residents had met with Fire Chief Randy Groves about residents' concerns regarding the helicopter landings at 2<sup>nd</sup> and Chambers. She believed residents' questions were answered.

Ms. Ortiz reported that she had attended the Food for Lane County dinner as well as Mr. Obie's open house about the new hotel.

Ms. Ortiz thanked Chief Kerns for attending a meeting of the Trainsong neighbors association to discuss the department's response to a shooting in the neighborhood.

Mr. Zelenka said he had been in Washington, DC, the previous week and took the opportunity to talk to staff of Oregon's Congressional delegation about some City-related work items and funding for the Metropolitan Policy Committee greenhouse gas scenario planning mandated through Senate Bill 2001 and high speed rail. He indicated he would work on those issues with the Council Committee on Intergovernmental Relations.

Mr. Zelenka said he had been on an Oregon Planning Institute panel to explain greenhouse gas scenario planning to Oregon planners.

Mr. Zelenka had been unable to attend Mayor Ruth Bascom's memorial but had fond memories of the mayor and commended what she had done for the community.

Mr. Zelenka commented on the weekend event that occurred in the West University Neighborhood UO riots and expressed disappointment and anger at the behavior manifested by participants. He planned to speak to UO President Richard Lariviere to discuss what could be done to prevent such a thing from happening again and to suggest more stringent consequences for UO students.

Mr. Zelenka had also attended the LOC conference as well as the "City Hall Week" forum held in Springfield on September 16. He had attended the Sustainability Commission meeting and reviewed the commission's agenda.

Mr. Pryor commended the recent memorial to Mayor Ruth Bascom. He had also attended the City Hall Week forum.

Mr. Pryor asked City Manager Jon Ruiz to follow-up on what the City could do to improve safety conditions at the corner of 13<sup>th</sup> Avenue and Kincaid Street near the UO.

Mr. Pryor noted the work crew that worked in Alton Baker Park as part of the recent Days of Caring event included elected officials and senior administrators from the two cities. He was pleased to see the joint effort. He suggested the two communities trade locations each year as a good will gesture.

Ms. Taylor reported that she had also attended the City Hall Day forum as well as the LOC Conference. She had been struck by the lack of representation from Eugene on the LOC Board of Directors and suggested Eugene would benefit from being involved in running the organization. Ms. Taylor reviewed

some of the sessions she had attended at the LOC conference.

City Manager Ruiz thanked the staff of the EPD for its effective response to the recent event in the West University Neighborhood, which prevented the incident from getting out of hand.

City Manager Ruiz reported he had recently attended the Climate Leadership Academy and commended the academy, which placed emphasis on resilience and adaptation as opposed to mitigation. He said Eugene was far ahead of other communities in thinking about such issues.

Speaking to Mr. Brown's report on the meeting of the Police Commission, Mr. Clark reported that two or the four commissioners who voted against extending the DPSZ had very specific and narrow concerns about the text of the ordinance, and those concerns might be addressed in the information presented later to the council.

Mayor Piercy hoped that Mr. Poling kept the council updated on the Sandy Drive proposal.

Ms. Ortiz thanked Public Works Department staff for repaving Bethel Drive and said the improvement was appreciated.

**B. WORK SESSION:**  
**Animal Services**

The council was joined by Assistant City Manager Sarah Medary, Council and Intergovernmental Services Manager Keli Osborn, and Financial Services Analyst Larry Hill. Assistant City Manager Medary emphasized the subject's relationship to the council's goals related to sustainable financing, strong public partnerships, and community engagement. She recalled the initial reduction of \$100,000 proposed to the City's contract with Lane County Animal Services (LCAS) and reminded the council that recommendation occurred in the context of a much larger budget reduction discussion.

Mr. Hill reminded the council of the direction given to staff following the review of the fiscal year 2011 (FY2011) budget. The council directed staff to implement the \$100,000 reduction in the Animal Services contract with LCAS for FY2011, directed the Municipal Court judge to review currently license and enforcement fees, and directed staff to engage stakeholders in a comprehensive review of Animal Services over the next 12 months. The contract included a base cost of \$585,000 and Lane County would continue to retain 95 percent of revenues for licenses sold to Eugene residents. Mr. Hill reported that as a result of the \$100,000 reduction, there were now two instead of three full-time enforcement officers, and staff anticipated a reduction in responses by LCAS to some issues, such as barking dogs, which was the agency's lowest priority.

Mr. Hill said he had completed Phase 1 of the study, which was to gather a broad range of information on animal services. He referred the council to Attachment A, *Summary of Developments in Animal Services Affecting the City of Eugene*, which provided an overview of developments in animal services provided within the City of Eugene and historic developments in animal services generally. He also called the council's attention to Attachment B, *Survey of Animal Services of Oregon Cities with 15,000 or Greater Population*.

Mr. Hill anticipated the study would be completed by the end of the fiscal year but believed it could produce useful information prior to that for use in the budget process. He briefly noted the subjects that would be studied in Phase 2 and the stakeholders that would be involved. He invited questions.

Mayor Piercy said the council's discussion should not be interpreted as a reflection on Lane County, the current service provider. The council's focus was on the City's budgetary limitations. Speaking to the issue of barking dogs, Mayor Piercy asked what other options the City could its citizens if Lane County was not going to respond to barking dogs. She believed that currently barking must exceed a length of time and the barking must be recorded.

Ms. Taylor said it was untrue that people had to record a dog barking. Dogs were considered guilty of barking until proven innocent under current practice, and she thought there was something wrong with that and called for future discussion.

Responding to a question from Ms. Taylor, Mr. Hill indicated the City had a range of fines that would be reviewed by the judge. Ms. Taylor asked if the City was considering raising license fees. Mr. Hill indicated that was under discussion. He said that staff would compare the City's fines and fees with other jurisdictions in central Lane County and discuss whether they should be more consistent.

Responding to a question from Ms. Taylor about stakeholders in the study, Mr. Hill identified the key stakeholders as the organizations providing the service, City of Eugene and Lane County, and said the community had more than 50 animal advocacy organizations he anticipated would be involved. There were many residents interested in some aspect of animal welfare. He emphasized staff's intent to have a range of ways to gather input.

Assistant City Manager Medary pointed out that several stakeholders were present, including Karen Gaffney and Tom Howard from LCAS, Executive Director Cary Lieberman of Greenhill and Marilyn Waters, the City's supervising veterinarian.

Ms. Taylor asked if staff had discussed cat licensing. Mr. Hill said his research found no successful cat licensing program in Oregon, only voluntary approaches.

Ms. Taylor asked if staff had discussed the concept of offering residents free spay and neuter services. Mr. Hill said his research did not find any Oregon city that provided free services. Most cities provided far less funding for animal services than Eugene because they depended on counties for funding. In many areas, no animal services were provided by local government at all. In some areas, only nonprofit service providers existed. Ms. Taylor suggested that such services would be cost-effective because they would reduce the number of unwanted animals.

Ms. Ortiz asked if the City had considered having its own staff work at LCAS, and if there would be cost savings involved. Mr. Hill responded the study would attempt to answer that question. There were many different models to consider. Some cities provided all services in-house and others contracted for services; currently, the City took a hybrid approach and contracted for some services and provided other services in-house. Staff would try to attempt to answer the question of what model best fit Eugene.

Ms. Ortiz expressed disappointment that the Budget Committee had chosen to fund Animal Services at the level it had when that action had precluded the option for a second CAHOOTS van, which she thought was vital to the City's public safety efforts in downtown.

Mr. Zelenka was supportive of the service but concerned about its costs. He noted that only 11 of 37 cities listed in the survey had a budgetary line item for animal services and suggested that was because most cities relied on counties for the service. Mr. Hill agreed. He said that some cities might have

incidental funding for animal services because their police were responsible for responding to code violations. Those costs were often minor and buried in police personnel budgets and hard to discern.

Mr. Zelenka noted that Eugene spent more money, \$3.28 per capita, than any city on the survey. Eugene spent two times more than most cities, which he attributed to the different levels of services provided by different jurisdictions. He determined from Mr. Hill that Phase 2 would answer the question of what services those communities provided as well as the cost and outcomes.

At the request of Mr. Brown, Ms. Waters clarified some of the terms used in Attachment 1.

Responding to a question from Mr. Clark, Mr. Hill said the judge was looking only at fine levels in Phase 1 of the study and was not contemplating other penalties. Mr. Clark shared that he had been contacted by residents who shared stories about vicious dogs who harmed other animals when roaming at large and while their owners were fined their animals were returned to them. Mr. Hill indicated staff could look at the policy issues related to that in Phase 2. Mr. Clark endorsed that examination.

Mr. Clark also suggested that staff consider what it could do to increase the licensing revenues through incentives to Lane County.

Mr. Clark asked if the City had a "Plan B" if the County lost additional funding that affected LACS' budget. Mr. Hill said additional revenue losses would impact the City and staff was keeping a close watch on the County budget. While the City did not yet have a plan to address that, Mr. Hill believed it increased the importance of having in-depth and honest discussions with the various stakeholders in the service. Mr. Clark asked if the State mandated the County provide the service. Mr. Hill did not think counties were required to provide the service because many counties did not.

Mr. Poling expressed support for the review of fines and fees and was also interested in other sanctions to address the subject of vicious dogs. He thanked LCAS staff for the work it did.

Ms. Solomon thanked Mr. Hill for his work. She determined that Mr. Hill was familiar with the work done in Calgary. Mr. Hill indicated he was also familiar with the work being done in King County, Washington, and Wasco County, Nevada, and would attempt to learn what he could from other areas of the country.

Responding to a question from Ms. Taylor, Mr. Hill indicated he would look into why senior citizens paid less for licensing their dogs.

**B. WORK SESSION:  
City Manager Evaluation Follow-up**

The council was joined by Human Resources Director Alana Holmes and Performance Evaluation Manager Denise Smith. Ms. Holmes reminded the council of its evaluation of the City Manager in July 2010. As directed, staff had returned with a proposed compensation structure and new performance rating system for future evaluations. City Attorney Glenn Klein and Ms. Holmes reviewed the council-requested changes.

Mr. Clark said the council officers discussed the potential of creating a less arbitrary, more structured evaluation system for all council employees, including the auditor. He said given the manager had

declined an increase this year, there was less urgency for the council to act, and he recommended that the council discuss further refinements to the system and postpone action at this time.

Responding to a question from Mayor Piercy, Mr. Klein said the more flexibility the council built into the evaluation process the more it moved away from an objective system.

Mr. Pryor supported Mr. Clark's recommendation. He appreciated efforts to take arbitrariness out of the system. He wanted to be able to strike a more effective balance and reach common definitions on the terms being used, and he did not object if that took more time. He spoke to the standards used, and said that in many cases evaluations were using the term "successful" as opposed to "fair." "Fair" implied below average to Mr. Pryor, and suggested one was not doing as well as one could. He suggested the council consider using "successful." He suggested the council consider how it could objectivity to flexibility to come up with an effective system. He commended the work done by staff.

Mr. Poling asked that the phrase "performance is at a level that it's a stretch" be discarded in favor of something more clear. He suggested the element in the "good" category reading "demonstrates very high level of performance in all areas" be moved to the "excellent" category.

Ms. Solomon referred to the weighted average ranges reflected in Attachment B and suggested there should be nine. Ms. Holmes agreed and said she would do more work on that section.

Responding to a question from Ms. Solomon about the apparent lack of a tie between deferred compensation and the manager's performance, Ms. Holmes suggested it was a one-time adjustment as opposed to an adjustment for good or excellent performance. Staff could consider a sliding approach but it added to the complexity of the system. City Manager Ruiz said that the benefit increased with longevity. Ms. Solomon suggested that the benefit represented a sort of bonus. Ms. Holmes did not see the benefit as a bonus but rather an increase to the current compensation package. She said that all City employees were eligible for deferred compensation. Ms. Holmes recalled council discussion of deferred compensation as an incentive for the manager to stay. She confirmed, in response to a follow-up question from Ms. Solomon, that the manager could chose to add to the deferred compensation.

Mr. Zelenka was comfortable with the changes made by staff in response to council direction. He said that deferred compensation was commonly used as a way to add to employee's retirement fund. He liked the idea that it was tied to longevity.

Mr. Clark agreed with Mr. Zelenka about the issue of deferred compensation. He said the manager was doing an excellent job and he did not want the public to think the council's questions reflected on City Manager Ruiz in any way.

Mr. Clark asked that in the future, staff provide the council with comparable information about the compensation for managers of similarly sized municipalities as well as executives of private organizations of similar size. Ms. Holmes recalled the remarks made by Ms. Ortiz about the need for market data, and said the City currently used public sector comparisons. Mayor Piercy was fine with confining the analysis to the public sector comparisons but wanted to ensure that the comparators used were similar to Eugene.

Mr. Klein asked how the council would use the information. If the council wanted to be able to take that information into account in deciding whether to give the manager a raise, staff needed to revise the process to give the council that flexibility. Mr. Clark suggested the council resolve that issue later.

Mr. Zelenka said the council already had comparables in the form of a market survey. He suggested that the council could just adjust that. He did not think the City should do a new market survey every year and suggested that five year intervals were appropriate.

Mayor Piercy suggested that the council needed to create a statement about what it was trying to achieve with the proposed compensation approach. She thought the council was trying to create an unbiased and more routine way to compensate the manager while encouraging excellence. She thought the council needed to be able to explain to the public in challenging economic times why it was doing what it was doing and why it was fair.

Mr. Pryor suggested the council could move forward to systematize the compensation element of the evaluation, and thought could be done quickly. He did not think the system needed to vary much between the manager and Police Auditor. Ms. Holmes anticipated that staff would also return with changes to the ratings.

Mayor Piercy adjourned the work session at 7:10 p.m.

Respectfully submitted,

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

Beth Forrest  
City Recorder

*(Recorded by Kimberly Young)*