

MINUTES

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

April 26, 2010
5:30 p.m.

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

COUNCILORS ABSENT: Andrea Ortiz, Jennifer Solomon.

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

A. BRIEFING:
Quarterly Briefing to City Council from Police Auditor

Police Auditor Mark Gissiner provided an update on operational issues within the auditor's office. He had been seeking clarity on public records laws with regard to public safety employees. The Civilian Review Board (CRB) had written to the Oregon Attorney General John Kroger asking for his opinion on that issue and Mr. Kroger had replied that his office could not become involved and the matter should be decided at the local level. He said he and the CRB would work with the City Attorney to develop guidelines and procedures.

Mr. Gissiner had hoped to provide an annual report to the council but templates for statistical data were not in place and staff was reviewing case files and compiling data. He felt the model for addressing basic customer service complaints was dysfunctional and he was investigating a better approach for responding expeditiously to reports that did not need to be processed through the current police auditor system. He hoped to develop a rapid response customer service model that would provide residents with feedback in a day or two instead of two to three weeks.

Mr. Gissiner described some of the trends he saw in the emerging data. He would analyze the data for more details once it was compiled and expected to provide the council with a report fairly soon. He was continuing with community outreach efforts and the groups he spoke to were very receptive to the information. He hoped that the auditor's office would be eight to nine percent under budget at the end of the year and said it had not been necessary to issue any contracts for specialized service. He attended a Police Executive Research Forum (PERF) conference in Philadelphia and it was very informative; learning from the experiences of other communities was of great value. He concluded his comments by noting that the number of complaints remained at the same level as in 2008 and 2009. He also mentioned that a complaint related to a high profile issue had been dismissed on the basis of timeliness.

Mr. Brown expressed disappointment in the Attorney General's response to the CRB. He observed that it did not appear providing legal advice was one of the Attorney General's duties. He hoped that local stakeholders would be able to develop appropriate procedures for maximum transparency of the system. He asked if information from the PERF conference was available online. Mr. Gissiner said that much of the information was presented during panel discussions. He would check on availability of the materials.

Mr. Zelenka indicated he also was surprised by the Attorney General's response. He asked if the CRB had requested legal advice from the City Attorney. Mr. Gissiner said he had that discussion with the City Attorney and for him it was a matter of who made the decision about whether a matter was of significant public interest. He said neither the Attorney General nor the District Attorney would make that determination, leaving it to either the CRB or the Police Auditor. He found it odd that such a determination of State law was left to the local governing body.

Mr. Zelenka asked if there was a role for the City Council in that process. Mr. Gissiner said the law delegated that decision to the CRB in matters related to its area of jurisdiction. He intended to work with the City Attorney and Police Department to develop procedures that were aligned with the City's ordinance.

City Manager Jon Ruiz commented that the subject of personnel records was a complex issue and the City Attorney, Police Auditor and Police Chief were engaged in discussions that he hoped would result in a common agreement on how those records were handled.

Mr. Poling cited the letter from the Attorney General and pointed out that Mr. Kroger had not indicated he was unwilling to assist the CRB; he was prohibited from doing so by State law. He asked if developing a separate rapid response process for some customer service complaints would require a change to the City Charter. He was concerned that any change to the police auditor system could result in a community backlash. Mr. Gissiner said he did not think a change to the charter would be required; it would simply establish a speedier operational process for handling certain types of complaints. It was his intent to establish a central coordinating point for processing customer service complaints instead of routing them to different supervisors for response.

Ms. Piercy agreed with the need to quickly respond to customer service complaints.

B. WORK SESSION: Council Goals

Mr. Ruiz said the goal of the work session was to adopt outcome statements that could be used to develop specific measures and strategies to carry forward to a community dashboard that would engage the public in an ongoing dialogue about the City's performance. He introduced Terrie Monroe, City Manager's Office, to present the information.

Ms. Monroe stated that the council's discussion of goals at an earlier meeting had helped to inform the development of outcomes for each of the council's five goals. She explained that each outcome would have associated strategies and measures to track progress. She said draft measures would be tested with community members to assure they were relevant to the outcome, understandable, and provided the desired information about progress toward the outcome. She expected that proposed strategies and measures would be presented to the council in June 2010. She illustrated how outcomes and measures would be used to create a dashboard on the City website that allowed citizens to monitor the City's performance, access information they found most relevant and provide feedback. She reminded the council of the five issues derived from Eugene Counts that crossed multiple goal areas: downtown, public safety, jobs and economic development, communication between the City and the community and alternative transportation modes. The community survey identified the following as the most important problems facing Eugene: unemployment, downtown issues, homelessness, the economy and crime.

Mr. Ruiz asked the council to indicate whether each of the proposed outcomes was acceptable as stated or suggest modifications to the language.

Goal: Safe Community

- Decreased property crime
- Greater sense of safety (especially downtown)

- Visible and accessible police presence
- Better police/community relations

Ms. Piercy said homelessness was a concern in the community but it was not apparent how it was being addressed by the goals and outcomes. She was concerned that the issue was not more visible as a goal. Ms. Monroe said there was ambivalence about how to include homelessness and people preferred to take some time to determine how that could best be addressed through outcomes.

Mr. Pryor agreed it would be difficult to find the logical place for homelessness as an umbrella issue. He said homelessness was often perceived both as a condition and a behavior. He said behavior aspects related to homelessness might be addressed under the Safe Community goal, while homelessness as a condition might be addressed as part of the underlying well-being of the community under the Sustainable Development goal.

Mr. Zelenka said he also noticed that homelessness was not specifically addressed in outcomes, but agreed that it cut through several goal areas and could be addressed as a safety issue as well as the need for more housing.

Mr. Ruiz suggested that an outcome could be added to Sustainable Development related to the condition of homelessness and the safety aspect could be addressed by a specific strategy under Safe Community.

Mr. Clark concurred with Mr. Ruiz that specific strategies could be developed to address the various aspects of homelessness. He recalled that during the public engagement process homelessness was discussed in two ways: as a condition the City should help ameliorate and behaviors the City should address through public safety measures.

Ms. Piercy determined that there was agreement among councilors to accept the Safe Community outcomes as proposed.

Goal: Sustainable Development

- Increased downtown development
- Decreased unemployment/strategic job creation
- Support for small and local business
- Decision-making that weighs economic, social equity and environmental (triple bottom line) effects

Mr. Pryor suggested substituting “balance” for the word “weighs” in the last outcome to imply a more active approach to using those elements to create a more effective outcome.

Ms. Piercy felt that the intent was to use the triple bottom line lens in decision-making, which suggested more than simply balancing those elements.

Mr. Pryor withdrew his suggestion if the council felt “balance” implied active use of the triple bottom line tool.

Ms. Taylor questioned the inclusion of the outcome related to downtown development. She said the goal related to any type of development. Mr. Ruiz said downtown development would be balanced against other outcomes such as support for small and local business and regional economic development through use of the triple bottom line.

Mr. Zelenka commented that strategies would also define how specific outcomes would be achieved.

Mr. Brown questioned why outcomes only addressed downtown development. He felt that outcome was too specific and excluded development elsewhere in the community.

Ms. Piercy reminded the council that during its goal-setting discussion it was focused on downtown development. Mr. Ruiz added that other development activities would continue to occur; the outcomes were reflective of what the community had identified as priorities.

Mr. Pryor concurred that it was appropriate to identify downtown development as a specific outcome because downtown was the community's common area and emerged as a focus area in the community survey.

Mr. Clark was concerned that the outcome related to job creation was too narrow and related only to the joint elected officials' regional economic development strategy work. He said the outcomes should be viewed from the broader economic perspective of increasing the tax base through use of policy to increase property values. He said higher property values as a tax base would allow the City to afford those things it wished to do on an ongoing basis.

Goal: Accessible and Thriving Culture and Recreation

- Accessible to all incomes
- Preserve strength in arts and outdoors
- Invest in arts and culture as an economic engine

Mr. Clark suggested that the first outcome could include a strategy that allowed greater flexibility for developing undeveloped City-owned park land, including through the use of volunteers.

Mr. Pryor suggested that accessibility should relate to socio-economic status, not just income.

Mr. Poling reflected that the council's conversation about accessibility discussed the affordability of some events, which was why the outcome was related to income.

Ms. Piercy agreed with Mr. Poling's comments that the council's concern related specifically to access to cultural events during difficult economic times.

Mr. Pryor withdrew his suggestion.

Goal: Effective, Accountable Municipal Government

- Transparent and interactive communication
- Public engagement that involves the community broadly
- Stronger partnership between government entities

Ms. Piercy determined there were no comments and the outcomes were accepted as proposed.

Goal: Fair, Stable and Adequate Financial Resources

- A long-term sustainable budget
- New or expanded revenue sources
- Accessible and transparent financial information

Mr. Clark was concerned that the outcome related to new or expanded revenue sources would enshrine the intent to raise taxes in some way. He was agreeable to an outcome of finding sustainable revenue streams, such as increasing property values and thus property tax revenue.

Ms. Taylor commented that the council had established a goal of seeking adequate financial resources many years ago, but nothing had occurred. She said that providing services demanded money and new sources of revenue were needed. She hoped the council would explore some of the revenue sources used by other communities.

Mr. Zelenka found use of the term “sustainable” in the first outcome confusing since it was also used in the Sustainable Development goal. The word had different meanings in those two separate uses.

Mr. Poling commented that the word “sustainable” had very different meanings when applied to the budget or development. He felt the meanings were clear in those contexts.

Mr. Clark asked if seeking new or expanded revenue sources meant raising taxes. Mr. Ruiz replied that the language had emerged from the council’s goals discussion. He did not perceive the outcome to be limited to strategies seeking new taxes or fees; expanded revenue sources could also include increased property values.

Mr. Clark preferred strategies that sought to expand the current base of revenue sources.

Mr. Clark, seconded by Ms. Taylor, moved to approve the set of outcomes as presented.
The motion passed unanimously, 6:0.

Mr. Ruiz asked for two or three councilors to form a subcommittee to work with staff to develop measurements for outcomes.

Ms. Piercy suggested that Mr. Zelenka, Ms. Ortiz and Mr. Solomon serve as the subcommittee.

C. WORK SESSION:

Lane Area Commission on Transportation (LACT) Bylaws

Intergovernmental Relations Manager Brenda Wilson briefly reviewed the formation and purpose of the LACT. She said a forum was established to draft LACT bylaws for presentation to the Lane County Board of Commissioners (BCC) and the BCC requested that each proposed LACT member jurisdiction or entity indicate formal support for the bylaws. She said to date the City of Lowell had taken action to adopt the bylaws, predicated on no subsequent changes to the bylaws; Eugene would be the second jurisdiction to take action. She said the BCC must present the bylaws to the Oregon Transportation Commission (OTC) by October 31, 2010.

Ms. Wilson highlighted the bylaws and reiterated that the LACT would be an advisory body to the OTC, providing a forum for the discussion of regional transportation issues and funding prioritization. She described the voting membership set forth in the bylaws and language that would prevent multiple representations from one voting jurisdiction or entity. She drew the council’s attention to the decision-making approach proposed in the bylaws, which used a consensus model and voting if consensus could not be reached.

Ms. Piercy commented that other ACTs in the State used a one city/one vote structure rather than proportionality. She said all members of the forum agreed with the bylaws. She affirmed that the LACT was an advisory body that would enhance the area’s competitiveness for State funding by speaking with a single voice before the OTC, but jurisdictions would still be proposing the projects to be considered for funding.

In response to a question from Mr. Clark, Ms. Wilson said that the secondary representative from jurisdictions was not required to be an elected official because some entities felt it would be beneficial to have a staff person serve as the alternative LACT representative.

Mr. Clark said he would support the bylaws as presented, but hoped that Eugene's primary and alternate representatives would be elected officials. He asked if the BCC could modify the bylaws after they had been supported by jurisdictions. Ms. Wilson said that was technically possible, but it was doubtful that the BCC would present bylaws to the OTC that were not consistent with those developed and approved by the stakeholder groups on the forum.

Ms. Piercy commented that forum members were very clear that if any changes were made to the bylaws after they were approved by members, the revised version must come back to the forum for consideration.

Mr. Zelenka asked if LACT recommendations for State Transportation Improvement Program (STIP) and *ConnectOregon* funding would supplant recommendations from the Metropolitan Policy Committee (MPC). Ms. Wilson said *ConnectOregon* laws and regulations required that ACTs provided the funding recommendations to the OTC; however, ACTs were directed to work in collaboration with the Metropolitan Planning Organization (MPO) and MPCs to determine regional transportation priorities. She said the LACT would provide an advisory list of STIP priorities to the OTC, but the MPC also provided a list of STIP priorities.

Mr. Zelenka commended the decision-making model to be used. He noted that the list of interests that could be reflected by the citizen members of the LACT was extensive and assumed that there would be no duplication of those interests among citizen representatives. Ms. Wilson said the range of interests would be as broad or as limited as the applications received for membership. It was difficult to speculate about the interests or specialization that would exist until the LACT was established.

Mr. Clark, seconded by Ms. Taylor, moved to support the proposed Bylaws for the Lane Area Commission on Transportation as written. The motion passed unanimously, 6:0.

The meeting adjourned at 7:07 p.m.

Respectfully submitted,



Jon Ruiz
City Manager

(Recorded by Lynn Taylor)