



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **7TH DAY OF SEPTEMBER, 2005** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.

Commissioner Adams arrived at 9:36 a.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Harry Auerbach, Chief Deputy City Attorney; and Larry Sparks, Sergeant at Arms.

Agenda item 1021 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1009 Request of Richard Ellmyer to address Council regarding his Housing Authority of Portland client data map (Communication)	PLACED ON FILE
1010 Request of Paul Phillips to address Council regarding Death by Medicine article (Communication)	PLACED ON FILE
1011 Request of Charles E. Long to address Council regarding the Rose City is the city that cares (Communication)	PLACED ON FILE
1012 Request of Carlos Jermaine Richard to address Council regarding a simple prayer (Communication)	PLACED ON FILE
1013 Request of Colleen Maher to address Council regarding abusive and unfair treatment from the City (Communication)	PLACED ON FILE
TIME CERTAINS	

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<p>1014 TIME CERTAIN: 9:30 AM – Declare intent to initiate local improvement district formation proceedings to construct street improvements in the NE 87th Avenue and Columbia Boulevard Local Improvement District (Resolution introduced by Commissioner Adams; C-10016)</p> <p>Motion to amend Exhibit A: Moved by Mayor Potter and seconded by Commissioner Saltzman. (Y-5)</p> <p>(Y-5)</p>	<p align="center">36334 AS AMENDED</p>
<p>1015 TIME CERTAIN: 10:00 AM – 5 to 9 servings of fruits and vegetables every day (Proclamation introduced by Mayor Potter)</p>	<p align="center">PLACED ON FILE</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p>	
<p>1016 Statement of cash and investments July 01, 2005 through July 27, 2005 (Report; Treasurer)</p> <p>(Y-5)</p>	<p align="center">PLACED ON FILE</p>
<p align="center">Mayor Tom Potter</p> <p align="center">Office of Emergency Management</p> <p>*1017 Approve an Intergovernmental Agreement with Columbia County, Oregon for the distribution of equipment, supplies and services procured as a result of Urban Area Security Initiative Grant awards (Ordinance)</p> <p>(Y-5)</p> <p align="center">Office of Management and Finance – Risk</p> <p>*1018 Accept settlement offer from Marsh (Ordinance)</p> <p>(Y-5)</p> <p align="center">Office of Neighborhood Involvement</p> <p>*1019 Authorize a grant agreement with The Green G Service Company LLC for graffiti abatement services using General Fund dollars (Ordinance)</p> <p>(Y-5)</p> <p>*1020 Authorize a grant agreement with Youth Employment Institute for graffiti abatement services using General Fund dollars (Ordinance)</p> <p>(Y-5)</p> <p>*1021 Authorize contract with Resolutions Northwest for \$266,569 for conflict resolution services for the period July 1, 2005 through June 30, 2006 (Ordinance)</p> <p>Motion to accept an amendment to add an emergency clause so the matter will be expedited: Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-5)</p> <p>(Y-5)</p>	
<p align="center">179547</p>	
<p align="center">179548</p>	
<p align="center">179549</p>	
<p align="center">179550</p>	
<p align="center">179572 AS AMENDED</p>	

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Commissioner Sam Adams

Bureau of Environmental Services

<p>*1022 Authorize a contract with Vigil-Agrimis, Inc. and provide for payment for design of the Burlingame Trunk Sewer Rehabilitation Project No. 7911—Stream Restoration (Ordinance)</p> <p>(Y-5)</p>	<p>179551</p>
<p>*1023 Authorize a contract with Groundwater Solutions, Inc. for Comprehensive Environmental Response, Compensation and Liability Act oversight and risk assessment technical assistance at the Portland Harbor Superfund site (Ordinance)</p> <p>(Y-5)</p>	<p>179552</p>
<p>*1024 Authorize a contract with Groundwater Solutions, Inc. for source control technical assistance at the Portland Harbor Superfund site (Ordinance)</p> <p>(Y-5)</p>	<p>179553</p>
<p>*1025 Authorize a contract with EnviroIssues for Portland Harbor Superfund project management and contractor coordination (Ordinance)</p> <p>(Y-5)</p>	<p>179554</p>
<p>1026 Authorize a contract with Inter-Fluve, Inc. and provide for payment for the design of Brownwood Flood Mitigation and Restoration, Project No. 7335 (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1027 Authorize contract with CH2M Hill, Inc. for professional engineering services for system planning support to update the Bureau of Environmental Services System Plan Project No. 8064 (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1028 Authorize an Intergovernmental Agreement with Metro for the City to assist in the restoration of native vegetation at the Metro St. John Landfill through the Bureau of Environmental Services' Watershed Revegetation Program (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1029 Amend Joint Funding Agreement with the U.S. Geological Survey for hydrogeologic technical assistance (Ordinance; amend Contract No. 34885)</p>	<p>PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1030 Authorize an Intergovernmental Agreement with Metro to transfer \$40,000 for design and construction of an ecoroof at Metro Headquarters for Environmental Protection Agency Innovative Wet Weather grant program (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>Office of Transportation</p>	

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<p>1031 Amend contract with Transcore ITS, Inc. to provide software for the Central Traffic Signal System Replacement Project (Ordinance; amend Contract No. 34742)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1032 Authorize Intergovernmental Agreement with Rogue Valley Transit District for \$5,000 for use of City CarpoolMatchNW.org website (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1033 Authorize contract and provide for payment for the Naito Parkway Reconstruction Project (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1034 Authorize a Lease Agreement with 5 East Side Stories LLC in the vicinity of SE 3rd Avenue and East Burnside Street (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1035 Authorize a Lease Agreement with Artiste Lofts LLC in the vicinity of SE 3rd Avenue and East Burnside Street (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1036 Authorize renewal of a Lease Agreement with Multnomah County in the vicinity of SE Grand Avenue and SE Hawthorne Blvd (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p align="center">Commissioner Randy Leonard</p> <p align="center">Water Bureau</p> <p>1037 Accept contract with Harder Mechanical Contractors, Inc. for the Bull Run Dam 2 Tower Improvements as complete and authorize final payment (Report; Contract No. 35250)</p> <p>(Y-5)</p>	<p align="center">ACCEPTED</p>
<p align="center">Commissioner Dan Saltzman</p> <p align="center">Office of Cable Communications and Franchise Management</p> <p>1038 Consent to right-of-way use agreement transfer from AT&T Wireless Services of Oregon, Inc. to New Cingular Wireless PCS, LLC (Ordinance; transfer Ordinance No. 178373)</p> <p>1039 Consent to transfer of selected physical assets of Chevron U.S.A., Inc. to Paramount of Oregon, Inc. (Ordinance)</p> <p>*1040 Extend term of AT&T long-distance telecommunications franchise (Ordinance; amend Ordinance No. 162822)</p> <p>(Y-5)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 21, 2005 AT 9:30 AM</p> <p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p> <p align="center">179556</p>

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<p>*1041 Extend term of a franchise granted to MCI Metro Access Transmission Services, Inc. (Ordinance; amend Ordinance No. 169230) (Y-5)</p>	<p align="center">179557</p>
<p>*1042 Extend the term of a temporary revocable permit granted to TCG Oregon (Ordinance; amend Ordinance No. 173990) (Y-5)</p>	<p align="center">179558</p>
<p>*1043 Extend the term of a temporary revocable permit granted to Qwest Corporation to build and operate telecommunications facilities within City streets for an additional twelve months (Ordinance; amend Ordinance No. 175757) (Y-5)</p>	<p align="center">179559</p>
<p align="center">Office of Sustainable Development</p>	
<p>*1044 Authorize application to the Department of Environmental Quality for a \$28,500 grant for a recycling project at Portland State University (Ordinance) (Y-5)</p>	<p align="center">179560</p>
<p>*1045 Authorize a \$45,000 Intergovernmental Agreement with the Oregon Department of Energy to provide them with technical and marketing services for the Business Energy Tax Credit, State Energy Loan and State Home Oil Weatherization programs (Ordinance) (Y-5)</p>	<p align="center">179561</p>
<p align="center">Parks and Recreation</p>	
<p>1046 Authorize an Intergovernmental Agreement with Oregon Health and Sciences University and related reciprocal easements for construction and maintenance of two new trails (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1047 Amend Purchase Order with Dirt Logic LLC to calculate designed earthwork quantities (Ordinance; amend Purchase Order No. 1027828)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p>1048 Authorize an agreement with the Friends of Overlook House to maintain and operate the Overlook House Community Center (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 14, 2005 AT 9:30 AM</p>
<p align="center">Commissioner Erik Sten</p> <p align="center">Bureau of Housing and Community Development</p>	
<p>*1049 Authorize subrecipient contract with Portland State University School of Business for \$95,000 to mentor small businesses and merchants and provide for payment (Ordinance) (Y-5)</p>	<p align="center">179562</p>
<p>*1050 Authorize subrecipient contract with Worksystems, Inc. for \$447,000 to provide workforce development activities and provide for payment (Ordinance) (Y-5)</p>	<p align="center">179563</p>

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<p>*1051 Authorize an Intergovernmental Agreement with the Housing Authority of Portland and the Portland Development Commission for \$60,000 to support a Housing Policy Manager and receive funds (Ordinance)</p> <p>(Y-5)</p>	<p align="center">179564</p>
<p align="center">REGULAR AGENDA</p> <p align="center">Mayor Tom Potter</p> <p align="center">Bureau of Licenses</p> <p>*1052 Approve contracts for towing and storage of vehicles (Ordinance)</p> <p>(Y-5)</p>	
<p align="center">Office of Management and Finance</p> <p>1053 Establish a new City Bureau known as the Revenue Bureau (Second Reading Agenda 992; add Code Section 3.15.110 and repeal Chapter 3.32)</p> <p>(Y-4; N-1, Leonard)</p>	<p align="center">179566</p>
<p align="center">Office of Management and Finance – Human Resources</p> <p>1054 Authorize a labor agreement with Laborers', Local 483 - Recreation for terms and conditions of employment of represented employees in the Recreation bargaining unit (Second Reading Agenda 994)</p> <p>(Y-4; N-1, Saltzman)</p>	<p align="center">179567 AS AMENDED</p>
<p align="center">Office of Management and Finance – Purchasing</p> <p>1055 Accept bid of James W. Fowler Company for the NE 33rd Ave and NE 33rd Drive Bridge Replacement Project for \$3,098,780 (Purchasing Report - Bid No.104390)</p> <p>Motion to accept the Report: Moved by Commissioner Adams and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p align="center">Police Bureau</p> <p>*1056 Approve settlement with Richard Barton, the Portland Police Association and the Portland Police Bureau for employment claims (Previous Agenda 971)</p> <p>(Y-2; N-3, Adams, Leonard, Saltzman)</p>	<p align="center">FAILED TO PASS</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Office of Transportation</p> <p>1057 Authorize Intergovernmental Agreement with the Oregon Department of Transportation to authorize the City to participate in the Local Public Agency Certification Program (Second Reading Agenda 1000)</p> <p>(Y-5)</p>	

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1058 Amend Intergovernmental Agreement with the Oregon Department of Transportation to delegate the authority to bid, award and construct the SE Hawthorne Blvd Project (Second Reading 1001; amend Contract No. 51754) (Y-5)	179569
1059 Amend Intergovernmental Agreement with the Oregon Department of Transportation to delegate the authority to bid, award and construct the NW-SW Naito Project, NW Davis to SW Market (Second Reading 1002; amend Contract No. 50661) (Y-5)	179570
<p style="text-align: center;">Commissioner Randy Leonard</p> <p style="text-align: center;">Water Bureau</p> *1060 Amend contract with CH2M Hill, Inc. to assist with completion of the Draft Habitat Conservation Plan for the Bull Run water supply and approve three new staff positions (Ordinance; amend Contract No. 35459) (Y-5)	179571

At 11:23 a.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Susan Parsons
Acting Clerk of the Council

For a discussion of agenda items, please consult the following Closed Caption File.

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<p><u>WEDNESDAY, 2:00 PM, SEPTEMBER 7, 2005</u></p> <p>DUE TO LACK OF AN AGENDA THERE WAS NO MEETING</p>	
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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

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Potter: Good morning, folks. This is Portland city council. Before we begin our official session, we have a procedure we go through every week where we talk about children and the importance of children in our society, and that in many cultures, when they pass each other, ask how are the children, because they know that when the children in the village are well the community is well. So what we do each week is have experts come in and talk to bus it. And the experts happen to be children and young people, talking about what are concerns to them, to inform the council about the -- from the citizen's point of view, from the children and youth point of view, what's important. And so today we have belen sainz-lopez. Belen is in 11th grade at madison high school, which -- did you just start school today?

*****: No. I start tomorrow.

Potter: Tomorrow?

*****: Yeah.

Potter: Good. I'm glad we're not keeping you from your first day at school. Thank you for being here, belen. Tell us about yourself and what you'd like us to know.

Belen Sainz-Lopez: About me, I go to madison. I do some sports. I try to stay within the community and try to help out as much as I can. I try to learn more and more each day about where it is that i'm trying to head and just kind of stuff like that. And just try to have fun, stay safe, but -- yeah.

Potter: What do you think our city council should know about young people and how can we help them better?

Sainzj-Lopez: About the young people, is that, you know, we keep changing every day because of society and how it wants us to be, so we will never stay the same. You know, in the neighborhood that I live in, things are just -- like you don't feel quite secure because of everything's that's wrong there, because, you know, there's like gangs and everything there. So getting away, we are changing and everything, but we don't know if it's like a positive change or negative change because of so many things that influence it.

Potter: So what are issues at madison high school? What about your school itself? How is it working?

Sainz-Lopez: My school itself, for me it's fine. You know, there's nothing much that's going on with it, but for others, like the e.s.l. Students, there's not enough help for them. Sometimes they get rejected, in a way. And there's also like gangs are a problem at madison as well. And just the ability of them not being able to learn as well as others, that influences it a lot.

Potter: So when you talk about the e.s.l. Students, what countries are they from?

Sainz-Lopez: You know, they can be from anywhere, just like china and mexico and -- somewhere that isn't america where they don't know the english language as well, and because of that they can be kind of pushed to a different place and just rejected, and that feeling isn't a good feeling, it's actually a bad feeling, and I know, because when I first came here I was also rejected.

Potter: And when you said that -- are they -- are there not enough teachers in e.s.l.?

Sainz-Lopez: There is enough teachers, but sometimes it's like what they're learning isn't quite enough, so it's like instead of trying to help them more it's more like they just kind of leave it at

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what they know. So they don't learn as much as they could, because they all have potential of learning everything.

Potter: You probably don't know, but i'm just wondering, maybe this is a question for the larger community, are there tutors out there that are able to work in schools that speak the language of the young people so that they can help them, tutor them to make them -- bring them up to speed, so to speak?

Sainz-Lopez: I would say there are some who can help, and who obviously know everything pretty well to help them, but just sometimes they don't want to or they feel if they do it's not right, that sort of thing. Like for me, ever since like second or third grade, i've been helping out students, who are mexican students, who don't know the language as well. So i'll help them. Or i'll help them with homework and stuff like that.

Potter: Good. I appreciate you doing that. It's kind of nice to pull people up that are behind you, isn't it?

Sainz-Lopez: Yes.

Potter: Thank you very much for being here. And who brought you today?

Sainz-Lopez: Neddy from ocha.

Potter: Good. They do a great service for our community. Thank you and the ocha staff for doing what you do. Thank you. Thank you for being here. [gavel pounded] city council will come to order. Please read the roll call. [roll call taken] [gavel pounded] please read the first item.

Item 1009.

*******:** Yes, I did.

Potter: Is there anything inside it?

*******:** Only what good folks at fred meyer put inside it.

Potter: Happy third birthday. Richard, you know, you have three minutes.

*******:** Yes, indeed.

Potter: Please state your name when you testify.

Richard Ellmyer: My name is richard ellmyer. I'm here today to celebrate the third birthday of the first and only public housing data by neighborhood map. This cake that I brought today, and I hope that the cameras will get a good shot of this. I think the people at fred meyer's interstate bakery did a very nice job. This cake is a gift to the mayor and commissioner Adams. They're going to split this cake, because they are the only two members of this council who have supported a review of Portland/Multnomah county public housing policy which will involve data by neighborhood. Since this map made its debut on august 27, 2002, more than \$600 million has been spent on public housing in Multnomah county without regard for the information this map has provided about the concentration of public housing in only a few of the 117 neighborhoods in Multnomah county. The council will no doubt recall that mayor Potter directed hap chairman to provide public housing data by neighborhood. We're now seven months after that request, and hap has not only failed to provide that information, but more importantly it has no plans, no plans, to provide that data ever. Without access, without public access to the public housing data by neighborhood, any reports that are going to be produced by hap, bhcd, p.d.c., the mayor's office or anyone else, that claims to have authenticity regarding neighborhood data will have no credibility. It is essential that whatever data is used to produce any of these maps for the city, that the public have access to this data. So I just want to be brief today, thank the mayor and commissioner Adams for pursuing this issue, wishing a happy third birthday to my map. I hope that it will have a brother or sister soon, and that next year at this time I will not have to be coming back and wishing it a fourth birthday. Thank you very much.

Potter: Thank you, richard.

Adams: Can we keep the cake?

Potter: Commissioner Adams would like to keep that cake, if possible.

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Saltzman: The two of you were supposed to share it.

Potter: I know, but he can afford it more than I can. Please read the next item.

Item 1010.

Potter: Good morning, mr. Philips. Please state your name when you testify. You have three minutes.

Paul Phillips: Yes. I'm paul phillips. I spoke about this article previously once before and read most of it. And if people use the internet search engine google and what the quotation marks on both sides of death by medicine, the first link will bring the article up, just to inform the public. I'd like to read, but because of 180 seconds I couldn't read this before because of time limits. We could add another -- this is the bottom paragraph -- bottom sentence of the page. We could add another 216 deaths, making a total of 999, 936 deaths annually. These are medical deaths, or deaths caused by medical errors, medical treatment. And the cost, they have a table here, of \$282 billion annually. And of course if you do a decade sum total of that, that's some \$3 trillion with between 8 million to 10 million killed every 10 years. And that's the most dangerous thing in the united states. There isn't anything that's more costly with hurricane katrina, they're saying the economic costs of that is \$150 billion. They call it a disaster. Yet with the healthcare system that people are furnished with, death and taxes, you know which is more important now. They also have wrote, which I read, it is evident that the american medical system is the leading cause of death and injuries in the united states. And this is written by medical doctors. I'll speak next week about my particular case. I can understand how I can't get proper medical treatment.

Potter: Thank you.

Phillips: Thank you.

Potter: Go ahead and read the next.

Item 1012.

Parsons: Item 1012. He has asked to reschedule.

Potter: Ok.

Item 1013.

Potter: If you have something to pass out to us, could you hand it to the council clerk?

*******:** Not yet. Maybe later.

Potter: Ok.

*******:** I'm going to just read this. Do I have to sit down?

Potter: Yes, please. You have three minutes, ma'am. State state your name when you testify.

Colleen Maher: I'm colleen maher. Back when my children's father was murdered in hawaii and the boys had to get over to the islands to rescue their father's business, the grief and expense we went through was almost overwhelming. The city of Portland inspection office had to add to our grief and expense by fining me \$200. On or about february 19, 1999, my son john was attacked and beaten up by his ex-wife's new boyfriend. He had a policeman friend in Portland to write a report that made it look like my son attacked him. As a result, instead of indicting the actual perpetrator my son was erroneously indicted. His attorney ways worthless public defender and failed to inform my son of one of his court hearings. Since my son had no idea of an upcoming hearing, he was issued a bench hearing. He turned himself in and jailed. I bailed him out with my social security payment for the month assured it would be returned to me. As soon as judge bearden found out there was bail money in the coffers he immediately took possession of my money because my son had missed his hearings, plural. So even though the attorneys responsible for notifying their clients for all upcoming court hearings, I was penalized instead of the attorney. That bail money was my entire social security payment for the month. After I purchased a house on 136th and glisan I was immediately assessed with a parking fine. It's an unimproved street. Legal parking on that street is difficult. Almost every house on that small unimproved street has some form of illegal parking. The house next door to mine has had a motor home parked on their front yard for probably 10 years

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or more. The city of Portland's inspection team has ignored all these illegal parking practices of that area, except my house. I'm the only one in that area to be fined for the illegal parking. The lien on my house is now somewhere in the vicinity of \$800 or \$900. Since my son was having difficulty getting his allotted visitation time with his little girl, I agreed to help the court and be the transportation person to pick up his little girl in the allotted time and return her to her mother. Unfortunately I was met at the door by the ex-wife's new boyfriend wielding a loaded ak-47 assault rifle. I immediately reported the incident to the police. The call was answered by an officer Davis of the east Portland precinct. I handed the court order to officer Davis to read and understand why I was at that address. Officer Davis read the court order, handed it back to me, and wrote on her report that I was at their address, trespassing on the property, trying to look in the windows and continued to write that Mr. McKay was always having to run me off and made absolutely no reference to the court order whatsoever. When the police report reached the district attorney's office I was phoned by a district attorney Hopkinson who proceeded to give me a tongue lashing for allegedly continually passing on those people's property and trying to peek in their windows. Incensed, I contacted the court and refused to continue as transportation person on their court order. A short time later I had a real estate office take a picture of that house at some random time, I don't know exactly when, showing the window blinds of that house tightly shut. I would have had to have had x-ray vision to look in their windows, because the windows are always tightly shut. On or about August 9 --

Potter: Ma'am, are you done?

Maher: Is it really? No. I'm only on the second page.

Potter: Maybe you can come back another time.

Maher: Well, ok. I didn't know it would take that long.

Potter: Ok, thank you.

Maher: Can I just say one thing?

Potter: Go ahead.

Maher: All of this harassment that I've gotten from the police was for the sake of this man who came from Oklahoma. He made a policeman friend. Ok? The city of Portland has done all these freebies and just harassed us to death. The city has just bilked me for every dime that I have had. And I don't understand why they're doing all these freebies for someone who was a felon and then am I paying for it? Is that why I'm being bilked for the city, because I'm paying for all this stuff that's going on? They came out to my house and took everything off my property that they could get, paid me nothing for it, and then had -- oh, I will give you something.

Potter: Your time is over, ma'am.

Maher: Ok, but I was going to pass this out.

Potter: Ok. Give it to the court clerk and she'll give it to us.

Maher: Ok, good.

Potter: Thank you. Just give it to her. We have to continue with our proceeding.

Maher: All right.

Potter: Go ahead, sue.

Parsons: The consent agenda?

Potter: Yes. Do commissioners want to pull any items?

Parsons: We had request to pull item 1021.

Potter: Ok. Any other items? Does anyone from the audience wish to pull any items? Ok, let's vote on the consent agenda.

Adams: I just want to -- I want to comment on item 1049, the contract with p.s.u. for mentoring small businesses and merchants. This is a -- when I've visited 100 businesses and working 100 jobs, this is one of the few programs --

Potter: You've worked 100 jobs?

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Adams: 100 hours at a job. Yes, die work 100 hours at a job. This was one of the few programs that was mentioned by name in a very complimentary fashion. I just want to thank commissioner Sten for keeping the relationship with p.s.u. going. It gets very good reviews out in the real world. Aye.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] move to the time certain. Please read the 9:30 time certain.

Item 1014.

Potter: Commissioner Adams.

Adams: Go ahead.

Andrew Aebi: Good morning, mayor Potter and commissioners. I'm Andrew Aebi, local improvement district administrator. With me is Robert Bernard from the Portland office of transportation who will be the project manager for this project if council approves the I.I.D. Here's a map of the properties included in the I.I.D. Robert will give you details of the project in a moment. The street there you see to the south is northeast Columbia Boulevard. The street you see there in the center is northeast 87th Avenue. The resolution before you today includes petitions representing property owners with total of 63% of the share of the I.I.D. I would like to ask council to entertain an amendment to the resolution to reflect additional petition support received since the resolution was filed. This resolution does not actually form the I.I.D., but it directs me to bring an I.I.D. formation ordinance back to council for consideration on October 5 and allows council to direct me to make any changes to the I.I.D. prior to my filing the I.I.D. benefit for this I.I.D. And therefore cost is a portion on a trip volume basis and is based on a traffic study performed by D.K.S. and Associates.

We've found that the best way to reduce costs on an I.I.D. is to make the project larger and get economies of scale. We've done that on this I.I.D. By combining this project with the East Columbia to Lombard project for economies of scale. More on that in a moment from Robert. This project will help us reduce the backlog of substandard streets in the city by adding curb drainage and sidewalks, which is especially important to have on an arterial such as northeast Columbia Boulevard. This project will also improve access to transit. This area is served by a Tri-Met bus line that connects to the Max Red Line light rail at the Parkrose/Sumner station. Finally this project is an important component to improving freight mobility in this area. With that I will turn this over to Robert Bernard. Thank you.

Robert Bernard: Thank you. The East Columbia to Lombard connector project services the industrial sanctuary, which has 50% of the lands owned for industrial uses in the area. Businesses in the corridor are highly dependent on efficient transportation system and Columbia Boulevard services as a southern spine to that industrial sanctuary. It terminates at Killingsworth at about 92nd in a substandard two-lane underpass built in 1910. So all the freight traffic coming out of the Columbia Corridor has to go through this pinch point. And that's our project area for the baseline project. Here's an aerial that shows the project to orient you. This is Columbia Boulevard. Oh, that's not -- must have a newer version of powerpoint. Anyway, down here is Killingsworth. Well, the slide showed, in the older version of powerpoint, where 82nd was, Killingsworth and Columbia Boulevard, but here's an aerial where the project is at. This is the new connector that we're building.

When we went out to meet with the property owners to explain the project, they said, gee, is there a way to extend these improvements along Columbia Boulevard to the east to include 87th Avenue? 87th Avenue has a difficult turning movement for freight mobility and the truck access to those businesses. So we met with them, and they said we would be willing to do it as an I.I.D. So this is the baseline project. And the I.I.D. Extends the improvements along Columbia Boulevard to the east to 87th, improving access for the existing freight projects in the area to get to the new facility. The new facility is part of the intermobile connector on the national highway system, and the I.I.D. Proposed improvements provide another connection to that for local businesses. And that is just a close-up of the improvements. We're extending the sidewalks, the bike lanes, and it shows some

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truck-turning movements there. The goal is, is to add this work to the base bid when we go out to bid with the project in november to include this work as part of the baseline contract so you get real economies of scale. The contractor is already there. The pavers are already there. So just adding a little bit more sidewalk and pavement is really very cost effective and a quick way to get an l.i.d. Improvement to ground, so that's our intent. Any questions?

Saltzman: Is it totally self-financed l.i.d.?

*****: It's solely funded by the property owners.

*****: With the Portland office of transportation absorbing the overhead cost of the l.i.d.

Potter: What is the percentage of landowners required in a petition?

*****: The minimum to have a valid petition, mayor Potter, is 50%, or 50% plus one. We have 63%, if you incorporate the amended exhibit that's before you. We had several property owners we didn't hear from, but we do have several property owners with us today who are here to speak about the project. But 63% is where we stand today.

Potter: Ok. Thank you. Commissioner Adams?

Adams: Could I have the property owners? Do we have a sign-up sheet.

*****: We're getting the sign-up sheet.

Adams: Are folks from yo cream and toyota here? If you could step forward, we'll put you up first. Welcome.

Terry Oftedal: Thank you. I'm the director of operations of yo cream. We appreciate your support and interest in this l.i.d. proposal. In addition to all of the reasons that have been stated just previously for going forward with this, I would like to also add issues around safety. This is a two-lane street, columbia boulevard at this point in time. There are no turning lanes, either eastbound or westbound. There's a lot of big truck traffic in the area. And a lot of commuters, a lot of our employees, who are coming and going in cars. And it's fairly dangerous trying to make a turn either on to or off of columbia boulevard at that point in time. The turning lanes added by this project would go a long way in adding safety. Because of the sharp radius of the corners right now, the only way that the long 48-foot and 53-foot trucks can make that turn, particularly on to columbia boulevard, is by either going off the edge of the road or by turning across the center lane into oncoming traffic, which is additionally not safe. So we've seen a lot of near accidents there, and we would appreciate your support. Thank you.

Adams: Well, thank you for your support of this, the proactive efforts that you've made to see this realized is much appreciated.

Jason Carey: Good morning. I'm jason carey, representing toyota. I would like to mirror terry's comments, that we see it not only as a benefit to our associates, also to our carriers. And the primary concern of us is also a safety concern, and also efficiency in terms of making the turn at the corner. Right now most of the trucks are going over to the -- when they actually make the turn, they're actually going into the property owner's property. They're going off the road to make the turns. It's also causing a backup and some delays in the -- at certain times of the day there. So we'd like to -- we're in full support of the project.

Adams: And thank you as well.

Parsons: We had another testifier.

Potter: Thank you, folks.

Alan Snook: I'm with d.k.s. associates. We did the analysis on this. I'm here for any questions of you guys.

Potter: I assume you support it?

Snook: I do.

Adams: You did a good job.

Potter: Any questions from the commissioners? Thank you very much for being here, sir.

Adams: Thank you.

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*****: Thank you. Ready to take a vote?

*****: Do you want to entertain an amendment to the exhibits as proposed in the amendments there?

Potter: I have a motion to amend the --

Adams: So moved.

Potter: Do I hear a second?

Saltzman: Second.

Potter: Call the vote on the amendment.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] call the vote on the resolution.

Adams: I just want to thank the good team at pdot for their excellent work yet again on this I.I.D. Combining this with the east end connector will result in a faster timeline for getting it done. It also saves money on the project. This is part of the east end connector to remind folks watching as part of -- it's an important project, part of our efforts to improve the mobility of freight movement through the community, and just once again to thank yo cream, which is headquartered here in Portland, and we're very grateful for that, and also toyota that has a significant operations here in the city of Portland for their support of this project. Aye.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read the 10:00 a.m. Time certain. Thank you, folks.

Item 1015.

Potter: Please come forward.

Mary Lou Henrich: Governing, mayor Potter and commissioners. My name is mary lou henrich. I work for an organization called community health partnership, which is a nonprofit that is trying to improve the health of Oregonians. And I have with me marcus simantel. I've known marcus a long time. We're both here representing today Oregon's five a day steering committee. So I have two magnets as prizes. So five a day, what does that mean to you? Anyone want to take a guess?

Adams: It's not fair, because we have it in front of us.

*****: All right. Do you have it?

Potter: I think commissioner Leonard would say that's a 5-0 vote.

Henrich: Yes. Or people have said to me, when I say five to nine, they say isn't that supposed to be 9:00 to 5:00, like the hours we're supposed to work? I said who works that. No. Five a days the national campaign to encourage americans -- and we're encouraging Oregonians and Portland folks and everybody -- to eat at least five servings of fruits and vegetables a day for good health. And this is kind of basic stuff. Your mother probably told you this. You need to eat your fruits and vegetables. But somewhere along the way our society lost track of the fact that fruits and vegetables are very important to good health. And Oregon has a beginning five a day steering committee made up of a whole variety of organizations, including state/local governments, health departments, Oregon state extension, the food policy council, nonprofits, the heart/cancer/diabetes associations, a lot of healthcare associations that are trying to work together to get the message out.

And september is five a day month. A couple years ago when I joined this coalition, we said five a day. Maybe this is a question, I don't know if this is on your briefing paper or not. Do you know what percentage of Oregonians eat five servings of fruits and vegetables a day?

Potter: I have a feeling no one going to win those prizes.

Adams: Zero.

Leonard: You are so right.

Adams: That was a total guess.

*****: You get a five a day magnet.

Adams: I'll put this here as a metal reminder.

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Henrich: It's an abysmal 20%. And that is for children, toddlers are eating less than that, like 15%. Teenagers are eating 17%. It's very abysmal. That's five servings a day. Like I say, when I got into this a couple years ago, we were just saying five a day, but the later studies as they come out, studies that are showing that the healthy aspects of fruits and vegetables to prevent things like cancer, heart disease, they moved it up to five to nine servings a day. And the latest ones are saying it's really probably nine to 12. So it's a lot of fruits and vegetables. Everybody kind of goes, oh, my gosh, I can't possibly do that. Well, there is a little promotion called five a day, the color way. So we're -- we brought a variety of colors. You can see the blue, purples, the greens, the whites, the yellow/orange, red, that's the fifth one, and the serve is only a half a cup. That's not very much. So a handful of blueberries, a serving. Handful of small cherry tomatoes. These happen to be off my own bushes at home. All of these fruits and vegetables here do happen to be from the hollywood farmers' market or my garden. And marcus is going to talk a little bit about the policy around trying to really get local produce and promoting the local farmers in helping us all get better at eating what we're supposed to be eating. So marcus, do you want to say a few words?

Marcus Simantel: Good morning, mayor Potter, commissioners. I'm here actually representing the food policy council. On behalf of them, thank you for agreeing to participate in this promotion of the five a day program. I think there's a proclamation that is going to be hopefully approved here shortly, urging people to eat healthy. Of course, the five to nine thing. Food policy council recommended that the county commissioners do this, and they're going to be, tomorrow at their meeting ok'ing, I hope, a similar proclamation regarding the five to nine program, five a day program. Now, we've heard so much over the years about livability, and we do so much to make our city and our region a very livable place, and yet we do not hear all that often about eating healthy. And eating healthy certainly is a way that is going to make the citizens of this area enjoy the livability that we have. I would hope that we do more in the future as far as urging people to eat healthy. The food policy council, as you know, is working on some buy local, use local, locally produced foods, and having success with that. The farmers' markets of course are booming in this region. Hopefully the public market will be up and going in a few years. I think we have some great opportunities. So by the way, as a former farmer, retired farmer, I grew a lot of fruits and vegetables. And it was one of the real joys of farming, because I did sell direct to the consumer from a farm store on our farm. And that was much more fun than hauling things to the airport to be shipped across the country, to deal with the people who were going to actually make use of the product that you grew was one of the perks of my type of farming. Mary lou held up something with some colors on it.

*****: Uh-huh.

Simantel: I blame my wife for this, but she says, marcus, it's a rainbow of foods, of fruits and vegetables. I think that's true. Very beautiful. And mary lou, nice, nice.

*****: Thank you.

*****: Thank you very much for doing this.

Henrich: Thank you. The last thing before we close, would like to remind you of a things about fruits and vegetables and their importance. I think a lot of people, you know, and I admit to being one that kind of has some of these thoughts, that kind of believes, you know, that some of these diseases like cancer, diabetes, I think cancer especially, you kind of feel like, well, it just jumps out and grabs some people. I mean, there's not much you can do and you hope and pray you're not going to be one of them, but more and more research is being done showing the preventative aspects of the phytochemicals and other nutrients that are in especially these dark, leafy greens, in the purples, really dark-colored vegetables. So I think that it's -- I keep saying to my colleagues at the cancer society, I think you need to be shouting this from the rooftops a bit more, that, you know, I can't say that every cancer is going to be prevented by eating fruits and vegetables, but the studies are showing that it's very protective if people are eating more. And same way with heart disease

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and diabetes. People who -- you know, we're all focused on children obesity especially, and the problem as that trend is just skyrocketing, what the economic costs are going to be. I think we haven't been able to really wrap our heads around the fact that if kids are getting diabetes at 15 or 20, and in 20 to 25 years the full-blown effects happen, those are people in the work force and are going to be very ill and the costs of that is -- we're already struggling with healthcare costs. So the last little plug for the five a day steering committee is that it's really all basically volunteer. There's .2 of a staff person at the state health division, Joan Otinger, who pulls us together, but the rest of the efforts are totally volunteer organizations putting in their time. We're desperately looking for funding right now to at least have one coordinator. California has a large five a day program, and we believe that industry, farmers, agriculture, we really need to get together and have a more visible promotion. This afternoon at 3:00 at the interstate farmers' market, that is the farmers' market that's being sponsored by Kaiser and the community in North Portland, there will be a media event, and your proclamation will be there. In fact, Mayor Potter has already signed your proclamation, which says that -- I said most of the things, but I will say that one that, whereas the people of Oregon consume just 3 1/2 servings of fruits and vegetables a day, if we could get everybody to even eat one more serving a day, we would -- you know, that would be a major improvement. And some of the data shows for retailers, we'll start working with grocery stores, too, because the national organization that puts out this kind of information, it's an industry trade association, Produce for Better Health, has shown that if an average-sized retail grocery store, if everybody in their market area, ate one more serving of fruit and vegetable a day, they would drop \$1 million to their bottom line. That seems astronomical, but I've seen the math. And so I think that we really need to start partnering, not just kind of the health freaks here going around, saying we've got to do this, but with our retailers, our farmers, and all the folks, saying this is something we can do together, and it's important and pretty basic. So we thank you for your time. And I'm going to -- what I've left for when you have a break are some fresh peaches that actually are locally grown, blueberries from the farmers' market, some little scones that I made this morning, and each of you a little card that says, and I'll read one of them, this is Mayor Potter, enjoy Oregon's bounty and eat five to nine fruits and vegetables a day for good health. Fruits and vegetables, the original fast food.

Potter: Thank you, folks. Do you have a website?

Henrich: There's a national www.fiveaday.gov, and that's one of the things we'd like to produce if we had more of a program. Community health partnership has one, and we're starting to put stuff on ours, too. I'll leave my stuff, and when you have a break, enjoy fresh peaches and blueberries.

Potter: It's about break time, isn't it? Thank you, folks. Thank you, Marcus.

*****: Thank you.

Potter: Very important what you do.

*****: You can fight over the fruits and vegetables. Someone take time and cut them up. They're really good.

Potter: Could we kind of move this to the side for folks coming in to testify?

*****: Sure.

Potter: Go to the regular agenda. Sue, could you go ahead and -- item 1052, I think.

Item 1052.

Potter: Is there staff?

Marian Gaylord: I can see right now I should have brought treats. I'm Marian Gaylord with the license bureau, and I'm the towing coordinator for the city of Portland. And I'm here representing the towing board of review. We have recently had an open application period for the towing and storage contract for the city. And six companies submitted applications during the process for inspection facilities and equipment, one of the companies decided they could not meet the standard this year, so they chose to withdraw their application, but the board has approved five companies contingent on their correction of a handful of pretty minor deficiencies that exist. And at approval

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of their insurance and bonding by the city attorney. So if -- if anything on that list, including the insurance and bonding, is not completely approved by October 1, the company will not begin on the contract at that time.

Potter: Questions from the commissioners? Thank you very much. Is there anybody signed up to testify on this one?

Parsons: No.

Potter: Ok. Is there anybody here who wishes to testify on this issue? Ok. Sue, please call the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Thank you. Aye.

Potter: Aye. [gavel pounded] please read item 1053.

Item 1053.

Potter: This is including the revenue bureau. It's a second reading and vote only.

Parsons: Establish a new city bureau known as the revenue bureau.

Potter: They withdrew that request to change the amendment? So this will move to a second -- no. This is the second.

*******:** This is the second.

Potter: Ok. Vote only.

Adams: Well, I'm going to support this, and with high expectations that we can -- of a couple of things that have been mentioned, but I just want to highlight one, that we provide folks who have to pay fees and bills -- or fees and taxes and charges the ability to do so online as soon as possible, that we provide an approved level of customer interactions and services as a result of this change, that we save money, and that we bring in more revenue. So I look forward to whatever my office and my bureaus can contribute to realizing that vision. I vote aye.

Leonard: Well, unfortunately, I think this move is a mistake. I've learned serving in the legislature and here at the city that sometimes elected are penny-wise and pound-foolish, what appears to be a cost-saving measure may in fact cost money. For an example, in the budget I believe two years ago we added specific individuals to the bureau of licenses that was an extra cost. However, their jobs were to go out and more aggressively identify tax scofflaws, people that weren't paying their taxes. They more than paid for themselves. There were concerns by some at the beginning that adding extra positions at a time of budget cuts didn't make sense, but what we showed actually finally was the city ended up making a lot more money beyond what the cost was by adding those positions. I also think that it's a mistake to have overcentralized, the various bureaus that are at the office of management and finance, everything from b.h.r., bureau of human resources now to our tax collecting entity. I think that causes the phenomena of less scrutiny, which I also don't think is an efficient way to do business. So I -- I'm disappointed that this issue has not had the discussion at the council that it deserves, notwithstanding what someone may have represented here. I've gone back and reviewed the record, and in fact have determined there has been a woeful lack of discussion of this proposal. I've worked with the excellent men and women at the bureau of licenses, and I think they deserve the full and complete attention as a stand-alone bureau, and support. So for a variety of reasons, I'm unfortunately in the position of not being able to support this, and vote no.

Saltzman: Well, when I first came on to the city council about seven years ago, I think in one of our first budget endeavors it struck me, coming to a government that operates as the city does, which is very unique in many respects, and coming from a county government that operates more under a sort of a strong mayor centralized department role, I was -- one of the first thoughts that occurred to me is who keeps track of all the revenue that comes in through all the various doors and windows this city has to collect revenues, to collect liens, to collect business taxes. And the answer was there were many windows and many doors, and many people doing that. And it didn't strike me as the best way to make sure that we're really getting money and -- that is owed us. And I authored a budget note in one of those budgets that directed the office of management and finance

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to look at the idea of a revenue bureau that would centralize all these relevant functions. And in the ensuing years, the idea took various shapes and forms, but it never really quite made it across the goal-line until now, until mayor Potter also accepted that this was a move and the right step for good government, for responsible government, for effective customer service, and for efficient revenue collection. And to do it in a centralized manner that will ensure integrity and accuracy in knowing that we're getting what's owed to us. And I think -- so I think we've done that in this model and i'm pleased to support it. I do think purchasing was wise to remove purchasing out of it.

It didn't seem to make sense. I really think it made a lot of sense to take the utility billing system and put it into o.m.f., to take it out of the water bureau, because that instantly reduced about 50% of the friction that historically exists between the environmental service bureau and the water bureau, was the tension that existed over the billing system, one bureau providing the billing services, the other bureau stuck with paying half of it. In my tenure over both of those bureaus, that was the single biggest point of friction. Now that point of friction is gone. All the complaints about the billing systems are directed to o.m.f. by each bureau. So I think that's going to help for those two bureaus to work better together. So there's just a lot of good things. I appreciate mayor Potter sticking with this idea and bringing it to this point where we're going to make it happen. I think it's going to pay many dividends to our customers and to our coffers. Aye.

Sten: I do agree. I think it's the right move. I also have been appreciative of the director's work in the staff of licenses. I'm one of these people that generally think reorganizations are overrated, that we tend to -- having been on the council the longest, i've seen them go back and forth a few times. Sometimes it makes sense, because you do have different circumstances and different organizational structures react better to different external environments. At the moment, given how tight we are on revenue, the need to integrate very aggressively the water and sewer changes and the mistakes that happened in the past, that I think were not -- were caused by a fraudulent computer vendor, but exacerbated by our -- our internal structures, I think this does make sense, but I do hope we can, as best we can, i'm not going to say it's going to be perfect from that sense, keep many of the attributes that I think commissioner Leonard attributes to a very, very terrific staff at licenses, and that we can keep morale and attention to all the good work you're doing there, despite this change. So I vote aye.

Potter: I want to thank the city staff for the ideas that brought this to fruition. I believe that the revenue bureau will enhance the city's ability to be more responsive and better serve our citizens. I think that it will create a better one-stop shopping for our citizens to make more centralized access for our businesses and other jurisdictions. And I think that it's strengthening our ability to collect revenues in a timely and efficient manner. The only thing I would add to that is that commissioner Leonard stated there was a lack of discussion about it. We actually had several discussions about it during the course of the budget preparation. And I feel that those discussions helped improve how we came to this particular ordinance. I will say that it's important, though, to go back and to watch how this bureau unfolds to make sure that it does what it's supposed to be doing. And so we all on the city council will be watching. So to the revenue bureau, make it work, and do it well, folks, so that we can demonstrate this is one of those good ideas that comes from -- within the organization and is supported by the administration. I vote aye. [gavel pounded] read the next item.

Item 1054.

Parsons: Item 1054. This is a second reading, but I have a note here from someone to come to testify, if the council would permit that. He understands it would be unusual.

Potter: Yes. Please come forward.

Parsons: Rob wheaton.

Potter: When you testify, please state your name and you have three minutes.

Rob Wheaton: Thank you. My name is rob wheaton. I'm with the laborers local 483. Thank you for letting me come forward and speak. Also, i'd like to particularly thank commissioner Saltzman

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for going ahead and sending an email out to the recreation employees that this affected, explaining your prior vote. What i'd like to address today is first of all the recreation employees have asked me to come forward and express their concerns. Number one being their cost-of-living increase, of course. They've been waiting on this for some time now. And secondly, being the fact that -- that the city council has long held that we're not to negotiate contracts with the city council. It's with the bureau of human resources. In this case we came to an agreement. We've negotiated in good faith.

And it's one that we found mutually acceptable. We understand that the healthcare costs are an issue. They're an issue to us as well, as that is a part of the wage package. It affects their job security, it affects what's in the budget for them. However, in this particular instance we've decided to put off this final stage, the 50/50 elevator at the end of the contract until a later date to find a mutually acceptable solution. I feel that part of the duty of the city council as the ultimate employer of these people is to listen to the voices of these employees and we need some extra time to come up with alternative solutions than the 50/50 split. That may be what we we understand up going with down the road, but as you've seen in the series of contracts that have come forward with both firefighters and police, it is something that -- well, maybe not the police, but it's something we will want to address at a later date. Basically what i'm asking the city council to do is support their human resources department in this instance where they've negotiated in good faith. We've come 1 a tentative agreement, and ratify this contract so that my employees out there can get their much-needed cost-of-living increase. That's all I have to say.

Potter: Thank you. Please call the roll.

Adams: Aye.

Leonard: Well, I used to say that negotiating a contract was the most difficult thing that I ever did, and it's been close to 10 years since i've done that. And it's still the most difficult thing I ever did. So I greatly appreciate the work of both sides in developing this agreement. I want to also say that - - and I also said this in an email a while back, while commissioner Saltzman and I don't always agree, we hold the employees in the high esteem, as does the entire council. We really do respect our employees a lot, particularly the people at parks. They're fabulous, committed employees, and I know I speak on behalf of the whole council when I say that. And we do very much appreciate your commitment and effort and certainly this has been a difficult contract for the employees to negotiate, and I am pleased to support it. Aye.

Saltzman: Well, I appreciate that local 483 sat down with the city in good faith to reach this agreement before us. And I have the utmost respect for the work our employees do every day. As I did explain in an email I sent out last week to those employees, explaining why i'm opposing this agreement, is because the agreement fails to meet the five principles for health plan funding that the city council adopted in december of 2004. I'm not against unions. I'm against burying our heads in the sand and pretending that healthcare costs increases are not the single largest cost increase to our general fund. And we can no longer continue to say the solution is just around the corner. It's the next bargaining cycle. Don't do it this cycle, we'll figure it out by the next bargaining cycle. We've been doing that for two or three bargaining cycles now, postponing the tough decisions, always putting them over the horizon and hoping some magic is going to happen. In the meantime, healthcare increase costs go up every year. Our failure to sustain the cost is not only attainable, it keeps us from managing the city's expenses. I'm not just objecting, not just ticking on 483, but I will object to further collective bargaining agreements that do not address the principles council agreed to, that do not contain serious healthcare costs containment strategies as our costs continue to exponentially increase. This is not about favoring management over unions or unions over management. It is about being responsible stewards of tax paper dollars. And I respectfully vote no.

Sten: Aye.

Potter: Aye. [gavel pounded] please read item 1055.

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Item 1055.

Jeff Baer: Good morning, mayor Potter, members of city council. I'm acting director for the bureau of purchases. Before you you have a purchasing agent report recommending the award of the contract for this project to James W. Fowler company, who is located in the state of Oregon down in Dallas, Oregon. They are not a state certified MBE contractor, however as part of the project they've identified 7.7% part of the project value to be awarded to minority women and emerging small businesses. Because of the low bid process that we used, we did receive six bids. James Fowler was the low bid on this project. With that, I'll stop and address any questions that you might have.

Potter: Any questions from the council? Thank you very much. Is anyone signed up to testify on this?

Parsons: No.

Potter: Does anybody wish to testify who did not sign up? I need a motion to accept the report.

Adams: So moved.

Saltzman: Second.

Potter: Ok, good. Call the roll.

Adams: Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 1056.

Item 1056.

Potter: Is staff here?

Lory Kraut: Good morning, commissioners, mayor Potter. Lori Kraut from the city attorney's office. The city is bringing forth this ordinance on behalf of the Portland police bureau to approve a settlement agreement. This will resolve a grievance filed on behalf of Richard Barton, who was previously a sergeant with the Portland police bureau, whom the city discharged in I want to say April of 2000. We've been attempting for several years to agree to a settlement, and the city attorney's office believes that it's in the best interest of the city to settle this grievance. If you have any questions, I'd be more than happy to answer them.

Potter: I think that the general questions are, why is it in the best interest of the city?

Kraut: Well, because there's a level of risk in going forward with the arbitration. As you know, we would have to prove just cause, and I have evaluated the case and I do believe that there is some risk, that we would not prevail, and that would entitle Mr. Barton to come back to city employment. It would also entitle him to the relief -- well, not the relief, but the accrued sick leave that's really the substantive part of this settlement agreement.

Saltzman: Which is what we're paying out anyway as part of the settlement.

Kraut: Correct, correct, right. So it's more -- it's really a weighing of do you want to litigate this and the time and the effort and the money that it will cost.

Adams: But we pay your salary anyway.

Kraut: I was not referring to my salary. We pay an arbitrator per day.

Adams: I understand. How do you think this looks, though, to the community?

Kraut: I would -- I --

Adams: I'm not sure that's fair.

Leonard: That's probably not fair.

Kraut: Thank you. That is not part of my analysis. I look at what is the chance of not prevailing and do we want to spend the money to reach -- to get a decision that reinstates him anyway and gives him this benefit that's at issue.

Leonard: Lori, my understanding is he's already retired.

Kraut: I believe the fund is converting his disability to a service retirement, but if an arbitrator does reinstate him, that permits him to forego his pension benefits and come back to work, if he is medically capable of it and chooses to do so.

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Saltzman: Well, as you discussed with me last week on this very matter, he is, as of august 28, retired. In order to come back to work, he'd have to want to come back to work. I would seriously doubt at this point he wants to come back to work. He would have to pass medical, psychological, as well as arms training.

Leonard: Well, and I have serious --

Potter: Not if he's being reinstated.

Leonard: I have serious questions about whether one who is retired does have the ability to come back to work. My understanding is that the not accurate.

Kraut: I haven't been in touch with mr. Barton.

Leonard: I'm not talking about mr. Barton. I'm talking about the status of a member of the police or fire bureau, converts to retirement, my understanding of the fund is that they are retired forever, and they cannot unretire under any conditions.

Kraut: Commissioner Leonard, I did, at commissioner Saltzman's request, I did ask the administrator of the fund, could he forego his pension benefits, and the answer was yes. So I did specifically ask that question.

Leonard: But this issue today, notwithstanding which way it goes, does not affect his status as a retiree. Is that correct?

Kraut: I believe so. He could choose to forego that.

Leonard: His retirement is not contingent upon our action today.

Kraut: Absolutely, correct.

Leonard: So the issue here is whether or not he gets a sick leave payoff, and that exclusively.

Kraut: I believe that really is the only thing we would be fighting over if we went to an arbitration.

Adams: If I could, what message does this send our employees? I mean, your decision was made in consultation with the bureau of human resources, I assume.

Kraut: They're aware of the settlement, yes.

Adams: Ok. And, I mean, among the other concerns that have been mentioned here, what -- you know, it sets a level of expectation, if not precedence, for how we might deal with these things in the future. I have real concerns about that. Can you address my concerns?

Kraut: Each settlement is evaluated on its own facts. Each settlement generally contains a nonprecedent clause. I do not see this as establishing precedent.

Saltzman: Doesn't every single arbitration set precedence for future arbitrations?

Kraut: An arbitrator's decision, if you have like facts, could set -- in arbitration, they're not bound as in case law. So let's say the circuit court decides something, the following court would be bound by it. Arbitrators have the discretion to reject something because it's different. And so it depends on if you have a case that comes up that's identical, it could be treated as precedent.

Saltzman: So the -- the sergeant barton's circumstances around his going out on disability one day before he was to be terminated related to operation north star, which was federal money we had for overtime, I believe, no drug enforcement purposes. The basis of his termination was that he misused that overtime money. How much money did we pay back to the federal government?

Kraut: I don't know the exact amount, but I believe it was about \$25,000.

Saltzman: We repaid about \$25,000?

Kraut: I believe so.

Potter: What was the conclusion of that? I wasn't here. Of that investigation of north star specific to sergeant barton.

Kraut: I'm not sure that I can specifically relate the conclusion to sergeant barton. The conclusion, in general, was that there were abuses of what was known as cuff time in the police bureau. And I haven't looked at the northstar investigation in several years, so i'd be hesitant to provide more detailed answers.

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Saltzman: I just want to say, as I said last week, I think we should take this case to arbitration. I'm against this settlement, because it does represent the gaming of the fpd&r system that so many of us are uncomfortable with, but more to the point is I think that -- I think we can prevail, or I think we can reach some other settlement. You know, sergeant barton has already cost us, you know, some repayment of federal monies for overtime loss and to pay him another \$30,000, to my mind, when I believe he was terminated, rightfully terminated, is not how we should be rewarding terminated employees, even though I understand the arbitration process can be very convoluted and make white seem black and red seem blue and all that sort of stuff, but I think to people who stand outside and sit on the streets and read the newspapers and watch these things the facts seem pretty straightforward. You know, we had somebody that went on disability one day before they were terminated. The disability claim was incurred eight years prior to the date he went out on claim. It cost us money. And his federal lawsuits to say he was falsely fired have been summarily dismissed by the courts. And I think, you know, certainly there's a risk to arbitration, but I think sometimes we got to take that risk and go out there, because we have to demonstrate our public that we're being responsible in fighting.

Kraut: If I may commissioner, I just need for council to be fully informed, the federal lawsuits does not address the righteousness of the firing. Ok? The merits of it. And I definitely understand your concerns about the timing of his disability claim, but with all due respect I do not believe that will have any bearing on the just cause analysis for discharging sergeant barton.

Saltzman: No, but it does have some bearing in the just cause analysis by the public.

Potter: Other questions? Thank you very much. Robert king.

Robert King: Thank you. Good morning. I'm robert king. I'm the president of the police association. And I doubt that anything i'm going to say is going to move you from the positions that you're obviously taking with respect to this matter, although I see this through a very different lens.

You know, sergeant barton was one of three Portland police bureau employees who many years ago went up the stairs to save nathan thomas' life, and as a result of that rescue attempt nathan thomas died. And all three of the officers who were involved in that incident have been intermittently and are still on disability. I frankly don't know how any of them have managed to live their lives personally or professionally following that incident. It's the -- as a police officer -- probably the single most painful and traumatic experience that you could have, and that's ongoing and real for them. So while I recognize that there is this public discussion now about fpd&r and the timing of disability claims related to disciplinary matters, that sergeant barton legitimately suffers from post-traumatic stress disorder because he was involved in one of the most painful and difficult events that's happened with this city's police bureau and its community in its history. So I don't relate the two. I don't connect the two. With respect to the just cause, I think that it's fundamental in our relationship between employees and employer that you recognize and understand both what the rules of the game are and what the facts are. And with respect to sergeant barton's case, the police bureau, we believe, rushed to judgment and arrived at a conclusion that led them to a termination. They believe that they met the terms of just cause. There are -- there are principles that are in play that relate to labor law that are the decisions by which the police bureau is guided, or the city is guided in making its disciplinary decisions, and they're the decisions that are in play for arbitrators in evaluating the accurate -- the accuracy of facts and whether or not the rules were used properly. In sergeant barton's case it's really very simple. He did not do what he was alleged to have done. And the city did not follow the principles of just cause in arriving at their termination decision. There was further investigation later that revealed that there were erroneous, inaccurate fact, the theory that the city used for the termination is faulty. And i'm not asking you to approve the settlement because you face a risk in arbitration. And I appreciate as this discussion has played out that the public is watching as we talk about this. It's not risk assessment. It's not a matter of whether or not you'll win or lose. It's more than that. It's certainly deeper than that for me as a

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labor leader. We have worked very hard in the last handful of months to grow and to develop a labor management relationship. And I think we've seen great success and progress. One of the key features of that relationship is collaboration -- or cooperation. And this is a -- this is the sort of case that I think should demonstrate the kind of relationship that we have together. It's where we can see the facts together clearly. We can understand whether or not the principles that are in play are applied to this case or not. And we can settle this case and put this matter, this northstar matter, that's now many years old behind us as a city, as a council, as a police bureau, as a police association, and not spend the time and the effort and the energy on putting this before an arbitrator. I don't see any value in that for sergeant barton, for you as a council, for us as a police association. And I think that -- I think that given what sergeant barton has been through, I recognize the timing of his disability claim is unfortunate. I know him well enough to know that his claim is legitimate and it would be for any one of us. I know also that the facts in this case don't support a firing, which is why i'm here asking you to approve this, and I see what the politics are in all this, but I would ask you to see through that and to do in this case what is right, which is pay this man the accrued sick leave that he legitimately accrued through the course of his police career and resolve this matter for all of us in a way that is best so that we can move forward. I think anything other than that is unjust.

Potter: Robert, since you brought up the nathan thomas shooting, let me ask you some questions about that. Being the police chief at the time.

King: Yes, mayor.

Potter: After the shooting, the police bureau offered all of the folks involved in the shooting counseling and support. As I remember, richard barton refused. As I remember, at no time during his career did he ask for any assistance up until the day he filed. That certainly makes me feel that this individual was using the shooting as a means by which to escape punishment. And I am personally disgusted by that. However, in this particular instance I see this as the lesser of evils in that I would prefer not to have -- leave any option for sergeant barton to return to the Portland police bureau. And that's the reason I brought this to this council, is because i'd rather resolve it now and put that era behind us than to continue grappling with it. Any questions for --

Saltzman: Well, i'll just ask a question. Robert, there is probably another way to resolve this all, too, and that is for both sides to just drop the arbitration and leave things where they are. Sergeant barton now being retired, drawing his pension. So I would hope that could be looked at as a cooperative way out of the situation, too.

Potter: Other questions? Thank you, robert. Is there anyone signed up to testify on this?

Parsons: No.

Potter: Ok. If I think it would make any difference, I would ask to take the emergency clause off. That way we would each have a vote, rather than have one vote take it all out.

Leonard: I'm sorry?

Potter: Take off the emergency clause, so it wouldn't be one vote canceling out, but would require 3-2. I assume i'm not going to have the votes to support this settlement. Ok, sue, call the vote.

Adams: Well, I just want to reassure robert and the union that I am truly committed to furthering labor management cooperation i'm committed to reducing grievances in arbitrations wherever I can, including in my own bureaus. It's been the topic of every bureau manager meeting that i've had for my bureaus. We've made those reductions. Committed to fair treatment through the fpd&r process for individuals who rely on it for disability and pension claims. While at the same time I would like to see some reforms there. In this particular case, it sets a precedence, psychological, if not legal, and it's not a precedence that i'm comfortable adding my approval to, and i'm willing to take my chances in arbitration and let someone who can dig into it with much greater detail than we're able to do here at a city council meeting to tell us what's fair. So I vote no.

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Leonard: I just have to say, I just think it's so entirely inappropriate for anyone to Monday morning quarterback cases that have evolved through the process at the fund. Notwithstanding the criticism I'll get for saying this, notwithstanding the mind-set that exists with some that by definition anything that happens at the fund is wrong, I resent people second-guessing those that have sat and considered the facts of a case. I have sat on those cases too long and too many times, having gone into them thinking I was going to vote one way, and drug against my will to have to confront facts that I then had to vote different than what I thought I would. I think it's wrong to politicalize those kinds of issues, and I fear that's what's happening. That's a separate issue from the case. And unfortunately some have wrapped that around this case, and it's wrong. The issue here is whether or not sergeant Barton committed a terminating offense. Since I've joined this council I have tried very hard to be very consistent in how I approach employees. I do respect them. I do give them the benefit of the doubt. But when they make mistakes, I don't think here has been harsher than I have in their treatment. I hold public employees to a high standard. Those that have even under my watch committed what some would argue are perceptions of problems with the public, I have terminated and have not lost a moment's sleep over that. Police officers and firefighters hold no higher trust, in my view, in the community, in the nation. Along with that comes a responsibility. And that responsibility isn't just to follow the rules. That responsibility is to set examples, to get up every morning and, as I'm sure Mayor Potter would agree with, put on a uniform and understanding that that uniform is larger than you. It represents everything good about this country and this community. I think sergeant Barton violated that trust. And if I could give Robert King the benefit of the doubt, I would. Unfortunately, I don't have a doubt. We have to make sure with our police officers and firefighters we tell them, you don't just follow the rules, you set examples for rules to be written by. You are the people in the community that our children look up to. When you do anything that even is perceived to be a mistake, in my view, those employees need to be held accountable. I don't mean just a talking to. I think this termination was appropriate. I stand by the words of the city attorney. I think she's made the right decision with respect to the facts of the case. I think she's made the wrong conclusion as to the predictability of the outcome in an arbitration. No.

Saltzman: No.

Sten: Well, I'm not sure I'm sad with the result of this, because I want to see what happens. I understand the position that the other council members are taking. Frankly, in this case, however, I think Mayor Potter has got this right, and to some extent I'm deferring to him who was chief at this point, has actually had this tragedy drug into his face in an unseemly fashion, that this is the right time to move on. I would also say that I think it's easier, and I'm not criticizing, it's easier to say let's fight another day and see if we win, and you blame the arbitrator if we lose. As I've reviewed it, I have to say I think the lawyers have done their job, which is to advise us on relative risk and give us a sense of what are the odds that the taxpayers are going to prevail given the different situations. While it's a principle stand the council is taking, it's a decent chance it's going to cost the taxpayers money to defend that principle, which isn't always wrong. So I think this is a tough call. For all of those reasons I'm going to vote yes and support the settlement.

Potter: You know, when I talked to the city attorney's office about this settlement, having been the chief, I had very strong feelings about Richard Barton. And so often -- and when we confront things -- and I think this is good for our citizens to hear how we process these decisions. It's not always, is there a right and wrong answer. Sometimes you try to find what is really in the best interest of the community in the long run. And for myself, after many hours of thinking about this, and struggling with my own disgust with how -- how Barton used a shooting to try to go off on disability, I realized that for our police bureau, it's really in our -- in the community's best interest to make sure that we close all the doors and avenues for any return by sergeant Barton to the police bureau. So I -- I -- on one hand I can emotionally align myself with the no votes, but in terms of intellectually trying to

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understand how this will affect the future of the Portland police bureau and just not wanting to see him there, I would vote yes and hope that with this decision that justice is served down the road. Aye. [gavel pounded] please read the next item.

Item 1057.

Potter: This is a second reading, a vote only, no discussion. Commissioner Adams, did you have any comment? Ok. Please call the roll.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 1058.

Item 1058.

Potter: Second reading. Vote only. Please read the vote.

Adams: Aye. **Sten:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read the next item.

Item 1059.

Potter: Second reading. Vote only. Please call the roll.

Adams: Just, this is the last one on -- I apologize to the council that these made it on the regular agenda. We'll put them on consent next time. Aye.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 1060.

Item 1060.

Potter: Commissioner Leonard.

Leonard: Thank you, mayor Potter. When I was assigned the water bureau, a strong message coming from the community and the mayor was that the water bureau has relied too heavily on contracting for work they are charged to do. Other than my rejection of several contracts totaling more than \$1 million to date, this is the first major project of our effort to look at the way we contract differently. The original iteration of this contract was approximately \$750,000, and relied almost exclusively on outside firms for the completion of the important work of developing a habitat conservation plan for the bull run watershed. Through several iterations and the great work of bureau staff, the proposal in front of us today is a contract for just \$270,000. It adds three new staff and will conduct significant work on this project. And will develop the institutional capacity to conduct similar work in the future without relying on outside contractors to complete the work. I asked this, not go on the regular agenda and come before us, because one of the concerted efforts i'm making with the water bureau is to make sure that the good work they do gets as much notice as some of the detractors seem to look for with mistakes that are made. This is an excellent product that water bureau staff has put together. Rosemary before eddie, now eddie campbell in charge of this project, have done fabulous work, and for that reason I ask that it be pulled from the consent agenda, put on the regular agenda, so that the council can recognize the good work that the water bureau is doing. Eddie, david?

David Shaff: I'm here to introduce eddie. Good morning. I'm david shaff the interim administrator for the water bureau. With me is eddie campbell, who is the new manager for the resource protection group. And eddie's going to explain the background for this ordinance.

Eddie Campbell: Good morning, mayor Potter and commissioners. As you're well aware, Portland is blessed as one of the best drinking water sources in the world. In tapping the bull run watershed for the region's drinking water needs over a century ago, the city's forefathers made an incredibly wise investment that's been repaid a thousand times over. I think you're also aware, however, that over the last century the expansion and operations of Portland's drinking water supply have contributed to conditions impacting native fish populations. Steelhead, chinook, coho are currently listed as threatened with extinction throughout the lower columbia river basin. Technically this city is out of compliance with the clean water acts because of the drinking water facilities and operations on the bull run river. The water bureau's cooperation with the national

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marine fishery service and u.s. Department of fish and wildlife to provide interim mitigation measures and collaborate on a long-term compliance strategy has satisfied the city's regulation to these regulating agencies thus far. On May 25 of this year, the water bureau came to council to report on its progress to date on that long-term compliance strategy. The council adopted a resolution approving the bureau's plan to draft a habitation plan and environmental impact statement. 14 key partners and stakeholders, including representatives from the large water users coalition, Portland's wholesale water customers, state and federal regulatory agency and fish and wildlife advocacy groups testified in favor of this approach. The bureau is now ready to begin writing the draft habitat conservation plan. The draft plan will outline a proposed 50-year agreement to improve habitat conditions for the listed fish and provide the city long-term compliance with the federal law. After the plan and subsequent environmental impact are completed, it will be given to the public before we return to council seeking your final approval. Regarding the ordinance package today, as commissioner Leonard indicated, this package reflects that the bureau has done to preprioritize work items associated with this work effort and reduce its reliance on outside consultants. Commissioner Leonard mentioned rosemary and myself. I want to mention steve and janet who are here today who have done great work to make these priorities according to what commissioner Leonard has laid out. The water bureau staff will take the lead in drafting the proposed habitat conservation plan, and via this ordinance the city will also be investing in bureau resources to help the bureau do more of this work associated with this particular effort in-house. So if there's any questions, bureau staff and myself are available to answer them.

Potter: Questions?

Sten: A couple of questions. First of all, I want to congratulate janet, steve, eddie, david, all the team, and rosemary's not here, but working tirelessly. I was the water commissioner a few years ago, and you've done terrific work. Two questions. They might be wrapped up together. Will this plan look at or speak to the contingencies if we ever -- which i'm a proponent of -- want to expand the availability of bull run with another reservoir or there's too far out of the scope at this point? And then secondly, where are we on the partnership to remove the dams down the little sandy and sandy with Portland general electric?

Campbell: I think i'll bring staff up to answer those questions.

Sten: Ok.

Leonard: I'd just say on the issue of the third dam, this is work that is done notwithstanding any decision relative to --

Sten: I understand that. I'm just wondering if this is going to look to -- you might view some of these -- a third dam -- one of the many benefits of another reservoir at the bull run, would be you'd have a lot more water in the summer. So the possibilities for fish with a third -- it's counterintuitive, but a third reservoir would be the most direct way --

Leonard: Right, to release water in the summer.

Sten: There's one dam.

Leonard: Right.

Sten: The dam's there. A third reservoir would not dam up anything that's already block, but would put a lot of water in play in the summer, which is when we're hardest on the fish. So without more summer water -- i'm not trying to steal your thunder -- you either have to use less bull run or give less to the fish, or come up with mitigation strategies where you do things like work to clean up the sandy and little sandy because of our impact on the bull run. Eventually I think the community's going to decide it wants more bull run, and I think that's going to be good for the fish as well. The question is really, not to be too long-winded, does this plan -- I assume this plan doesn't preclude those kind of looks, but is this something that would actually look at?

Steve Kucas: Good morning. I'm the fish biologist with the water bureau. The plan does not currently preclude that. We're looking at our existing infrastructure and looking at water supply

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planning in the long term. We're not considering the addition of a new storage increment in the bull run, but this plan, this habitat conservation plan, can be amended and this has been done in other forums. If we make that decision in the future and want to add additional supply, we can amend this current habitat conservation plan to do so. Your other question about the p.g.e. dams, they are going through their regulatory process through the federal energy regulatory commission, still on track, and marmot dam is scheduled to be removed in 2007, and little sandy would come out in 2008. So the sandy would change quite a bit in the not too distant future.

Sten: That's great.

Potter: Wanted to ask a question about the drafting of the h.c.p. said that the first draft will come from the water bureau. How are you folks working with office of sustainable development and the activities that they've had in terms of habitat?

Kucas: Well, quite frankly, mr. Potter, mayor Potter, we have not considered that particular avenue, and perhaps we should. We've been so focused on dealing with a credible response with all of our partners, and specifically focused on the fish resources, and maybe we should have that conversation, but to date we have not.

Potter: Well, I really like this. I think this is exactly the right direction. It's nice to see we'll become less dependent on consultants. I strongly support this. I just want to make sure that since those folks are closely aligned to what you're doing, I want to make sure you have lines of communication.

Leonard: And your point is very well taken. It is a discussion i've had with the bureau managers to make sure we take advantage of resources available in other bureaus, that they have not done to date.

Sten: Mayor Potter, if I could follow up with a comment. The way we did have it structured, we had a stand alone endangered species program. This plan is designed to respond to all of the regulations, which was always the goal, not just the endangered species program. We still have the endangered species program, but we've sort of folded it back into the watershed section, with basically we've built the internal capacity to do these things. This is a sign of the maturation of the program. Historically o.s.d. hasn't had watershed expertise, because that's been over b.e.s. They're expertise is conservation and one of the keys to having more water for the fish is having people use water more wisely. To tie that piece in, I think you're exactly right.

Leonard: I want to make clear, mayor, with respect to your comment on less reliance on the consultants, to be really clear the work laid out in the plan needs to be done. It's just that we want to develop, to the extent that is possible, the expertise in-house and not pay somebody else that will develop the expertise that they then have in their business. These are ongoing projects that we think it makes sense to invest within our own organization, develop the expertise on -- that not only can help on this project, but going the other way, can help other bureaus as well as a resource in the, you know, redevelopment of the willamette, the entire watershed in the Portland area. We'd have great people on staff here and plan with this work to develop even more expertise to help beyond the water bureau.

Potter: Other questions? Thank you, folks. Excellent job. Is anyone signed up to testify?

Parsons: No -- oh, we have one.

Potter: Ok. Please come forward. Please state your name when you testify. You have three minutes.

Scott Fernandez: Thank you. My name is scott fernandez, a member of the public. I'd like to thank the mayor and council for moving this issue forward. And i'd like to thank commissioner Leonard for his approach to this over the last few months. I had the opportunity last fall to go see the fish spawning, salmon, on the sandy river, and was totally amazed, and I believe that this issue needs to move forward. One of the projects that i've been involved with personally over the last few years is endangered species act with larger mammals. One of the successes we've seen -- by

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success, I mean increased recovery -- is through increased community participation. And that has been demonstrated with the large mammals. One thing that I would like to introduce is the -- is that the purb -- this issue was introduced in may of 2003 when purb was on hiatus. The community has come in late into the process. What i'm asking for today, then, is for the community to be more involved in a broader spectrum in the development of this h.c.p. in the -- as it goes through the development process rather than come in at the end of the process and not be totally involved. So that's my -- my point for today.

Potter: That's a very good point, scott. Maybe we could have folks come back up and talk about that. Or you could talk about that.

Leonard: I don't think they need to. Hopefully scott would agree that since, for the last two months, the water bureau has really done a huge turnaround in terms of public outreach, not in just this area, but in every year.

*******:** Yes.

Leonard: And certainly eddie, who is not in charge of this program, understands the value and importance of what scott's speaking to. We absolutely intend to not just have briefings so that you understand what it is that they're doing, but also have you included -- scott didn't mention, this but he's a member of the perb as well, but you have been involved in the decision making.

*******:** Exactly.

Leonard: And that has been my direction, and eddie has embraced that wholeheartedly, as has david, and that's exactly -- that's exactly what we're going to do.

Potter: So you were sort of reinforcing what's going on, just letting us know that this is an important additional feature that needs to be there in order for this to succeed.

Fernandez: Right. The commissioners recognize that, and the community supports that. So that's what I wanted to say.

Leonard: Thanks, scott.

*******:** Thank you very much.

Potter: Please call the roll.

Adams: I want to laud the bureau for their good work and leadership of commissioner Leonard and those that worked on this before him, mayor Potter. I think that this brings together our desire for efficiency and effectiveness, and good results. So thank you for the innovation. And i'm very pleased to vote aye.

Leonard: And I can't be more impressed with the work that I have recognized within the bureau since i've been assigned by mayor Potter the bureau. And this is an example of a series of excellent things that will be occurring in the water bureau. They are outstanding people. I couldn't be more impressed. My hat's off to both commissioner Sten and Saltzman. They've clearly hired some of the brightest people possible. I mean, I have absolutely been impressed with the caliber of the -- of the people at the water bureau, the commitment, the leadership. They've taken a few hits, so they're a little shy right now, but we're going to -- we're changing that. We're building self-confidence in the organization, and this is just an example of the kinds of things we want people to be able to see that are good about the Portland water bureau. So i'd like to take a lot of credit for this, but my hat's really off to commissioner Saltzman and Sten for the excellent hiring they've made in staff. I just couldn't be more impressed. Aye.

Saltzman: Well, i'm very impressed with the work here. It's very important work for us to be doing. So keep it up. Aye.

Sten: Well, I appreciate the compliments, commissioner Leonard. I'm actually -- I want to share commissioner Saltzman's -- appreciate commissioner Saltzman's work. I really like the way you're stepping in and pushing this. The bureau has the expertise to do these things directly, and, you know, despite some of the mistakes and some of the misfortune, there's been both along the line, and it's a human organization, we continue to be blessed with talented, dedicated people, and it

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would have been very easy with some of the cheap shots that have been taken, despite mistakes and missteps, for many of these folks to have left. Believe me, they could make more money writing these plans up all over the country. I think people are committed to what they do, and when -- you know, I think in very short order what people are going -- hopefully with your help -- and I do like the way you're doing it -- begin to refocus on is this wonderful asset we have, the amazing foresight of giving us bull run water 100 years ago, and we still only use about 15%, 20% of it on an annual basis, yet we're short in the summer we, short the fish, and many of our neighbors drink the willamette. And we're short on money. Those to me add up to a pretty compelling business case to try and find ways to -- the first step is exactly what you're doing, commissioner, which is get our team feeling strong and pushing those -- those assets forward. So it's -- for me, this is -- with one of my favorite things i've ever had the honor on the council is work with this team, so it's a great pleasure to support this under your leadership. Aye.

Potter: I too want to thank commissioner Leonard and the staff of the water bureau. I think this will help us address the issues and shortfalls that we have with the endangered species act, and one of my concerns for all of the city is that it will reduce the reliance on consultants. I think this starts us down that road to a self-sufficiency. I'm very, very pleased with that. And I want to thank you, commissioner, and david and staff. Aye. [gavel pounded] last?

Item 1021.

Parsons: One more item. 1021, the item that was pulled.

Potter: Ok. Who pulled it?

Parsons: O.n.i.

Eric King: Good morning. Before I get started, I wanted to thank both the mayor and commissioner Leonard for supporting our efforts to veto the time, place and manner -- or the house bill 2056, which would have eliminated our time, place, and manner ordinance. That along with combined with community participation, turned the tide. I'm here today to talk about the contract with resolutions northwest to provide conflict resolution services. This contract began in february of 2003. It's a five-year contract with the -- it actually expired, though, june 30, 2006, for an option to renew. We would like to continue that contract. We work with them and our neighborhood coalition offices to revise the contract to make sure that those services are provided directly to the neighborhood system. So we've expanded our services to include facilitation for things like good neighbor agreements. We've asked that they provide -- conflict resolution training for our neighborhood leaders. So therefore we've had -- because of that process, we've -- it took a little longer to vet that out. So we're asking that the -- the ordinance before you be an emergency ordinance and be full in effect if council passes that today.

Potter: Can I get a motion to make an emergency ordinance so we can expedite this?

Adams: So moved.

Leonard: Second.

Potter: Please call the roll on the motion.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] now please call the roll on 1021.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] last item of the day. We're adjourned until next week.

At 11:23 a.m., Council adjourned.