



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21st DAY OF SEPTEMBER, 2011** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, and Saltzman, 4. Commissioner Leonard teleconferenced for items 982-984 and 986.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Chief Deputy City Attorney; Steve Pederson, Sergeant at Arms was replaced by John Holly at 1:23 p.m.

Item No. 992 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 12:00 p.m. and reconvened at 12:08 p.m.
The meeting recessed at 1:09 p.m. and reconvened at 1:23 p.m.

		Disposition:
COMMUNICATIONS		
977	Request of Thomas Edward Mullen to address Council regarding no justification for wrongful incarceration (Communication)	PLACED ON FILE
978	Request of Orlando Cardenas to address Council to promote homecoming festivities at Roosevelt High School (Communication)	PLACED ON FILE
979	Request of Judith Marley to address Council regarding tremendous support from the St. Johns Community for Roosevelt High School (Communication)	PLACED ON FILE
980	Request of Andre McCowan to address Council regarding stereotypes and minority students at Roosevelt High School (Communication)	PLACED ON FILE
981	Request of Natasha Yeggins to address Council regarding Community 101 at Roosevelt High School (Communication)	PLACED ON FILE
TIMES CERTAIN		

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<p>982 TIME CERTAIN: 9:30 AM – Commit to pursue a mutually agreeable partnership with the Oregon University System for constructing the Oregon Sustainability Center, direct the Bureau of Planning and Sustainability, the Portland Development Commission and the Office of Management and Finance to finalize construction design and negotiate a final Disposition and Development Agreement with the Oregon University System which would enable building the Oregon Sustainability Center (Resolution introduced by Mayor Adams) 1 hour requested for Items 982-984</p> <p>Motion to add requirements: 1) Council will not consider final agreement without a guaranteed maximum price on the construction costs of the OSC; 2) no costs for design and construction of the OSC will be allowed from Tax Increment Financing from a potential or future Urban Renewal District: Moved by Commissioner Saltzman and seconded by Mayor Adams. (Y-5)</p> <p>(Y-3; N-2, Fish and Fritz)</p>	<p>36880 AS AMENDED</p>
<p>983 Authorize an Intergovernmental Agreement with the Portland Development Commission for the land disposition and development of the Oregon Sustainability Center within the South Park Blocks Urban Renewal Area (Ordinance introduced by Mayor Adams)</p>	<p>PASSED TO SECOND READING SEPTEMBER 28, 2011 AT 9:30 AM</p>
<p>984 Authorize an Intergovernmental Agreement with the Oregon University System to jointly share the costs to obtain design development and 50% construction documents for the Oregon Sustainability Center within the South Park Blocks Urban Renewal Area (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 28, 2011 AT 9:30 AM</p>
<p>985 TIME CERTAIN: 10:30 AM – Adopt Portland Office of Emergency Management Strategic Plan 2011-2013 and direct the Office’s name to be changed to Portland Bureau of Emergency Management (Resolution introduced by Mayor Adams) 30 minutes requested</p> <p>(Y-4)</p>	<p>36881</p>
<p>*S-986 TIME CERTAIN: 11:00 AM – Create the Office of Equity and Human Rights, provide for staffing of Human Rights Commission and Portland Commission on Disability by Office of Equity and Human Rights, establish Council commitment and approve initial work plan (Ordinance; replace Code Chapter 3.128 and amend Chapter 3.129) 1 hour requested</p> <p>Motion to amend directive h. to delete “senior”: Moved by Commissioner Fritz and seconded by Commissioner Fish. (Y-5)</p> <p>Motion to add emergency clause: Moved by Commissioner Fritz and seconded by Mayor Adams (Y-5)</p> <p>Motion to accept substitute Ordinance: Moved by Commissioner Fritz and seconded by Mayor Adams (Y-5)</p> <p>(Y-5)</p>	<p>SUBSTITUTE 184880 AS AMENDED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	

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<p>987 Appoint Jo Ann Hardesty to the Charter Review Commission for term to expire January 20, 2012 (Report introduced by Mayor Adams and Commissioner Fritz)</p> <p>(Y-4)</p>	<p>CONFIRMED</p>
<p style="text-align: center;">Mayor Sam Adams</p> <p style="text-align: center;">Bureau of Planning & Sustainability</p> <p>988 Amend Property Maintenance Regulations Code to reflect changes to curbside collection services (Ordinance; amend Code Section 29.30.140)</p>	<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 28, 2011 AT 9:30 AM</p>
<p style="text-align: center;">Bureau of Police</p> <p>*989 Authorize an Intergovernmental Agreement with Multnomah County to provide outpatient treatment and supportive housing to chronic offenders identified by the Services Coordination Team (Ordinance)</p> <p>(Y-4)</p>	<p style="text-align: center;">184872</p>
<p>*990 Authorize application to the Oregon Association Chiefs of Police for a grant in the amount of \$65,000 for the 2012 DUII Traffic Safety and High Visibility Enforcement program for sworn personnel overtime (Ordinance)</p> <p>(Y-4)</p>	<p style="text-align: center;">184873</p>
<p>*991 Authorize application to the Oregon Association Chiefs of Police for a grant in the amount of \$74,000 for the 2012 Safety Belt Enforcement Program for sworn personnel overtime (Ordinance)</p> <p>(Y-4)</p>	<p style="text-align: center;">184874</p>
<p style="text-align: center;">Office of Government Relations</p> <p>*992 Authorize contract with Patton Boggs LLP for representation in Washington DC on matters pertaining to the relationship between the City and the federal government (Ordinance)</p> <p>(Y-4)</p>	<p style="text-align: center;">184881</p>
<p style="text-align: center;">Office of Management and Finance</p> <p>993 Accept bid of Moore Excavation, Inc. for the SE 12th & Gideon Sewer Reconstruction for \$1,193,853 (Procurement Report - Bid No. 113137)</p> <p>(Y-4)</p>	<p style="text-align: center;">ACCEPTED PREPARE CONTRACT</p>
<p>*994 Authorize execution and delivery of a Second Supplemental Indenture of Trust to allow extension of maturity date for the City of Portland Economic Development Revenue Bonds, 1991 Series A Columbia Aluminum Recycling Corporation Project and related matters (Ordinance)</p> <p>(Y-4)</p>	<p style="text-align: center;">184875</p>
<p>995 Authorize a Memorandum of Understanding between the Revenue Bureau and Worksystems, Inc. to implement the Youth Employment Credits authorized under PCC 7.02.880 (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 28, 2011 AT 9:30 AM</p>

<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Environmental Services</p>		
<p>*996 Accept a grant in the amount of \$400,000 from U.S. Environmental Protection Agency for Brownfields Petroleum & Hazardous Substances Assessments (Ordinance) (Y-4)</p>		<p>184876</p>
<p>*997 Accept and appropriate a grant in the amount of \$1,000,000 from U.S. Environmental Protection Agency Brownfields Clean-up Revolving Loan Fund Grant (Ordinance) (Y-4)</p>		<p>184877</p>
<p>998 Authorize change in repayment term dates in Oregon Department of Environmental Quality Clean Water State Revolving Fund loan number R74171 (Ordinance)</p>		<p>PASSED TO SECOND READING SEPTEMBER 28, 2011 AT 9:30 AM</p>
<p>Commissioner Nick Fish Position No. 2</p> <p>Portland Parks & Recreation</p>		
<p>*999 Authorize Intergovernmental Agreement with Metro for study of transportation and park-related projects at Washington Park (Ordinance) (Y-4)</p>		<p>184878</p>
<p>*1000 Amend contract with Portland Habilitation Center, Inc. for Bureau of Parks and Recreation janitorial services (Ordinance; amend Contract No. 41112) (Y-4)</p>		<p>184879</p>
<p>REGULAR AGENDA</p>		
<p>*1001 Retitle Office of Cable Communications and Franchise Management as Office for Community Technology (Previous Agenda 970; Ordinance introduced by Commissioners Saltzman and Fritz; amend Code Chapter 3.114) (Y-4)</p>		<p>184882</p>
<p>Mayor Sam Adams</p> <p>Office of Management and Finance</p>		
<p>1002 Authorize an agreement with City of Portland Professional Employees Association for terms and conditions of employment for certain represented employees (Ordinance)</p>		<p>PASSED TO SECOND READING SEPTEMBER 28, 2011 AT 9:30 AM</p>

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<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p> <p style="text-align: center;">Bureau of Environmental Services</p> <p>*1003 Authorize the Director of the Bureau of Environmental Services to enter into an agreement with Union Pacific Railroad for construction equipment staging in the Union Pacific right-of-way to facilitate the structural reinforcement of the Guilds Lake Junction Structure (Ordinance) (Y-4)</p>	184884
<p>1004 Authorize a contract with the lowest responsible bidder for the Guilds Lake Pump Station Improvements, Project No. E08877 (Ordinance)</p>	PASSED TO SECOND READING SEPTEMBER 28, 2011 AT 9:30 AM
<p>1005 Revise the Stormwater Discharge Code to clarify existing authorities for City discharge permits and authorizations and evaluation of proposed discharges (Ordinance; repeal and replace Code Chapter 17.39)</p>	PASSED TO SECOND READING SEPTEMBER 28, 2011 AT 9:30 AM
<p style="text-align: center;">City Auditor LaVonne Griffin-Valade</p> <p>1006 Assess property for sidewalk repair by the Bureau of Maintenance (Second Reading Agenda 973; Y1075) (Y-4)</p>	184883

At 1:59 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST DAY OF SEPTEMBER, 2011** AT 2:06 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, and Saltzman; Commissioner Leonard teleconferenced, 5.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Linly Rees, Deputy City Attorney; and John Holly, Sergeant at Arms.

At 7:25 the meeting recessed. At 7:43 the meeting reconvened

	Disposition:
<p>1007 TIME CERTAIN: 2:00 PM – Appeal of Rodney Grinberg on behalf of Lindquist Development Company, property owner, against the Hearings Officer's decision to deny a conditional use review to establish a detention facility to be operated by the Immigration & Customs Enforcement Agency at 4310 SW Macadam Ave (Hearing; LU 11-124052 CU PR) 3 hours requested</p> <p>Motion to continue the hearing to October 5, 2011 at 3pm and to give any party opportunity to submit a rebuttal to what they believe is new evidence in this proceeding by no later than 5pm September 28th: Moved by Commissioner Fish and seconded by Mayor Adams. (Y-5)</p>	<p>CONTINUED TO OCTOBER 5, 2011 AT 3:00 PM TIME CERTAIN</p>

At 4:49 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
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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Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

SEPTEMBER 21, 2011 9:30 AM

Adams: Have everybody take a seat. We have two special presentations before we gavel ourselves into consideration of the council agenda. And first off, I would welcome you to the Portland city council chambers. Glad you're here and I'd like to recognize commissioner Nick Fish.

Fish: Thank you, Mayor. Portland is honored this week as host of the United States Women's national soccer team. And two of the brightest stars on the global stage are with us. Megan Rapinoe and Stephanie Cox. Today it's my honor to read a proclamation and then welcome two former pilots, graduates of the University of Portland who've gone on to professional soccer and the biggest stage in the world and I'm going to say a few words about July 10th, 2011, in a moment. First, the proclamation. Whereas, after representing the United States in the 2011 Women's World Cup in Germany, the United States Women's national team received a hero's welcome for its world class performance on a global stage and, whereas, the U.S. Women ranked number one in the world. And Portland is honored to welcome the United States national team back to Rose City and on September 21st, today, the team will hold a practice at noon at Jeld-Wen Field and Portland's passion for soccer as the youth and high school and college and professional levels has earned us a national representation at Soccer City USA and Portland is proud of its local connection to the U.S. Women's team which includes Megan and Stephanie and members of the U.S. Women's team are an inspiration to young athletes across America, including the more than 10,000 youth soccer players here in Portland. Therefore, I, Sam Adams, Mayor of the City of Portland, Oregon, the City of Roses do hereby proclaim Wednesday, September 21st, 2011, to be a day of recognition for the U.S. Women's national team. Congratulations. [applause] Mayor Adams, before I introduce Megan, I want to make a personal observation. I asked the question at the beginning, where were you on July 10th, 2011, and for those of us who love the game of soccer, it's a day newspaper of us will forget. I was in Barcelona, Spain, in a hotel room, trying to find a channel to watch the game. In the middle of the Tour de France, a German TV station cut in to show the game between the United States and Brazil. That was a game if you love soccer you'll never forget, the United States played one player -- player down. But to play one player down for most of the game is extraordinary. But that isn't what made it extraordinary, it went into two overtime periods and still scoreless and then in stoppage time, stoppage time that would have never happened had a player not fainted injury in the box and the referee extended game. Stoppage time on life support, a middle fielder named Megan cracked the ball from a middle field position that some have called the greatest center pass they've seen in a women's game and she said after, I hit it as hard as I possibly could and it may have been the best ball of my life. Megan, Abbey said it was the best ball of the tournament. The ball streaked across field into the box and Abbey headed it home to tie the game. And I was listening to announcers in another language, but they just went ballistic. [laughter] I think it's the greatest moment in soccer I've ever witnessed and my family and I had the honor of watching it and then the game went to penalty kicks and the best goalie in the world, Hope, stopped another shot so that the U.S. went into the finals. I can't tell you how -- went into the finals. I can't tell you how proud I was of the role played by these two young women. They played with great distinction when local stars and now taken their game to the world platform. They honor us by being here to visit and accept a proclamation. Welcome to City Hall and Megan, the microphone is yours.

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Megan Rapinoe: Is it on? Um, thank you for having us, obviously. It's a tremendous honor to be honored at city hall. Other than soccer, I don't think we have any right place, probably in this building for business. But -- [laughter] -- thank you for allowing us to be here. It's so wonderful to be back. I think that I can speak for of us that saying that is a city that holds at least part of our roots and can call the city home. Our time here was incredibly special and I think before the world cup, I always felt, you know, playing fortunate team, a little sense of disappointment in the fans we would get at times. I think we would get fans but not like we had at Portland. You know, selling out our stadium and -- in a matter of minutes at times, especially on the friday games, it was the place to be for a lot of people in Portland. But after world cup, I think things -- after world cup, things caught fire and it's great to see the rest of the country catch on to what Portland has known for a long time. And that's a special thing i'll hold with me from my time in Portland and I think steph feels the same. Thank you for your support, not just for the world cup, but from the time -- our time here and we appreciate Portland as a city, the university of Portland for all of support you guys give us. Thank you from the bottom of both of our hearts.

Adams: Thank you very much. [applause]

Stephanie Cox: And i'll just echo what megan said. That, you know, our experience at Portland really established a strong foundation and I was proudly wearing my university of Portland pilots' sweatshirt on nike campus yesterday and people were giving me a hard time. Hey, i'm in Portland. First day of school, backpack on, I was proud to be back in the city, where it kind of all started for us. And you know, i'm proud to bring our teammates back here and show them, you know, what we knew playing college soccer. The amazing fans, the timber crew and i'm excited that like megan said, the rest of the country is following suit. You know, that they're excited and passionate as well as Portland has been for a long time. Thank you, commissioners and mayor, for giving us quite an honor to be here today.

Adams: Congratulations. [applause]

Fish: Mayor, perhaps -- I believe that garrett smith, the coach of the pilots and won a couple. National championships and lisa, some other coaches are here, could you stand so that we could acknowledge you here. Welcome. [applause] I want to thank in addition to these very talented women, I want to thank the national team for -- and their leadership for making this possible and scheduling this game against canada here in Portland. It's sold out, I believe, within a day. Which speaks to just the depth of feeling people have for this team and there's a practice at jeld-wen, which is open to the public, which people can go to and to the young people here, I know mark brought a couple of youngsters, who are youth soccer players, part of life is overcoming adversity and I was present at each the times when megan suffered a career-ending injury and twice ruptured her acl and people thought it was the end of her career and twice she came back and here she is among the best players in the world. [applause] mayor, can we get a picture?

Adams: Yes.

Rapinoe: We have a couple of gifts for you guys before we take a photo.

Fish: Here's a proclamation for each of you. And if you could stand here for the picture.

[inaudible]

*****: That's for you.

Fish: Thank you, wow:

*****: Looks like your size as well.

Adams: You may be optimistic.

Fish: Wow: Thank you. What a treat.

Adams: Let's get our fans to come up.

Adams: Never have to pay a sales tax for those. [laughter]

Fish: Thanks very much. [applause]

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Fritz: Thank you. I wanted to add a comment. Because Megan you mentioned maybe you don't have a place here in city hall. First of all, everybody has a place at city hall. Yeah -- commissioner Leonard -- [laughter]

Adams: You snooze you lose.

Fritz: I think you do for many reasons. Sports is a big business and soccer has added to our economy and you're part of that. And secondly, the joy of sports is something we can share together. I brought my -- [applause] -- go pilots: A few things that a 25-year-old son and 23-year-old son and daughter want to do with their mom and watching soccer and yelling as hard as we can. I'm sure we didn't reach you in terms of volume for the world cup, but we'll yell louder.

Adams: And thanks to the university of Portland and Nike and everybody else so supportive of the team. Thank you. [applause] if I could have for the next presentation -- we've got four seats up here. If I could have Jim Cook, the president of the national association of letter carriers, and Kevin Card, president of the Oregon state letter carriers and John, Oregon food bank, for our next presentation. In my hands is a letter signed by every member of the city council. Outlining Portlanders concerns as we view them about pending proposed changes to the United States postal service and we're concerned. We know what it's like to run public agencies and face tough times. And we know that just like city of Portland is constantly seeking to improve, so is everyone who is a stakeholder in the postal service, but we're very concerned. And today's presentation allows us to highlight that concern, including the fact that the post office has a misguided practice of hiring transitional employees for 51 weeks per year. Leaves one week shy of full time permanent employment but don't get the same level of jobs protection and delivery contemplated from six to five days and as we'll hear from those who are going to testify in a minute, a significant number of routes that are having to be staffed in a manner that doesn't provide the service that a city needs. This issue is of concern to a city of our size, but having grown up in a smaller city -- a smaller city in Oregon and Newport, Oregon, it's a concern to us, and it can be a significant blow to us but it can be a devastating blow to small cities across the United States and nation if post offices start disappearing from our neighborhood and other cities. We're glad you're here to put a spotlight on the issue. Who would like to go first.

Kevin Card: Good morning, Mayor Adams and city commissioners, it's an honor to be here on the national association of letter carriers branch 82, we represent letter carriers in the greater Portland area and I'm expressed on the behalf of the letter carriers and throughout the country, our deep gratitude for the Portland city council unanimous letter expressing support of the long-term viability of the United States postal service. We continue our effort locally to save the postal service, representing the interests of the workers and the communities we serve six days a week. As you now, there are solutions to this current postal crisis and one such solution is simple. HR1351. Cosponsored by Congressman Blumenauer and it's growing daily in a bipartisan manner. We're getting the facts out to the neighborhood associations and other civic organizations that will allow us to speak. We have some letters of support from the neighborhood associations and signed petitions. Talking about the main issues, Mayor, you just addressed. And we have -- this is just the beginning and we've mailed them, priority mail. To the postmaster general and the board of governors and our elected representatives. We thank you for taking the time today during this extremely busy schedule to help us save America's postal service, with this letter, Portland has proven again to be a leader on issues that matter to communities here and throughout our nation. And thank you to the president of the northeast coalition of neighborhoods and Oregon food bank for expressing their support today.

Jim Cook: Yes, thank you, Mayor and thank you, commissioners for your support and really solidarity with the postal families in Portland. We join you on May 17th, 2011, our board of directors passed a unanimous resolution in support of HR1351 and eight of our 12 member neighborhood associations received presentations from U.S. Postal carriers and passed similar

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resolutions. So again, this is -- the services that our friends of the u.s. Postal service provide are immeasurable, do not show up on paper. When I first moved to Portland 13 years ago, our -- [laughter] -- our letter carrier, pretty much showed us how to own a house, how to take care of things. Things to look out for. And took care of things when we went on vacation. The checking in on elderly neighbors. The things they do are invaluable and i'm very, very glad that we're all in solidarity in keeping service intact, really, thank you again.

*****: Hi.

Jon Stubenvoll: I'm john, the director of advocacy at Oregon food bank, we're here to express our support for the friends of letter carriers and for more than 20 years, Oregon food bank has had a strong partnership with branch 82 of the letter carriers association and that partnership speaks to the way that letter carriers are part of the community. The most important single food drive is a saturday every year, the letter carriers' food drive. This last year it -- Oregon brought in almost 1.5 million-pounds of food for Oregon food bank to help feed hungry Oregonians, the single largest food drive of the year. We believe we'll solve hunger in the state and do it through partnerships. One of the foundational partnerships we have is with the letter carriers and when we hear things about cutbacks in saturday service and other changes to the postal service, we're concerned, not only for the letter carriers and the jobs they provide, but also the community benefits that all of time r. Fully seen by the citizen,ing like the annual saturday food drive we have with the letter carriers' association. We thank you today, mr. Mayor and commissioners for the signatures on the letter to the postmaster general and we encourage you to be in support of the letter carriers on this issue.

Adams: Thank you very much, we appreciate it.

Card: Mayor, thank you, and thank you, commissioners and I provided a packet. We're having a rally today, at noon at pioneer courthouse square and september 27th, 4:00 at the main post office. So again, the packet provides more information. Thank you for the valuable time.

Adams: You betcha. We'll move to our regular agenda. It's september 21st, 2011, it's 9:30 a.m. Sue, please call the role. [roll call] captions paid for by the city of Portland.

Adams: Quorum is present and we'll proceed. We have a request from commissioner randy Leonard to allow participation in council of the electronic communication for 982, 983, 984 and 986. The commissioner states that failure to allow full participation would jeopardize the public interest, health and safety. Unless there are objections, we'll connect commissioner Leonard via electronic communications for these items. Hearing none, we'll proceed beginning with communications, please read the title for item number 977.

Item 977.

Adams: Welcome, mr. Mullen. Give us your first and last name and the clock in front of you will help you count down three minutes.

Thomas Edward Mullen: Yes, my name is thomas edward mullen. I'm here to address council on why I haven't been justified for a wrongful incarceration with injuries, that resulted of actions of Multnomah county while incarcerated in 1994 from a crime that happened in 1989. The court took too much time getting me to court and once they injured me, they refused to go back to the law of giving me my workers' compensation saying they had to file after I got out, this is not true because under the grandfather's clause, they must go back to the statutes of 1989, 1031, 199 and at that time, they were the total keepers and total responsibility of me and my claim is still good and mayor, still responsible for me every day, until they filed a claim to make it reactive back it a date she injured me and paid me for the losses that I have lost across the state and the county was liable at that time, but now the state, because the state was supposed to tell the county -- such papers and defrauded my case and I went through a whole system all the way up to the eighth supreme court and they told me to exhaust all of my avenues before they would take on the case. And now coming before the city council to ask at this point for a special funding like they gave the boy [inaudible], they found \$150,000 for this guy to just look for a missing guy. Now, here, they killed me as the records show,

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i'm injured, my back, I can't work and can't lift over 20 pat-downed and people still deny it. They don't deny they've injured me, but deny to pay me. And in america, if you can't work, you might as well be dead. I'm eligible to get workers social security, and that's extortion. They injured me, and, therefore, when I got ready to retire, therefore, that's extortion on the county and state of Oregon at this point in time but as I look back and fighting this thing, I understand i'm not alone, as the papers show that it was over 77,000 people that got injured on the job back in 1980 and then 1994, over one million -- and 21 billion people annually that got injured on the job. I fight my way back to the top, and every time I get to the top, they tell me I can't speak because I don't have a attorney.

Adams: Mr. Mullen, your time is of up and the issues you raise are issues I think best addressed with Multnomah county. Not the city of Portland.

Mullen: Once again, go back to the eighth supreme court, I must explore all of my avenues and if the city council can't remedy, they should pass it on to the federal courts of the united states to remedy this because it does go across their borders and everybody else's.

Adams: Mr. Mullen, using your three minutes today, you have come before the city council and unless one of our attorneys says otherwise, you've exhausted this opportunity and so you can tell the court you have. Based on what you said, I don't see that we have any actual jurisdiction in this matter. I appreciate you bringing it to our attention and a encourage you to bring it to the Multnomah county board of commissioners' attention. They have jurisdiction. They have more jurisdiction over some of the issues you raise. Thank you for your time today. I appreciate it.

Mullen: Yes, one more thing. At this point, I would luke to also say I feel it's president obama said --

Adams: Mr. Mullen -- sorry, we need to -- we have other people that have signed up. I appreciate you coming to see us.

Mullen: All right.

Adams: Please read the title for communications item number 978.

Item 978.

Adams: Hi, welcome.

*******:** Good morning, mr. Mayor.

Adams: Go rough riders.

Orlando Cardenas: Yeah. I'd like to talk about homecoming for roosevelt. This is a big week for us, where we like to engage in our community, celebrate a lot of things together. Making sure that every roosevelt high school student is engaged in their community. And involved in separate activities. This thursday, we're having an alumni banquet at airport embassy suites where all who attended roosevelt are attending, some of them, at least. And friday, a homecoming parade starting and ending at roosevelt high school. It will run through the st. John's business district and it will be great for the students to see our community out and support their efforts. Also, we will have roosevelt high school alumni board of directors meeting at 2:30 and also a vintage auto show and it will be nice to see the flashy cars and a barbecue and bon fire. Sponsored by the class of 1994 and i'd like to say that roosevelt high school is actually on the rise. As if you guys -- as -- many people have heard. It is on the rise. I've been there for four years, this is my last year as a senior. And as the president -- the student body president of roosevelt high school, that's a big accomplishment for myself and the rest of my peers. I see -- I think rose vet has actually changed the four years i've been there, especially now that i'm president. I think that roosevelt isn't who it used to be. You know, all of that gang banging stuff they said that roosevelt was, all of the stuff like that, it hurts me, especially since i'm the president, you know? And it's something I would like to change, something that I have as a goal in life. My last year here. At roosevelt high school is to change the way the community, especially, everybody in Portland, change the way that people see roosevelt high school because we're not who they think we are. We're above that, everybody. And a speak for the rest of my peers, everybody back at roosevelt high school, from the principal to the janitors

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and I would like to welcome you guys to the roosevelt high school homecoming on friday, to see the game, football, we're also planning to break the record of attendancy at the football game from last year's, so hopefully we get all of the alumni involved and the community, as much as people we can get to celebrate the roosevelt roughrider pride we have. Because we're on the rise.

Adams: You're definitely. And mr. President, i'm grateful you came here to tell us about homecoming and speak the truth about the great improvements at roosevelt.

Cardenas: Thank you for having me, mr. Mayor and commissioners.

Adams: We could have the next three come up together. Could you please read the title for communications item number 979, 980, and 981.

Adams: Treasurer.

Judy Marley: I'm judy marley, the class treasurer at roosevelt. We have -- I went on a college tour last spring at rose vet high school and we were a group of students chosen to go on this trip and the journey there, we had fun bonding times and got to know each other a little bit more and didn't really know each other going -- because there's a lot of students at roosevelt. And on the trip, learned so much about college, we learned through our -- we did presentations every day. We learned about colleges and how to interview students at the colleges we attended in georgia and alabama and held to a higher standard than at roosevelt. We don't like wear uniforms, and this trip, we were required to wear slacks and collared shirts and held to a higher standard. As we got back, we got -- ended up missing our flight, but it showed how everybody works together and can come together as a community and work together and now that we're back, you know, we're trying to show students college is an option for everyone. It doesn't matter who you are and what your grade point average is, what's in the past. Now we're starting to change our futures and become the powerful leaders in our community and, you know, after this -- you know, in high school, peer pressure is a really big thing. Everyone wants to follow what their friends are doing. And after the college tour we're showing students we can go to college, and we're hyped up for college and showing our friends they can go and we're changing roosevelt to be a college-going school and I wanted to tell you guy that is.

Adams: Fantastic. Good work. Mr. Mccowan.

Item 980.

Andre McCowan: Hi, i'm andré mccowan, a junior at roosevelt and i'll be talking to the mayor and council about stereotypes at roosevelt. Some people don't expect me to excel academically in the classroom, but i'm here to -- like I showed them I can achieve my goals by going to college and getting a higher education, and my peers and family and stuff to have a better life and things like that. And oftentimes, you hear about roosevelt being a bad place for the community and stuff like that, but it's not. Like, i'm trying to like help roosevelt become like a better place and represent so everybody can have a safe learning environment. And the incoming freshmen and people already there, contributing to the community and stuff like that and to the school.

Adams: Thank you, mr. Mccowan, well said.

Item. 981

Natasha Yeggins: I'm natasha yeggins and representing roosevelt as the student body vice president. Last year, we did the community 101 for as a leadership group and had \$5,000 we sectioned off to nonprofit organizations and they're the children's relief, northwest pilot project, and we also did janus youth program. And went off our mission statement to see if ours matched. And those are the top three that came up our mission statement the best. And we split them equally and gave children's relief \$250 and we gave northwest pilot project \$150, and janus youth program \$1,000. And this year, we're going to try do that again and try to do different organizations so everyone gets a chance. And with the community 10 1, we're basically trying to say we're not only getting money for people who think we just got the \$7 million, know we also give to our

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community, as we give away also, so it's not just like we're -- we're giving away to our community to share the support we had got this year.

Adams: Well said and I want to thank again mr. President and the great leadership advisor, roosevelt is on the rise and you being here helps to get the word out.

Fritz: Thank you for taking time to come to city hall and welcome to your city hall. I want to commend you for your work and diligence in academics and sports. I'll be there at the home homecoming game. 86% of your seniors graduated last year. That's tremendous. And \$4 million in college scholarships. Over 150 kids going on to college from roosevelt. Those are results that show that your hard work and the principals and teachers and community coming together is making a huge difference. Thank you for coming down to tell us about it.

Adams: A round of applause. [applause] and you're welcome to stay and watch democracy happen and you're welcome to leave.

*****: Actually we've got to --

Adams: You got to go back to school, don't you?

*****: [inaudible]

Saltzman: A couple of years, you'll be on that list.

Adams: Thanks again, appreciate it. We'll consider the consent agenda. Does anyone wish to pull any items off the consent agenda.

Susan Parsons, Acting Clerk: We have a citizen request. 992.

Adams: It will be heard at the end of the council session. Call the vote.

Saltzman: Aye. **Adams:** Aye. **Fritz:** Aye. **Fish:** Aye.

Adams: Consent agenda's approved. [gavel pounded] we're going to hear items -- if you could please read the title for 982, 983, 984. Those three.

Items 982, 983, 984.

Parsons: Ok, right now i'm going to connect commissioner Leonard.

Adams: Please.

Parsons: Commissioner Leonard, do you hear us?

Adams: Commissioner Leonard?

*****: [inaudible]

Parsons: Ok, all right. We should be connected. Let me read the items and we'll straighten out our technical difficulties here.

Adams: Thank you, i'd like to ask willie smith, congressman earl blumenauer and the representative for john kitzhaber to please come forward. We know you're busy, to come on up first. Let's see if we can get commissioner Leonard to pipe through the pa system. Are you here?

Leonard: Yes.

Adams: We're beginning with presentations.

Leonard: I'm watching you [inaudible]

Adams: That's scary.

Willie Smith: My name is willie smith, congressman's earl blumenauer district director and a quick letter. Dear mayor Adams and Portland city commissioners, i'm writing for my support of the Oregon sustainability center. That will create opportunities for Oregonians, the osc represents national and international leadership in a new era of advanced building design. Its model between public entities, the public sector and higher education provides opportunities for business not only in Portland, but salem, bend and joseph. The osc will speed the development of Oregon's green building industries including sustainable wood products, building products, manufacturing and alternative energy design and implementation and efficient building management and maintenance and small business opportunities to provide supplies and support for high-efficiency facilities and architects and planners and developers and energy efficiency experts enhancing Oregon's representation for creating green and sustainable solutions through innovation and collaboration and

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the two federal agency to invest demonstrates the federal government confidence this project will create a long-lasting private sector opportunity and we commend the city of Portland and the pdc and Oregon university system for your close collaboration and look forward to highlighting the Oregon sustainability center as one more example of Oregon's leadership in creating new jobs for a sustainable future. Sincerely, earl blumenauer, member of congress.

Adams: Ms. Peterson.

Lyn Peterson: I'm a sustainable community and transportation advisory to governor Kitzhaber. I'm here to express his support for the Oregon sustainability center, the governor believes an economy of innovation is within our reach. A low-carbon economy that leads the way in advanced manufacturing and designing products that uses less energy. And it's an economy that values the local, Oregon companies supplying Oregon companies. And communities across the state capture their local value stream and energy -- wind, sun, forest slash and drive the economies keeping that at home and making our state economy more resilient. The Oregon sustainability center is a beacon of these important values and put together by a local team using local products and shows in the west, we're committed to creating jobs without sacrificing long-term environmental stewardship. That the clean economy offers us perhaps the only path to a sustainable future that's insulated from the chilling effect of fluctuating fossil fuel cost and supply. Oregon is already a clean economy leader. This sector employs 59,000 people in Oregon and boasts the second highest concentration of these jobs in the nation. This project will help to solidify that leadership. Oregon and the Oregon university system have already substantially invested in the project because of the importance to our state. Our universities are the wellspring of innovation, research and productivity key to our ability to realize a prosperous economic future and this project presents a great opportunity to commercialize and deploy much of their cutting edge work. With the commitment to local, there's no doubt this will boost our economy and create family-wage jobs in Portland and beyond. And an important symbol of what the city and state stands for. That's why the governor supports it and asked me to come here on his behalf. I hope you'll join him in supporting this valuable project. We'll provide written testimony from the governor after this meeting.

Adams: I want to thank you both for your advocacy to the federal government and the fact I think other speakers will go into detail, but we received word in the last couple days that u.s. Department of commerce, the economic development administration, awarded us a grant of \$1.5 million for this project. For a specific system and the innovation in a specific system within the building and that wouldn't have happened without your advocacy and the advocacy of the federal government in general. Thank you very much.

Peterson: Great partnership. Thank you.

Adams: Next we'll hear an overview from susan anderson, the bureau of planning and sustainability and jeff baer and lew bowers. Welcome back. Ms. Anderson.

Susan Anderson, Director, Bureau of Planning and Sustainability: Good morning, mayor, council. Susan anderson, director of the bureau of planning and sustainability, with me is jeff baer with the office of management and finance and lew bowers with pdc. I'll provide an overview and jeff will talk about financial issues and ownership structure and lew, the building specifics and job creation benefits. So this morning, while you think you may be talking about a building, we're talking about our future and really, the future of the planet. Let me start with facts. Currently, 3.5 billion people living in cities. Most of the cities built over the past 200 years and have aging infrastructure, transportation, water, sewer, power and housing and other systems. World populations are expected to grow and shift and become increasingly urban while we have 3.5 billion people in cities, in 20 years, we're expected to have 5 billion living in urban areas by 2030. A 40% increase in populations for cities worldwide and that's what is coming. It means we can't just be a little bit greener. We need to take it to a new level and rethink cities from the ground up. The world will need super-efficient buildings, new forms of energy and innovation compact living that

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preserves the high quality of life and Portland is in a tremendous place to capitalize on this demand. We have a strong presence in the clean economy. Selling sustainable technologies and products and services and we have a well-earned reputation as the greenest city in America. And it's paid off locally with lower energy bills and transportation costs for residents and businesses and paid off with jobs. A great example is the announcement yesterday by Interface and Green Building Services that they have been hired to be the lead sustainability consultant on 110 buildings in the middle east. Portland is seen as a green building leader and there are dozens of cities nipping at our heels. And Oregon Sustainability Center presents a tremendous collaborative, a collaborative for business and the university system and for nonprofits like Oregon Environmental Council, Earth Advantage and private business partners like Sanyo and Intel and Umpqua and Cisco and many others within the community. The center will be a working laboratory and a catalyst for innovation and an R and D center, not just for technologies, but also for systems and human behavior. For example, Intel will test its wireless sensor networks on how to control energy costs. Sanyo, new high efficiency photovoltaic panels and agreed to manufacture those solar cells in Oregon when the project moves forward. The center will advance our leadership as an urban center of excellence and example innovation and create demand for clean products and services but unlike other leading edge buildings being built, the sustainability center is designed not to be just one of a kind, but the first of its kind. It's designed to be copied. We want to be a place where people understand it's an infill project. It's something we want others to copy and learn from. And we can sell from there. Large firms like Intel and Sanyo are a part of the project, but it's not just about the companies. It's about providing opportunity. Skills and jobs for minorities and women contractors through a construction equity agreement. That sets us apart. A lot of cities talk about sustainability. But they mean environmental sustainability. We're walking our talk on equity and social sustainability. And finally a platform for commercialization and export of Oregon products and services. I think it was a decade ago Commissioner Saltzman brought to Council a request that my office, of the office of sustainable development, at that time, be allowed to move into the EcoTrust National Capital Center and we helped to launch the success of that building and rents were higher in the beginning but the rest of the market caught up and there's a virtual waiting list of companies to get into the building. And being in the EcoTrust building helped me raise millions in outside funding for sustainability projects, we have good projects and good ideas but often it was the building and collocation and being with nonprofits and entrepreneurs and nonprofits for the whole EcoTrust experience tipped it so that different foundations and different funders were interested in us in the first place. So the next step for the sustainability center is to develop the 50% construction documents. Lew will talk about that more. Today, we're asking for your approval to move forward with the contingent commitment to co-own the sustainability center. Tomorrow, we will seek acknowledgment of their intent to share costs 50/50 with the city and October 12th, PDC will consider a similar commitment. Again, the Oregon Sustainability Center is not a -- it's not just a building. It's a collaborative business venture that will help Portland's future as an economic leader in clean technology. Before I turn it over, I want to acknowledge the great partnership we've had with the Oregon University system. Jay Kenton, the OSU vice chancellor. And Jim Francesconi, and Chancellor George Burnsteiner.

Adams: Do we have the technology figured out? We do. Ok. Who is next? Mr. Baer.

Baer: I think we'll be on slide six. Technical difficulties.

Adams: An opportunity to genuflect. [laughter]

Adams: Thank you, Sue.

Jeff Baer, Office of Management and Finance: Good morning, Mayor Adams, members of city council. I'm Jeff Baer with the office of management and finance. I want to walk through the details with the sources and costs associated with the project and on this slide, it illustrates a complicated mix of funding sources and variety of different partners involved in the project. You'll

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see the cost estimated at this point is \$61,700,000. Which includes the construction costs, financing costs and value of the land that pdc is donating toward the project. The funding sources, you'll see is a mix, mostly comprised of the Oregon university system with their bonding and funding sources, city bonds of \$8.3 million, which will purchase a condominium share of the building, equal to 26% of the building and a variety of other funding sources. Mayor indicated the eda grant we received. And a variety of other sources. And this project equates to approximately \$434 per square foot. Minus the land value and this is not that unusual in comparison with the -- and i'll compare the port of Portland at the airport, 205,000 square feet at cost of \$415 a square foot. So it's going to give you a comparison of additional costs and that particular building it met leed platinum, which is the highest and this is going to the next level, which is the living building challenge. Which is actually a net zero facility. And the next slide, we talk about and illustrate the ownership structure in a more definitive way that the city occupies 33,000 square feet which equates to one floor in a seven-story building and the middle section, the Oregon university system, 41,000, and Oregon best research center, 3,600 square feet and the bottom segment, what we call the joint shared risk space between the city and us, which i'll talk about more in detail in the next slide but that comprises the retail space, the nonprofit, tenant space, the for-profit tenant space and also the conference center. The investments that the city will be making toward the project includes some one-time costs and the one caveat I want to make, these are low confidence estimates and we express them in ranges, to give you an idea of the costs we anticipate investing in the project, especially with moving the bureau of planning and sustainability into this building and -- bureau of planning and sustainability into the building and there are a lot of unknowns and won't know until we get into the 50% construction design phase. This illustrates one-time costs and ongoing costs relative to the project investment.

Fritz: Why more furniture and equipment. Why not just move the furniture from the current space?

Baer: We don't know yet, until we hire a space planner to look at the existing furniture within the 1900 building whether or not that would be an approved item for being in the sustainability center. For example, the -- I think the daylighting strategy, calls for a 42-inch partition wall and most of the furniture in the 1900 is at 54-inches, but we're not sure that would fit. But that could reduce the costs.

Saltzman: To the lower end of the \$1.8 million?

Baer: Yes.

Anderson: I want to say also when we did the estimate with what was then general services and moved into the ecotrust, the estimates were \$200,000 and we did it for \$43,000 because we had donated materials and this could happen here too. We appreciate and worked with Jeff to come up with the low end number and I do believe it could be lower.

Baer: Some of the technology costs with the integrated regional network connections to bring in fiber to the building, connected on to the city's main network.

Saltzman: If I could follow up. If we go to the high end of the furniture and fixtures and equipment, I presume that's everything new and leaving what's there in the --

Baer: Correct.

Saltzman: -- 1900 building? Why does of the moving cost go up. There's nothing to move except bodies.

Baer: We're expressing in a range to give a contingency factor, depending on that.

Saltzman: Seems counterintuitive.

Adams: You're being safe than sorry, in terms of being conservative on potential costs.

Fritz: And don't necessarily match up. The move cost would be higher -- they'd be moving more of the old furniture.

Adams: That's why you have to hire a space planner.

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Baer: Right. On the city risk, share exposure. We wanted to illustrate there are some inherent risks in this project. Going forward. And because we've taken a position we're going to split equally the cost with the Oregon university system, that there are additional costs associated with the risk shared space and partnering on it. For example, of the conference center which equals about 3600 square feet, that's a factor we built into the rent projection for the bureau of planning and sustainability on that. And so we want to show and again express these in ranges, low to high, the costs associated with the project itself.

Fish: On the potential costs slide, is that -- does that assume 10, 20, or 30-year timeline?

Baer: A 30-year.

Fish: Worst case, we could have \$300,000 risk in terms of what we're picking up in -- on the space we don't actually own for 30 years?

Baer: Right. And we actually have -- I believe it's two tenants at this point -- and Lew might talk about this -- who have tentatively agreed to 30-year lease terms and we're trying to offset that ongoing risk with longer term lease tenants.

Adams: By way of comparison, you know, when the city builds parking garages and the 1900 building, we made assumptions about the retail spaces in those buildings as well and when they're not filled we pick up the cost. So this is being very explicit and well we should in terms what are the ranges for -- if everything does not go the way we want. If some of what we assumed does not go the way we want and then if everything goes exactly as planned.

Baer: We have a different financing structure in this building. The city intends to take out a 20-year bond, our debt service would be paid off within 20 years, versus the Oregon university system. They intend to do a 30 year bond debt service on that. There's going to be a 10-year gap when planning and sustainability would have a reduced rent because the debt service would be paid off in 20 years. Turn it over to Lew Bowers.

Lew Bowers, Portland Development Commission: Good morning, mayor and commissioners. From the Portland development commission. I send greetings from Patrick Quinton, but he's on a generating job leads in China, got a tweet from him the other day and he's working hard. I'll expand on the points Susan made and go into detail what happens next. Again, Susan's point, this is not just a technological innovation in the building, it's our goal to make the building a folks point for the discussion of sustainability in Portland. We've carefully selected the tenant mix to combine academic, nonprofit and city and for-profit groups in sustainability. This is the list of the space allocations. OUS, and the city of Portland, that's the bureau of planning and sustainability and the private and nonprofit space, that's the space available for office, both private and nonprofits. We -- we're very careful -- we've selected this mix to have both advocates and people working in commerce and people creating policy all in the same place to make that discussion happen and we believe that's the best way to combine research and the best thinking to disseminate ideas. And we want the building to be sustainability's front door or portal for Portland and Oregon. Doing that a couple of ways. The goal is to get as many people as possible to interact with the building. The ground floor, an action center, an interactive series of exhibits that will tell the story of the building, sustainable technology and sustainability in Portland and used by school kids and delegations visiting and tourists and people who want to come to Portland to find out about sustainability and we're currently working with Wieden & Kennedy. And on the second floor, a conference center, available for tenants as well as for others and this will be a place to come and meet and the possibility of PCC doing green job training and matching out of the building in the public space to get for and more people involved. Finally, in terms of the available space, of the 43,000 you see, about 25,000 is earmarked for for-profit office space. We want to involve them in the project. We're talking to a variety of firms, including Sanska, Cisco and GBD about being tenants in that space. So although we don't have signed leases, we have good discussions going on. It's our intention to bring back leasing commitments prior to construction and have it pinned down. No one

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wants to build a speculative building. There's 4,000 square feet of retail space and 1,000 square foot commitment from umpqua bank and the rest probably leased during construction. We're actively talking to retailers that are interested and participating in the action center. We want the ground floor to be the right mixture. One more. Secondly, the folks at omf have done a great job of analyzing the risk and a good job of the range. And we're trying to be clear about -- it's about supporting the clean building industry. That's part of your economic development strategy. Since 2000, Portland's green building firms have grown which says we've got a sector of growth potential. On an annualized basis, employment in green building firms grew 3.3% since 2009, while conventional firms 2.5%. We're growing green jobs. Reiterating what the governor said, 59,000 green economy jobs in Portland. Second highest in the nation. Grown 2.2% annually, 10 times the growth rate for all other Oregon jobs over the same period. The workers earn about 5.2% over state average and in Oregon, 68% of the jobs are blue collar. This is the industry we're trying to work with. This is why the building is important to move the industry forward. In addition to the specific jobs that will be created by construction, approximately 780 jobs and \$100 million impact, we also believe there will be a secondary impact. Firms working on this project are going to be exporting this skill and expertise outside of Portland and doing other buildings around the nation and world. I believe you'll have people testifying to talk about that. This exporting of green building services and materials is a fundamental part of the strategy and osc is a tool to make that happen. Susan mention that had sustainability involves social equity and we hope to take some innovations around this project there as well. For construction subcontracting, we're going for 25%, rather than the required 20%. And we're meeting the aggressive workforce hiring and training and doing something new around professional services. We're piloting programs to increase opportunities more minority owned women minority firms and you'll have additional testimony on this. Working with pcc to have job -- green job training on the ground floor to have the building work for all segments of the community. Finally, the other two roles for the building. One is a living laboratory. There will be a significant amount of research going on within the building, it's organized by Oregon best. Right now, 11 research projects identified with over 20 faculty from the Oregon university system and targeting \$7.7 million in funding to carry on.

Adams: Oregon best?

Bowers: It's the consortium of the Oregon university system working on commercializing research from the Oregon university system and working with Oregon and other businesses. A couple of the projects involved tenant behavior and water use impacts. The dc current microgrid and alternative kinds of cement which are more sustainable and we were a \$750,000 grant we've applied for from the murdoch foundation. The last has to do with the branding of Portland. Susan talked about this. We believe this building will extend Portland's brand and this is analogous to our commitment to light rail, that then turned into be able to make streetcars. We believe the same progression can happen here. Finally, in terms of commercialization, there's a consortium of private and nonprofit firms involved. This is their logos. We believe the building has been a focal point to bring the firms together around the building and then talking to each other about ways they worked together. In your packet, or with your power point, you received a packet of letters of supported endorsement from these firms who are interested in being tenants or donating equipment or doing research through and with the project. Examples of commercialization is intel is working with us on personal energy management software. Certainty is working on a advanced building envelope system and sanyo working with us on a combination of their photovoltaic panels and commercial scale lithium ion batteries. And finally, timeline and next steps. We're seeking your authorization to proceed. Tomorrow we go to the state and ask for their authorization to proceed. If those decisions are positive, we will initiate the final design process -- actually, get us the 50% of construction drawings completed next spring and then we'll negotiate a guaranteed maximum price, taking to june to do that. In the interim, go back to the state, when the legislature is in session and

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seek final approval on the state bonds that has to take place when the legislature is in session. We will then come back to you to seek your final approval of the development agreement and the authorization for city bonds. I want to emphasize this project comes back to you at least one more time for your final approval. If the schedule moves along, we'll start construction in the summer of '12 and complete in the winter of '13. You have three actions, one is the resolution which allows us to continue to negotiate on the terms in the staff note. You have two ordinances, one is a agreement with pdc that allows pdc to give the land and tif money to the city. The city in turn puts it in the project. The second ordinance is between the city and ous and that will enable the city and ous to split the cost, approximately \$3 million of the next phase of design, it's contingent on the state taking a positive action tomorrow. One of the reasons we've scheduled this is to ask the city council to take the lead and demonstrate our commitment and tomorrow we'll seek analogous commitments from the state. That's the end of the presentation.

Adams: Initial discussion? Commissioner Saltzman, do you want to --

Saltzman: Who are the two tenants that signed 30-year leases?

Bower: The earth advantage has signed one and we're negotiating with Oregon economic council. They've not signed leases.

Saltzman: Oregon environmental council, you mean?

Bowers: Yes.

Saltzman: I have a couple of amendments and maybe i'll preview those now since there are others testifying. Hand those out. I think they fit well with the discussion we just had and the discussions i've had to date with people on the building and while there's much to be excited about the sustainability building, there's also quite frankly, much that makes me nervous. So the two things that i'm seeking in these amendment dollars one that there will be a guaranteed maximum price on the construction costs. My first amendment adds a be it resolved, the city council will not consider it without a maximum price on the construction cost on the Oregon sustainability center and the second relates to what I believe is everybody's intent, and that is, if we do create a future urban renewal area in the area, in the psu area that there not be urban renewal funds used for the Oregon sustainability center. My amendment says be it further resolved, no costs associated with the design and construction of the sustainability center be allowed from tax increment financing from a potential or future urban renewal district.

Adams: I support those amendments. Now or later, whatever you want.

Saltzman: Well, I wanted to introduce them for discussion purposes if anyone cares to testify. Orlew has any -- and who is the project manager on this?

Bowers: This is a multiheaded hydra. [laughter]

Bowers: It's a well organized. Jeff baer representing the city and pdc is working closely with the city. And then mark gregory representing the Oregon university system. And ged, who is our developer, joe is involved there. We're working on the group that will do the implementation, the two major owners, ous and the city, and the developer. That's our core team and close to that, lisa is the project manager for pdc. Michael armstrong -- levels of involvement. Those are key members.

Adams: As we move from planning and planning and engineering, then there will be a project manager?

Bowers: That's correct, the construction phase managed by ous, they'll handle the construction and contract and on completion, the city will purchase a turn key condominium from ous. We want one project manager during the construction.

Saltzman: Ous providing the construction manager?

Bowers: Correct, that will be centralized and that will start as soon as we enter into a construction contract.

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Fritz: I have a question about the terms of the agreement with the state. And regarding the risks of -- if the private and nonprofit spaces go unrented that we and the state -- the -- we split it 50/50, but at the end of the 30 years, ous owns 74% of the building and we don't seem to get benefit from sharing 50/50 in those risks. Is that a final agreement we don't get benefit from that?

Baer: The way we structured it at this point is that if the city is called upon to contribute toward that offset or vacancy, that we're going to reconcile that and we could potentially take on additional ownership.

Fritz: When would that get negotiated?

Baer: That's part of our deal point with ous right now.

Fritz: And how would that -- where would that money come from if we need to put in more money to cover the lost rent?

Baer: One area we're putting on an additional surcharge on planning and sustainability rent to bank that for future costs that might come up. But beyond that, we would have to come back to council.

Fritz: But that -- the bureau of planning's rent comes from the general fund.

Anderson: Not all.

Fritz: Not all? Who is going to cover the increased costs for the bureau being in the building and the risk costs?

Anderson: Just as when we moved in to the natural capital center, our rent went up and grants went up and we were able to spread those costs between our different funding sources. Currently about half and sometimes much less than that of the city -- the of planning and sustainability budget comes from the general fund and solid waste fees. We also have as much as 30% of our budget from grants and contracts and others and they let us in many cases do administrative costs and building costs.

Fritz: What's the maximum potential risk to the general fund?

Baer: If it was entirely vacant?

Fritz: And if we were not able to get grants.

Baer: Are you talking about the risk shared space or --

Fritz: I'd like both those numbers.

Baer: The cost for -- let me look up.

Anderson: I believe our rent increase is \$132,000 a year.

Fritz: Ok.

Baer: And that's because they're taking on additional space. They don't currently occupy today.

Fritz: Ok. So that's the potential hit to the general fund?

Adams: That's the premium? In the [inaudible]

Fritz: Right, and does that factor in the 1900 building rent going down after we've paid that off?

Baer: I'm sorry?

Fritz: Does the additional costs of bps moving to the new building factor in that after we've paid off the 1900 building, the rent for bps would go down?

Baer: No.

Fritz: Ok. What about the \$8 million in debt we're taking on for the bureau of planning and sustainability?

Baer: That's the 20-year debt service to purchase the condominium share of the building.

Fritz: And where does that money come from?

Baer: We would be back to seek authorization to issue bonds on that.

Fritz: And that would be additional expense to the general fund?

Baer: Plus the \$132,000.

Fritz: Ok.

Baer: But that equals what planning is currently paying in rent right now.

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Adams: Like the rent of planning and sustainability helped the city buy the current 1900 building, plus \$132,000 would help to buy a sellable asset in the Oregon sustainability center.

Fritz: Thank you. And is somebody going to talk about the minority contractor piece that's coming up? Ok, thank you.

Bowers: If I could make a statement about commissioner Saltzman's amendment.

Saltzman: Yeah.

Bowers: We do not intend to proceed without a gmp, there may be a timing issue in that we plan to finish the 50% construction drawings in about february or march of next year. The state might want to the seek authorization to sell bonds and the gmp takes 90 days to negotiate. But we may not have it legally obligated until june. We may bring something contingent on not to exceed the gmp, or we may move the timing. But definitely agree we're not going to construction without a gmp. We'll get back to the specifics on timing.

Saltzman: I assume you agree that a guaranteed maximum price should be part of the final development disposition?

Bowers: Yes. Agreed in terms of your point, commissioner, there are a variety of risks and we try to find ways to mitigate them. Tenants taking 30-year leases and places of reserve in the building and pdc agreed to dedicate the south block loan repayment from the urban renewal area to this project and if there's a shortfall, there will be \$100,000 to \$170,000 a year of tif dollars used to pay that down, that's shown on the slides as south park blocks loan revenue. It's there to handle that kind of extraordinary situation so that the general fund would not be hit.

Adams: So just --

Fish: If I could follow up, to either lew or jeff. In the omf analysis it, makes clear that the city is requiring a 25% ownership interest condominium but taking on approximately 50% of the risk. For the building. 47%? Now, have we considered alternatives in the course of negotiations which would bring our risk more in line with the equity position?

Baer: We've had many discussions about that. What we've ended up with is a combination of 50% equally shared risk for that portion that would be leased out.

Fish: I understand that's what the proposal says, but has the city explored alternatives to bring the -- the risk more in line with its ownership interest?

Bowers: Commissioner, let me see if I can shed light on that. The reason for the difference, you remember, the ous financing has a 30 year term. City financing has a 20 year term. That makes a significant difference in terms of occupancy cost so we agreed it made more sense for ous to own the section which will be tenanted. The liability you're talking about is a potential liability if the city has to fund it. Then the ownership shares do change and adjust. If the city's risk liability has to be met, the ownership changes. So it's a self adjusting. If the general fund or pdc has to pay in more cash, the ownership between ous and the city will be adjusted.

Fish: So any amount that's contributed by the city toward that 50% risk pool automatically in this agreement adjusts our equity position in the building?

Bowers: Correct.

Fish: What does that practically mean? We're talking about condominium spaces. We would have a fractional interest in a condominium space?

Bowers: It would actually mean that at a later point, if the building ever wants to be sold or we wanted the liability responsibility would change, we would readjust that, but our ownership, the city's ownership, would adjust based on actual cash into the deal. Practically, the city could take space or not take space. That's its decision, but it would build up more equity and after 20 years for the city and 30 years for ous the building is paid for. So our equity share increases on that basis.

Adams: Additional discussion? We'll have more time later as well. Thank you very much. Now, president wiewel from Portland state university and andrea durbin from the Oregon environmental

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council, and alan hipolito from the coalition for equity. Please come forward. Mr. President. Welcome back.

Wim Wiewel, President, Portland State University: Thank you very much, mayor and commissioners. Thank you for the opportunity to talk about this project. A lot of the substantive points have already been made so perhaps my main goal here today is to underscore and reaffirm our enthusiasm and interest in this project, it was about four years ago, before I came to Portland state that, Portland state picked the topic of sustainability as a niche area, as a substantive area where we could really make a mark on not just the region, the state, but the country and the world. Where we could be better than almost anybody else. And we picked that area, both because we had very substantial faculty expertise in so many different fields related to sustainability, both environmental, economic and related to social equity and justice, and also because it was such a good fit with the city's priorities and what the region and state are already known for. So we saw it as a way to build on that synergy and collaboration. Choosing an area like that, of course, recognized by the miller foundation when they gave us a \$25 million grant to further develop this, but in general, you've got to put your money where your mouth is. You've got to be a leader and develop the area. It's a great way of putting Portland state, the city and region in the state -- and the state in the lead nationwide and worldwide related to sustainability. It is and will be indeed a living laboratory. The specific research projects that have been mentioned that will be undertaken and more no doubt developed. The building will promote and create expertise for local firms, lead to exports by the firms and indeed in my own travels in the middle east, i've seen Portland being hailed for their expertise in this area. We'll be a model for the world and locate our first stop Portland program was a joint effort with many people in this building which brings a lot of visitors interested in sustainability to Portland. It will draw new grants which as you know, grants are an export industry, money coming from the outside, to help support students, faculty developing new knowledge. And this is indeed something we've been working on for the last three years, our externally funded research has grown by 60%. From \$40 million to \$64 million a year. Again, almost all new money creating jobs here in Portland. And by the very presence in this building of faculty researchers from several institutions. Our colleagues from osu and u of o will have faculty as well, and for profit and not for profit inevitably will lead to interaction and innovation. Because the building is cool, doesn't mean we don't care about the costs. I'm very aware of that. Given our continually declining state funding, pretty much every dollar we spend is significantly tuition dollars and we know that tuition is an obstacle for many people. We're very cautious about spending money. At the same time, Portland state owns or leases 5.2 million square feet of space. This is an additional 34,000. Less than 1% of our state's inventory. So relative to total space consumption, space cost, this is a very small piece. And we think the extra investment, because it is a little more expensive than the cheapest space we could find is very much worth it as an investment in research space and indeed, if we compare it, instead of looking at the cheapest office space, but consider it on a par with a laboratory, it's -- on a par with a laboratory, it's no more expensive than that. We've made investments as an institution 10 years ago and more in the streetcar. And continued that in the light rail. Nobody at the time could predict exactly how the projects would come back to really increase our visibility and the overall attractiveness not just of the campus but the region. Those investments made by prescient and foresighted people back then, we need to continue in that vein, so i'm very pleased to make this project part of our priorities, we very much look forward to our collaboration. With our not for profit partners as well as for-profit partners and, of course, the city of Portland. Thank you very much.

Adams: Thank you, mr. President.

Alan Hipolito: Thank you, mayor and commissioners. My name is alan and I work for verde. We're a nonprofit and serve communities by building environmental wealth through social enterprise, outreach and advocacy and i'm here as a representative for the community of equity, a

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group of people of color to access and influence environmental policy making in a strategic way. That's hacienda cdc, native american youth and family center, and Portland community reinvestment initiatives el hispano, irco, urban league and ourselves. We first -- i'm here to speak to the work we've done on the equity attributes of the building. We've been active in this the project since last summer, since it first came before you for approval of funds for schematic design. I'd like to talk about the work to date. First, we wanted to affect the composition of the board. We felt there needed to be community representation, equity stakeholder representation on the board and as of march, there are representatives on the board and i've been searching since march on behalf of community for equity which has allowed us to be together every wednesday afternoon and figure out how to integrate equity in the design and operation of the building. And a want to talk about our second goal, economic opportunity in the design and construction of the center. So you have as part of your materials today, a construction equity agreement that deals with workforce and construction, and professional services. Based on the work we did in clean energy works Portland which became the high road standards of clean energy works Oregon. So we have some pretty aggressive standards for target business participation and while there are different levels of appreciation within our group for the legal motivations behind words like aspirational and strive to. There are many components of the building that are striving to do so. Our environmental goals are also aspirational in terms of we're pioneering stuff. And if that stuff doesn't happen right, we didn't do our job. So that's how we're looking at these minority and women owned business goals for construction. I want to be clear about what our expectations are for our prime contractor and subcontractor partners. If we can't achieve these things we didn't do what we were supposed to do on this building. We intend to work hard to achieve them. I want to follow up on what mr. bowers said about professional services. This is a new arena something for me has been very important, what that means that with success it will allow diverse contractors to complete as these environmental techniques get market acceptance. We want the building to be copied, so if I'm an owner 3-5 years down the line looking for a business to do a certain thing, if we have a diverse professional services group we'll have new competitive opportunities for minority and women owned professional service firms. But because it's new we need infrastructure to support this. We've been doing a lot of work in construction long before I started running my mouth. We don't have things like that built up around professional services. We'll need to make that infrastructure to be successful. The third area is the center. How does the programming of the center serve not just the people who visit it but serve the activities that are happening on the ground in different communities to help people meet their daily needs? So ultimately this is going to require work. It's going to require investment like any other priority of the building. I've said many times that justice costs money, and this is no exception. Lastly I just want to say that what my real hope is is that this is how we do it from now on, that equity is a nonnegotiable, fundamental of sustainability. We've done a lot of good work together over these last several years. 20% minority and women-owned business participation in Portland. We saw numbers earlier this week. We've doubled the number of women workers in the project from clean energy works Portland. Grey to green now has minority and women-owned business standards in 1% for green and the eco roof grants. We're working on new models of park development. Cully has an eco district. And we're starting to talk about the bike economy. So my hope is that today, with the center, what we're doing is sending this signal that sustainability can be an antipoverty strategy. It can be a way to drive environmental resources into low-income communities in response to existing community needs. And so that, to all of our partners in this world, whether they work for you and your city or they're firms with whom you contract to advance sustainability or they're nonprofits that work on sustainability, if you get up in the morning and you go to work on your sustainability project and don't have equity stakeholders involved in your project or don't have equity tasks on your "to do" list in your sustainability project, you've got more work to do. You're not doing the work we're paying you for.

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This is how we're going to do it from now on. I want to thank you for the opportunity to work hard on the project.

Adams: Ms. Durbin?

Andrea Durbin: I am Andrea Durbin executive director with Oregon Environmental Council. Thank you very much for the opportunity to be here. Oregon Environmental Council is actually one of the originators of the Oregon Sustainability Center. We've been working on this for several years now. And we hope, along with a number of other nonprofits, to occupy the building once it's built as well. I'd like to focus my comments on three main points. First the city of Portland has really been a leader nationally in addressing climate change issues, and by putting forward action plans and by actually making things to reduce greenhouse gas emissions. The built environment is responsible for 50% of overall greenhouse gas emissions. In order to address climate changes, we need to figure out how do we change our built environment and create and build net zero energy buildings. And honestly we can talk about this until we're blue in the face but, until we actually do it, try it, test it, make mistakes and learn from it, we're not going to actually create new net zero communities that lead to the kind of climate solutions we need. Secondly, on the social equity issues that Allen has addressed, we people there's been a lot of progress in conducting conversation in how to create social issues and sustainability issues. For too long, we've really seen these as separate and distinct issues when in fact what we know is, unless we integrate this into approaches and policies, we could exacerbate inequities. I think that there has been considerable progress and still considerable work to do on the Sustainability Center to provide a model for a new approach, a hopefully enduring and lasting approach. Susan mentioned earlier about the collaborative nature of this project, which really remains very unique, bringing together the university system, private sector nonprofits in the city, really looking at those that work on sustainability, and I think the challenge is how can we, in working together, achieve more sustainability? The sectors need to be connected. That's a real asset value that this project really presents and holds. I would say in closing that there's no question that this is a challenging project. It is bound to be challenging, because we've never done this before. We've never built a net zero energy, net zero water, net zero waste building. At the same time, we're trying to link research and universities to commercialization opportunities around sustainable technologies. At the same time, we're trying to create an opportunity in a forum and a sense of place where people can come and learn and be trained for sustainability practices. And that is why it is so challenging, and it is exactly why we should do it, because it's demonstrating leadership, and it's the kind of place that the city of Portland and the state of Oregon should be. Thank you very much. I hope you'll support it.

Adams: And thanks for your early and continuing leadership on this from the nonprofit side. We'll now hear from Mr. Saito from Sanyo, Mr. Shull from Intel, and Mr. Kelly from Neil Kelly and the Oregon Business Association. Welcome. Glad you're here.

Kuniaki Saito: Greetings to our friends at the Portland City Council. I am the manager with the Smart Energy Division and am representing today the Sanyo of North America. We're one of the leading producers of energy projects like the solar panels and rechargeable batteries. The primary goal is environmental sustainability. We enjoy being a part of the community of Oregon. We employ about 200 Oregonians in this capacity. Sanyo has chosen to be a major corporate partner of the Oregon Sustainability Center. We are very excited about the project because of the opportunity to supply our advanced solar technology and to help the center meet its energy goal of net zero. Our solar panels offer the world's highest sensitivity in the market. This will provide Sanyo a chance to display our leading technology in power generation and a chance to demonstrate our advantage -- advanced energy storage for next generation energy efficiency and distribution systems. It is a very advanced technology. We'll be able to offer the instruction on how the system works. Sanyo plans to participate in ongoing field research and development in a new application products and the system that can contribute to energy efficiency, production. There are many

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opportunities to collaborate with many Oregonians. Many are great academic and business organizations. Osu will become an example of a modern building through its advanced energy-efficient design. We are very anxious to demonstrate how our technology plays a part in that center's system. We believe it will provide lasting relationships and economic opportunities for Oregon as well. We very much thank you for giving us the opportunity to partner in this energy leadership. We believe this partnership will bring better products and better outcomes to the challenges of sustainable growth and will provide economic opportunities for all of us. Thank you very much.

Adams: Thank you, sir, very much. We appreciate your partnership and your early commitments around this project. We appreciate it very much.

Saito: It is our pleasure. Thank you.

Schoo Shull: My name is scott shull from intel corporation, and I bring today a letter that I think you'll find in your packet. I'll enter it in the record. This letter is from justin rattner, who's a member of our top executive staff. He's intel corporate vice president, senior fellow and director of intel labs. Mr. Mayor and commissioners, intel submits this letter of support for the goals envisioned in the design of the Oregon sustainability center. Please use this public statement of support to help the continuation to complete of the sc project. We believe the city of Portland has been working with the Oregon university system, Portland university and private partners like intel and others to urge legislatures to continue forward with the bonding authorization of the 2009 Oregon legislature so that the design, development, and construction of osc moves forward. Intel believes the osc project is a catalyst for leading technological innovation in our regional economy that will have long-term positive results for the employment and business growth opportunities while providing opportunities to educate Oregonians on sustainable practices. Some of these innovations include a building that represents national leadership in energy and water efficient commercial buildings and regional and global example of the economic and environmental benefits of green design and eco technology. It will build momentum for Oregon's position in energy-saving technologies, architectural and design services. Once developed, these products and services are applicable locally and exportable globally. The project reflects a new model of private/public collaboration bringing together the innovation of companies like intel with public investment in infrastructure and facilities. Thin investment will contribute to a positive economic environment across Oregon by developing a living laboratory for testing and teaching efficiency measures in a real-world office setting. Intel will provide equipment, software, consultative support from our researchers at intel labs that will allow office workers to track and visualize their personal energy consumption. Intel will explore opportunities to collaborate on other research topics of mutual interest such as a direct current microgrid, super efficient d.c. data center designs for buildings powered by photovoltaic energy, and we support the state of Oregon's previously authorized bonding strategy that enables the development and construction of the osc. With osc, Oregon will create a beacon to the nation and world to demonstrate the economic value of these leading new technologies and related knowledge services. We believe it will provide good jobs for people of the region and have a lasting impact on green technologies for the long-term. Sincerely, justin rattner, intel corporation. Thank you for your support.

Adams: Thank you as well for your partnership and especially the part that we've had a lot of international and national interest is that part you both spoke on about human behavior meets technology meets the building facility goals and the operations. Having you as a partner on that is really, really important, and we thank you.

Tom Kelly: My name is tom Kelly, representing both the Oregon business association and my firm neil kelly. I am happy to say that the Oregon business association that has members like intel and nike and many of the largest employers in Oregon but also many smaller companies as well last week endorsed this project. The board of directors endorsed the project. From neil kelly's

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perspective, i'm going to give you a couple of quick statistics. Back in 2008, we had 170 employees, and many of those were in our cabinet division building cabinets and building cabinets for south waterfront and the pearl and so on and all those high rises, and we've been building a green cabinet for a long time. Of all parts of our company, that division was impacted the most from this downturn. We went from 40 cabinetmakers in our shop to now, on a good day, eight or nine. Very big impact. I view this as an opportunity for you to show the leadership you showed with clean energy works Oregon. Just since the first of the year, my company has added 20 jobs due to clean energy works Oregon, and we expect to add quite a few more. I think this opportunity for you is very similar. Not only will we be providing jobs for the construction of the project and hopefully for my cabinetmakers contributing some of that product but to help firms like mine develop new product and be able to expand their businesses on an ongoing basis. We were just coming out with a new product line of cabinets that we call naturally northwest. Can't believe nobody else has taken that name. We're getting it registered right now. And it's all going to be indigenous. One of them is juniper. The architects are hearing it for the first time now, but I hope we get some juniper into the project. The reason why that is important is that there's 6 million acres of juniper in Oregon that is an invasive wood even though it's indigenous. 200 years ago, there was only a million acres, and juniper depletes the water table. It has a native impact because of predators hanging out in the trees to go after the sage grouse. So the harvesting of that particular wood and the commercialization of that, it can also be used in cabinets and not just decking for your deck. We developed the first living building challenge cabinet product. When I say that, our product meets the living building challenge. It's that kind of innovation that is going to be spawned by this project and show off Oregon products that can be exported not just in the northwest but outside of the northwest and even potentially internationally. This project I think is potentially more important than clean energy works Oregon as a job producer for the long-term. I know it is. Sure, there's risk. There's always risk when you're going to be a leader, and I wholeheartedly endorse the project.

Adams: Thank you, mr. Kelly. I really appreciate your partnership on this. And finally we will hear from linda gerber, Portland community college, and omid nabipoor from interface engineering. I read in the media has a big announcement as well. Congratulations.

Omid Nabipoor: Thank you. I wanted to start to really talk about the business of architecture and design. As you may have heard, our firm, along with green building services, our teammate, were selected as sustainability lead and commissioning. Yes, we are commissioners, too. Commissioning consultants for a very large project in Qatar, which is the redevelopment of downtown dohar. We do have an edge, but it is ever so slight, and we have to continue to try to keep that edge. 20 years ago, when I was looking to move my career to a more livable city, I looked at Portland, but I thought Portland would be too small as far as having a good community of architects and engineers. But in fact I found out that was not the case, that Portland was an exporter of design and engineering. And I realized, in order to be an exporter, you have to be an innovator. Portland's architecture and engineering community is much larger and brings much more revenue to the city and the state than the city and state can have projects. It's because many architects and engineers in Portland are doing work all over the country and all over the world. That is because we keep on innovating. We need to invest in research and development, and this building development is a big piece of that. Since 20 years ago, Portland then -- I think somebody says eco trust is now that old. It started with eco trust, started with investment into something new. Like in 2001, I think at the height of the crash of the service industry, office buildings were subleasing, and eco trust filled up pretty quickly. But we have kept that edge. We compete against world-class engineers and innovators outside of our country, and we continue to have more jobs in Portland. Portland engineering firms and many architecture firms are hiring people in this economy because we are doing work all over the country and all over the world, and we'll continue to keep that edge.

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From the private side, from the engineering and architecture, I can promise you we'll continue to innovate as we have a great community of innovators, not just our firm. There are many other engineering firms, many other architecture firms. But we need the city's help. We need to continue to invest in research and development. We need tools. And I think this project would be a very good example of that. We competed for this project in qatar against many, many large engineering, architecture firms from england, germany, all over the world. Because of our combined and vast experience, because we were a Portland-centered business, we were able to beat a lot of these teams and get this project. But it will continue to be a challenge to be a leader. Most of the buildings, leed gold is the minimum. Many are going for leed platinum. There are a few buildings his highness, the amir, wanted to use for examples of sustainability, and they said, what can you guys do? We said, we're working on a living building. You can do a living building, too. It's that kind of experience we need to continue to bring projects to Portland.

Adams: Thank you. I'm glad your firm is part of our team on this building. Ms. Gerber, welcome back.

Fish: We're glad your firm is located in downtown Portland.

Adams: Yes, indeed.

Linda Gerber, Portland Community College: Portland community college, as i'm sure you know, I was the largest post-secondary education institution in the state of Oregon. We have almost 10,000 students, and we provide access to many but particularly to first generation college students, people whose parents never went to college, and to people who are unemployed and looking for new work in the new economy. We have recently passed a \$374 million construction bond, capital bond, which we have dedicated a great portion to building sustainable buildings and retrofitting our old buildings to become sustainable. I'm proud to be the president of the campus that has a vision of becoming a net zero campus for our 50-year-old building. We provide two-year education programs that educate students to be Portland's best technicians, including engineers, engineering technicians, landscaping, hvac, building construction, architecture, renewable energy systems, and other two-year technical degrees. The state economist about a year ago gave a presentation where he stated that 30 to 40% of the new jobs that are going to be created in Oregon in the next 10 years are going to be what he calls middle-skilled jobs. That is jobs that require two-year degree and training. And that's what Portland community college provides. Pcc supports the now boards -- that was before there was a board, but now there is a board, and we support that board's determination that the Oregon sustainability center will be a building that contributes to social justice and equity in our city. Dr. Preston pulliam, our district president, has signed a letter of intent stating the college's commitment to plan a pcc presence in the Oregon sustainability center, and our college faculty and administrators have come together and developed a white paper to identify the core services that we would like to provide. So in addition to teaching sustainability courses, there are four other core services the college envisions providing in the approximately 3000 square feet of space that we would expect to use. One is a careers and sustainability resource center. In that resource center, citizens in the Portland area and Oregon at large would learn about green jobs, what they are. They would learn about the educational programs in this state and across the country that prepare people for those jobs. They would learn about scholarships and financial aid that's available and we'd help to apply for those funds to help finance their education. They would be connecting students with cooperative education, internships, and service learning opportunities so they'd get a chance to get in on the ground floor while they're still students in the green businesses in our community. And it would connect employers with trained residents who are ready to do the jobs that they need. So that's core service number 1. Number 2 would be a green small business development center. Pcc does the small business development centers here in Portland, and we would see this as providing the same services that we provide in general but focusing those on green businesses and helping people who have ideas for creating businesses, the

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entrepreneurs in our community, to learn about developing a business plan, learn about capitalizing their businesses, learn about accounting practices and other things that many people who have innovative ideas simply don't know now but need to know in order to be successful business people.

The third would be community education classes. These would be noncredit classes for the general public to learn how to live sustainably, to become more green in their practices, in their homes, and their businesses. We currently offer classes on green roofs, storm water management, composting, wind and energy for residential applications, and other eco-friendly living classes. The fourth core service would be bringing our national science foundation, advanced technical education program to the center. We have recently been awarded a \$1.3 million grant from national science foundation. That's a five-year grant. And the purpose of that grant is to train our teachers at pcc to incorporate green practices and knowledge into their career technical education courses. In addition, that grant provides funding for us to bring people from other parts of the state and the region who are high school teachers, college teachers, and university teachers to learn about doing the same in their courses, and we have written into that grant funding for a presence in the Oregon sustainability center. So we're anxious to see it get built. Pcc supports the Oregon sustainability center. We believe that it will be one of the most important buildings in the city, a place that is dynamic, vibrant, a place where community members will look for information and services related to education and careers in sustainability. We are quite certain that will benefit our community and our students.

Adams: Council, discussion with staff?

Fish: I have a number of questions that relate to the financing and the risk assessment of this. This is a timely discussion since we just had a work session with the auditor on intergenerational risk and the growing debt burden in our city. I think it is incumbent on all of us to look very carefully at what kind of debt we're incurring and on whom we'll be imposing the risk. Over the 30-year horizon, it will be future councils and future taxpayers that are going to bear that risk. The first question has to do with the one-time cost of the move. Susan, you mentioned that 2.6 or 4.5 range is soft and could be lower. You also said that there's opportunities to get grant money and other things. My concern is to insulate the general fund from that burden. When might this cost be triggered, and what can we do to protect the general fund from having to incur these costs?

Susan Anderson: I think jeff could answer the first part about when those costs would be incurred.

Jeff Baer: Moving forward -- and we're anticipating moving to 50% construction design early next year and anticipating, I believe, a construction start approximately about a year from now with an 18-month construction timeframe to complete and occupy the facility, and so that puts us in sort of late 2013, early 2014 timeframe on a calendar basis.

Fish: What thinking have we done about how to protect the general fund from the cost of the relocation?

Anderson: When we get the space designer -- recently, to save money, we moved all of the folks that were in eco trust over to the 1900 building onto one floor, and so we took down about half the walls and changed the space completely, and it's a good example of how you can be more successful, because it kind of increases communication and at the same time saves money. So I think there are some opportunities to work closely with omf to at first cut the costs and then to look at those costs and decide where there are opportunities for partnerships. There are different companies who would like to feature their office equipment and office furniture in the space, and there may be opportunities to do that at very low cost.

Fish: Just for the record, is it safe to assume that any unbudgeted costs like this that we're discussing, to the extent they would have to be covered by the city out of one of its funds, it would be dealt with in the normal budget process and this does not trigger any kind of commitment to the general fund to cover these costs at this point?

Adams: Correct.

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Fish: The other issue that gives me some heartburn -- and we've had a lot of people testifying saying there's risk. It reminds me again of the auditor's discussion of good debt, bad debt, good risk, bad risk. It's still risk, and we're talking about potentially risk of over a 30 year period upwards of \$10 million if we have to pick up the cost of 50% of the building that's to be leased to the nonprofit and for profit sector. Are there ways that we can do additional budgeting now or tap other sources, including private investment to mitigate against the future risk of having to pick up those costs?

Baer: A couple things we've been working on. One is to have 100% tenancy for the building once we get to construction. That and we've structured them into sort of two different short-term, which would be a 10 year lease commitment, and long-term, 30 years commitment for some of the nonprofit organizations that will be in there, so we're trying to mitigate our risk exposure for those leasing or reducing our spec space in the facility. We are recommending that we pursue what we call a reserve study to look at this, because it has a lot of new different system components built into the building itself. We want to take a look at it once we have a better indication of what those are to know what would be projected out over a 15, 20, 30-year life-span for replacing those capital projects. We want to know up front what we're in for over that 30-year period of time.

Adams: By way of discussion, another way -- we wear two hats, at least two hats up here. One is as the board of directors for the municipal corporation, and we take that role very seriously. The other is as stewards of the city in trying to achieve our potential, and so the questions are totally appropriate, but I think another way to look at it is, if the bureau of planning and sustainability was to stay in the 1900 building, they would not leverage the private sector investment or the our investment, and so that is the lowest risk, staying in the 1900 building, but we wouldn't also have the potential upside of all the other leveraging, all this other investment, private and state.

Fish: I'm glad the mayor mentioned the 1900 building, because there's been some drama about its fate in part of these discussions. As of today, there is no specific link between the 1900 building and its disposition and this project?

Baer: That is correct.

Adams: As to moving, we have a number of leases in private space right now that are coming due or coming to their end. I want to reiterate Jeff's answer. This absolutely does not preclude any particular decision or force us into any particular decision about the 1900 building or other space because we have to deal with leases coming up in private offices right now. In the winter, we are going to have to do a space assessment, but this does not tie our hands in any way.

Fish: And I understand the overflow staff is going to be at the 1900 building and just preserved as city office space?

Baer: You may recall the work session we had last summer in august. We laid out a number of different scenarios in which we could actually backfill the 1900 building. That was one of the combinations that we talked about.

Saltzman: The entire bds staff.

Fish: We made no commitment to Portland state about the disposition of the 1900 building. That is correct?

Adams: That is correct.

Fish: Looking at the omf analysis, the cost for a private tenant is projected to be about \$40.25 a square foot, which is about a 15% premium above the high end of class A office space currently in Portland. Do we have confidence based on a market survey or some other data that there is a market for that space? People can sign long-term leases, but it's not unheard of for people to break those leases. What confidence do you have that we haven't pushed the market beyond what it will bear?

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Baer: I think low has been more closely linked in with the discussion of finding potential tenants, but the indication we've had so far from the private sector is that is a palatable rent rate even though it is a premium above the class a market in the downtown area.

Bowers: A very good question, a very real concern. We have done research, and there is data about the current market. Any new building always pushes the market. This building is pushing it farther because of the prototype nature. There is no market study, because I think the tenants we're looking for are really a fairly small niche of the market, and we're looking for those tenants for whom being in this building has a marketing and prestige advantage which offsets the bump in the rent. The names i've mentioned are all firms very actively involved in sustainability and the green building services, and they feel that potentially being in this location, in this high visibility prestige building is worth the additional cost. We have about 25,000 square feet of space. I'm a lot less concerned about that than I would be of 50, 100. It is a rather small scale. We are going to bring back to you lease commitments prior to entering into construction, so we don't have to bet on this risk. We can solve this risk in the intervening period and bring you those commitments.

Fish: When we had the last hearing on this in august of 2010, we laid out a roadmap of additional information and due diligence. We've been pouring over a lot of information in the last few days trying to get up to speed. It's been a little challenging because it is a complex issue. I would urge that if it moves forward and comes back to council that we do a work session before it comes back as a substantive vote, because I think it warrants an opportunity to go a little deeper in a work session which gives us a little more flexibility.

Adams: I'm happy to commit to that.

Fish: We've heard from intel, cisco and others, letters from people saying essentially you have our blessing. I'd actually rather have them finance this. Since this is no longer a real estate transaction -- it's really an economic development play where we're leveraging leases to offset some of the financing -- have we explored opportunities for some of our partners who are cheering us on in this to potentially put some of their equity at risk to invest in the building so that we have a buffer? Why not share that with the private sector rather than ours and the city being predominantly at risk on the cost?

Bowers: We've done exactly that, and many of the firms are investing their capital as well as their prestige. Sanyo has made a significant contribution to the project, 1.2 million towards the cost. Sysco is talking about being a tenant in the project and paying the higher rate. Intel is talking about the contribution of equipment which actually will enhance the value of the building. So we are doing that. We have not taken it in equity position, because of the complication of financing, but we have sought their financial participation in philanthropic and in-kind donations. We have certain letters of intent where we have not yet bid that part of the building.

Fish: It reminds me of having a child in college. It's great when the relatives send care gifts, but i'd much rather get a \$5,000 check, and it does seem that one of the concerns that I have -- and it's not a criticism . It's just a concern since we're being asked to assume intergenerational obligations here is that we have partners that want to be a part of the project but are not stepping up to share the down side risk. The down side risk is being shared by the state and the city exclusively, and I wonder if there's a way to tweak the model.

Adams: I don't believe there is, and I do think that the risk management plan that's laid out thus far is reasonable, and I do think that the premium of doing a prototype that is intended to be replicable, we get an asset with this which is different than expenditures we make in the city for other worthy causes. We actually get leverage in 10s and tens of millions of dollars, \$132,000 a year premium for office space, lease, rents we have to spend to house our bureau. So having worked with the team for some time, the getting more equity positions into the building is a complication that I just don't think they're interested in getting involved with, that level of complexity, and I don't think that in this sort of economic climate, we're necessarily going to get it. Having sanyo and intel and

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others commit to in kind contributions is a cash contribution. It has the equivalent of a cash contribution. We end up owning their contributions. We end up owning a portion of what they are giving to the building. Real, actual equipment. So it is a little different than a care package to a college student in the sense that this is building infrastructure, a tangible asset that will have intergenerational benefits.

Saltzman: I had a couple questions. Is there any consideration of naming rights for this building?

Bowers: Yes. I do have a fundraising plan. Robert frisbee is in the audience. He's been working on that. And the sanyo contribution will be memorialized by the sanyo energy plaza, which is part of the building and we continue to talk to other firms about naming in exchange for their financial contribution in a founders circle.

Saltzman: Not naming – like we have jeld-wen park.

Bowers: For the right price, we may be willing to do that.

Fish: I think Saltzman center has a nice ring.

Saltzman: One more question. We haven't talked anything about the streetcar realignment. Who pays for that?

Bowers: The streetcar realignment is a separate parallel project which will be financed by 50% of a connect Oregon grant and 50% from a combination of pdc and city resources. It's approximately just about under a \$4 million project to realign the streetcar. Construction will be coordinated, but it is being financed separately.

Saltzman: What are the city and pdc resources?

Bowers: We are talking to pbot about a contribution and pdc will be tif from the south park blocks. Totaling \$2 million which would be the 50% share.

Saltzman: So that's an additional tax increment that's not reflected in--

Bowers: It is in the "southpark" budget, but it will not pass to the city through the iga which the other resources will. This will be done separately.

Saltzman: I do want to formally move this.

Adams: Moved and seconded. Any discussion on commissioner Saltzman's amendment? Sue, please call the roll on the motion to amend.

Saltzman: Aye. **Leonard:** Aye. **Fish:** Aye. **Fritz:** Aye.

Adams: Aye. Any additional discussion with staff? All right. Sue, would you please call the vote on resolution only? Because the other two are nonemergency ordinances. Resolution item number 982.

Saltzman: Well, as I said earlier today -- it's been a long day -- there is much to excite me about the Oregon sustainability center, but there is much that makes me nervous, and that's why to me a guaranteed price and a commitment that no urban renewal money from a future ura is part of this equation, but i'm very excited. It excites me immensely to hear talking points that I said maybe 10 years ago when we were forming the office of sustainable development now being said by so many people about exporting our expertise, creating jobs in the green sector, walking the talk. So it's great to hear all those talking points coming back to me now from so many different voices. Very gratified, but we still have to make this work, and there is a commitment to our taxpayers, whether they be state taxpayers supporting the Oregon university system or city taxpayers supporting city of Portland services to make sure that this project is done right. If it doesn't pencil out before we get to the development and the dda stage, then we need to factor that and make a decision accordingly. This is not a project at any cost despite how exciting it is. It's not a project at any cost especially given there are risks that are real. Having said that, i'm pleased to support mayor Adams in this project at this time. Aye.

Leonard: Aye.

Fritz: I appreciate very much the work of the mayor and his team in being strong advocates for a sustainable future, and the mayor has been a champion of this project. He's been so confident in its

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virtues that he's made all staff available to me to answer all my questions, and I really appreciate that level of diligence. Just yesterday, Andrew hurried at my -- Michael Armstrong. I get that wrong every time. Michael, thank you for hurrying at my request to answer yet another question that had come up. And many of my concerns have been dispelled. I appreciate all the work that's been done to include equity as an important value. The commitment has been made that, if this building moves forward, it will be a significant role for minority, women and emerging small business participants in designing and constructing this building, including professional service contracts. That is a big advantage to this project. I appreciate the strong partnership that Portland State University has in this project and also some of the businesses, some of whom have testified today but there are others, and the nonprofits. I do appreciate this building can possibly provide a marker for Portland and be a laboratory for new and effective design and sustainable technologies that will be marketable throughout the world. Like my vote on altering PGE Park for the Timbers, I completely support the concept. My concern is the funding mechanism. I will actually post my comments on my website in the interest of time. I believe that this is a great deal for the Oregon University system and for the state of Oregon. So concerning the hearing tomorrow, my concerns are that it's not such a great deal for the taxpayers of Portland and that there are other uses we could use for the debt funding and for some of the other obligations that we have. I do appreciate that it's going to have continued discussion and revisions moving forward. At this time, I can't support the present funding mechanism. No.

Fish: So I went back to the record of our last discussion in August on this, and I just want to put back into the record what was at least my expectation of what we would accomplish over the next year. You said that this resolution lays out expectations for additional due diligence information and analysis that will be needed before we proceed to consider any final commitment on the part of the city. In other words, we, I think, clearly said we needed additional information, due diligence, and careful balancing of the risk assessment. I appreciate that, in the last week, we've been given a lot of information and information that is extremely detailed that begins to address some of these questions. Like Commissioner Fritz, I remain sold on the concept. I think that it has a tremendous potential benefit for our community. But what I continue to lack is confidence about how we're going to address the risk in this project. Every project has risk, but this is a sustainability building, and I have yet to conclude that it is financially sustainable. And where we are in a situation that we are potentially imposing the cost on future generations and future councils, I think it is appropriate and important that we have clarity about those costs. I have in the course of the hearing today identified some of the things that are the most important to me. The top of the list is that we have a 25% interest, but we're carrying 50% of the contingent risk. That seems out of whack. Second, there are very aggressive assumptions about the cost per square footage, the moving cost, and the potential hit to the general fund in the short-term with uncovered costs in the long-term in terms of our share of the down side. There are other pieces of this that concern me, and I believe that it is -- now is the time to link this to the 1900 building and decide the fate of both. If we're going to push the envelope and incur additional risk in this building, I think we have an opportunity to reduce our cost in terms of how we dispose of the 1900 building. I want to support this project, and I want next year to be able to come back and look at hard numbers that can give me the confidence that we've got it right. And I do not want my vote today to be misconstrued as somehow a fundamental lack of confidence in this project when it is presented to the legislature. So with some reluctance, I'm going to vote no today. This is not our final vote, and I will support significant investment in this project in the future if the issues and risks I have identified have been addressed to my satisfaction and, I think, to the satisfaction of future taxpayers which are going to have to be on the hook for this project. This project has much to -- going for it, and I compliment the mayor for his persistence, but my job is to do my best analysis, and I simply do not have the information to get over the hump and, with confidence, say that I can address the intergenerational risk issues which I

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think are important and which make this sustainable not just in terms of the environment but in terms of sustainability. Respectfully, I vote no.

Adams: I'm very pleased this is going to pass today, and I think the due diligence is very important and the scrutiny is absolutely called for. This is a step forward on creating a strong economy. Creating a stronger economy standing on the shoulders of previous efforts that has put us into a leadership position. And it would be -- it is a natural human inclination in times like this that are so tough that, where we have some leadership position and good national and international press -- it's a natural human inclination to maybe not continue to blazing a trail, but we must. We're not big enough, not located in exactly the most -- at the crossroads of the nation or the world. We have to continue to shape our future, because the future is just not going to land -- it's not going to come to us in a way that we necessarily wanted or that is necessarily to the best benefit of our people. Our quality of life is not matched by our quality of economy, and we have to invest in a more resilient economy, invest in a stronger economy, and that does mean taking smart risks. It does. But to make sure that those risks are smart, we absolutely have to address everybody's questions up here. They're reasonable, and we'll continue to do so. I want to thank the team that has been part of this. These kinds of projects are never easy. When you factor in public private, non profit research, the university, community college, development commission, and all the bureaus, this has been -- we are building not only a building but a great partnership that will move our strategies forward. I want to thank everybody. On my team, I want to thank peter parisot and lisa libby and everyone else on the team. We've got more work to do, but this is a significant step forward, and i'm very pleased with it. So aye. All right. We will take an eight-minute, 10-minute compassion break and return and do equity.

Adams: 986 is next. We have a quorum present. Please read the title for item 986.

Item 986.

Fritz: We had a wonderful hearing on august 31st where we had three hours of beautiful testimony from people of all walks of life in all parts of Portland talking about why the office of equity is needed, and it was really inspirational. Anybody who wonders why an office of equity is needed needs to watch at least part of that hearing, and i'll put a link to the video on my website so that you can do that. At the end of that hearing, the council directed mayor Adams and me to come back today with a revised ordinance combining the new office of equity with the existing office of human relations and including providing staffing for the human rights commission in the revised ordinance. We have done at least two months work in two weeks to be able to get this filed by last week. I again am inspired by the community who were expecting or were hoping to be able to pass the ordinance we had spent six months devising on august 31st, and they said, ok. We will do as we have been asked. And I recognize that has meant a significant commitment and give and take from a number of different parties to be able to get to that place. The council was very clear that this is what it will take to move forward with the new initiative. We also need to be clear that we are changing the structure of the office of human relations and the staffing of the human rights commission from that that was adopted back in 2008. There's been very good work on all parties to try to make the structure work as it was set up, and we discovered some practical impediments to being able to implement what the council envisioned back in 2008, so this revised structure attempts -- begins to address those structural impediments. It's the first step. This doesn't preclude further changes in the future. It provides ongoing staffing right now for the human rights commission, and the ordinance expresses the full council's commitment to the human rights commission to continue. It's a valuable component of our entire human rights system and indeed will be a valuable addition to the office of equity and to human rights as the ordinance is now renamed and the office is now renamed. So we appreciate the work that has been done in the last two weeks. We have two amendments that I'm passing out. Commissioner Leonard got these by e-mail yesterday. The one below is the first one. Commissioner Saltzman was concerned that the

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word senior in providing a senior staff position for the human rights commission -- this is letter h in the council's directives, and I appreciate commissioner Saltzman pointing out that, since we didn't define senior, that wasn't a good way to word the order. In discussions that I had with the human rights commission, I had promised that they will be staffed with an appropriately skilled policy coordinator. I'm putting this forward as a friendly amendment that specifies that that's what we mean by senior. It says that we will provide a staff position within the pay grade range of 5-7 and will consult with the human rights commission to fill that position as previously promised. So it's adding specificity, and I appreciate commissioner Saltzman's addition.

Leonard: I did want to speak to that.

Adams: The motion has been made and seconded. Discussion, commissioner Leonard.

Leonard: I am concerned about this amendment, and i'm sure it isn't intended to do what I think in fact it will do, but it's actually creating some inequity that I don't recall us ever doing in any other bureau, and that is actually specifying that a pay rate will be for a position. We have a pretty sophisticated process by which we identify positions in the bureau of human resources and classify them into the duties that accrue to that position, and I think it's inappropriate to actually identify what the pay range shall be in this position. I have no problem with saying that bhr will do whatever it is they typically do to assess the responsibilities after position, but I worry that whoever was in that pay grade would be the only person in the city who was confined to a range whereas any other employee is assessed their responsibilities by the director of human resources. I hope that we can reconsider the language used in this amendment.

Fritz: Thank you, commissioner Leonard. I appreciate that expressed concern. We were trying to be less specific, and commissioner Saltzman can address what would make you more comfortable.

Saltzman: I just wanted to leave it as a staff position.

Fritz: Delete senior and delete the pay grade line?

Saltzman: Just delete the senior and delete the pay grade.

Leonard: I would appreciate that.

Fritz: Thank you. The reclassification would come back to us. So i'm going to delete the addition of "within a pay grade of five to seven" and keep the deletion of the word senior since that's undefined. We have a good concept of what we are considering. It's not a second director. That was part of the direction from the council on august 31st. And it's a skilled person who will be able to provide the level of assistance needed to the human rights commission.

Adams: And my legislative intent -- I think it's shared by others based on this discussion -- is that obviously it would be a very capable and experienced and effective position for the commission.

Fritz: Once again, we're making sausages here, but I think we'll turn out a really delicious dish.

Adams: So moved and seconded with the noted changes to the written piece of paper handed out. Unless there's further discussion, sue, can you please call -- further discussion?

Saltzman: Aye.

Adams: Would you please call the vote on the motion?

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

Fritz: Thank you to all of my colleagues for working through this together. Aye.

Fish: Aye.

Adams: Aye. It's been a long day already. It's been amended.

Fritz: I have a second amendment request.

Parsons: When you're done, I have just a procedural matter. I need you to take a roll on the substitute.

Fritz: The second amendment is to add an emergency clause to state the council declares that an emergency risk of delay will prevent moving forward with the hiring of the leadership that will

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refine and implement the work plan. Therefore this ordinance shall be in full force and effect from and after its passage by the council.

Adams: This is part of what some of us discussed for delaying it. We would add an emergency if there was support for that so the hedge merge wouldn't delay the implementation in reality as opposed to what happens up here. It's been moved. I'll second. Any discussion on adding the emergency clause to this? Will you please call the vote on adding the emergency clause, and then we'll take a vote on the substitute.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye. **Fish:** Aye. **Adams:** Aye. Approved.

Fritz: Then I move to substitute.

Adams: There's been a motion to move the substitute as amended. Moved and seconded. Any discussion? Please call the vote on the substitute.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye. **Fish:** Aye.

Adams: Aye. We're now at the basis of further consideration as the substance.

Fritz: Thank you, mayor, and thank you, colleagues. I'd like to come to testify joe vandervere, allen lazlo, ingrid mcdowell, and casey.

Adams: Please begin.

Joe VanderVeer: Ok. Commissioners, mayor Adams, i'm joe vander veer, and i'm a commissioner on the Portland commission on disability. I chair the accessibility and the built environment commit, a committee that deals with housing and transportation issues. I submitted written testimony earlier today, so i'm just going to give you the highlights of that, and those are simply, in the interest of time, i'll keep it short, I strongly encourage you all to vote in favor of this initiative. The disability commission supports this strongly, and we would like to see a unanimous vote for future council to look back on and know the importance of this initiative. The second point I want to make is that I would ask you to be generous in funding this initiative, because the disability commission sees this as a way to leverage the work that we're already doing, the work that we've been setting up and implementing over the last two years, and we think that this office will be a way to move forward rapidly with that work or to proceed in a more targeted and more direct way in accomplishing our goals, and so I think it's kind of obvious that the more resources such an office has, the better we can do our work for the city. That's it.

Adams: Thank you, sir. Mr. Commissioner?

Allan Lazo: Good afternoon. My name's allan lazo. I'm incoming chair of the human rights commission. I come here today from two different places both as the incoming chair of the human rights commission and the body who, over the past six months, has had its own difficulties and struggles but also as a person of color who has lived in the city of Portland or this area for more than 40 years and recognizes the importance of the work that we're hoping to move forward today together. Both of those perspectives for me came together here as we began doing this final work over the past three weeks since the first reading of this ordinance, and both have played in bringing forth the work that we've been doing. As a member of the human rights commission, i'm pleased to be sitting here with my colleagues after having worked to help find a resolution that will allow the human rights commission to move our work forward and continuing our work to end discrimination, bigot tree, and racism. Our commission certainly acknowledges the difficult fact that has led to this point, and we recognize the challenges ahead. We've been working to engage each of you in those challenges as well as our successes and will do not do so in the future. The human rights commission is grateful for your continued support of our work and we look forward to continuing to serve our community as an independent body committed to upholding the rights of all.

As the son of immigrant parents who have lived in the Portland area for a time that now spans five decades, i'm honored to be part of this process, and it's from that perspective that I ask you to consider from your hearts what it is you're supporting this afternoon. Sitting here before you this morning and reflecting over the past few weeks since the time when this room was filled with

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hundreds of supporters, my thoughts have actually gone outside of this room, beyond those who came to support us that afternoon. My thoughts have gone out to literally thousands of others who likely will never show up in this room, to the thousands of others who will never even know that this effort has existed. What we're doing here today has the real potential to positively affect lives of those thousands who are not even here asking you to undertake that mission. Before I close, I want to -- it's not lost on me the change in this room from the discussion you were just having, that included equity and other things on this new building on sustainability. There's a distinct change in the room. And don't hear it as accredit. That change was a lot of white men in suits that left this room, and you were talking about a million, billion dollars project. We're here talking about a much smaller project, and that's not lost on me. Can you imagine a day when that perspective is a little bit different? I'll return to my script. Today we stand before a vast undertaking that has the real potential to make a difference for so many who have not and may never lend their voice of support but who so urgently deserve our support. It's for all these people that i'm asking you to join me this afternoon in supporting the creation of the office of equity and human rights and its mission to help ensure Portland is as equitable a place as it is sustainable, green, bike-friendly, and of course weird. Thank you.

Kayse Jama: Good afternoon. My name is kayse jama. I'm a member of coalition of people of color. As allan said, I came to this process about two and half months or so when the community started its work. My work with this equity issue in the city of Portland started years back. I would like to take this opportunity to say I have witnessed a dedicated community who love Portland, who care about Portland but also care about equity and making sure that we have a city that works for all. Having said that, I also know that we're not going to be fixing equity today. We're not going to make the change necessary today. Actually, our work just begun, and that's one of the exciting parts that I have is that i'm hoping that we search our souls and realize that we need to start the process of commitment for accountability. I have witnessed in this room that so many times resolutions have been passed and times things just get forgotten, and I am hoping that this time it's going to be different, that where you're going to be focusing is accountability where we can say five years from now there was measurable outcome. The immigrants, refugees, people who care Portland deeply will continue to watch this issue. I hope that this office is going to be in participation. We have to make the changes for the long-term. We can't make a quick fix. In my conclusion, I want to say change is not cheap. Equity is not a cheap thing. We have to do the necessities to change the wrongs that take place in this city. One of the media folks asked me -- I said where this house that is sitting here was built, it wasn't built for the people who built it. They were not expecting who is going to be living in this house. They didn't build it everyone. They build it for specific people. And now we're trying to expand this house to have a rule for everyone. For in that note, I encourage you and I ask you for passing of this. Thank you.

Inger McDowell: Good afternoon, mayor Adams and commissioners. My name is inger mcdowell, and i'm the community organizer for the urban league of Portland, also a former Portland public school educator and a long time member of the community. I'm here to support passage of the ordinance creating the office of equity and human rights and to reinforce that this is critical for our community and the city. I would like to thank mayor Adams and commissioner Fritz for presiding over such an inclusive process and commissioners Fish, Saltzman, and Leonard for engaging with the community on such an important issue. Through this office, we have the opportunity to implement a central equity strategy that builds on the best equity practices and aims to improve the lives of families I see and work with every day. As an educator, I saw a lot of students of color who were falling behind in school. This is not only because the schools were failing students. It's because the stressors they face at home and in their communities are often a result of poverty and be a sense of opportunity. Their parents have disproportionately lower median family incomes and earnings than whites, higher rates of unemployment and foreclosures as well as

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higher rates of severe and costly health conditions. Their parents are more likely to be discriminated against when looking to rent or buy housing. We believe that this level of disparity is unsustainable. While we support the inclusion of human rights in the ordinance, we want to be sure that we retain the focus of the office that will work with city bureaus and other bodies to achieve healthy communities, jobs, high-quality education, and economic opportunities that benefit all Portlanders. We want to see the office develop into advancing equity outcomes -- i'm sorry. We want to see the office develop an infrastructure, develop a systemic approach to advancing equitable outcomes, developing tools for analyzing social and racial impacts and guide decision making; an office that can help implement the Portland plan, a roadmap for achieving a more equitable city. Our community needs a unified strategy and approach to the challenges that continue to worsen as our economic crisis takes its toll. Hundreds of community members and organizations have committed time and resources towards letting you know how we feel. We have outlined what we want from this office and why we think this is important for our community. I urge you to listen and to vote yes on the office of equity and human rights.

Adams: Please begin.

Gerald Deloney: I'm representing the Portland african american leadership forum. You know, when I was first here before city council, that was with the coalition of communities of color. And we talked about the racial disparities, ethnic disparities we have within Multnomah county and the city of Portland and we know it's unacceptable. I think it's -- it's what driven the office of equity creation. It has made Portland, Multnomah county, one of the worst places in the united states of america to live. And I think everybody was inspired and said, "we need to do something about this. The next time I came back when the city of Portland talked about its contracting with minorities and women. Worst ever. The statistics were horrible and we turned around and went down to pdc, it turned out to be the same thing, that pdc is not contracting with people of color and they put out a report saying they're responsible for the I didn't means we have right now and the investment, the development dollars have not gone to the communities of color. And I have and this may make me one of the people in the room you don't want to the hear from, but this whole conversation has gone from the office of equity to the office of everything. And I have a real problem with that. -- Oregon has a more and record on race, from 1930 to 1950 to 1960, all the way up to right now. Things are getting worse for people of color. So if we don't address that right now. We have a hodgepodge of everybody here. But I tell you this of all of groups respected and represented here, race is still an issue within those numbers. If you make race better, you make it better for everybody. If you address race, and say, race is the issue, and we do something about eliminating racism in this city, then we've taken that step and done something. But until we take the courage to talk about race, and the impact of race on this city and this county, this state, we have avoided the opportunity that we've given ourselves right now. Because the conversation is on the table. We know that 45% of all the children in our school system here are children of color, that number is not going down and so what's going to happen to us is we're going to have a city that is full of children of color, people of color and those issues are not addressed. So I urge you right now, I want you to pass this but I want it refocused and I want to get to the meat and the reason we're at this table. Really, if not for the urban league report and communities of color report we would not be sitting down right here and not be having the conversation. So now let's have the courage to do what we came here to do.

Adams: Thank you, sir.

Dan Handelman: I'm dan handelman with Portland cop watch. We were glad it see the -- the hrc was not consulted with the equity office, so assuming that the office of human relations and, therefore, their staff budget and any power they were given just three years ago when they were created. This proposal goes a long way to integrate the hrc into the equity office but does not restore their authority from the previous code. And that the office of human relations could only be

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removed by council and upon request of mayor and after the question of the human rights commission. Moreover, the hrc no longer has a say whether the staff will be terminated. That was part of the showdown between commissioner Fritz and former director Johnson earlier when asked if she was forced to resign, she had been fired and the council had to hear from the human rights commission how much they supported her. The ordinance states that the director of the equity and human rights office will consult with hrc to fill what's not called a senior staff position -- i'm confused why we didn't add the word "dedicated" to make sure that the person is for the human rights commission. It seems clear that the original code was to have council take responsibility and assert hrc is independence and not part of the silo mentality. It's not clear in the code that's how the office will work. Ordinance directs they must work with the city attorney's office to advance the civil rights of all persons and this is the same office that went to bat for the officer who beat a person to death. Do you think that's the place to go? We support as part of a broader vision with the independent police review commission and given thorough own council to prevent conflicts of interest and the city's desire to defend itself against lawsuits and the ordinance adds the commission on disability to come from the office neighborhood involvement which is reasonable but doesn't escape our attention that the human rights commission letter to city council condemning the sidewalk ordinance as an affront to civil rights -- didn't promote human rights but pitted people who are poor and homeless against people with disabilities. We urge council to back hrc's independence by adding code language similar to the hor and hrc language.

Adams: Thanks. Welcome.

Gary Hollands: Thank you. My name is Gary Hollands, I've been elected to the Multnomah education service district. Representing over 133,000 Portlanders, north and northeast Portland. Zone one. I've got two hats. I'm also here as a young business owner. We as a young business owners that get together once a month and have discussions and one of the discussions that came up was the office of equity. So what I'm here advocating for is two things. Advocating that we have a generational sustainable future for our kids, grandkids and great grandkids. Another thing I'm advocating for is our young business owners that we have a business environment that will foster and support our growth as we bring more jobs and businesses here to Portland. And I'm more of a solution oriented person. So we came up with four things we figured the office of equity can do. One of them is the mwsb, requirements should mirror the workforce requirements. We've been looking at it for a long time and they have all of these aspirational goal, which is great, but the workforce has hard requirement that is either you do it or this will happen. And so we're thinking that the mwsb requirement should mirror that as well. Another thing with the workforce guidelines, we think that all of the apprenticeship trade should be included. Trucking, a lot of the trades are included except for trucking. We also think as the office of equity should identify contracting opportunities where more small businesses can be utilized as opposed to one. Example, the bureau of environment services has a hauling business out there, but the requirements for this -- excuse me -- the requirement for this is that a company has four trucks and pups to get out all of the stuff in two days. Most small businesses don't have that capacity and that could be identified. You know what? We can break this up to make it more advantageous for a smaller business to get. And another thing which I haven't heard too much here is that the office of equity should have a goal to where the office is no longer needed and I think if they work back from that model, then they can -- you know, put their goals and agendas up to where that should be and what shouldn't be needed. So we do support the office of equity and ask that you support the office of equity as well. One thing my wife gave me: Diversity is something you can see, but inclusion is something that you feel. Thank you.

Adams: Ms. Hardesty.

*******:** Mrs. Hardesty, thank you, mayor.

Adams: Get it right some day. [laughter]

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Joann Hardesty : I'm joann hardesty, and i'm here in support of the resolution in front of you to create the office of equity including the human relations commission. I want to say what a difference a few weeks makes. I want to -- I really appreciate the hard work that's gone into developing a resolution that will be supported by the entire council is my hope today. I also happen to be here earlier and someone else mentioned, saw all of the suits talking about the tens of millions of dollars we want to spend to create this office of -- this sustainability center. And it wasn't lost on me that until commissioner nick Fish brought up the word "equity" is wasn't mentioned for the first hour and a half and i'm sure that the question of equity that commissioner Fish mentioned didn't have anything to do with how are people are color going to benefit from building this very expensive building downtown? And nobody that testified today had anything to say about how communities of color will benefit from that effort. Unless you're talking about some short-term construction jobs, which is fine and dandy, but that's short term. And if we're talking about paying for this over a 30-year period of time, i'm amazed that had all the great minds in front of us didn't talk about creating an environment justice program that would be staffed by high school students for learning about the environment before they head off to college. I thought about that just sitting back in the chair and we had all of these great mind that's said, oh, yeah, we can build this and it will be fabulous and wonderful. My hope is once the office of equity exists, it won't take us three years to figure out how people of color are included in a city effort. Thank you.

Adams: Thank you all.

Fritz: Just a response to that point. That hearing was going along and I wanted to get to this one. But to that question, there are going for a significant component of both psu and pcc classes in the new center which both of those community versus a significant diverse studentship.

Adams: The first invited panel spoke to the issue. It's an issue we heard about.

Hardesty: I heard them talk about social equity--

Adams: In that specific project, not only the construction but the ongoing operations of it. So it will be replayed and you can watch it online. Alan led efforts to work very hard on it. Your point is made in terms of getting the whole city to care about this issue. So I absolutely -- and we're working hard on if you saw alan's testimony, we're working hard on everything. But we've got a long way to go. So I don't agree with your characterization of it specifically but definitely the sentiment.

Hardesty: We have aspiration, yes. Thank you.

Adams: Well, jo ann -- i'm going to let it go.

Fritz: Part of the reason the office is needed so that we can debate these difficult issues.

Adams: Next four.

Parsons: Two more, I believe the name is shannon smith and promise king.

Adams: Hi, welcome back.

Fish: Do we have a third person?

Parsons: No, that's all.

Sharon Gary Smith: The third person is sharon gary smith. Thank you, mayor and commissioners. I come today as a representative the city, as a taxpayer and the new executive director of Oregon's 35-year social justice mckenzie river gathering. We're in the business that insuring that those who strive for, hunger for justice, equity, recognition of their community-based leadership, the folks on the ground doing the work to ensure justice and equity and equality is not just a aspirational thing, but has legs as you're giving in this initiative. So that all of us, those and you called "other" whether based on ability, economic situation, geographic -- where they live, where they have to go to school. That all of us, people of color and specifically those who have been locked out and marginalized, get to participate in this sustainable future that many of us are already doing now. I do want to appreciate having sat and listened to those who are called suits, which is one of my favorite tv shows now, incidentally. [laughter] I was appreciative that the

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academic and technology community and those talking about utilizing and throwing around equity and diversity and stakeholders, that they could talk about multimillion dollar investment that would pay off 30 years from now and then I recall and won't go into depth, but what was said about what 30 years ago looked like and 30 years before that and 30 years to today. So we're at what I like to consider a historic movement. I'm sad in 2011 we've struggled to this moment. But falling forward is what my mother told me. You get up and fall forward, you don't retreat or go back. I would like to not only is this office of equity and human rights, I know it's relations, but i'm talking about rights, our right to assume that the silver spoon that many have tasted would allow each of us to get a taste. That Portland would be as much a model, not just talking about invoking the words of diversity and equality, but a true beacon in this country. For what it takes to get there. And that's how I see this moment and all the background work and the back room work is necessary, messy and beneficial to all of us. So that I ask for you to not only do the work of ensuring today, but to do the work from today that keeps us moving forward. I worked out a deal in the restroom, a wonderful place to be in between. [laughter] some of the participants at this table said I hope and wish you well on your next presentation. Assuming that I was here for this moment. I said you've already done all of the talking, I think we should raise the ante. Half a million dollars, and there were no bells before. Half a million dollars. I want multimillion of my money to be spent to ensure this city has access opportunity and equality and you can make that happen today. It's good for you too. Thank you.

Adams: Thank you. Mr. King, welcome back.

Promise King: Thank you. My name is promise king. Executive director of Oregon league of minority voters. Many of -- league of minority voters. Many of you fight for equality and civil rights. Mayor Adams, nick Fish, and commissioner Saltzman, you have been the battery, you know what it is. But we're here today because of our past. We had a past, a sad, sad story about discrimination and we live in the only state of the union in the past that was allowed to have exclusionary laws. The only state in the union. So we're here because our past is not a past I want to give to my son. So we see a lot of contrast, when we see city systems in abundance, we ask where is equity? When we see millions and billions of dollars in competition, about growing someone else's dream and don't see equity, we ask why? Tonight, or, today is not just a conversation about some office of some program or some staff, today is a conversation about dreams. Values of the city, where we ought to be in the next 30 years. Today is not just about conversation, about an office. Today is the conversation about unity as a people. About unity as a people. Racial division, people of quandary seeking a solution to how we can unite. I tell you that this hour, at this time, you can at least begin that step. No platitudes but taking real actions. Taking a real step. When we see satisfaction and no one [inaudible] we ask why, but you have a solution. Don't -- this is not -- we at Oregon league of minority voters are doing a region aleck quit initiative across the region, we ask the people to stand up for equity. So don't worry about the nitty-gritty and all of that stuff. We'll be here to support the office, we will ring the bell for knowledge, and the Oregon illegal league of minority voters will be here. I ask you to do the right thing for our future, our children, our values as a city.

Adams: Thank you. Thank you both. I appreciate it. Unless there's additional council discussion. Sue, please call the vote.

Saltzman: I guess it was three weeks ago that we had our public hearing and at that time, I raised questions about having a separate human relations office and separate office of equity with two directors over two small office, so today we're looking at a combined office of equity and human rights and one executive director and -- director -- sorry. And then there will be a small nucleus of six, maybe seven staff who will staff both the human rights commission and also the office of equity. Under the supervision of the commissioner in charge, amanda Fritz. As I also raised last week, money does matter and this combined office budget is \$1.1 million per year in ongoing city

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funds and it's -- it's -- while it's important we work on these issues, it's also important to recognize these are not direct service provider city services. \$1.1 million a year can buy a lot of swimming pool hours and mental health crisis workers and other important city services, so i'm here to express my support but also to say i'll be watching closely and as I said three weeks ago, if the office of equity and human rights becomes nothing more than brown bags and film series and diversity dialogues, all of which we already have, you will not have achieved success. You need to achieve tangible practices, things that city employees can get -- supervisors can get, not abstract conversations whether it's social equity or racial equity. If that's all you become, in those debates you will have failed and i'll watch the budget closely and not be supporting \$1.1 million of ongoing funds a year. If you fail. If you succeed and I hope you do, then we'll all be better off as a city and a society. But as I said, it's going to be -- I will be watching closely and pleased to offer my support and thank mayor Adams and commissioner Fritz for their hard work but i'll be watching this closely and hope it succeeds. Aye.

Leonard: Aye.

Fritz: Thank you. This will not fail. We cannot fail. Our future depends on it. The prosperity of our city and wealth of our citizens depends on it. There have been so many attempts in the past to address the known disparities that have grown over centuries and this is a data based, strategic action oriented specifically looking to get results with actions. We have 19 actions from the march Portland plan, another 14 from the latest draft. 13 principles in the draft work plan. That's just a start. Before we hire an expert director we'll do a nationwide search. The creation committee will reconvene to start work on that. We share your urgency, commissioner Saltzman, we cannot wait for these changes to be seen and experienced in our neighborhoods. Diversity is something you see but inclusion is something that you feel and there's a lot of people who do not feel included in our city. So I -- I started last night devising a list of people to thank and quickly realized I would miss somebody out and there's been so many involved on so many levels that i'm not going to name any particular person. There's the community members, city staff, creation committee and consultants, thank you all. Each one of you who came today and -- to support this work. We can't do this without you. This is one of the differences between this work and what has been done before. It's a partnership. It's a collaboration. And it's a partnership and collaboration with people who don't inherently trust each other because we have experienced such hurt and damage and we're not where we want to be to start off with. So we recognize that 6 months ago, and I recognized I was going to say things in a way that would make people mad and I would then learn because people would be kind and tell me. I don't think you meant that, but this is what I heard. We'll keep doing that. And we have to keep doing that. Portland polite has been the norm for so long that we don't talk about racial injustice and injustice for people with disabilities. Many think we're doing just fine, thank you. We're not doing just fine, thank you. And the future of our city, the prosperity of everyone, including the suits-- i've been married to a man who often wears suits. It's his birthday today. If I can be -- ask for forgiveness for the number of hours I don't get to be at home. But the men who hold high places must be the ones to start to build a new reality closer to the heart. And that's what we're seeing today. The men on the city council have -- are partnering with me, the woman, the immigrant on the council to forge this new reality, just as the founders of our nation started out by saying that all men are created equal and yet the men had to vote to give women the vote and the white man voted to pass the civil rights act and those without disabilities voted for the Americans with disability act. This is how we build community, how we become the america that I chose to move to. So that everybody can experience the american dream. And this office has been disparaged as not being specific enough and not needed a waste of money. There's no more important use of taxpayers money than making sure that everybody has access to a good job and everybody has services in their neighborhoods and that people's services are just as much services as putting in street, although while we're at it, put in streets where needed and different

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neighborhoods have the services they need. This office is going to be helping to guide, educate, direct and provide accountability to give the feedback to the city bureaus leading with race and ethnicity and focusing on people with disabilities. That's our charge for the first year. We'll not have a mass turn-around in the first year, but specific measurable products we'll bring to council on a regular basis because we all share the urgency, we cannot wait to make these improvements. This has been a difficult process and again, I laud everybody who has put their personal needs and personal opinions aside to look to the common good. And dare to hope this could be different. This could be the work that we could join in together that would get Portland over the hump to be not only the most sustainable city in the country but the most just and the place where everybody feels welcome and businesses move here knowing their employees and ceos would feel welcome here because it's a society where everybody feels they have access to opportunities. A few months ago, commissioner Fish invited me to the opening of bud clark commons, which is a beautiful \$49 million building and I was very happy to support the provision of services for people who live outside and the coordination of services for people who need a little extra help and thought at the time certainly my first term at city council, i'm not going to be opening a \$49 million building and this isn't the opening of anything. This is the design work. All of us figuring out who needs to be at the table and put out the requests for proposals for the director and figuring out how to move forward and I envision getting to a building, a building of community, a building where we feel we've been heard and our needs are met and we can do that within five years, I believe, because the need is so urgent and the skills of the folks here and the skills in the community, there's so much support for this and if you watching at home, haven't heard that, haven't experienced that, go talk to your neighbors. Talk to people who might be able to give you a different perspective and listen. That's a lot of what this is about. Listening to each other and recognizing we don't have all of the answers. If someone did, i'd have a beautiful 20-point list but that's not what we're doing here. We're building the house of community together. -- but thank you, mayor Adams, your leadership and insistence we do this differently and in a data driven way and based on research. Thank you to the communities of color and the urban league for providing some of that data. And this and better we'll do. Thank you so much. Aye.

Fish: Thank you. We're poised today to unanimously support the creation of a new bureau. And I think we need to give credit where credit is due and I believe there are three indispensable parties that deserve acknowledgment today. First, a mayor who in his state of the city address put a marker down and said he will create an office of equity. Without leadership and vision, very little happens in government. So mayor Adams, thank you for putting the marker down and your full weight behind it. Second, mayor Adams designated commissioner Fritz to do some of the hard work. [laughter] I know how hard it was. I spent a day with her and dora in one of the many community conversations and I went home exhausted. Also came back wanted to steal dora for my team. If you haven't been in a process she's facilitated, it's world class and she has a gift for putting people at ease and allowing people to speak truth to each other in a comfortable setting. But as we acknowledge mayor Adams' leadership and the hard work that commissioner Fritz has done, let's also acknowledge the reason we're poised to do this today is because the community has demanded we do this. And the community that's represented here and has been in our prior hearings and emailed us and written us, it's the community that spoke loudly and said, "we demand that you do this." without all three, we would not be here today to celebrate a unanimous vote. Someone earlier testified -- I forget his name -- he looks familiar -- he says today's vote is about our dreams and our values. How many times do we get to cast a vote that speaks to our dreams and values? [laughter] how many times do we have the privilege of casting a vote which marries both our dreams and values and has the chance to change our community for the better? I believe this is a historic moment. I want to thank the people that took the time to visit with me and talk about this issue, as they know i've been there from the beginning but I wanted to make sure that the whole council got

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there together. kayse and julia and jo ann, we had frank discussions and along the way, you believe this legislation got better because of your advocacy. And today. I think the final piece, a unanimous councils that committed not just to equity but the merger of these two -- merger of two great ideas in one bureau, strengthening both, accountable it a director and council. This is significant progress. Sam and amanda, congratulations. This is your win and to the community, this is your win and i'm proud to join in voting aye.

Adams: Well, I want to begin by lauding, recognizing and thanking the perseverance, the smarts and hard work of commissioner amanda Fritz on this issue. When we discussed this, over the past year or so, we knew it would be hard. And we also knew -- we also both believed it was the kind of hard works that very exhilarating and it is the reason we all seek public service, but I want to thank you. You've been the thin edge of the wedge on this issue and i'm incredibly grateful. I get to assign commissioners tasks from time to time, and I do what I can to help them along the way, but this is a huge victory for commissioner Fritz and on behalf of what the city needs more than anything, right now is solutions and results. When it comes to equity, when it comes to equal opportunity, when it comes to human rights and what I talked about last february was about race. And about geography. So, um, it's important to notes this the first time this city council has -- has ever said explicitly race and disability. Not to the exclusions of others. But appropriately, as we heard from sharon and others, that if we can make progress on ability and race, we make progress for everybody. Whether you happen to identify with those categories or not. Everybody benefits. So I want to thank the city council, each and every one of them has been incredibly helpful and has improved our collective work. I want to thank the creation committee. And I want to thank everyone who has worked on this issue for something and we get embraced, we know the weariness and wariness and we know we're raising expectations and want to exceed them. And I want to thank kali ladd from my office and lisa libby in my office. This is underpinned by a lot of other work, including the Portland plan and the work really does begin again. Aye. [applause] we're going to take a 10-minute compassion break.

Fritz: And we have a celebration on the first floor.

Adams: Great.

Fritz: I'll meet you down there.

Adams: We'll be down there briefly. [break]

At 1:09 Council recessed.

At 1:23 Council reconvened.

Council reconvened at 1:23 pm

Adams: We have a quorum. We're going to proceed with a resolution. Can you please read the title for item number 985.

Item 985.

Adams: Director merlo, if you would please come forward. We've been working on the strategic plan for over a year. It's been out for public comment for the past -- in addition to the public involvement along the way, some items have come to council for early implementation, this is the plan that begins to knit it all together. It grows out of the audit findings requested by the bureau director. And it's only as a result of -- well, it's now that we have -- are also asking to have the name changed, and it really, though, is -- comes out of the audit findings as well, which is this bureau needed to be empowered and given authority to do the necessary job to plan and respond to emergencies, to create a more resilient city in preparation and for response to those emergencies and so that's why moving from an office to the Portland bureau of emergency management is happening now, not at the beginning, but really to reflect the changes and improvements that have been made. It will be referred to as pbem.

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Fritz: What.

Adams: At one time, they laughed at pbot.

Fritz: [inaudible]

Adams: Pbem.

Carmen Merlo, Director, Office of Emergency Management: Carmen merlo, the director of the office of emergency management, to be called the bureau of emergency management. We've spent months putting together the strategic plan. Many people have told us it's an ambitious plan and we agree. We thought it important to aim too high than low. And this fixes one of our fulfills one. Our audit obligations. This picture is on morrison street, the great flood. We changed the vision for the bureau, it used to be a prepared community, but if it's one thing we learned from the recent tsunami and earthquake in japan is that even one of the most prepared countries cannot prepare for everything so we felt it was more important to change it to the word "resilient" and think that the ability to with stand, endure and adopt and quickly recover from a emergency is more the vision that we see for the city. Throughout this doubt, we have two guiding principles. The first that poem can't do it alone. We feel a resilient community is a shared responsibility and that starts at both the -- shared responsibility and community participation in shared decision making is key to the recovery of the neighborhoods after the feds and fire trucks and police vehicles are gone, it's up to the communities that have the power to shape a comeback and it's a shared responsibility and we feel strongly in sharing the policy decisions that come out of an emergency event. To assess our way forward, we needed to conduct a quick environmental and social scan. Looking at local and national trended and what some of our historic challenges have been. Starting with the fact we've got an aging and increasingly diverse population. Aging infrastructure. A lot of transportation, water, wastewater and communications infrastructure were built prior to the pacific northwest seismic risk and the transportation and water system and wastewater systems and infrastructures is nearing the end of life. While we look to these things to ensure a good quality of life, there are immediate -- their immediate restoration would be key it a quick recovery. National trends, increasing roll of social media and its use during emergency events and a rapid shift away from traditional broadcast to new social media. And we know that people are increasingly organizing themselves around social media network so it's critical to ensure we're reaching these virtual communities. And effective climate change, flooding and landslides and heat waves and energy disruption due to increasing demand for cooling. And higher public health risks from increases to annual temperatures and temperature events like heat waves and we know that they have an effect on our critical infrastructure, everything from sagging lines and energy and communication systems, increasing road degradation that requires more frequent maintenance and, of course, impacts to water quality and increased water demand especially during peak summer months. We have no shortage of historic challenges to the bureau. So starting with a lack of large scale disaster, even though we routinely have episodes of snow and ice and flooding and landslides, a history of large scale disasters hadn't been part of our collective memories and unlike the south and midwest that experience hurricanes and tornadoes, there's no readily apparent reason to prepare here. And so many feel this lack of large scale disasters has bred some level of inertia. In june, 2010, poem convened a town hall meeting and one of the questions we asked the community, how do you have define preparedness? And many define it as having stuff. If they had these things, they were prepared. We really want to get away from the notion that having things makes you prepared and rethink preparedness as having plans, staying informed. And just generally being resourceful. Those are more important --

Fish: Carmen? The red cross won an national award for the be prepared campaign, which is around making sure you have the stuff.

Merlo: Right.

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Fish: And actually focused on the items you want in your kit. So it's interesting to hear you say you almost have to work against the notion that there's a kit you put in your car and you're safe.

Merlo: That's exactly right. Sorry?

Adams: The --

Fritz: Why are you suggesting the change?

Merlo: We're trying to rethink preparedness as not just having the items. We want it to be a, yes, it's good to have the items but we want you to have other things, we want you to stay informed, be resourceful, make a plan, those things in combination, not just having an emergency kit. We also want to encourage the notion that preparedness is not something you cross at a finish line and now you're prepared. It's an ongoing process, ongoing investment.

Adams: So an example in my work with transportation, I will find folks that have a preparedness kit having to traverse hills and don't have traction devices or folks that don't have a 72-hour kit in their home. Have not had a discussion with their family what's going to happen, what they would do if they were at work and school and there was an earthquake. The notion of having -- you know, we need to move people beyond just having the preparedness kits into having plans and kits.

Fritz: Do we know how many people even have the basic kits? What percentage of the community? We don't. We asked a related question in one of the surveys and it was a very low number.

Fritz: That's my sense and I was at a conference last week, and they were recommending that 72 hours is not nearly enough for an earthquake. More like a week.

Merlo: That's right.

Fritz: People need plans as well, but also could you manage by yourself for a week with no help.

Merlo: And that's the wording, could you sustain yourself for at least 72 hours after an emergency event. I agree with you, 72 hours is the bare bones, ideally, it should be about a week's period. Ok, and then organizational challenges. Poem became a stand-alone bureau in 2003 thanks to then-mayor vera katz and since that time, poem has had five bureau directors. I'm the fifth and proud to say the longest serving. Hope to stay a little longer. And we've had turnover in key positions, including the number two position, emergency operations manager, which is vacant right now. Historically, poem was given the responsibility but not the authority to coordinate the work of other bureaus and thanks to recent code changes adopted by city council, making the work of the office clearer and better outlining our governance model we now feel we have the authority to help coordinate the work of the bureaus. My staff is sick of hearing me say this, but one of the things we suffer from is a history of oral traditions, what I mean by that, for a long period of time, all of our plans, policies and procedures were not formalized in writing. And we're now facing a huge documentation gap we're trying to catch up with. And external factors influencing the priorities of the office. The christmas day failed bomb plot at pioneer courthouse. While -- terrorism became our number one priority the next day, outside influences frequently affect the priorities of the office. And finally a lack of cohesive public messaging, for information to be effective, it must come from multiple sources and multiple modes and consistent across those modes. We've got our public safety bureaus and infrastructure bureaus putting out preparedness messages but oftentimes not in a cohesive manner. And we're working hard with to make sure we have consistent and coordinated messages across the city. With in this mind, we came up with five goals. Each has a list of objectives. I won't go through all of them. But know they're in the strategic plan, including a timeline for completion. Goal number one is to integrate emergency management into larger goals and investment strategies. Studies and you tell us that the most effective way to reduce vulnerability to natural hazards is implement integrated and smart land use planning and building and zoning codes and was an move forward with the Portland plan all of the planning laws incorporate an emergency management lens on them and we want to explore the feasibility of adopting a certification system similar to the leed standard. Right now, for green buildings, people

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know what it means if a building is leed, silver or platinum and we want to adopt the same for a seismic silver, seismic gold and platinum standard.

Fish: What this reminds me of is the affordable housing development where the city increasingly relies on multiple partners but don't have a consistent way of addressing the emergency management piece. One nonprofit is operating one part of the building and another, and you have someone who is overall responsible, but what happens in a emergency, the light went on in my head following discussions that we need to go building by building and make sure we have a plan in place. And it's taxing on you and your team, but basically we need a emergency management plan where there are multiple parties because otherwise we're going to have a lot of well intentioned people, not sure who is in the lead.

Merlo: Right.

Fish: Without the same phone numbers and things, and I think this notion of embedding this in everything we do, like there's a box you check and there has to be a plan that's developed makes a lot of sense. And it's good preventive medicine.

Merlo: Thank you, commissioner. And then finally, promoting and advancing the work of the city asset manager's group to ensure that funding is included in capital improvement plans that provide the necessary retrofits to critical infrastructure. Goal two is adopting a community approach to emergency management. Goes back to the guiding principle that resilience is a shared responsibility. We want to work with appropriate city bureaus to raise awareness and manage and reduce hazard risks by making sure they have access to resources and integrate culturally diverse groups in the development and review of our emergency plans. Goal three, prompt household action by increasing the visibility of preparedness activities. We believe the impact of seeing others prepare is stronger than just giving them information. A few years ago, you wouldn't see people bringing their own grocery bags to the store. And now it's de rigueur. If you ask them why they do it, they won't say it's because of climate change.

Adams: Wait, back it up.

Saltzman: De rigueur? Is that Spanish?

Fish: That's new york, de rigueur. She added a little class, it has a little bit of the bronx flavor.

Saltzman: What does it mean?

Fish: Don't mind them, they're not well educated.

Merlo: It means par for the course-- yeah, so -- [laughter] most will tell you they don't do it because they feel the affects of climate change, they do it because they see others doing it and the right thing to do and think they're contributing to the overall health of the environment. It's the same we want to do with emergency management. The more people can see the activities, the more they're inclined to mimic them. Strapping water heaters and installing emergency bath shutoff valves, people can see and imitate. And we want to make sure that people understand that preparedness doesn't necessarily have to cost money. Back to the notion of buying stuff. Putting together an emergency plan and know who to contact if you can't get home or have to evacuate your family, knowing where you'll reunite. Those are things that people can do to increase preparedness but don't cost money at all. Goal four is advancing the emergency coordination center and readiness, one of the roles and responsibilities of the office is to ensure emergency coordination is adequately prepared and equipped and trained and we take seriously that charge and working with our acc responders to make sure they're trained and exercised and we have a exercise with council coming up next week. And finally, goal five, adopting a strategic planning process that integrating training and planning exercises that goes back to our history of oral traditions, we have a large documentation gap. We've outlined five plans we'd like too accomplish in the next three years, beginning with a continuity plan and debris management plan, resource management plan and a local energy assurance plan and I believe that's the last one. Finally, I want to thank of the mayor for introducing the name change to the Portland bureau of emergency management. It's the right

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thing do and further normalizes the naming convention and gives us the appropriate stature that I feel we deserve. So thank you, mayor Adams, for that.

Saltzman: Normalizing.

Fish: When you say vertically and horizontally synchronized is that a long winded way of saying better aligned?

Merlo: And no, what that means is making sure that plans are aligned vertically, meaning people, the first responders in the field are in alignment elected officials and policymakers and horizontally across disciplines and jurisdictions.

Fish: Ok.

Fritz: I may not support the change in name and the office of management and finance is one. The biggest and powerful offices in the city and we have the office of cable communication and franchise management that brings in over \$17 million --

*******:** Changing their name.

Fritz: And now the office human rights which is important. And to my request that I appreciate the goals in the strategy plan -- strategic plan, I hope there's more dialogue about the other five plans you mentioned and wondering did the housing bureau agree to inventory the buildings next year? That's not an assignment for them. That's for us, we're working with them to inventory the properties.

Fritz: It says work with the housing bureau -- have they been engaged and agreed to do the plan?

Merlo: We've made contact and that's an assignment for us to complete and working with them and getting information from them.

Fritz: The ones that are in my bureau, several collaborations with the office of neighborhood involvement and developing and periodically updating neighborhood coalition specific maps, we didn't have input. You did contact staff, and also the one about working with appropriate city bureaus to adopt meaningful -- culturally and diverse groups, obviously, I support that, but my staff and in the office of human rights and equities -- sometimes the process being able to implement the product and having the authority and the code to coordinate the bureaus is isn't going to be enough if there isn't more collaboration and communication between the bureaus and with each of the individual commissioners. You're under the mayor, but each one of us, as commissioner Fish said, needs to be involved in implementing these plans and drafts of our own. It's similar to the office of humanity and human rights, that office can't and shouldn't do it all. Similarly, the 12 people in the new bureau shouldn't and can't do it all. I invite you to come and talk with me before the next ordinance comes back so we can work on the mayor's plans for quarterly district meetings and coordinate public safety and look at how poem and -- how do you work with other bureaus so that we're part of creating the plan, rather than being given something that I don't even know what you're hoping my bureaus to do with it.

Merlo: We're looking to your bureaus as the subject matter experts. So we're very much interested in partnering with them.

Fritz: I would have expected more dialogue before this, rather than -- because this is the same problem at last year, where we had the plan and there were issues that oni was supposed to do and we didn't know about, i'm concerned we get to a more collaborative upfront -- before the plan comes to council so I can say this is what my bureaus have committed to do.

Merlo: Sure.

Adams: Ok. Additional discussion with council? Anyone signed up?

Parsons: Did not have anyone.

Adams: Please call the vote.

Saltzman: Aye. **Fritz:** Aye.

Fish: I'm going to vote aye but once again, going to call out the good work of carmen and her team. Every year we tighten the bolts on our emergency action plan for the homeless, which the mayor

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and I have heard nationally is one of the best in the country. And then on the specific challenges that come up, i'm always -- I always feel like I get good service. We can always improve communication, the function of the commission style of government. But we're fortunate to have your leadership in what was formerly known as poem. Aye.

Adams: I like all of these turn of phrases. The turn -- the tightening of the bolts, the rigor mortis -- de rigueur. I want to thank director merlo. We have made progress and have significant progress yet to achieve and it's absolutely documented in your strategic plan and we'll continue to work on the communications and the organization. So point noted. Aye. [gavel pounded] so approved. Let's do the item pulled from the consent agenda. Please read the --

Item 992.

Adams: Who pulled this item? Are they in the audience? Come on up.

*****: [inaudible]

Adams: No, no, that's ok. We'll begin with your -- the reasons for pulling it. You have three minutes and if you're lobbying on behalf of any organization let's know.

Nancy Newell: Ok, my name is nancy, I want to brief everyone on the work i've done on water issues in my career.

Saltzman: Microphone.

Newell: Oh. I was the representative for the state of Oregon on developing the reservations to the naphtha treatment on water. Water was going to be treated as a commodity so Las Vegas could take water from our reservoirs--

Fish: Could I interrupt you. This is 992?

Newell: Right.

Fish: The matter is whether we enter into a contract --

Newell: Right, it's applicable to this --

Fish: I want to be clear.

Newell: -- this firm.

Fish: And hopefully, you'll address the question.

Newell: Oh, yeah. Keep your eyebrows raised. So -- so we did succeed in getting reservations and protected Oregon water. What puts concerns in my mind and i'm alert person, helped with trojan and helped with enron. This very firm partnered in 2003 with goldman sachs. And with -- goldman sachs and enron to manipulate the western grid. I was the only person who protested that manipulation. Now the number two item on your lobbying group. Which this group in the interests of protecting our drinking water, when they specifically state their intent, of course, you read the report by public citizens that they were directly involved in the manipulation of pricing, of goldman sachs trading. This is unregulated regulations. So what they're now doing this in city is creating the regional water plan which removes from the city the authority to control the regulation of toxins in our drinking water. So when you have an ultraviolet radiation treatment plant, it could happen since Wilsonville has already privatized and tualatin is privatizing their water, you don't have control over rates and you have no recourse, same for regulating here and those controls on essential services such as electricity which in california caused death and enormous suffering for people in very hot climates, these are issues that are human rights, you have a human rights commission, water is a human right according to the u.n., what are we doing in the city? We're privatizing our water. You're debt swamping the water bureau. The revenue is far below. Your auditor has signaled this to you and I said in my testimony early on, the way to deal to this lt2 rule comes from several directions.

Adams: I need you --

Newell: The wrap-up --

Adams: I need you to stick to the topic.

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Newell: Hiring a lobbyist that has a conflict of interest in their activities-- we need a public hearing.

Adams: Thank you. Ma'am?

Beth Giansiracusa: I'm not affiliated with anyone. I was taking a look at over -- well, i'm been involved with the water since 2009 when I read that the water bureau and the citizens of Portland, they weren't on the same page, that representation, senator merkley couldn't help and believe we're on the same page now and part of the lobbying group we have here is lobbying for our water. For the It2 action and I don't trust them. And I think that we need to amend what we have them lobbying for. Maybe take this out and they can lobby for everything else you need. But the water, especially at this particular point, I think it's best that the city council lobby for our water. Lobby to keep it our public water instead of -- we know how we can go down this road, we've seen it and written about it and you've read it. We can look at all the different consequences but right now we have a position that we can actually stop some of this. And divert the money elsewhere. And i'm not going to take up anymore of your time, but I did want this to come to vote, not to be set behind everything so it can -- it's part of another water thing that I have to write jack bogdanski and business owners and let them know, and now i'm finding out the second biggest user is the u.v. plant .Account and regardless --

Adams: I need you to stick to the topic.

Giansiracusa: The topic is water and having a group lobby for our water and if this group is lobbying for our water and -- and not in integrity with really what we want, then we need to take a look at this and need to take a look at this as a community, because you've been talking about communities here and preparedness and preparedness is in the community, not the package that everybody has.

Adams: Thank you. Appreciate your testimony.

Fish: May I ask a question of Martha.

Adams: Thank you both very much.

Fish: Can I get a clarification?

Martha Pelligrino, Office of Government Relations: Certainly.

Fish: This is brought about because Vicky cram, our long time lobbyist has gone from one shop to another, correct?

Pellegrino: That's correct. And margaret with the office of government relations.

Fish: And vickie has been our long time federal advisor. She was at one law firm and now taken employment with another place and this allows us to continue to do business with her.

Pellegrino: That's correct, vickie runs the municipal practice at patton boggs and we'll continue to have her as our federal lobbyist subject to council approval.

Fish: To put this in context, when we take trips to Washington, she's the person who gets us into see members of congress and regulators and i'm old enough to remember we used to get earmarks and get legislation, and she's highly skilled. What's changed is she's changed her address and this will allow us to continue to use vickie, that's correct?

Pellegrino: Correct.

Adams: Any other discussion from council.

Fritz: As far as the allegation that this firm lobbied to things that are opposite what we hope to do from getting waivers from the epa or whoever, can you comment on that?

Pellegrino: Thank you, commissioner. I am not aware of any direct conflict of interest that the firm patton boggs has with the city of Portland. And we have as you know, you set our federal legislative priorities and our firm, it's available on our website and then the firm carries out what it is we need them to do. We ask them to do. So there really isn't anything that I know of that would prevent patton boggs or vickie, our representative, from lobbying effectively on behalf of the city.

Fritz: Do we have a clause that specifically says that vickie is our representative?

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Pellegrino: Yes, I made that clear in the contract, that's going to be the -- our primary point of contact and she'll continue to lobby for the city.

Fritz: Thank you.

Adams: Unless there's additional council discussion or anyone else who wants to testify, sue, please call the vote on this item.

Saltzman: Aye.

Fritz: I appreciate the citizens taking the time to look into this and pull it and stay here all morning to listen to the other testimony on other issues. I have confidence in vickie cram and I know that lawyers do what their clients ask them to do so i'm confident that the council will set the agenda and vickie and the firm will implement that in our federal lobbying. Aye.

Fish: Aye.

Adams: Aye. [gavel pounded] approved. We'll now -- can you please read the title for item number -- where is it? Where is it? 1001.

Item 1001.

Adams: Commissioner dan Saltzman.

Saltzman: Well, thank you, mayor. Members of council. Council members including myself and commissioner Fritz have consistently recommended that the office of cable communications and franchise management change its name. It's something that -- to something that rolls off the tongue better and user friendly and consistent with its mission today and this new title will encompass the broadband policy, consumer protection, franchise management and utility license revenue collection which is our second largest source of city revenue. So I believe the new office for community technology, pending your vote is a positive, row active and friendly name. David olson, the director for the soon to be office of community technology is here to answer questions or --

Adams: Any discussion on council? Anyone wish to testify on this matter. Sue, please call the vote. It's an emergency.

Saltzman: I want to add there's no fiscal impact. Aye.

Fritz: Thank you for your diligence on this. Aye.

Fish: Aye.

Adams: Aye. [gavel pounded] so approved. ...

Item 1006.

Adams: Second reading. Sue please read the title and call the vote on 1006.

Saltzman: Aye

Fritz: I appreciate the staff working with the citizens who came in to testify on this and have addressed concerns to the extent they can. There are still the policy issues of the street trees heaving sidewalks, which I know we're continuing to work on. Aye.

Fish: Aye.

Adams: Aye. [gavel pounded] please read the title for 1002.

Item 1002.

Adams: Is there any council discussion on this matter? Is there anyone that wishes to testify on 1002? Moves to second reading. Please read the title for 1003, emergency ordinance.

Item 1003.

Adams: Any questions or discussion from the city council for staff? Is there anyone that wishes to testify on 1003? Sue, please call the vote.

Saltzman: Aye.

Fritz: Thank you, commissioner Saltzman for taking care of this. Aye.

Fish: Aye.

Adams: Aye. [gavel pounded] please read the title for nonemergency ordinance 1004.

Item 1004.

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Adams: Are there any discussion from council? This is nonemergency ordinance. Is there anyone who wishes to testify on 1004? Moves to second reading. [gavel pounded] please read the title for nonemergency ordinance 1005.

Item 1005.

Adams: Commissioner Saltzman, anything you'd like to note?

Saltzman: No. This is fine.

Adams: Any discussion or questions from council on what is being clarified?

Fritz: I do have, some but in the interest of time perhaps I could speak with the bureau and if necessary bring the concerns to commissioner Saltzman's attention before next week.

Adams: Anyone that wishes to testify on 1005? All right. Moves to second reading next week. [gavel pounded] disenfranchised forget anything?

Fish: Can we take a five-minute break?

Adams: Yes. We will take a five-minute break and hear the time certain, the appeal of the land use decision. We'll reconvene at 2:05. [recess]

Item 1007.

Adams: We're back from a break. For the record, it is still wednesday, september 21st. It is 2:00 p.m. Commissioner Leonard will be participating by telephone pursuant to city code 3.02.025 because this is a time sensitive land use issue. Failure to allow his participation jeopardizes the public interest, health, safety, and welfare and unless there are objections he will be participating I have a telephone and he's wired in and watching us online. Hearing no objections, we will proceed with commissioner Leonard on audio. I now turn to the city attorney for initial announcements.

Linly Rees, Deputy City Attorney: This is an on the record hearing. This means you must limit your testimony to material and issues in the record. You can't bring up anything new. This hearing is to decide only if the hearings officer made the correct decision based on the evidence that was presented to him. If you start to talk about new issues or try to present new evidence today, you may be interrupted and reminded that you must limit your testimony to the record. We'll begin with a staff report by the bureau of development services that will last approximately but I understand probably a little longer than 10 minutes. Following the staff report, council will then hear from interested persons in the following order. The appellant in this case the applicant, will go first and have 10 minutes to present their case. Following the appellant, persons who support the appeal, that is who support the application, will go next. Each person will have three minutes to speak to the council. The principal opponent will have 15 minutes then to address the city council, and rebut the appellant's presentation. After the principal opponent, the council will hear from persons who oppose the appeal. Again, each person will have three minutes. Finally, the appellant will have five minutes to rebut the presentation of the opponents of the appeal. Council may then close the hearing, deliberate, and vote, take a vote on the appeal. If the vote is a tentative vote the council will set a future date for the adoption of findings and a final vote on the appeal. If council takes a final vote today that will conclude the matter before the council. I'd like to announce several guidelines for those who will be addressing council today. The evidentiary record is closed. Again, this is an on the record hearing. This means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence that was previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings officer. If your argument includes new evidence or issues the council may not consider it and may reject it in their final decision. Objections to new evidence. If you believe a person who addressed city council today improperly presented new evidence, or presented a legal argument that relies on evidence that is not in the record, you may object to that argument during your testimony. Objections to new issues. Finally, under state law, only issues that were raised before the hearings officer may be raised in this appeal to city council. If you believe another person has raised issues today that were not raised before the hearings officer, you may object to the council's consideration

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of that issue. Finally, if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval, with enough specificity to allow council to respond, the applicant will be precluded from bringing an action for damages in circuit court to challenge the conditions of approval.

Adams: Who's the expert on the record, on staff?

*****: [inaudible]

Adams: Ok.

Rees: For the record, since he's not at a microphone, douglas hardy from bds.

Adams: If you would move your chair over so you're beside linly when the testimony occurs, we're going to -- we're going to follow that rule very closely, so you're not, under state law you're not allowed to bring new evidence, new issues, new testimony, and instead of going -- wasting time going back and forth with objections, if staff believes that there is new evidence being presented at the microphone, it can be verbal or otherwise, i've asked the city attorney to interrupt. Ok? So i'm now going to ask if there are any conflicts of interest. Do any members of the city council wish to declare a conflict of interest? For the record I don't hear any declarations of conflicts of interest. Do any members of council have ex parte contacts to declare or information gathered outside of this hearing to disclose?

Fish: It's our tradition to point out for the public that we get emails and phone calls and other things on these issues. They are processed through staff, staff in turn brief us and that's how we keep the commissioners outside of the ongoing discussion about the issue.

Fritz: And I received multiple emails and have not responded on the content of them, just acknowledging the receipt.

Leonard: I do on my own email -- see emails and I just acknowledge receipt.

Saltzman: Matt grumm on my staff met with the appellant at their request shortly after the hearings officer made his decision. Matt also received a phone call last week from a representative of the general services administration. I was not provided any details or briefings on those conversations beyond that they occurred.

Adams: And my contacts have been similar to the description provided by commissioner Fish and commissioner Fritz. All right. Do the council members have any other matters that need to be discussed before we begin this hearing?

Fritz: I have a clarifying question. In a briefing from douglas hardy on the 19th, referenced an ice custody release plan. I'm wondering if that's in the record and if it -- if adding it as a condition of approval can be considered.

Rees: Can we interrupt and have the title read?

Adams: If you insist.

Rees: That was a question for me, would you please repeat it?

Fritz: In the briefing from staff, there's reference to an ice custody release plan, which is requested to be incorporated as a condition of approval. Is that new and can that be considered, or what's the status of that?

Rees: Typically a condition of approval is not considered itself new evidence. There may be other items and i'm aware because i've been approached by a couple people in the audience about other materials related to that that they consider to be new evidence. I'm certain there will be testimony to that effect. And we can talk about the possible options for council if there is new evidence.

Fritz: That's suggested conditions of approval to be discussed.

Rees: Conditions of approval, yes.

Fritz: Thank you.

Adams: Just for those of you that have never been in a city council meeting, we work really hard to provide a welcoming place for diverse points of view. As such there's no hooting, there's no hollering, no clapping, no burping, no belching, if you feel the need to express yourself, you're

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welcome to do this or this. But beyond that we like to maintain decorum. And finally local law requires You to disclose if you are a lobbyist, whether that's for a business, for nonprofit organization, neighborhood association, and when you testify you will only give your name. We do not want your address, nor your phone number, just your name. With that, we'll begin with the staff report.

Douglas Hardy, Bureau of Development Services: Thank you mayor Adams. Council members. Douglas Hardy with the bureau of development services land use services. And I'm here today to present the hearing officer's decision on this land use review, and the appeal of that decision. The applicant is requesting a type three conditional use approval to allow a detention facility to operate at the site. The facility would be operated by the United States Immigration and Customs Enforcement Bureau, also known as ICE. In a 5198-square-foot space within an expanded 114,000-square-foot-plus building on the site. The proposed 65,000-square-foot building expansion received approval earlier this year through a design review that was reviewed by city council and the remainder of the building will be used as office space for ICE. The detention facility will consist of four holding cells as well as support space, and process approximately 10-15 detainees daily. Detainees will be held for no more than 12 hours at the location with no detainees held overnight. The applicant describes the activities occurring at the facility as, quote, relocating individuals from point to point, managing individuals in custody or in an alternative detention program, providing access to legal resources, and coordinating the removal of individuals from the U.S. who have been ordered deported. Because the proposal includes a mix of office space and other uses, a type three central city parking review is also required to allow the proposed 106 parking spaces on the site. As seen here the site is located in a central commercial or CX zone with a design overlay. The site is also located in the south end of the south waterfront subdistrict of the central city plan district. Surrounding properties as seen here in the south water subdistricts are also located in the CXD zone. For this site the CX zoning would allow without any floor area bonuses -- a building of approximately 265,000 square feet or approximately 150,000 square feet more than what was approved through the earlier design review. The zoning would allow a building up to 125 feet in height at the site or approximately six stories more than what is being proposed. Detention facilities are allowed in the CXD zone only if approved as a conditional use. This slide illustrates the full -- this site is located at the southeast corner of Macadam and Bancroft with I-5 located just to the west of the site. Existing development in the immediate vicinity is largely mixed use ranging from manufacturing to auto repair to retail. Newer development consisting of residential towers with ground floor retail as well as institutional development associated with OHSU. The 52,000-square-foot site is developed as seen here with a three to four-story office building with the remainder of the site developed -- devoted to surface parking. In addition to the abutting southwest Macadam and southwest Bancroft rights of way, there is an existing rail right of way that is located along the site's east boundary. Future plans call for extending southwest Moody south along this right of way. This slide illustrates the full proposed buildout of the site with the extension of southwest Moody along the east edge of the property. The existing building is located in the upper right corner of the slide with the proposed building extension located toward the left here. And it's being built over the existing surface parking lot. Both vehicular and pedestrian access to the site will continue to be from southwest Bancroft with vehicles required to pass through a gate and a staffed gate house. Detainees would arrive to the site and transport vans through the gated -- through the gate and be driven directly to an enclosed sally port located in the middle of the building, all loading and unloading of detainees would occur entirely within the building. Quickly, these are some of the proposed building elevations that were approved through the design review. The north elevation is what would be facing southwest Bancroft, this is the west building elevation facing southwest Macadam, and the east elevation facing the extended southwest Moody. And also this slide toward the middle of the photo slide is the sally port that would be used to bring the detainees to the site.

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For a quick tour of the existing site and vicinity, this is the view looking north toward the site from southwest macadam. As seen here you see the surface parking lot with the four-story building to the back. A view of the building looking from southwest bancroft. And this is a view looking west facade of the building. As seen here development in the near vicinity is currently lower scale in development. The lot immediately to the east of the site is a one to two-story building. It does include a k-8 school in about the third of that building. And some other uses, this is directly south of the property with development north of the property being newer and built at a higher density. The lot in the foreground under construction is being developed with a five-story multidwelling building with 50 on-site parking spaces. A view looking farther north along mode -- moody with a 20-plus story primarily residential buildings with ground floor retail. In terms of the conditional use Approval criteria, these are found in 33.815.205 of the zoning code. The first approval criteria deals with the appearance of the proposed facility in ensuring it's consistent with the character of the surrounding uses and development. And as indicated previously, the building itself was subject to design review both design commission and city council did find that the proposal met the design guidelines and the applicant is proposing no modifications to that previously approved plan. And the hearings officer determined this criterion is met. The second approval criteria deals with safety and requires demonstrating that the proposal will not pose an unreasonable safety threat to nearby uses. To address this criterion the applicant prepared a security plan that includes requirements for dealing with detainee transportation, facilities securities as well as facility design. The hearings officer found that the safety criterion was met with one exception dealing with the release of up to three detainees weekly at the site. The hearings officer found there was insufficient evidence in the record to demonstrate that the release of these detainees would not pose an unreasonable safety risk to the surrounding area. And furthermore there was nothing in the record from the police bureau responding to this particular issue. In response to this concern the applicant has submitted into the record for your review an addendum to the security plan that commissioner Fritz had referred to. That plan identifies in what circumstances detainees would be release and how they would be transported from the site. This plan indicates in all cases released detainees would be transported off site by relatives or their representative or by ice staff. The Portland police bureau did review that addendum and included a memo into the record to meet with these additional measures. Nearby residents and uses would be protected against unreasonable safety threats. The next approval -- criteria deals with public services, basically dealing with adequacy of public services. The big one here is the impact on the transportation system and on-street parking. Found that the 106 parking spaces were adequate to accommodate the 134 ice employees at the proposed facility. And based on that evidence, the hearings officer found that that approval criterion was met. The applicant has indicated applying for a central city parking review. I won't go into detail in terms of those criterion. The hearings officer did find that the proposal does meet the applicable approval criterion to approve the 106 parking spaces. And the central city parking review was not a topic of the appeal. Based on that the hearings officer did recommend -- did deny the conditional use to allow the detention facility at the site and did approve the central city parking review for the 106 parking spaces. As indicated previously, the hearings officer denied the conditional use request solely on the issue of insufficient evidence in the record regarding safety impacts to associated with the release of detainees at the site. The hearings officer did find that all other approval criteria were met. The hearings officer's decision has been appealed by the property owner rodney grinberg with lindquist development company. The basis for the appeal is that the hearings officer erred in determining that as a result of the release of some detainees at the site that the conditional use safety approval criteria is not met. The appellant did as indicated submit an amended security plan to specify factors used to determine which detainees -- to determine which detainees would be released from the site, and identifying how those released detainees would be transported from the site. I wanted to note that in the staff recommendation should ultimately council decide to approve

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the detention facility, there were a series of conditions of approval on staff's recommendation. One was to implement the security plan and the security plan again dealt with the safety facility and how detainees would be transported to and from the site. The condition of approval also included that no razor wire be used around the perimeter fence, and that the applicant implement the transportation demand management plans that they had previously submitted. In terms of reviewing the applicant's -- the detention custody release plan, the appellant's plan excluded several things that number one could not be enforced by the city of Portland, they are really problematic things that deal with the types of basically the -- covered programmatic issues that addressed things as sorts of investigations that would take place at the facility, and determining which particular detainees would be released from the facility. Staff finds these factors are not something that the city is qualified to determine in terms of whether a detainee pose as flight risk or whether their criminal history would preclude them from being released. And additionally our understanding is there is federal policy that applies to the release of detainees so regardless of any condition the facility would have to conform to that federal policy. Of that custody release plan that the applicant submitted, staff recommends that the items identified as 5.0-5.4 be included as a condition of approval if the detention facility is approved. The 5.0-5.4 deal with again how detainees would be released from the site in terms of how they would be transported from the site and that was the particular issue the hearings officer had raised in his decision. So staff would recommend that condition and that the ice maintain a log of detainees that are released from the facility that identifies at least when they were released and the time that they were released and that they conform to those conditions of release. And then lastly in terms of the previous staff recommendation about implementing the security plan, there are several building elements in that security plan that staff recommends that a condition be included that basically prior to final occupancy of the building the applicant would submit a letter to the bureau of development services confirming that the building elements that secure plan have been implemented. So that's a very quick review of a very complicated site. I'm certainly up for questions now or later.

*****: [inaudible]

Fish: -- 5.4. Are we satisfied from council's point of view that there are no questions of federalism or other legal barriers toward the city enforcing these provisions as against this applicant?

Hardy: My comment would be first of all the applicant has voluntarily agreed to that particular condition. They were the ones in fact who proposed those conditions that you see in 5.0-5.4. So they've agreed to implement that aspect of the security plan.

Fish: Have agreed to them and waived any rights they would have to challenge their enforceability?

Hardy: The second part I would ask that you pose that to the applicant directly. At least from the bds perspective those 5.0-5.4 are elements that compliance services feel they can implement. Excuse me, they can enforce.

Saltzman: How does the conditions 5.0-5.4 -- looks like they've been translated in this memo you just handed us out to a condition number two. More suitable for enforceability --

Hardy: For the most part in that memo under 2a-c, those are taken for the most part from the applicant's proposed custody release plan. There may be a couple of words here and there that are modified, but my understanding is the applicant is receptive to those -- that particular condition as identified in staff memos number two.

Saltzman: These would supersede the 5.0-5.4.

Hardy: Yes. Right. Basically what I put in 2a-d are it's just a suggested condition of approval. If council decides to go that way.

Adams: Additional --

Fish: One other question we can also pose this later when the parties are before us. But are the conditions that are now restated as 2a-d, in the memo, are they different in any way from existing protocols that are in place at the 511 building?

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Hardy: I can only speak from the city's perspective of how we ever reviewed or implement that particular facility. That particular facility because it is a federally owned building, never went through any sort of land use review. While it is the exact same facility we have here, there was no land use review required for that.

Fish: I'll hold my questions until we get the applicant. One question I have is, what's person the history at that site and to what extent does that offer a prediction of what the history will be at this site. So we'll those those -- pose those question to the right parties.

Hardy: Ok.

Adams: We'll now hear from the applicant. Well come back. Good afternoon.

John Junkin: Mayor Adams, commissioners, john junkin, a lawyer, here today representing the applicant lindquist development, rodney grinberg. And we are back, we were last before you last winter in regards to the design review application for this building. As you're well aware, this is an opportunity for the city of Portland to maintain within the city very valuable assets that is the homeland security and ice enforcement offices. They've been located at 511 northwest broadway for a number of years, they need to move out of that for a number of reasons, they have new tenants wanting to move into that and we have letters from those new tenants and they've been looking for a home in the central city and they have found one at my client's property. Last time we were before you, Just putting this in context, if you recall an issue came up, what do you call that 5,198 square feet that's part of this overall building, large building, what is its primary use. And we had a discussion about that. And we called it a processing center, not a defense facility a processing center that consists of four temporary holding cells, three visitation rooms, an interview room, a secure control room and corridors. It's hard to if it that into a definition within the city code, and your council chose that the best if it was to call it a detention facility. So with such, we went back to apply for conditional use for that 5,198 square feet as a detention facility, which is allowed in this zone but as conditional use. And although there may have been frustration on our part, we did see this as an opportunity to allow the citizens more involvement and understand better what is going to happen at this site. The conditional use criteria are set up by code, and mr. Hardy has done a good job of explaining how the hearings officer went through the criteria. And he found that we met all criteria specifically as to the appearance issues, because we did a design review and the public services issues. One issue he had issue with, the one criteria, deals with safety. Because one of the criterias for detention facility is that the facility in its operation will not pose an unreasonable safety threat to nearby uses and residents. And reviewing the issues raised by the citizen and others to concerns with safety, proximity to school, presence of guns, that sort of thing, the hearings officer found that there was -- that those things did not pose an unreasonable safety threat to the nearby uses and residents. He specifically found they did not. And he relied in great part upon a memo in the file from the Portland police bureau that's in the record of june 20th. That confirmed that they've reviewed this facility and did it not pose an unreasonable safety threat. However, the hearings officer found that because of one operational aspect, this facility, it's a minor aspect when you think about it in the context of having 134 employee and having about 15 detainees a day being processed through this facility, when I say processed I mean they're brought in in security transport, through a sally port, they spend no more than six hours typically and they're transported out. But a few times a week one of these, maybe up to three detainees may be released directly from the facility. The hearings officer evidenced presented to the hearings officer in regards to that came from the assistant field office director, elizabeth godfrey and she's here to provide further testimony. She explained how these people were vetted, if you will, to assure that they did not pose any unreasonable threat. Notwithstanding that the only evidence in the record regarding this issue was from ms. godfrey, the hearings officer found that he could not make a finding, that it did not pose an unreasonable threat because of a lack of evidence that he thought. One that he -- because the security plan that we had offered did not specifically address the direct release of detainees, and

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further that the Portland police bureau, although they had found there was no unreasonable threat here, did not specifically say in regards to the direct release of detainees we find no specific threat, or no unreasonable threat. That was the only basis upon which a hearings officer found that we did not meet the criteria for a conditional use a very narrow limited issue addressing specifically operational issue if you will. In response to that we have filed an appeal, first we believe the hearings officer was in error because the only evidence in the record would support that the release of directly release of detainees does not constitute an unreasonable threat, but we have proposed further conditions as part of the security plan. Ice has proposed a release plan specific to southwest macadam, and i'll respond to perhaps commissioner Fish's question in a moment, but this is a release plan specific as to the 4310 building at southwest macadam and that release plan specifically identifies how people are going to be released when they are released directly from the facility. And what ice has proposed and we are proposing as a condition of approval is that these people would be transported away upon direct release. When I say these people i'm talking about the two or three per week that are directly released, would be transported away from the south waterfront community either to a mass transit facility, or to some other mutually agreeable location, for example the justice center downtown where many are released on a daily basis. We proposed that as a condition of approval, we believe the hearings officer erred because there was no evidence to suggest this -- without this conditional approval there would be unreasonable threat, but in order to be good neighbors and the applicant here really wants to be a good neighbor, and I want to point out there's an issue with the charter school, and the hearings officer found that did not create any public safety threat. The applicant in this case has been making available the parking lot at 4310 to the charter school to allow them to park vehicles of the employees and the parents over there. So the applicant is interested and desires to be a good neighbor. We believe if you do the conditions of approval as amended, with the -- dealing with the direct release, we have satisfied any concern of the hearings officer in this regard. Further, there is another memo from the Portland police bureau. We do not consider this new evidence because what the Portland police bureau did, they clarified the earlier position and specifically they addressed this condition of approval that we're now proposing regarding how ice will deal with direct release of detainees. So with that, we believe that we have certainly satisfied all the criteria for conditional use and we'd ask that you reverse the hearings officer's decision and you grant the conditional use for this facility, this processing facility or detention facility at this location. I know there are questions.

Adams: Commissioner Fish, then commissioner Saltzman.

Fish: You represent the -- you represent the property owner.

Junkin: Yes.

Fish: Who represents ice in this proceeding?

Junkin: They have their own counsel who is not participating in this proceeding. I wanted to clarify, respond to the question that you asked mr. Hardy. It's the applicant that's my client. The owner of the property who is agreeable to the conditions of approval as further proposed by staff this afternoon. It's the applicant -- we don't have the federal question that you may have been concerned about, but we understand, we understand that as the applicant we can agree to this condition. It's up to us to work with the federal government and gsa to assure that we will be in compliance.

Fish: At the risk of having the city pull your authority to operate the facility.

Junkin: yes.

Fish: Is there something in the record where ice has agreed to these conditions, or are you representing for the record that they have --

Junkin: What we have presented as the supplemental conditions is in the form of ice custody release plan, seattle field office, and it's signed by the field office director natalie asher. So we believe with that it carries the force and effect of appropriate policy and plans for ice at this facility.

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Fish: One of the questions that I think we all have is in light of the focus on safety is, what has been the experience at the other ice facility? Even though it was a federal facility and therefore not subject to the reach of our land use laws, we would still have some experience about how it operated, and what its impact was on the community. So do you have -- is there information in the record before us on that question?

Junkin: Yes, there is. I believe if you look at the -- perhaps the memo of June 20th by the Portland police bureau, which is exhibit e-4, I believe, it in part addresses that issue. I can say that the ice facility as I understand it has been located at 511 Northwest Broadway for about three decades now.

When we got involved we attempted to determine what if any experiences they've had as far as detainee who may have been released negative or otherwise, and there are none. We could find no evidence, no record, we -- that any direct release of detainees at that location has ever created any sort of safety issue or concerns. Further we have letters in the record from neighbors, the neighboring school, saying that they have never experienced any negative effects from ice facility at that location which will be -- which has been operating the same way ice facility at this location has been operating -- will operate. We do have ice people here today who can either come up now, or perhaps during their own three minutes of testifying support who would respond specifically to some of these questions.

Fish: Let me make sure I have both of those documents. The ice custody release plan you're referring to is signed by Natalie Asher?

Junkin: Yes.

Fish: And the Portland police bureau memo is the August 31st memo from Commander Jarmer?

Junkin: Yes and there's a previous memo from Portland police dated June 20th, which is an exhibit e-4, I believe.

Adams: Is it fair to summarize that no client will be released into the neighborhood?

Junkin: It's fair to assume -- the -- that's correct. As I read the release plan, which the staff is now paraphrased into the conditions of approval, that under no circumstances would there be a direct release into the neighborhood with the caveat that if someone comes to the facility such as their attorney or family member and picks them up, maybe released at that point. But if that does not happen they would be transported away from the South Waterfront community to another location.

Adams: Commissioner Saltzman.

Saltzman: Well, I'll ask you, Mr. Junkin, but maybe I have to hear from ICE itself, but in looking at the revised conditions, the idea -- I guess given the hearing officer's concern was maybe a minor one, but did find maybe some unreasonable risk to directly releasing people in the neighborhood. The condition being proposed that a person could be released if they're going to be picked up by a relative or friend or attorney or NGO seems problematic to me, and I want to ask you to consider, or your client, would you consider a condition that would require, and I've got it written up, that ICE would have to transport the detainee to the transit-free zone, which is a border which I can provide you a map, and I think that may mitigate some concerns people would have about people waiting for people to be released in the neighborhood. So rather than having that option simply say that these two to three individuals a week that would be released would be transported by ICE to the transit-free zone, which is basically downtown to the north --

Junkin: Commissioner Saltzman, I think that might be better addressed to ICE. My understanding would be that if someone was coming to pick somebody up at the building that person -- the detainee would wait in the building until that person arrived. So if their relative showed up they would not leave the building until the relative showed up and come to the building and at that point would be released to them.

Saltzman: My concern is the relatives or family could be hanging out in the neighborhood until they get that phone call.

Junkin: Yes.

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Saltzman: And that reflects some of the concerns that people who are in school or have students --

Junkin: We didn't understand that the concern was that some relative or attorney for detainee would constitute a safety threat.

Saltzman: I'm asking whether your client would consider this modified condition of approval. You don't have to answer that now. You can take it under consideration.

Junkin: Ok.

Fritz: Is somebody from ice going to testify?

Junkin: Yes. And they will have their own time, or -- are there any other questions? The applicant again, we appreciate that these are conditions on the applicant, they're important to the applicant to make sure these conditions is approved with these conditions are lived up to in order to maintain the building.

Adams: We'll now hear from supporters of the appeal.

Parsons: We have a few on the list here.

Adams: Do we have a fourth? No? No fourth? Who's next on the list?

Parsons: david august.

Adams: Who would like to go first? I can choose someone. I choose you. The smartest one gets to go first.

Elizabeth Godfrey: Thank you. Good afternoon, mayor Adams, commissioners. My name is elizabeth godfrey, i'm an assistant field office director with ice with oversight responsibility for the criminal alien program in Oregon and southwest Washington. I'm here this afternoon to address the safety concerns surrounding the release of certain ice detainees from the proposed ice facility on macadam avenue. The issue before the Portland city council today. From time to time ice releases certain eligible persons from custody pending decisions on their removal cases. Release eligibility is based on a combination of factors, including danger to the public, flight risk, length of time, persons lived in the united states, what their ties to the community are. Immigration status of any immediate relatives, eligibility for relief from a removal order, health, and other humanitarian considerations. As part of the process, telephone calls are permitted for detainees to arrange for transportation away from the facility upon release. We're also prepared to transport to a mass transit location or other mutually agreeable location within the city of Portland. Those detainees who do not have someone pick them up from the macadam facility. As circumstances indicate, we may also provide funds sufficient for transportation fair when and if necessary. It may be helpful to put the few direct releases of ice detainees in context with other law enforcement operations in Portland. The Multnomah county sheriff's office staffs and operates the Multnomah county jails, including the Multnomah county detention center, mcdc, in downtown Portland a couple blocks from here. All Multnomah county custody releases occur at mcdc and average about 90-plus per day. According to monthly jail report for july 2011. Far in excess of any direct releases of ice detainees. Most ice detainees considered for release will be noncriminals. However, the few that are criminal aliens will not be subject to active and/or extraditable warrants and will have served their time and have the right to be in public and walk the streets of Portland. The ice custody release and security plans were reviewed by the Portland police bureau. The bureau concluded and has stated on the record that the proposed ice facility and operations will not pose an unreasonable safety threat to nearby uses and residents. I hope that this information satisfies any concerns over the direct release of ice detainees. It is our aim to continue to be a good neighbor and an asset to the community by enforcing the law and ensuring that the individuals in our custody are afforded basic human decency and the due process that they are entitled to under the law. Thank you.

Dan Brown: Good afternoon, I am here representing the u.s. General services administration. My name is dan brown. We lease space for federal agencies across the nation and specifically in this case we have a lease were lindquist development and support ice in this project. We also have a very positive relationship with the city of Portland in locating multiple projects in the city,

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including the hatfield courthouse, the pioneer courthouse, and most recently, the edith green wendell wyatt high performance green building. In addition to that, we have leases in 33 buildings in the area all allocated in the central business area. Most recently the sister service to immigration and customs enforcement was requested by part of this city council to be relocated into the central business area which gsa was happy to do as part of our executive order mandate and executive order signed by jimmy carter in the '70s that says we have to relocate agencies in the central business area. Ice is also satisfying that requirement and we feel that they have met the safety conditions that were presented by the hearings officer. They've updated their release plan and it's been reviewed and concurred on by the Portland Police bureau as a safe for the residence in the area. I think the evidence from the 511 building from 35 years and as -- there's also a letter from the pacific northwest college of art that attests to their neighborhood involvement in the pearl district that they haven't had any issues. So we urge the city council to grant the conditional use permit, and feel that it is valid. Should the city not grant the conditional use permit it does have a ripple effect on the larger community because we have the intention of doing a public benefit conveyance of the existing 511 building to the pacific northwest college of art for restoration of an historic structure and the public benefit conveyance to the city of Portland for the continuation of the park blocks in the pearl district. So there's a great benefit for the greater community of Portland. We urged that the facility is safe, the citizens will be protected, ice we're confident in ice's ability to do that and we support the project and ask that you approve the conditional use permit. Thank you.

Fritz: Question for the city attorney. Were those two letters that were referenced, were they part of the record for the hearings officer?

Rees: It's my understanding they came in since the hearings officer's decision. And we're actually at this point just trying -- working to not interrupt people's testimony, keeping -- we're talking about things that we think may or may not be in the record. And i'm quite certain the opponents of the application had some concerns about the letters and will express them during their testimony.

Fritz: Thank you. One more piece for my information, is the record from the previous case that came to council. Is that part of the record for this case?

Rees: Meaning the design review -- is the design review record -- no, it is not.

Fritz: Thank you.

Adams: If you could interrupt, i'd appreciate it.

Rees: I'll interrupt if you'd like.

Adams: Otherwise i'm not sure which pieces of which speaker is of concern. If you don't interrupt I feared the process will go longer.

Rees: It is my understanding from mr. Hardy that two pieces of information cited by ms. Godfrey are information that he does not believe were before the hearings officer. Both of them relate to Multnomah county information, one was july data regarding Multnomah county custody releases, the other is information regarding Multnomah county detention procedures. Is that correct? Ok. Those are the two.

Fish: Those are not part of the record, but the memos from the police bureau are part of the record.

Rees: The june memo from the police bureau was part of the record. The august memo from the police Bureau was not in front of the hearings officer. It came in in august, which was after the hearings officer's decision. The applicant has asserted that that does not contain new evidence. I assume that others may disagree with that characterization.

Adams: That's contested. Ok. Sir?

Pat Prendergast: Pat prendergrast, southwest bond avenue, Portland, Oregon, 97239. I'm a resident of south waterfront and i've also been a resident of the pearl district and was involved in its development as I testified before. Just a brief comment to put it into perspective from where a layperson sits, and not to be redundant with prior testimony, this facility has been where it is for 35 years without incident. There's no record of any incidences there. It is not nearly as secure as this

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new facility will be. And it coexists with multifamily rental housing, as I testified before, in a mixed use neighborhood. There's additional facility across the street that's just been completed by the pdc or housing authority. There have been montessori schools on the park blocks adjacent to the facility, immigrations used to cotenant with ice, they're moving further into the pearl. To be able to move from the pearl district in northwest Portland to a new facility in southwest Portland both part of the central city, both operations similar less the immigration piece, it is puzzling why there is so much misinformation out there in prior testimony the chairman of the land use subcommittee for the neighborhood association has made comments about it being like Guantanamo. He's also made reference to the fact that they would have never allowed a facility like this in the pearl district, which made me realize he didn't know where the current facility really was. It's a shame that information like that, and I've said this before, was out on the street and not brought to everybody's attention prior to these appeals. It is not -- it is a very minor move from one end of town to the other end of town with a more security facility doing the same thing without any safety problems, or issues, or oversight by the city. It's because it's going from federal ownership to private ownership. It will add tax base, add all the things that private development does, and create jobs, and -- it's frustrating as a citizen and as a resident of south waterfront to try to understand why there's a problem with respect to safety concerns. When there have never been any safety issues. We've spent a lot of time on it, and a lot of money with legal counsel. So I hope you will support the appeal from the applicant.

James Gronewold: I'm primarily up here as the -- I'm James, currently employed as the -- from immigration customs enforcement. I'm the contractor office representative at the detention facility in Tacoma, which we operate, a 1575 bed detention facility. I'm the local ICE representative on this project, project manager here. And I'm basically up here to answer any questions that you might have with Ms. Godfrey in terms of this application.

Saltzman: I have a question. I believe you were -- last time we visited this I think we had the conversation that the four holding cells or holding rooms, whatever --

Gronewold: They're holding cells.

Saltzman: Have a capacity of some 30 to 40 people each?

Gronewold: No. The total capacity of the holding cells is 75 people.

Saltzman: The total of the four.

Gronewold: All four of them, if they were completely full. I think within the context of that discussion, you need to take into consideration that generally we only have 10-15 people are processed through those temporary cells a day. And within that context we have those cells have various sizes, so we have customers that include females, males, juveniles, could be a juvenile, people with disabilities. So, for instance, two of those cells are laid out to accommodate individuals with disabilities. So, for instance, we could have -- you could have four bodies and all four cells are occupied. So the fact it has the capacity of 75 doesn't mean that there will be 75 in there. It's just that we can't, for example, we couldn't contain -- we couldn't detain a juvenile with a nonrelative male or nonrelative female in the same cell.

Saltzman: Do all people that are processed through this facility arrive from transportation from ICE through the sally port?

Gronewold: Anybody that's -- anybody -- our primary feeder for this facility is our criminal alien program. So those individuals are coming to us from local jails, state institutions or federal institutions within the state of Oregon, four counties and Southwest Washington. And they'll come via transport, it could be a bus, it could be an airporter, or could be a van. Those are all designed for the transportation of detainees. Those detainees are secured within the vehicle, the vehicle goes into the sally port, the sally port door closes, those individuals are exit the sally port into actually immediately into a search area, and you have to remember that within the context of that, what you're classifying is a detention facility, which we don't classify that, we basically classify it as a

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processing area. Tacoma is a detention facility. Basically those individuals -- every exit and entry into that particular area has a design we call man trap. So you have basically a box with a door on each end.

Saltzman: I think we've covered this last time. It's in the record. I guess I wanted to maybe now ask ms. godfrey, i'd earlier proposed a condition that anybody released would be transported to a mutually agreeable site in the Portland -- i'm modifying it from what I said earlier, but -- which is one of the conditions you've submitted. Is that something that if we were to make that the condition that people released are transported by ice to a mutually agreeable location?

Godfrey: I would not be in a position to agree to that. The release plan that was developed and signed by our field office director is my boss in seattle, and any kind of condition like that that theoretically could impact the legal rights of the individuals in our custody I think would have to be vetted by our ice counsel.

Saltzman: When you say theoretically --

Godfrey: If we are releasing a person and they have a family member there that is planning on driving them away from the south Portland neighborhood, the idea that we wouldn't allow that to take place and we would force them to be released at a different location, I think could theoretically have some legal impact. I'm not an attorney, i'm not in a position to address that.

Saltzman: Fair enough.

Adams: Go ahead, commissioner Fritz.

Fritz: I have a clarifying question. You mentioned that some detainees who would be released would be noncriminals and some would be. What's the proportion of folks -- the detainees that are brought to the facility that have a serious crime versus a traffic stop or something like that? Do we know that?

Godfrey: Actually no, I don't have the statistical -- that statistical information. But again, mr. Gronewold has already testified the people we're bringing in, the 10-15 we're bringing in for processing have come from county jail facilities from a state correctional institution from the bureau of prisons. We cover the entire state, although the Portland suboffice covers marion county through clark county Washington and all the way over to the idaho border and down harney county. We have two other satellite offices that handle other parts of the state, one in eugene and one in medford. So at a minimum the person was arrested as a result of probable cause to effect an arrest, charged criminally, they may be released to a detainer that we place, without being convicted for whatever crime they were arrested and charged with. Or they may have been convicted previously or just been convicted and served their time. I did not come prepared to give a breakdown, and I don't know what you would consider to be a serious crime.

Fritz: That's a good explanation. You couldn't put more of it into the record anyway but that gives me a better understanding of the range of people who would be detained. And you had mentioned earlier that if there was a serious concern about safety, that that wouldn't be somebody who would be eligible for release.

Godfrey: Right. Keeping in mind we have to operate it within federal immigration law. And what one person might consider to be a very serious offense may not have an immigration implication at all. But the likelihood that we would have a person in that situation in our custody would be slim.

Leonard: Excuse me, mayor Adams, can the witnesses speak more direct into the microphone? The last part is breaking up. It's hard to hear.

Adams: Thank you, commissioner Leonard. Additional conversation with this -- all right. Thank you. Appreciate it. Do we have more?

Parsons: One more. David august. Mr. August. Right up front. Welcome back.

David August: Thank you. Good afternoon, mayor and commissioners. I didn't expect to be called quite so soon, but did notice the list outside for supporters was rather short. So my name is david august, I live at 300 northwest 8th avenue, the reason I mention that is that for the past 14

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years I have lived within two or less blocks of the current ice facility, so i'm well acquainted with that site. I just want to put that in there for the record. And i'm going to urge you to support the appellant and approve the conditional use, and i'm going to focus really in on the hearings officer's decision, because I think that's what the appeal is about, and the one issue of direct with release of detainees. So looking through that record, and spending a lot of time trying to read the testimony, on page 33 of the testimony, or of the decision hearing -- the hearings officer's report, i'm quoting no evidence was submitted that individuals released from ice custody at the 511 southwest Broadway building have committed crimes within the Pearl District or that they are more likely to commit crimes when released on South Waterfront. Rather the Portland Police have received no complaints about ice released policies and the police bureau testimony is that ice operations will not pose an unreasonable safety threat. That's a direct quote from the hearings officer's report. And I only can speak for the last 14 years, but if I want the statistics, which I don't usually, if they release three detainees a week and they've done it for 14 years that's over 2,000 detainees that have been released into our neighborhood. Frankly, I wouldn't be able to tell you who was a released detainee as opposed to someone that just walked into the ice building and just was conducting normal business. I really think that it's not a very serious issue. And I think the hearings officer erred because I think it went beyond what was required on the safety issue. I don't understand why the officer would need to start to use Wapato as a comparison when you already have evidence from an existing facility. This is not anything new. Have you a facility that's had three decades of experience and no reported incidents of criminal activity, and so I think that's not a fair comparison. I think Ms. Godfrey laid out a detailed criteria for the release of detainees, I think it meets all the criteria necessary and I would urge you to support the appellant. Thank you.

Adams: Thank you, Mr. August. We will now hear from the principal opponent. Principal opponent. Are you playing coy with me? Welcome back. If you could speak very closely to the microphone so that Commissioner Leonard can hear you clearly.

James Davis: Thank you very much. My name is James Davis, I'm the land use chair. The South Portland Neighborhood Association. I'm really amazed at what I've heard so far, but then I shouldn't be because it's probably one of the most interesting cases I've heard in 11 years of being land use chair in our neighborhood. It ranks beyond anything I can possibly say except in terms of hanky panky. My testimony is not going to be aspirational, it's going to be primarily on what I actually have in the record. Silly me, I thought, for instance, that -- this is not new evidence, it is something that Mr. Hardy didn't write. And it says something about this. It says appealing the decision meaning of course the hearings officer decision, page 30, only evidence previously presented to the hearings officer will be considered by city council. I've heard a lot about what's on the record and what's off the record and who's representing who and are you -- I mean, I have been here an awful lot of times, as you folks well know, but I've never heard the commissioner have to ask someone who they're representing. There seems to be a mix-up between the appellant and the lessee in this instance. The lessee, which happens to be the General Services Administration, and their working for ICE, is not the appellant. It's the property owner. Pure and simple. Second of all, I did bring some things for your amusement and I'm not sure if this could be considered new evidence, but apparently there's very foggy line here as to what's new evidence or not. I did present this at the hearing, to the hearings officer. It's from the Oregonian, it's dated 6-18-11, and it essentially puts everything we've heard so far into a cocked hat. Three-corner hat. In that, according to Janet Napolitano I can never pronounce these Italian names, the focus of ICE has changed. They're no longer arresting people sort of as they come basis, but they're going to be going through the prisons throughout the area, which includes Southwest Washington and Oregon, collecting felons for processing out of here. The quality of their clientele and the risk to our neighborhood goes up tremendously. We don't know how long these people have been in jail. They could be in jail from two years to 30 years. We're talking about people who have committed major crimes. That have served time and in

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the process have been found to be here illegally. So they are being held by an administrative hold so that the process can go on. And by the way, just as an aside, and this probably is new information, unsolicited, I got a letter from the district attorney that described exactly what the holding cells are at this new facility, and according to --

Adams: If it's new information then --

Davis: I don't know if it is.

Adams: Ok.

Davis: We don't know. The line is so blurred now.

Adams: Actually the line is determined by that woman sitting over there.

Davis: Well, all right.

Rees: Would it be an appropriate time to talk about what council's options are? I don't want to interrupt jim's presentation. I'm noticing the clock isn't going down anyway. Would it be an appropriate time to clarify this? Would you like that to be clarified?

Davis: Not at this particular time.

Rees: Would you?

Fish: The question is to the mayor.

Davis: Oh, i'm sorry.

Adams: Yes, I like this to be more clarified in real time.

Davis: This is an on the record hearing. Council has --

Adams: I need the clock.

Rees: It is -- the clock is stopped. It is clear that people are submitting things that at least staff -- staff does not have a photographic memory and does not know precisely what is in the record. There are things that sound to the staff as if they are new evidence. He does not believe they are in the record. There are things that if they are new evidence he does not believe they are in the record. I agree, I tend to agree with him and I also think there's some things that have been submitted since the hearings officer, which makes it more likely they contain new evidence if they have data in them rather than simply argument. Council's option is, one, they can -- people here can identify things that they believe are new evidence, we will list them and council will say, we will not consider -- 6-18-11 article by janet napolitano because that is new evidence. Or council can say, we have received varying things that people allege are new evidence during this hearing. The way to remedy that is to allow people after today's hearing seven days to rebut anything that they believe is new evidence. Those are going to be the two options to council. At this point council probably needs to give some guidance because I think if your intent is not to allow new evidence it sounds like the people testifying need to know that.

Fish: I don't know -- I can't remember the last time we took this up, but the idea that -- The idea that the report would remain open and people would have a chance to rebut or sanitize any question of unfairness if something wasn't rebutted seems to be reasonable. I'm finding some of these lines hard to follow and we can't prevent someone from testifying starting to go into their testimony, potentially referring to something outside the record, then it becomes part of the record.

Adams: I don't want people to wave it to be so blatant about it. If you know it's not -- if you know it's new information, then again, don't do it. If you're not sure, I appreciate you flagging that you're not sure. And we will leave the record open for clarifications. But I also want people to adhere to the rules as much as you possibly can. So please continue.

Davis: That's most generous, and I appreciate it, mayor Adams. This 6-18 article I did use in testimony in front of the hearings officer. And I would enter it for your perusal so as to substantiate my claims as to the quality of client that ice will now be having at that particular location. One of the things we keep hearing is that the 511 building and the 4310 building are analogous. I don't think so. Although the 511 building is on everett and broadway, it's really more focused towards the old town area. The proper pearl district is approximately a quarter of a mile to the west. This is

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not new evidence, but it is documentation as to what we should really be looking at here, and I submitted it earlier, it's called solicitations for offers, it's dated 9-14-2009, and first of all, as of that date, everyone knew exactly what the facility was going to be. Because it says, this will be an investigative office and detention removal facility with supporting administrative offices. Pretty clear that's what this document is all about. Secondly, it says, ice cannot be located within 300 feet of a u.s. Customs or immigration services, nor education or religious or facilities that contain majority of [inaudible] tenants. That's pretty clear. That's pretty much black letter. It seems, however, that the way I read english and the way it's practiced at this particular level is somewhat different. Also, the space must be within the delineated area of the central business area of Portland, Oregon. Not central city, the central business area. That's why it's at 511 right now. And in terms of location, it also says that the space shall be located in prime commercial office district. No matter how you cut it, 4310 is not prime commercial office. These are some of the problems i've been having with this thing. I'm going to shut up and let mr. Daneman talk now.

William Danneman: William danneman, i'm also with the south Portland neighborhood association. I'm the one that came across all these articles that some people call addendum, and some people call new evidence. A rose is a rose. These -- I was brought in front of the hearings officer because mr. Davis had to leave, and he specifically went over me from top to bottom that no later, not one second later than 4:30 p.m., july 18th will end a new evidence be accepted -- will any new evidence be accepted. Period. I'm in front of the crowd like this and he's telling me what I have to pass on. So I remember that date very specifically. Yesterday I go to check the file, just on a whim, my goodness. I have things august 17th, september 19th. September 15th. August 31st. Those by any stretch of the imagination, are new evidence. One of them happens to be the plan from ice. It was skillfully intertwined with the information that was submitted by the applicant. There's also a letter from gsa, new information that was not there at -- during the hearing. And also unfortunately to say, the police memo, august 31st. That cannot -- that's a classification of what they had. We would not be here today if those information were available to the hearings officer. Because those are the points that he found lacking. So this is a new application. This isn't the same application that the hearings officer saw. All of a sudden these folks roll the dice, we are only going to give you the information we think you want to know, and they lost. Now all of a sudden they're coming in trying to change the game. If we don't have something on which to base our beliefs in, which is the city code and our city representatives, then there really isn't much. And --

Fish: Can I interrupt you? I want to make sure I understand. You said, and I don't know what is or is not in the record, So --

Danneman: It's right here.

Fish: You just said words to the effect of, if this had been put in earlier, or more timely we wouldn't be here today.

Danneman: By july 18th.

Fish: You said we wouldn't be here today. I do take that to mean that you would have been satisfied with the representations that were made on safety issues and therefore you would not have felt the need to pursue this matter?

Danneman: No. I wouldn't have been satisfied but the hearings officer would. And therefore we would have had to accept their decision. I wasn't -- possibly. We can't say what ifs. That's like saying, we've never had an incident in that part of town. You're going to guarantee me, are they going to guarantee there's never going to be an incident in south Portland? You shouldn't play the what if games, because nobody wins. It just does a disservice.

Davis: If I may point out one other thing quickly, at no time today have we had anything where there's verification. I find myself in a very strange position quoting ronald reagan. But he did say, like, trust but verify. Nothing I have seen -

Adams: Is ronald reagan in the record?

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*****: That's good.

Adams: I don't recall that. I think I would remember that.

Davis: He should be, then.

Fish: We appreciate this dialogue, but I just want to go back to what our job is. And my understanding is, the standard is unreasonable risk. Are we in agreement on that? Unreasonable risk? So that's what we have to -- we have to review the evidence and determine whether there's an unreasonable risk. Not a risk, because you said trust but verify, there could be a risk, but I believe the code specifically refers to an unreasonable risk. So I think we're in agreement, we're bound by that code provision. And we have to judge the evidence based on that.

Davis: However, all your information is based previous to this new change and focus that ice has taken in the last 60 days.

Fish: We do have the June 20th letter from the police bureau. In terms of the plan, that's your argument, but we do have in the record the police bureau position on this, on the question of whether it's reasonable or unreasonable. That is -- that I believe is in the -- it's dated before the date of the hearings officer's decision. So I'm going to assume at this point it is part of the record.

Danneman: They didn't -- they were not privy to any kind of a plan. June 20th. That's why it was that vague. They did not have privy to anything until their August 31st submission. Which is -- which states we don't have the authority so we don't want to get involved. But there again, I'll reiterate, if you don't have any verification, since you -- this is the applicant is Lindquist. It's not ice.

Adams: Just so that I'm clear, verification of what?

Danneman: What the applicant said he was going to talk to Ms. Godfrey about. Who said I can't make a decision on that. Which is the plan that has been submitted. This is their plan.

Adams: My understanding of that was that that was Commissioner Saltzman asking for Ms. Godfrey to react to his potential amendment or condition of approval which is different from what I understood you to summarize that exchange.

Danneman: There's no way to verify if they are following any of their plans that you submit. Once you approve, if you approve, there are actions you'll never know until the worst case scenario might happen.

Adams: The city has a code and any citizen can call in and I have a feeling based upon folks around the room, this will be watched closely and any citizen can call in. Seems to be a new service to a lot of folks to call in and say a code provision is being violated and we investigate that.

Danneman: How can you go on to a federal facility.

Davis: It's essentially federal and you don't have any -- you essentially, you lose your ability to control that area.

Adams: I'll ask the city attorney for their thoughts on that. Did you have other things you wanted to say?

Danneman: I wanted to reiterate all of that information is new evidence and you need to at least consider not using it or put a brake on it and come back in a week or two weeks. Which in this document they've said they're willing to come on October 5th. That was of the applicant. On here, on the record. So if -- if -- to get this all straightened out, what the difference is between new evidence and old evidence, I think --

Adams: We'll wade through new/old evidence and you'll have an opportunity for seven days afterwards to clear the record up. Is there additional comments you want to make substantively?

Davis: I think I've said enough.

Fritz: I have a question, mayor.

Adams: Commissioner Fritz.

Fritz: Thank you. At the hearing, was the issue of the record of the 511 building brought up?

Davis: It has been always brought up as being a non-issue.

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Fritz: But it was discussed -- was it discussed at the hearing?

Davis: Yes.

Fritz: Thank you.

Adams: Thank you both very much. We'll now hear from opponents of the appeal. How many people signed up?

Parsons: We have 13. And i'll call you four at a time.

Adams: Welcome, glad you're here. Miss tinker, would you like to begin? Be sure and give us your name and you have three minutes. Three minutes.

Irene Tinker: My name is irene tinker. Professor emeritus. Department of city and regional planning, university of california, berkeley. I've testified before you and also at the hearing office about what poor planning this whole thing has gone into. I would like to just before I make my final point, I want -- I have four -- three issues just to comment on the comments. There's been a lot of discussion about how important it is to keep the ice facility in Portland. But I haven't heard anyone discussing why it couldn't be moved closer to an area under -- nearby the fremont bridge where it's still industrial. The second point is a lot of discussion why the pearl isn't like the south waterfront. The pictures all show the area around the ice facility as being primarily zoned for small industry. That is because all of those areas, most of whom -- many of which are blank -- are not occupied or are not developed, are being held by the developers, whoever owns the land, because of property values going up in south waterfront. Largely due to much of the investment that the city itself has done to develop the south waterfront. This is to be the new beautiful area of reclaiming bad land, and yet, here you are putting what is -- looks -- if you look at it, looks either like a parking garage or a bunker at the main entrance to this new area. And this is one of the reasons, I think most of us are feeling it's very inappropriate that where you're spending all of this money to have a streetcar, to have high-rise, to reclaim all of the land along the river, you're then putting a very inappropriate symbol for people to come into the area. It would be as if you put a prison right in the front of the main part of the pearl district. It's just a symbol to an area and the south waterfront, because of its physical limitations, is very -- it's like an island. So I think there's a lot of difference there between them. My point here about the problem of all of this hearing is that as a new resident of south waterfront, we have heard so many questionable information, misinformation, talk about misinformation, talk about the fact that we're told they don't know that there are so many holding offices. How can we --

Adams: Professor, your time is up.

Timker: Ok. How can we possibly trust the agreements of this very slippery group of people to do what they're going to do on -- say they're going to do on safety issues.

Adams: Thank you. Sir?

Leroy Barker: Leroy barker. Thank you for letting me testify. I live in the south waterfront. I represent myself. My wife, and a few neighbors and we have submitted written testimony and they're notified that. And this is from the record. My goodness: Yes, it is. I'm very concerned, we're concerned about the safety issues. It came it light as a result of a newspaper article, all of this has been submitted, that lindsay snow, the leasing contractor officer, gsa in a letter explained that the facility is subject to pbs order,et, number. Gsa states there's a floor plan, quote, outlines the pbs security procedures needed to reduce the risk that building information will be used for dangerous or illegal purposes. That order came out which has been amended but the basic order came out on march 8th, 2002 in response -- and this is out of the order, to the bombing of the alfred p. Murrah federal building. The order issued at that time did clearly stated there's a rising apprehension that a building information -- if building information is not restricted it could easily fall into the hands of terrorists or other criminal elements. Those plans were originally part of the public record. The planning record and later withdrawn and she's explaining why they were withdrawn. And I think it's not appropriate in a residential area as the prior speaker talked about, to have this facility which

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is downtown, which is very different than where we are. And I think the ice could not tell us the percentage of centimeters that are going to go through there. But I think with the obama's new policy, extending the -- skipping the farm laborers and picking up criminals, and that's announced, this facility is going to be a magnet for criminals and I don't think it should be in our neighborhood.

Thank you for your attention.

Adams: Mr. Barker. Sir?

Leonard Michon: Good afternoon, my name is Leonard michon. It's eight months since we spoke before you regarding the relocation of us the ice facility to south waterfront. Since then, neighbors attended a meeting at the charter school, and representatives of the building owner and the representatives of the federal government spoke. We also presented oral and written comments to the hearings officer. And we've seen progress made on improving the north end of moody avenue. I can say that this is the city that works. The issue that you're addressing today is public safety. The proposed security plan exhibit 8a as presented by the applicant to the hearings officer failed to address the direct release of ice detainees into the neighborhood. The seattle field office director subsequently provided an ice custody release plan as you've heard before wherein, quote, release will be affected -- effected at mass transit locations with funds for fares. There's a bus stop one block from -- on macadam and that's in the neighborhood. This plan does not provide for public safety. And as leroy spoke, the federal government issued on june 1st, 2009, a security document, pbs3490.1a in which is stated the following: Quote, the protection of federal employees, the public and its facilities has always been a priority for gsa. Since the murray federal building bombing, gsa has made a concerted effort to preempt another such occurrence. The ice facility is currently located at 511 n.w. Broadway a national historic building where safety modifications cannot be made. Bomb-proofing can be done for the 4310 southwest macadam building but that leaves the charter school across moody, the low-income and veterans' housing across bancroft, as well as the other residential buildings in the area unprotected. Ice criteria for detention facility location includes ease of access for transportation of detainees to the regional tacoma facility and central city location. With the release plan noted above, that is, quote, release at mass transit location with fare, central city facility location should not matter. The number of ice -- well, immigration staff have already been permanently relocated to the northwest Portland facility.

Adams: Sir, your time is up.

Michon: The appropriate location is in a sparsely populated industrial area. I understand the city will obtain the 511 building once ice has completely vacated. That's a great inventory for --

Adams: Sir --

Michon: But do not rush to approve the macadam location at the sacrifice and safety of city residents.

Adams: Sir.

Perry Walker: I'm perry walker. I've appeared here before. I'm opposed to this application. I have a written testimony but I listened to the testimony this afternoon and I want it change a little bit. Because I really feel sorry for you and council. You're going to have to make a decision about a building that you have jurisdiction over that's going to be leased to the federal government that has a operation that you'll have no jurisdiction over. Whatever plan that ms. Godfrey or anyone else presents to you, and by the way, the whole plan they've presented, that I read, was more of a policy. It may, you can, it did not say "you shall." there was no plan, it was more a way of going through the process of releasing the detainees, different gradations and so forth. But you're going to have to decide, are you going to permit a new building, a new facility in a residential area across the street from a school that's going to be dealing with convicted criminals that much a release policy that you won't be able to change because ms. Godfrey or anyone else won't change. That's comes down from the homeland security folks and if they change the policy on release, we have nothing to say, you on the council or we, as citizens and so I caution you carefully on this, because you might

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approve the building that you have jurisdiction over, does it set the city code, but the operation of that building is going to be out of your hands and out of our hands and many ways out of Mrs. Godfrey's hands and her staff. They take the orders from the regional offices and ultimately Washington D.C. So I empathize with how you're going -- the dilemma you're faced with here. Because we're not talking about shoplifters. We're talking about folks that are coming into the neighborhood under armed guard, they're going to be shackled. They're going to be taken into a secure area. And within a few hours, they're going to be free to walk around. Now if they're dangerous enough to come into the neighborhood, shackled and under secure guard and vans, what happens to them for two hours or three hours they're able to go out into a residential neighborhood across the street from a school, down the street from a Montessori school, daycare centers in the area, senior citizens walking and enjoying the parks and families with children, is that good planning? I submit it isn't and I would recommend that you deny this appeal. Thank you very much.

Adams: Thank you for your testimony. Thank you all. The next four.

Adams: Welcome. All right. We have an empty chair. Would you like to sit down, sir? Go ahead and sit down. You. No? You don't want to sit down.

*****: [inaudible]

Adams: I don't blame you. You might need to make a quick exit. Fourth person.

Adams: Welcome. Would you like to begin, sir?

James Rudolph: My name is James Rudolph.

Saltzman: Put the microphone --

Rudolph: Sorry. And I live on the south waterfront. I come here today to recommend to you that you oppose this revised, if you will, appropriation. And the -- proposition, and the big reason is that you have a brand new neighborhood that is just beginning to learn how to live together. And it is still expanding. We have multiple new facilities to be built and they're on the planning board and you don't know. You have no idea who are the people who are going to live there and so forth. And from my perspective, I think that we can't trust what ICE itself is going to be doing. We're talking about dealing with the landlord. Leasing the building. That's not good enough for me. I would prefer that you be -- stay your course and do not approve this thing. Thank you.

Adams: Thank you, sir. Hi, welcome.

Krista Rodriguez: Good afternoon, my name is Krista Rodriguez. This is my son. Keeping his safe is my number one priority and I'm here to ask that you make it yours too. All statistics aside about the problems or lack of problems on the Broadway building, there's no way that anyone could guarantee that no harm would fall to the nearly 200 children who attend our public school and for me, if there's any threat, unreasonable, realistic, whatever, of harm, that the government, the city, the local, the state, the federal, every element of government should be erring on the side of caution to protect its most vulnerable and in this day's case, they're our children. They have the right to go to a school they love in a safe neighborhood and I'm concerned that the safety will be compromised as they go about their business in the neighborhood. They're out every day, participating in community service, traveling on the bike path, to Cottonwood Bay and back and talking to the neighbors and getting in touch with the community and also be outside tending to our community garden plot, which are a ball's throw away from the proposed detention center. While I understand there's a need for a facility like this, I would no sooner expect it to go in any urban environment, next to any urban Portland public school as I do next to my son's school. A school should be considered a safe haven and I believe we have an obligation whenever possible to ensure student safety and I believe there are other options here. There are other locations that could fit the bill. And I would ask that you continue to tell the applicant, no, I'm sorry, it's not safe in this environment. You have to find somewhere else for this detention center.

Adams: Thank you. Sir?

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Scott Kelly: Good afternoon, my name is scott kelly. I'm a retired Portland firefighter, paramedic. Sorry, I don't have a chance to see commissioner Leonard in person today. I spent 20 years making every shift -- making every shift's highest priority the safety of Portland citizens. And I still have those concerns now even though i'm retired but more selfishly, i'm concerned about my daughter, my 8-year-old daughter who attends southwest charter school and i'm concerned for the staff and the other student that's attend there as well. I'm here to merely say, I strongly urge you to deny ice the chance to be sited at 4310 macadam. Thank you.

Adams: Thank you, sir. Ma'am?

Laura Bracke: Hello, i'm laura bracke, a parent at the southwest charter school, located next door to the proposed ice building. I previously submitted testimony about emerson's comparison in the pearl isn't apples to apples, it's block ways from the blocks. Southwest charter school is merely a few hundred feet. I understand ice is in a pinch to get a building because -- 511 broadway to pacific northwest college of art at no cost and in june, a grant of \$740,000 to pca. And the citizens who reside and work and attend school in the south waterfront desire the same consideration as the citizens in the pearl who would rather have a renovated building where ice currently exist exists. I feel the proposed site of the detention facility in the south waterfront in a residential community is inappropriate. Previous meetings and hearings including the gsa and ice building for the neighborhood association held at our school in which elizabeth godfrey attended and spoke, I left without satisfaction that I had a real working plan to ensure the safety of the neighborhood including our school. In releasing detainees and comings and goings of its operation. I urge the city council to say no to the detention center's location in the south waterfront. On another note, I would like to acknowledge how great of a neighbor I feel the old spaghetti factory has been to our school in allowing us to use their parking lot.

Adams: Thank you all for your testimony. Appreciate it. The next four.

Adams: Mr. Pearlman, would you like to begin?

Kristian Pearlman: My name is kristian pearlman, the board president for southwest charter school and here as a parent of two children that attend the school. I think most of what I was going to speak to has been covered today. Harry and Leonard did a good job of addressing the concerns with the proximity of the closest mass transit location which I was kind of surprised they actually considered that as an option. I didn't consider them loading anyone up and then dropping them a block away as a good option and so I do appreciate the idea that maybe the free zone is a good option. As far as the parking that has been provided by the lindquist group it was in response to a request I made to our landlord who is bringing in a new lease next door and has taken up all of our parking so we asked they take care of that for us and with negotiations with his broker, he did work with stu and cliff to provide parking but I felt it was something that was more of a business decision than anything other than that. Um, the ice custody release plan that has been submitted, I noticed similar to what perry noted, it was full of soft language. A lot of "may," "might," "sometimes," all things when i'm making a plan, i'm looking for a lot more concrete items. If i'm going to submit something to someone and want them to believe it's crucial to their decision, I would want to make sure they knew I meant it. As far as their suggestion that a lot of this was good because it provided an opportunity for people to be more involved in the process, I -- I have a different opinion of that and I feel during this process, a lot of the appellant's actions were of the reverse. They -- they and you would prefer if we weren't involved in this discussion at all. And in relationship to the safety, yes, history is important in safety. But proximity is important. And you know, they mentioned earlier, the what ifs aren't important but to me they are, because of the safety of my children that attend the school is extremely important to me and one time is too many. To me, if you need armed guards and shackel, which will be within even less than 100 feet to our building, you know, what does that say about the people and clientele you're serving. Thank you.

Adams: Thank you. Hi.

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Rose Kelly: Hi.

Adams: What's your name?

Rose: Rose.

Adams: Hi, rose. What would you like to say?

Rose: We do not want you to put ice by our school -- someone might get hurt.

Adams: Well, you are the cutest testifier.

Fritz: And the most succinct.

Fish: The single most effective testimony we've ever had in council.

Adams: Thank you, rose, we appreciate it. Oh, you can stay up for a minute. Do you see yourself on tv? Yeah: You're a tv star now. Sir.

Mark Siegel: Good afternoon. Mark siegel, 360 southwest parkway, Portland, Oregon. I provided testimony at the hearing before the hearings officer, and specific in my testimony were concerns about the security plans proposed by ice. In my testimony, I noted the lack of specificity about how the detainees would be addressed in that plan, i've since then reviewed the august 17th, 2011 letter from the appellant appealing the hearings officer's decision as well as the attachment custody release plan, macadam site, Portland, Oregon. It attempts to address concerns raised in the hearing, I would submit to the applicant's proposal in the attachment does not fully dross the public safety criterion needed to grant a conditional use permit per the code. The reason being that the attachment tryings to get the ice flexibility without being specific in its actual application. 5.0 through 5.4 of that amended plan attempt to meet the concern about released detainees and uses the word "may" and not "shall." and does not appear to give the level of protection to meet the criterion. And the phrase released from custody at mass transit locations, the lack of definition of mass transit location could mean to simply placed released detainees at the nearby number 35 bus stop or across -- the v.a. Facility, presently under construction. Again, where's the level of reassurance and protection for the immediate neighborhood in the plan? That concludes my remarks. I have hard copy if you would like it.

Adams: Please give it to council clerk. Anyone else wish to testify?

Parsons: Two more.

Adams: Anyone else? This will be your last opportunity for the moment, I guess depending on what happens next. Welcome. Please begin.

Tom Noguchi: My name is tom and I reside at 350 southwest parkway. I agree that the release plan is inadequate and insufficient and as characterized by others before me, it's too general in nature and uses permissive language and doesn't have the specificity that would reassure me or I believe my neighbors with regard to the safety. Issues that have been raised here. The suggested plan does not indicate who at the ice facility or the city would be responsible if a released detainee hurts a resident in the neighborhood. The proposed plan does not provide for even informing the neighborhood of the number and times of release detainees. Seems like transparency and good public policy would suggest reasonable notification of the public, especially the immediate neighbors including the two schools and one childcare facility. In short, the ice jail and proposed plan does not provide assurance for reasonable safety of the public. It does not provide the specific points of responsibility and we all know that past history or past performance does not guarantee future performance with regard to the comparison to the facility at the existing federal building. So I would recommend that you not provide for the conditional use of this particular building. Thank you.

Adams: Hi.

Chanda Stone: Hi. Mayor Adams and members of the city council, thank you for allowing me to speak on this issue today. I'm a Chanda Stone, a parent of two southwest charter school students. I also work for the city of Tualatin. I attended Portland state university in geography and urban planning and I feel i'm well versed in speaking to you today. I would like you to reconsider -- like

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you to continue to deny the continual use of the ice facility proposed. I consider this on many points which have been pointed out today. One, i'd like to highlight, they say it's across from moody avenue. Moody avenue runs and then dead ends there and becomes a bike path so it's not across any street. It's across a bike path. So it's right next door to the southwest charter school. And also, I know that the southwest charter school is zoned as a cxd right now. But I would think that the city council would think they need to rezone the school at some point and I know that's not necessarily part of this issue but that would be something you would take into consideration. Also, looking at the vulnerable populations. We have a school, daycare, veterans and the elderly and releasing to the mass transit just as they were pointing out, there's a bus, there's the streetcar, there's also ohsu that has the tram there that goes up to doernbecher which is another vulnerable population. A lot of people park there and take the tram town their appointments. That's another population. It's pointing to me for a sense of place. This is the south waterfront, it's a new neighborhood and this facility is really based on a couple of things. If we look at the motivation of the owner of the building, it's an economic motivation. He'd like to have a renter in there who is going to be stable and provide money for a long time. I understand that. That's a valid reason and then ice needs a building, also an economic reason. It's a good facility for them. But we're looking at our motivations and they're safety, liveability, and a sense of place and I think those should outweigh economic concerns. Thank you very much.

Adams: Thank you. Thank you all. Can we have staff come back up?

Adams: Commissioner Saltzman.

Saltzman: A couple of questions. And I guess I have a legal question too but i'll save that. You've taken the ice custody release plan and you word-smithed into language that you believe the bureau of development services can enforce as a condition of approval?

Douglas Hardy: Right.

Saltzman: For one thing, you changed the word from ice "may" -- Release may be limited to designated release times? Ok so you kept the may. What gives us the authority to review the logs. Compel the production of a log when the detainees are released and review that log?

Hardy: Two points, I guess. Number one, for that particular item, you identified 2b, may be limited to designated release times. Doesn't say will be implemented. So I think that may be the more important verb there. That it will be implemented under the following conditions. So it is a "will."

Saltzman: Ok.

Hardy: Um, and in discussing with the property owner's representative, they had indicated that they can maintain a log but ultimately that's up to -- from the sounds of it, ice, the attorney speaking today was speaking for the property owner.

Adams: I'll have to pause you. I made a mistake. I need to allow for five minutes rebuttal by the applicant and then we'll talk to -- sorry.

Hardy: Ok.

Adams: Sir, you have five minutes.

John Junkin: Thank you, mayor Adams. John junken on behalf of the applicant. Hopefully we'll be briefer than five minutes. I appreciate there are a lot of issues raised and it's unfortunate that people are so angry they just won't -- just won't trust government. We have to live with that. I want to clarify that --

Adams: We do live with that.

Junkin: I know you appreciate that probably more than most. I want it clarify i'm speaking on behalf of the applicant. This is an application for a development, a private development by a private party. We should be treated like any other private applicant, private developer. Including conditions of approval. Like my client is agreeable to the language as proposed by the staff for the release of detainees, people have been focusing on the language in the policy. I can appreciate that,

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it uses some permissive language, as they say. That's ice promise. My client is agreeable to the language as proposed by the staff in the conditions of approval. That we will these people away and maintain a log. We recognize we have to deal with the tenant on that tissue issue. That's an issue between us and the tenant to deal with. Commissioner Fish raised a question about federalism and whether the city can enforce certain conditions against the federal government. We don't have to go there. You can enforce them against my client. My client is one at risk here and my client will protect ourselves hopefully, that the federal government will do what's required.

Fish: An agreed upon requirement of the log and your tenant does not comply with that, the risk is that the city could address that by revoking your permit.

Junkin: Yes.

Fish: Several people testified about the number 35 bus stop and were concerned that would qualify as a mass transit location which would technically comply with that. Could you address that?

Junkin: Yes, as a matter of fact we received the policy, the term mass transit is there and I should divulge i'm a resident of the south waterfront neighborhood. There's a streetcar and bus line nearby and I conferred with the ice people and it was not attended the use of that bus stop or streetcar as mass transit and we need further clarification, that's not included, we can work on that language.

Fish: We've had testimony that the language is vague and in light of what your client is willing to tighten on this, I think some clarification is useful on the record.

Fritz: Presumably in the -- the released person happens to live on the number 35 bus line, you would let them catch the bus to go home. Just a thought.

Junkin: It would seem appropriate, wouldn't it? And if they lived in south waterfront, they could walk home, I suppose. A lot of issues have been raised, we're the applicant, a private developer, private property. The city like any other application for development can enforce conditions of approval. We're agreeable and we realize we have a issue with the tenant, that's our issue and we'll deal with that. We believe though, getting back to the hearings officer's decision, the hearings officer made a decision to deny on the sole issue of release. And said there was a lack of position taken by the Portland police bureau on that issue. As I pointed out in my initial testimony in the record is a june 20th memo from Portland applicant saying there's no concern opposing -- posing a unreasonable threat for the location of the detention facility. That satisfied proximity to school and similar issues and said they didn't specifically address the direct release. We've come back with evidence of conditions of approval, that were agreeable to address that more recent memo in the Portland police specifically says it's a clarification of this question. Whether it poses an unreasonable risk. The reason they're clarifying and say it again, it's not an unreasonable risk after specifically now we're looking at the direct release of detainees and we think it does not pose a unreasonable risk. We think the hearings officer was in error when he denied the conditional use, based on not having information he wanted when there was plenty of information to support our position, but we believe we've addressed his concern by addressing the direct release of detainees and specifically having the recommendation or the position of the Portland police bureau on that issue, we've addressed that. We think we're in compliance at this point with the concerns of hearings officer. We don't think it requires new evidence or require -- clarification by the police bureau and that's before you. With that, unless there's questions, there were a lot of issues raised --

Saltzman: I have a question.

Junkin: -- concerns, but --

Saltzman: One the condition, says ice will maintain a log of all detainees released at the site and that log shall be made available to bds compliance staff in situation where is there's complaints received. You're the applicant, not ice. How can you put language in that says ice shall do this and shall do that?

Junkin: We can't proceed with the development unless we can comply with the terms. We'll have to work that out with ice. We cannot do the development. Ice is not the applicant here.

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Saltzman: Probably isn't, but I guess it's -- it sounded a little bit to me -- and i'm not a lawyer, not even an land use expert. Sounds a little bit like a parsing of words or a little bit of a subterfuge. You're not ice. But you're committing ice to do x, y, z.

Junkin: No, i'm committing --

Saltzman: Ok. We can revoke their condition of compliance.

Junkin: I'm only committing my client, the applicant to do that. We have to get ice to go along or it's not going to happen.

Saltzman: The question I was going to ask douglas hardy, how does the bureau of development services have the authority to compel from ice and the answer from you is we don't.

Junkin: They don't. They compel the property owner.

Adams: Let me try to -- I appreciate that, but if -- can you hand me that? If our code compliance officer and I have a feeling this will be watched closely and there will be complaints on a frequent basis that we'll follow up on. If you, your client, cannot produce an ice showing the post -- if not -- if you cannot produce evidence that ice is complying with two -- with any of these provisions, where they're mentioned, if you cannot produce evidence that satisfies our compliance folks, we will -- we have the right, potentially, to say you're out of compliance with the conditional use permit and, therefore, we go after you.

*******:** Right.

Adams: Which means, you, now, in terms of follow-up, do we have standing or whatever the right word is, to shut the place down?

Rees: We have code provisions in place for enforcement options. One of which is to revoke the permit, which means they have no longer the ability to have the use of the site -- they'd be operating without a conditional use permit.

Adams: It's the same as if we require a business to show that the building they're occupying is complying with other regulations from other bureaus like let's say, fire, what have you, which are the responsibility of the building owner, so the reverse of what we're talking about here? I just want to make sure that you said if you're unsuccessful in getting ice to comply, I want to hear from staff and maybe we're done with you, I don't know.

Fish: Can I proceed.

Adams: That we have the right for enforcement, including all the way up to requiring them to leave.

Fish: In the time I've been on council, my understanding is what we normally do is put conditions on the applicant. We don't -- we don't imagine future lessees or a change of title or something, we say the applicant and the applicant is then required to conform and if the applicant puts another tenant in, the same conditions apply and our recourse is against the title holder. In this case the land owner. The applicant -- i'm trying to put this in plain english so I understand it. The applicant is seeking permission to do something that is not as a right under our code. The applicant is making representations to us if -- if -- if we give them -- your client the right to do this, he or she will enforce these provisions and if, and our recourse is against you and your client. And if the client is out of compliance, we have the right to shut -- shut the facility down and revoke the permit.

Junkin: You have a variety of remedies.

Fish: My understanding it's the applicant over which we have the right to enforce the code, not a lessee or someone who it's been transferred as long as title stay with the applicants, that right?

Junkin: That's right. If we put a tenant in there as an -- as an applicant who was going to have a use not permitted in the base zone, you would come after me, not the tenant.

Saltzman: If we approve this today, you would have to return to us with an agreement signed by ice that complies with the conditions that the applicant, you, are agreeing on their behalf?

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Junkin: You didn't ask for that. You asked for the conditions of approval that requires the applicant to do certain things. My client will have to deal with ice and make sure within the lease agreement the proper language is -- i'd advise my client—to protect my client.

Saltzman: Is it proper to make a condition of approval that we review the lease agreement?.

Junkin: Do you want to start down this slippery slope. You have a lot of applications in here of applicants with tenants-- i'm not aware of the city taking that position that you want to start reviewing leases.

Saltzman: Seems to be the crunch point here, for me anyway.

Junkin: But that's done in any case, where a developer comes in for a shopping center, do you want it review all of the leases?

Fish: We don't actually deal with a lot of these applications involving detention facilities and don't often as a matter of land use matters -- issues deal in such detail with safety considerations. So I think -- I think since there's a public safety component and a fairly unique question about the detention facility, which, by the way, the council unanimously recommended against the original advice and said you've got to have this hearing because he we think it is a detention facility, this is a little different and so having something in writing as part of a follow-up seems to me to be not unreasonable and i'm not sure we would ask around routine land use matters --

Adams: It is sort of a belt and suspenders, to your -- and what commissioner Fish is arguing is that that might be appropriate here. The other reason why it might be appropriate, is because we are -- and for those of you not used to dealing with these kind of issues, the federal government if they were to buy this building, we wouldn't be having this hearing. When they own property, they supersede local laws, for the most part. There's more safeguards being built into this than you normally would get. These safeguards are not in place for those who live around or work around the emerson school that's by the 511 building. Thank you.

Junkin: If the council is inclined to proceed down the path of getting assurance that the tenant is agreeable to complying, maybe the lease is just a letter from ice at some point, I think --

Fish: Something signed by both parties and it's not our job to tell you what the form is, but whether it's a lease or separate document.

Adams: Affidavit or something.

Fish: But something that memorializes the commitment, particularly, since while you're on the hook if these conditions are violated, you're impliedly saying they're acceptable it your tenant and your tenant should have no quarrel in putting it in writing.

Junkin: It's quicker to get my client, a private party, to agree than ice and the federal government to run up the chain of command to see if they're comfortable.

Adams: I have a feeling they'll find a way do that.

Saltzman: We're patient.

Junkin: We want to get the project moving.

Adams: We used the word "affidavit," so I would not snatch victory out of the jaws of defeat. We modified not lease but affidavit.

Rees: Before you bring up staff, may I ask for a clarification. Is the idea there could be a condition of approval that requires the two parties to submit something signed agreeing to those, not like they would in the next week or two, give you something before a decision is made. I'm trying to figure out if you're asking for a condition of approval or asking for something that may be new evidence.

Fish: I think a condition of approval.

Adams: Condition of approval.

Rees: Ok.

Adams: Mr. Hardy, could you come back up. What we clarified by the discussion up here, are you ok with that as our lawyer? Some sort of affidavit or declaration, something that --

Rees: I'll work with staff on some appropriate language.

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Hardy: Douglas hardy with bds. For fear of maybe oversimplifying this -- the proposed language that ice maintains a log of all detainees released at the site if that were reworded to say a log of all detainees released at the site shall be maintained without reference to ice, that by itself is saying that somebody has to maintain a log. If in the event that there is a complaint filed with bds compliance - - compliance services, compliance services will be going after the property owner. So i'm just wondering if it's really necessary to have that condition of approval. Because as was stated previously, if -- if that condition is not applied that somebody is maintaining a log --

Adams: Why are you making this suggestion?

Hardy: I -- just in terms of possibly simplifying the need another condition of approval.

Fish: But your proposed language, specifically says ice will maintain and all the council suggested they would like to have that confirmed by someone other than the applicant, because otherwise what we're entering into potentially is futility.

Adams: I appreciate the spirit of what you're saying, but I would prefer to go with a variation of what commissioner Saltzman and Fish talked about. A declaration or acknowledgment that the tenant of the responsible party has agreed to these conditions and it's in your best interest to get a commitment upfront.

Fish: I'll speak for myself. My desire is not to create a claim or right of action through such a document -- my interest is to have ice confirm that these representations that the applicant are making are conditions they agree to adhere to.

Adams: I agree.

Junkin: Ok.

Adams: So would someone like to make a motion?

Saltzman: The only other thing i'd like to discuss --

Adams: Yes.

Saltzman: -- is the issue around -- you know, earlier I suggested a condition that ice must transport people to a transit-free zone. I appreciate ms. Godfrey's statement that that may violate legal rights and constitutional rights but since one of the release conditions may be to a transit location, and there is concern about the transit location being the 35 bus line, I guess, a block away, could we -- could we get rid of that condition and simply go with the ice may release at a mutually agreed upon location? Along with still releasing individuals at the site, if there's a --

Hardy: Well, I think at least from the testimony we heard today, that probably is not specific enough for those people who are concerned. That could mean that the agreed place is 35 bus stop and in south waterfront

Saltzman: I guess, mr. Duncan demonstrated some flexibility, maybe think about that.

Hardy: I think from staff's perspective, certainly, it may be preferable to be more specific where they are released when transported. Like the transit square zone in downtown, central city may be too broad. We have a lot of housing in central city. Are we just displacing a problem there. It may be the justice center downtown, throw something out, may be somewhere where you could say they have to be transported to, that particular location or something --

Fritz: I don't understand what the problem is that's being addressed here. If ice determined that people are safe to be released to the community, then that -- we have to make -- take their assessment for that. Where the particular dropoff point is -- doesn't seem to be relevant to me. Other than making --

Leonard: I've been listening to the discussion and I agree with commissioner Fritz's comment just now and agree. In addition to whatever concerns the federal government might have about the rights of prisoners that are released, I do agree with commissioner Fritz's perspective.

Fritz: Thank you, commissioner Leonard, and I -- the other point I want them to be able to get home, so certainly being not -- not being released in the middle of the night when transit is not

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running would be part of it. In this designated release time, is there any discussion when the designated -- there would be designated release time?

Hardy: There hasn't been any discussion on that point in terms of the times.

Fritz: My concern is that people have been in custody and as mentioned were in shackles, but now found safe to be in the community, so I want those folks to be able to get home to their family.

Hardy: Uh-huh.

Fish: I don't think the language describes the release time.

Hardy: No.

Fish: I think, mayor, if the council is ready to proceed on this, my understanding, there's two questions. One is whether there's consensus on conditions of approval and the second is agreement on if appropriate additional time for the parties to submit --

Adams: Want to make a motion?

Fish: First, council, could you guide me on the record issue?

Rees: There was the opponent to the appeal identified at least four documents they believed contained new evidence. It would be up to council to decide whether they believe they contain new evidence, whether they wish to strike them from the record and not consider them, or alternatively, given that this was advertised as an on the record hearing, they could allow all parties to have a chance to rebut that evidence, during, say a seven-day period and one or the other.

Fish: I would propose, mayor, along with you, the latter option. It's cleaner and it will avoid any problems with the record. It gives people a chance if they believe they need to be heard to be something within seven days. Do you want to deal with these as separate matters or combined motion?

Rees: Unless we want to actually -- if we give a rebuttal period to address new evidence--

Adams: Let me pause, is everyone on council fine with the seven-day, leaving the record open and opportunity to rebut?

Fritz: I'm actually not. What I've heard today and my conclusion is based on things that are certainly in the record. Particularly the June 20th memo from the police. The fact that the appellant -- the opponents of the appeal agreed that the 911 building safety record was raised at the hearing. So those two pieces of evidence are what I'm basing my decision on, also with the code requirement that the council is required to approve an application if it meets the approval criteria or can be conditioned to meet the applicable approval criteria and what the staff proposed as new conditions of approval are not the same as the new evidence in the record. It may be based on it or agreed to by the applicant, but that would be what we would be doing anyway, asking the applicant do you agree to those proposed downs of approval or not even asking them, just putting the conditions of approval in place. And if the applicant doesn't want to do them, they don't move forward with the application. I'm not sure what the utility of disputing other evidence which I'm not using to base my decision on.

Adams: To keep things very clear. Having taken that into consideration, is there a majority of council -- and I'm one vote, that would keep the record open for seven days because I think it's the cleanest way after those seven days to proceed.

Fish: I would support that.

Leonard: If you waited seven days with the record open then we wouldn't take a tentative today? Wait until after the record closed.

Rees: That's correct, you have a tentative time penciled in on October 5th and you would take a tentative vote and direct that the findings be prepared following that date.

Leonard: Again, I agree with commissioner Fritz, I'm not sure at this point, the purpose that serves.

Adams: Well, I don't want to have a fight, we either invest in seven days of making sure that everyone has a fair shot at having a clean record, or we have the potential risk that beyond -- you know, moving forward, there's fights over whether it was new or old evidence.

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Rees: At that point, if we went with commissioner Fritz and commissioner Leonard's approach, we would identify -- there were four specific pieces of evidence identified. We would go through and make it clear that council did not base its decision on those and in the findings, clearly council could not rely on that evidence.

Leonard: I would be comfortable with that approach.

Fish: I would do. I think we have quality attorneys that could isolate that.

Adams: But is your interpretation open to disagreement from others if those aren't the only four items disputed as new?

Rees: It's certainly possible.

Adams: Ok.

Rees: I only heard them identify four letters, but --

Fritz: Let me rethink my previous position. Knowing this that this council directed the applicant to start over, going through the conditional use process for a detention facility, which was going through the process very carefully, that it probably wouldn't hurt to do it with a longer step to make sure that everybody feels everything has been done properly and had their opportunities to comment.

Rees: And it's my understanding that should council delay its tentative decision to october 5th, the applicant by letter, has agreed to extend the 120-day clock to october 28th.

Adams: I think in the long term because of the amount of disagreement over what's new and old, and I think it's going to be more certain timeline moving forward with the seven days on and tentative on october --

Fish: If I can say, listening carefully to commissioner Fritz's point, she made it very clear she believes there's evidence in the record upon which to make a decision and specifically referred to the commission submission by the police bureau, that was part of the record before the hearings officer, so I think what the council would urge people, if we're going to go through this exercise, not to just submit my argument or claim. Commissioner Fritz, who is a close reader of the record, says she believes there's adequate evidentiary basis for her to act. We're looking for something more than just arguing the case again, the merits of the case, but looking to the question of whether there's something put forth at this hearing as evidence that we should not consider. Recognizing that commissioner Fritz thinks there's enough -- recognizing that there's enough in the record to act. I think it makes sense.

Rees: I would like -- if counsel would ask the attorney if they're going to object to this, I would like to know --

Adams: Are you going to object to this?

Junkin: Well, i'd like clarification first. In the seven-day period, anyone is allowed to put into evidence -- further evidence in response --

Rees: In response to any new evidence submitted since the hearings officer's decision. It is evidence responding to new evidence since the hearings officer's decision.

Junkin: If we could have the list of the four things. I'm not sure what they were.

Reese: The four items identified during the opponents of the appeals testimony, were august 31st memorandum from the police bureau, a september 20th letter from ice, that included Multnomah county data. A september 15th letter from the gsa. And it is at least alleged to contain new evidence, the security plan from ice and sorry, don't have a date on that. [August 17]

Fritz: I don't understand why allowing comments, why not just striking them and asks if anyone else thinks anything else should be struck from the record.

Rees: Sorry?

Fritz: I don't understand that we're soliciting comments on the four you said, rather than asking was there something else that was introduced that wasn't part of the record prior to the close of the record.

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Rees: I have think that was council's discretion, whether to include them and give people the opportunity to rebut that evidence with additional evidence or strike them from the record and base the decision on only evidence submitted.

Fritz: So we could include them?

Leonard: I thought I understood you to say, the four pieces of evidence would not be considered by council and that was [inaudible] by legal concerns.

Rees: Perhaps what you want do is get on the record from the opponents, whether they believe there's other new evidence outside of those four documents and council can determine whether they need to rely on the four documents in making a decision or not.

Adams: The opponent, will you come up here please. Principle opponent.

Danneman: There are more and the date is august 17th. It's everything in the file and these are all the documents. Do you want to peruse them, that's fine. It's everything that was there after july 18. 4:30 p.m., as was told to me succinctly by the hearings officer.

Rees: To be clear, there's a difference between new evidence and argument. I have not reviewed all of those to determine whether all of those documents contain new evidence as compared to argument. So -- that may be an argument for giving the seven-day.

Danneman: What it is, it's intertwined inside, there's argument with -- spiced with new evidence. So it's very skillfully done.

Adams: Sir?

Davis: I'm sorry, maybe i'm slow but I don't understand when it's clear, black letter, nothing is going to get into the record after a particular date and material appears in the record or at least in the file, and then somehow transmogrifies into the record -- what the heck are we talking about? It's either -- it is or isn't.

Adams: Apparently there's a difference between new evidence and argument. And so I would just - - I think this is reason to have the seven days so that folks can make whatever challenges and arguments they want to make, the city attorney can review and discern if there's any distinction between evidence and argument.

Fish: Mayor, just for the record, it's been a long day, but to extend the record in this case, is to say to the opponent of this application we want to give you a full and fair opportunity to make your case in writing.

Davis: I understand that --

Fish: Let's be clear on that. This is not trying to pull a fast one. This is trying to make sure the record is clear and gives the opponent the opportunity to make any argument they want it see in writing.

Davis: I understand that, but let me make myself clear if I can. What the mayor has just said seems to be a distinction without a difference. I don't understand how you can make an -- how you can be -- have new evidence without making a argument.

Adams: As I understood attorney rees, that additional arguments that came in after the hearings code, that use old -- so you can make new arguments from old material but you can't bring in new evidences, that a fair summary? Or say it in your own words.

Rees: Want me to say yes or no?

Adams: No, in your own worded.

Rees: Nobody would be able to testify at all if people weren't able to make arguments. So something that is describing stuff already in the record, we'll use the word "stuff" instead of evidence. And you're talking about it, for example, people who talked safety of the school. That's something that's been talked about. It's not new evidence. Something -- I mean, i'm trying to think of an example. The best example I can think of is ice could submit a letter talking about things they had in the record but when they brought in new statistics about Multnomah county detainees, that's new evidence. It doesn't make the whole letter new evidence, but those pieces in the letter new

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evidence. We've not parsed all of the documents since the hearings officer's decision to know what it is, it seems reasonable to allow defense counsel's -- allow people seven days to respond to any new evidence that's been submitted since the hearings officer decision.

Fish: I would make that motion.

Saltzman: I have a question.

Adams: We'll debate the motion now. Commissioner Saltzman.

Saltzman: The ice custody release plan was submitted in august. Is that considered new evidence.

Rees: They submitted it as a condition of approval.

Adams: We're considering it as a condition of approval, that's different.

Leonard: Could you state the motion, I didn't hear it.

Adams: Please restate the motion. Commissioner Fish. I'm tired of mis--

Fish: Our motion is to continue the hearing to a date certain on october 5th at --

Parsons: 3:00.

Fish: -- at 3:00, to give any party an opportunity to rebut any alleged new evidence over the next seven days.

Rees: And so sue, could you give the date and then a 5:00 p.m. Time for when that seven days expires.

Adams: Seven days from today.

Leonard: I need to ask a clarifying question. If this motion passes and wait the time to allow to make argument about new evidence, how does that change the circumstances [inaudible] don't we still then find ourselves in the place of having to stipulate to some new evidence that's come in that we won't consider that makes --

Rees: No, people have the opportunity to submit rebuttal evidence during the seven-day period but there's no right to serve rebuttal at that point. Meaning, that's the end of new evidence. You can declare that.

Leonard: I see, we can actually allow new evidence up until [inaudible] seven?

Rees: That new evidence would respond only to evidence that has been submitted since the hearings officer's decision. So no new evidence about completely new issue. They would have to respond to evidence that's alleged to be new evidence since the hearings officer's decision.

Leonard: So just to be clear, i'm just wondering does that allow a person to [inaudible] if they argued that evidence was allowed after the hearings officer's decision? And we don't stipulate that we're not using that as part of our decision.

Adams: So if -- so if new -- if we don't do this, then I -- then -- we risk not having stipulated all new evidence correctly.

Leonard: Ok.

Adams: If we don't allow folks who claim new evidence has been introduced after the hearing can after the deadline, if we don't allow them to respond to that and that's all the opportunity they get. They don't get to reargue this whole thing but if we don't give them an opportunity to do that and don't identify correctly as a council the new evidence we did not use to make our decision, then you have opportunities for more legal machinations that go on and on and on. This is frustrating, no doubt, but I think it's the cleanest way to move forward.

Leonard: Sorry, just so i'm clear. All we're allowing the opponents do is what they argue is new evidence and respond to that and that settles the issue whether it's new evidence or not.

Adams: Correct. If they don't identify correctly all of the new evidence they think is new, they had their chance and we're done. The onus is not on us.

Fish: I'll restate my motion. To continue the hearing to october 5th at --

Parsons: 3:00 p.m.

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Fish: -- 3:00 p.m. And give any party the opportunity to submit a rebuttal to what they believe is new evidence in this proceeding by no later than --

Parsons: 5:00 p.m., October 28.

Fish: -- 5:00 p.m., October 28th.

*******:** September.

Parsons: September 28th.

Fish: September 28th. It's been a long day.

Adams: Is there a second. There's a second. All right.

Saltzman: Add a condition about the affidavit, or memorialization.

Fish: When we come back on October 5th, one of us will make a motion to either accept or overturn the hearings officer's decision with conditions but not make that until the intervening period has elapsed.

Adams: Sue call the vote on the motion made by commissioner Fish and seconded by myself.

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

Fritz: Thank you, everybody for coming down and participating in this hearing. Often the city council is the policy making body. We're not asked in this whether having an ice facility in our city is a good thing or not. We have to go by the criteria in the land use approval and the process which as you have heard gets complicated and that's why we have the city attorney here. That's why we're taking these steps to make sure we're doing the legal issues right and what we're required to make our choice on is as I said, not the philosophical values or concerns about the facility but on whether it meets the safety concerns that the hearings officer addressed. I would mention that our decision, my decision is not based on how many people sent me emails or letters or phone calls in the interim but it's on the actual evidence if one person has a good point, I would take that into account but if 10 make the same good point, that didn't make me consider it anymore. But if you send in new comments, copy the council clerk so they get into the record and all five of us get those points and we won't be allowed to respond individually other than acknowledge receipt of incoming evidence because there's a quasi-judicial process and we have to follow the rules. Aye.

Fish: Aye.

Adams: Well, make sure -- to make sure I've got this correctly. We're -- the deadline noted we'll take comment, the process will take comments on any alleged new evidence. That's all.

Rees: You want me to comment in the middle of your vote? Comments would include rebuttal evidence. They have to have the ability.

Adams: Yes, rebuttal of the new evidence. Sorry, rebuttal of the new evidence. So if you're going to send in comments that is anything other than that, to your point, we're at a different point in the process. And we do -- so I'm going to vote aye. We're in recess. We're adjourned.

At 4:49 p.m. Council adjourned.