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CITY OF  
**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

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A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28<sup>TH</sup> DAY OF JUNE, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman and Sten, 4.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Item No. 946 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

- \*906**      **TIME CERTAIN: 9:30 AM** – Amend Code to authorize an intergovernmental agreement with Multnomah Drainage District No. 1, Peninsula Drainage District No. 1 and Peninsula Drainage District No. 2 for provision of stormwater management services (Ordinance introduced by Commissioner Saltzman; amend Code Title 17.36)

**Disposition:** Ordinance No. 174615. (Y-4)

- 907**      **TIME CERTAIN: 10:30 AM** – Accept the 2000 Seasonal Water Supply Augmentation and Contingency Plan (Report introduced by Commissioner Sten)

**Disposition:** Accepted As Amended.

- 908**      **TIME CERTAIN: 11:00 AM** – Accept recommendation for expenditure of State Revenue Sharing Revenues in FY 2000-01 (Report introduced by Mayor Katz)

**Disposition:** Accepted. (Y-4)

- 909**      Certify that certain services are provided by the City for eligibility of State Shared Revenues (Resolution introduced by Mayor Katz)

**Disposition:** Resolution No. 35897.

- \*910**      Elect to accept funds from the State of Oregon under the State Revenue Sharing Program for FY 2000-01 (Ordinance introduced by Mayor Katz)

**Disposition:** Ordinance No. 174623. (Y-4)

- \*911**      Create one new fund in FY 2000-01 and rename one fund effective July 1, 2000 (Ordinance introduced by Mayor Katz)

**Disposition:** Ordinance No. 174624. (Y-4)

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- \*912** Levy taxes for the City for the fiscal year beginning July 1, 2000 and direct the Chief Administrative Officer of the Office of Management and Finance to submit said tax levy and other certifications to the County Assessors of Multnomah, Clackamas and Washington Counties (Ordinance introduced by Mayor Katz)

**Disposition:** Ordinance No. 174625. (Y-4)

- \*913** Adopt the annual budget of the City of Portland and establish appropriations for the fiscal year beginning July 1, 2000 (Ordinance introduced by Mayor Katz)

**Disposition:** Ordinance No. 174626 As Amended. (Y-4)

**CONSENT AGENDA - NO DISCUSSION**

- 914** Accept bid of Lakeyland, Inc. dba Northwest Safety Clean to furnish Fire Bureau turnout clothing cleaning services for \$78,821 annually (Purchasing Report - Informal Quote 99780)

**Disposition:** Accepted Prepare Contract. (Y-4)

- 915** Accept bid of Moex Corporation to furnish one mobile command van for \$196,837 (Purchasing Report - Bid No. 99928)

**Disposition:** Accepted Prepare Contract. (Y-4)

- 916** Accept bid of Brix Paving Company to furnish Contract Overlay 2000 project for \$366,635 (Purchasing Report - Bid No. 99947)

**Disposition:** Accepted Prepare Contract. (Y-4)

- 917** Accept bid of 911 Distributors, Inc. to furnish Glock handguns for \$325,700 annually (Purchasing Report - Bid No. 100010)

**Disposition:** Accepted Prepare Contract. (Y-4)

- 918** Accept bid of Gelco Services, Inc. to furnish NW Central Business District, Phase 1-Unit 1, NW Couch St. sewer reconstruction project for \$49,991 (Purchasing Report - Bid No. 100018)

**Disposition:** Accepted Prepare Contract. (Y-4)

**Mayor Vera Katz**

- 919** Accept contract with JVC Contractors, Inc. for interior remodel of The Portland Building, 7th, 8th and 9th floors, remodel project as complete, authorize final payment and release retainage (Report; amend Contract No. 32607)

**Disposition:** Accepted. (Y-4)

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- 920** Give preliminary approval for Revenue Bonds in an amount not to exceed \$5,000,000 (Resolution)
- Disposition:** Resolution No. 35896. (Y-4)
- \*921** Authorize the issuance and sale of Tax Anticipation Notes, Series 2000, in an amount not to exceed \$12,000,000 (Ordinance)
- Disposition:** Ordinance No. 174581. (Y-4)
- \*922** Authorize Assignment Agreement among Turner Construction Company and Portland Family Entertainment, LTD (Ordinance)
- Disposition:** Ordinance No. 174582. (Y-4)
- \*923** Authorize Grievance Settlement and Release of all Claims Agreement with Michelle Schranz (Ordinance)
- Disposition:** Ordinance No. 174583. (Y-4)
- \*924** Authorize a Concession Agreement with Aramarmark/Giacometti Joint Venture to provide concession services to Civic Stadium for the summer 2000 Rockies baseball season (Ordinance)
- Disposition:** Ordinance No. 174584. (Y-4)
- \*925** Amend contract with Preston Gates & Ellis for bond counsel services (Ordinance; amend Contract No. 31324)
- Disposition:** Ordinance No. 174585. (Y-4)
- \*926** Amend contract with Stoel Rives LLP for bond counsel services (Ordinance; amend Contract No. 31325)
- Disposition:** Ordinance No. 174586. (Y-4)
- \*927** Amend contract with Ater Wynne LLP for bond counsel services (Ordinance; amend Contract No. 31326)
- Disposition:** Ordinance No. 174587. (Y-4)
- \*928** Amend contract with Regional Financial Advisors (Ordinance; amend Contract No. 31327)
- Disposition:** Ordinance No. 174588. (Y-4)

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- \*929** Amend agreement with Emmons Company, now dba Emmons Architects, for the remodels of Fire Stations 4, 22 and 41 and provide for payment (Ordinance; amend Agreement No. 32306)

**Disposition:** Ordinance No. 174589. (Y-4)

- \*930** Agreement with Northwest Rotorcraft Association for heliport management and operations at the Portland Public Heliport (Ordinance)

**Disposition:** Ordinance No. 174590. (Y-4)

- \*931** Authorize the purchase of one mobile precinct van for the Bureau of General Services and provide for payment (Ordinance)

**Disposition:** Ordinance No. 174591. (Y-4)

- \*932** Accept surplus property from Multnomah County for the Bureau of Environmental Services Johnson Creek Basin Protection Plan and for the Water Bureau Powell Butte site (Ordinance)

**Disposition:** Ordinance No. 174592. (Y-4)

- \*933** Amend agreement with Northwest Geotech, Inc. for the remodel of Fire Stations 4 and 41 and provide for payment (Ordinance; amend Agreement No. 32255)

**Disposition:** Ordinance No. 174593. (Y-4)

- \*934** Authorize amendment to the City Self-Insured Benefit Plan Document for CitySelect, CityBasic and Medicare Supplement (Ordinance)

**Disposition:** Ordinance No. 174594. (Y-4)

- \*935** Pay claim of Nowers 1988 Trust (Ordinance)

**Disposition:** Ordinance No. 174595. (Y-4)

- \*936** Pay claim of Ann Morten (Ordinance)

**Disposition:** Ordinance No. 174596. (Y-4)

- \*937** Authorize Intergovernmental Agreement with Tualatin Valley Fire & Rescue to administer the City blood borne pathogens program (Ordinance)

**Disposition:** Ordinance No. 174597. (Y-4)

- \*938** Create two new nonrepresented classifications (Ordinance)



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**Disposition:** Ordinance No. 174582. (Y-4)

- \*939** Contract with Western Identification Network, Inc. for participation in the Automated Fingerprint Identification System, not to exceed \$200,400 per year (Ordinance)

**Disposition:** Ordinance No. 174599. (Y-4)

- \*940** Authorize payment to Creative Fulfillment Services for an amount of \$130,713 (Ordinance)

**Disposition:** Ordinance No. 174600. (Y-4)

- \*941** Contract with Warner Pacific College for use of college facilities, not to exceed \$150,000 (Ordinance)

**Disposition:** Ordinance No. 174601. (Y-4)

- \*942** Amend contract with Starplex Corporation to provide uniformed security officer services for Bureau of Parks and Recreation (Ordinance; amend Contract No. 40199)

**Disposition:** Ordinance No. 174602. (Y-4)

**Commissioner Jim Francesconi**

- \*943** Amend contract with Pacific Coast Construction, Inc. for renovations to University Park Community Center for a total guaranteed maximum price of \$895,289 (Ordinance; amend Contract No. 32888)

**Disposition:** Ordinance No. 174603. (Y-4)

**Commissioner Charlie Hales**

- \*944** Amend Professional Services Agreement with Becker Projects, Inc. for Office of Planning and Development Review newsletter to increase the amount by \$5,000 (Ordinance; amend Contract No. 30650)

**Disposition:** Ordinance No. 174604. (Y-4)

- \*945** Amend Professional Services Agreement with Becker Projects, Inc. for Office of Planning and Development Review brochures and materials to increase the amount by \$8,000 (Ordinance; amend Contract No. 31194)

**Disposition:** Ordinance No. 174605. (Y-4)

- \*946** Authorize agreement with Portland Development Commission and Bureau of Housing and Community Development regarding Rosemont infill housing and redevelopment (Ordinance)

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**Disposition:** Continued to July 13, 2000 at 2:00 p.m.

- \*947** Amend agreement leasing the Jefferson Street branch rail line to Lake Oswego (Ordinance; amend Agreement No. 26233)

**Disposition:** Ordinance No. 174606. (Y-4)

**Commissioner Dan Saltzman**

- 948** Accept completion of the N. Portland combined sewer separation, Project No. 6086, and authorize final payment to S-2 Contractors, Inc. (Report; Contract No. 31846)

**Disposition:** Accepted. (Y-4)

- \*949** Authorize a contract with Peter B. Tobey and provide for payment for sewer mapping technical support services and Net-Map license upgrades (Ordinance)

**Disposition:** Ordinance No. 174607. (Y-4)

- \*950** Authorize a contract with the lowest responsible bidder to construct the groundwater monitoring well installation in the Johnson Creek Basin, Project No. 6814 (Ordinance)

**Disposition:** Ordinance No. 174608. (Y-4)

- \*951** Contract with five neighborhood association district coalitions for the operation of respective neighborhood office programs, including citizen participation coordination, facilitation and activities, for the period July 1, 2000 through June 30, 2001 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 174609. (Y-4)

- 952** Intergovernmental agreement with the State of Oregon, Department of Environmental Quality, and Bureau of Environmental Services for assistance with the Eco-Logical Business Program for automotive repair shops, and accept a grant in the amount of \$27,000 (Second Reading Agenda 896)

**Disposition:** Ordinance No. 174610. (Y-4)

**Commissioner Erik Sten**

- 953** Accept completion of the installation of 6- and 8-inch water mains in the SE 26th and Belmont mains package with Kasey Cooper Excavating, Inc (Report; amend Contract No. 32417)

**Disposition:** Accepted. (Y-4)

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- \*954** Authorize the Director of the Bureau of Water Works to amend an Intergovernmental Agreement with Portland State for the completion and enhancement of a Bull Run River-Reservoir system hydrodynamic and temperature model, at a cost not to exceed \$13,300 (Ordinance; amend Contract No. 32053)

**Disposition:** Ordinance No. 174611. (Y-4)

- \*955** Contract with Reach Community Development, Inc. for \$60,000 to support the development of affordable rental housing and provide for payment (Ordinance)

**Disposition:** Ordinance No. 174612. (Y-4)

- \*956** Amend agreement with Marjory Hamann Consulting to increase funding amount by \$7,500, modify the Scope of Work, extend the termination date and provide for payment (Ordinance; amend Agreement No. 32688)

**Disposition:** Ordinance No. 174613. (Y-4)

**City Auditor Gary Blackmer**

- \*957** Contract with KPMG LLP for financial audit and other professional services for FY 1999-2000 and provide for payment (Ordinance)

**Disposition:** Ordinance No. 174614.

**REGULAR AGENDA**

**Mayor Vera Katz**

- 958** Continue an independent committee to review the Fire and Police Disability and Retirement system Board composition and other administrative rules and bring Council a recommendation prior to the filing deadline for the November 2000 General Election (Resolution)

**Disposition:** Resolution No. 35898 As Amended. (Y-4)

- \*959** Agreement with Portland Classical Chinese Garden, an Oregon non-profit corporation, for management of the Classical Chinese Garden (Ordinance)

**Disposition:** Ordinance No. 174622. (Y-4)

- \*960** Authorize an Interim Agreement with Portland Family Entertainment for interim management and operation of the Civic Stadium (Ordinance)

**Disposition:** Ordinance No. 174627. (Y-4)

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- \*961** Amend FY 1999-00 budget by transferring appropriation within City funds to prevent over-expenditure in controlled expenditure categories (Ordinance)

**Disposition:** Ordinance No. 174628. (Y-4)

**Commissioner Jim Francesconi**

- \*962** Request and accept tax-foreclosed properties from Multnomah County for park and recreation purposes (Ordinance)

**Disposition:** Ordinance No. 174616. (Y-4)

- S-963** Amend Parks SDC code to modify the way qualified public improvement credits are defined and administered (Second Reading Agenda 905; amend Code Section 17.13.020, 17.13.070 and 17.13.120)

**Disposition:** Substitute Ordinance No. 174617. (Y-4)

**Commissioner Dan Saltzman**

- \*964** Contract with Black and Veatch Corporation to perform a stormwater utility cost allocation study for the Bureau of Environmental Services at a cost not to exceed \$21,000 (Ordinance)

**Disposition:** Ordinance No. 174618. (Y-4)

**Commissioner Erik Sten**

- \*965** Accept a \$28,000 grant from the Oregon Office of Energy to market and support the U.S. Department of Energy Industries of the Future program (Ordinance)

**Disposition:** Ordinance No. 174619. (Y-4)

- \*966** Accept a performance-based grant from Portland General Electric to market PGE's Multifamily Weatherization Program and assist property owners with energy conservation projects (Ordinance)

**Disposition:** Ordinance No. 174620. (Y-4)

**City Auditor Gary Blackmer**

- \*967** Create a local improvement district to construct water main improvements in the SW Arboretum Water Local Improvement District (Hearing; Ordinance; C-9979)

**Disposition:** Ordinance No. 174621. (Y-4)

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**Communications**

**968** Request of Daniel De Maris to address Council regarding zoning enforcement  
(Communication)

**Disposition:** Continued to July 5, 2000 at 9:30 a.m.

At 12:26 p.m., Council recessed.

**JUNE 28, 2000**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28<sup>TH</sup> DAY OF JUNE, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman (left at 3:26 p.m.) and Sten, 4.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Ruth Spetter, Senior Deputy City Attorney; and Officers Chuck Bolliger and Larry Siewert, Sergeant at Arms.

**969**      **TIME CERTAIN: 2:00 PM** – Accept the Portland Police Bureau's May Day Report (Report introduced by Mayor Katz)

**Disposition:** Accepted As Amended. (Y-4)

At 7:36 p.m., Council recessed.

**JUNE 29, 2000**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS 29<sup>TH</sup> DAY OF JUNE, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi and  
Saltzman, 4.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Kathryn  
Beaumont, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

**970** **TIME CERTAIN: 2:00 PM** - Adopt and implement the Southwest Community Plan  
Vision, Policies and Objectives (Previous Agenda 794 introduced by Mayor Katz)

**Disposition:** Passed to Second Reading as amended July 13, 2000 at 2:00 p.m.

At 3:16 p.m., Council adjourned.

**GARY BLACKMER**  
Auditor of the City of Portland



By Britta Olson  
Clerk of the Council

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

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This transcript was produced through the closed captioning process for the televised City Council broadcast. For further information, please consult the City Council Meeting Summary.  
Key: == means unidentified speaker.

**JUNE 28, 2000 9:30 AM**

**Katz:** Good morning, everybody. The council will come to order. [ roll call ] I think commissioner Hales is on vacation, or a business trip. We'll find out and we'll tell the public. Before we start, it is very, very warm outside, and so since i've been a mother and i'm still a mother, drink a lot of water. If there are elderly people living around you, please stop by and see if they're okay. Elderly people tend not to drink eight glasses of water, because we don't drink eight glasses of water as we all should. So take care of your neighbors and be careful. All right. Consent agenda.

**Olson:** We have a request to remove 946 and set it over. We don't have a date yet.

**Katz:** We'll do that. Any other item to be removed off the consent agenda? Roll call.

**Francesconi:** Aye.

**Saltzman:** Aye.

**Sten:** Aye.

**Katz:** Mayor votes aye. All right. Let's hear 946.

**Sten:** This was just an issue, a transportation, it's contractual and will be worked out in a couple weeks. Procedural.

**Katz:** Any problems? Anybody object? Hearing none, so ordered. 930. 9 -- 9:30. 906.

**Katz:** Commissioner Saltzman?

**Saltzman:** I'm pleased, along with commissioner Sten, to bring before you today intergovernmental agreement between the Multnomah drainage district and the city of Portland. This agreement comes out of the rate reform proposals that commissioner Sten and I put forward earlier this year. In the process of doing that, we recognized there were some issues related to equity in terms of storm water management services, the drainage provides to city of Portland residents, and also services that we provide to drainage district customers. I'm very pleased to say we've sat at the table with the drainage districts over the past, well, past, six, seven months, and now we've worked out what we believe is an intergovernmental agreement which commits to paper who is committing what service to whom, and also attaches a dollar value to it and provides a mechanism under which under this agreement under which the drainage district will now pay the city of Portland a certain amount of money per year for storm water management services. So that's what this agreement is about. I'd like to turn it over to dan, our chief and capable negotiator, who sat at the table and negotiated this agreement.

**Dan Vizzini, BES:** thank you, commissioner Saltzman. Dan bazini from the bureau of environmental services. I don't have much more to add. I'm here primarily to answer questions if you have any about the agreement. I just want to put on the record that this agreement, the intent of the agreement is to formal eyes what has been a long-standing—formalize what has been a long-standing relationship with three drainage districts. They're very efficient providers of important services in an area of town that we have made very critical as a part of our economic base. The agreement does resolve the one key issue that came out of rate reform, and that is how to assign cost and responsibilities for the services that are provided in this part of town. And those services are quite extensive and quite complicated in their relationship to one another. We feel that we've done a very good job of identifying all of those services, and coming up with a method for calculating the costs that are shared by both the city and the drainage districts. The agreement is designed in such a way that it creates a stable relationship over time we are—this agreement is to last for five years with a renewal of another five-year cycle, and then to be renewed in five-year cycles thereafter. I want to



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recognize bob gronznak and dick schaefer and tim warren, part of the negotiating team for the drainage districts. They probably have some comments as well about the agreement. I'll stop there. If you have any questions, i'd be more than happy to answer them.

**Katz:** Questions of dan?

**Saltzman:** We also received a letter here, I think we all have it, from the port of Portland, one of the largest customers of the drainage district, in support of the changes as well.

**Katz:** Good. Good work. Thank you. Let's open it up to public testimony. Gentlemen, come on up.

**Bob Gronczwack, Director, Multnomah Drainage District No. 1:** good morning, mayor, and council members. I'm bob, the staff director of the Multnomah district. We've managed these two districts by contract. I'm joined by dick schaefer, commissioner from peninsula district number 2 who sat through all the negotiations the last six months, and tim warren on my left, commissioner from Multnomah and one of my bosses, who they both were participating throughout the negotiations. I'll just say as the professional utility manager here, this is a great utility-to-utility agreement. We looked at everything. I echo completely what dan said about the efficient service providing for both the b.e.s. Storm water utilities and the districts—the b.e.s. Storm water utilities and the districts. Our job is to protect your properties and the landowners by flooding, and flooding from rain from—which will backup on properties with every storm. If our pumps don't work. So we keep that foremost in our mission. I think that supports the city. We do a lot of environmental work together in the columbia slough watershed. We've got visions for even more in the future associated with riparian protection plans, and we're excited about the future and the fact this agreement unites us together the way it does.

**Dick Shafer, Jr., Peninsula Drainage District No. 2:** i'm dick schaefer, i'm a commissioner for peninsula drainage district number 2, mayor, council members. I want to thank you and your associates for helping forge this agreement, because I think it gives us a platform of understanding what each does for the other and gives us the ability to work forward into the future. I know as for our district we're changing rapidly with development that's coming this way, and with an agreement with the city, it makes me feel a lot better knowing that everybody understands the participation and how we're working together. So I just want to thank you for having that worked out. And we appreciate it.

**Tim Warren, Commissioner, Mult. Drainage Dist. No. 1:** madam mayor, city commissioners, my name is tim warren. I'm on the board of supervisors for the Multnomah county drainage district. I'd like to also echo what these gentlemen have said. The intergovernmental agreement does a great job in recognizing what the city does for the drainage district and what the drainage district does for the city. It was a fair process, some good negotiation happened, especially want to compliment dan and jim hagerman, who represented the city very well, and who were very wonderful guys to have on the negotiating team. Another piece that I think is important about this agreement is what it does for some of the landowners out in the district that helps prevent a double-billing situation for services that are—that are currently going on. And I think it's a well put-together agreement. I'd like to thank you for your support, look forward to working with you in the future.

**Katz:** Thank you. Since you're here, flood, the year of the flood, there was some question about how secure some of those levies were. There was nervousness on the part of many of you, if I recall. What is the condition of those levies right now?

**Gronczwack:** well, we've—every year the corps inspects and certain identifies the levies. That's been done for this year and for all four districts. They're at a top rating of excellent. You are correct, in the '96 flood—the '96 flood was a hundred-year pluses on the columbia, and we had a couple of areas—the levies take constant vigilance. We had one area in peninsula district number 1 of the levy near p.i.r., where there had to be some emergency buttressing soil put on the backside of the 11 to stabilize a place where it was starting to fail. We—when you get high water and

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saturation, they take constant vigilance and you have to get right on a problem like that. We had corps engineers involved in that as well as city and the districts. We've now—we had a very good emergency response plan during that time. The city helped us with 24-hour levy inspections, which you do in a flood situation like that. That's a normal reaction. We've worked out in the last year an iga with the water bureau, because their interest, of course, is some facilities they have in the districts that we protect. And so they now provide a crew to support us as well as b.e.s. If we have a flood event, so we can staff the 24-hour inspection effort.

**Katz:** You get help from the port as well.

**Gronczwack:** right. And the port as well. It's a cooperative thing when we have those emergency events. In normal times we have to pay every year close attention to any damage after the winter time from the wave action, icing if we get it on the face of the levies and so on. The columbia doesn't have too much latitude for not paying attention to that business of maintaining the levies every year. We take it very seriously. But they are in good shape, and we want to keep them that way.

**Katz:** Did you want to add anything? Okay. Thank you for responding to that.

**Sten:** I just want to thank you. It was a great piece of work. I've met with one of your landowners yesterday, and I think that we've come up with a real fair solution. And this also—without this deal, the overall rate-making changes were not possible, because you guys have such a unique position that you had to kind of be—your situation has to make sense in relation to the other people in town. So I really appreciate it. I've had a few conversations with bob, the next step is going to be teaming up together to do some I think proactive planning on the future of the slew and the levies and making—and I think this is the first step towards really a long-term plan that ought to make a lot of sense. I just wanted to say thanks.

**Gronczwack:** totally agree. Look forward to what we're going to do in the future. Thank you.

**Katz:** Anybody else want to testify? The timing estimate was way off here. Roll call.

**Francesconi:** Commissioner Saltzman, as well as dan and dan deserve a lot of credit. Although this ended peacefully, did it not start peacefully. There was tough—everybody is thanking everybody, but there was tough negotiations going on along the way. The benefit to the ratepayers is we have somebody else contributing to the system and helping pay into the system that probably should have been earlier. On the other hand, there's now certainty for the landowners, and there's recognition of the contribution of the drainage district and all that they do for our city and our citizen and our ratepayers. So it's in everybody's interests that this worked out. But it took tough negotiating on the way, it took terrific city staff, and it took good people on the other side. Bob and tim, thank you for hanging in there and working this through. Aye.

**Saltzman:** Well, i'm very pleased that we've gotten to this point. As commissioner Francesconi—commissioner Francesconi said, it didn't start out being as smooth as it ended up. That's probably the desirable way for things to go. Thank you for your dedication on behalf of the city to bring this agreement to us today. Aye.

**Sten:** Thanks again. It's exciting, and I think we've always had a good working relationship, but it needed to be updated. I think that's essentially what you've done. I think it's very fair, and these are probably some of the properties that I was most concerned about, how do they fare during the rate restructuring and how do you make it all fair. You've done a great job. It's a pleasure to vote aye.

**Katz:** Mayor votes aye. Thank you, everybody. All right. Our timing here estimates are slightly off. Our next consent item is for 10:30, and the following is for 11:00. I'm going to skip to the regular agenda. However, i'm going to be sensitive to the fact that if people looked at the agenda they would realize that their items would not have come up until after 11 o'clock. So let me—on the retirement gary isn't even here, so we can—there will be other people that probably wanted to testify. The classical garden, our folks are here, but—  
== bob naito is going to be here at 10:00.

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**Katz:** 961, is anybody here from fiscal? I don't think that's a controversial one. 962, jim?  
Commissioner Francesconi, do you think you can do this one?

**Item No. 962.**

**Francesconi:** There was a couple people that wanted to testify. Are they here? Yeah, you're here.  
This is a nice thing. Susan --.

**Katz:** 962.

**Francesconi:** My—among my top three priorities and the council's are accumulating more park land. And we'll take them any way we can get them, as long as they're in areas that make sense and we can maintain. This is a park-deficient area. The neighborhood has been after this for a long time. They took me on a tour of this site about two years ago. So they've been persistent in making this happen, and it's happened. Go ahead, susan.

**Susan Hathaway-Marxer, Parks Bureau:** susan hathaway, parks. The county requires that the council request and agree to accept these properties for park and recreation purposes, and at a later point the Multnomah county board of commissioners will deed them over to the city. There is a list of 70 properties this year, and the parks bureau culled through that list thoroughly and decided there are three sites that are really make sense for coming into the system. Two are standalone, one is the site in parkrose, another is a 5,000 square foot lot in the vernon neighborhood. That's also a park deficient area, and our future plan for that is for a community garden. The third is a little piece that makes a natural inclusion into pittock acres park. If you have any questions, I would be happy to answer them, but I think the people from parkrose would like to talk to you.

**Katz:** We'll listen to parkrose any time, but I have a question for you. We placed over a half million additional dollars for maintenance, maybe jim, you can answer this, or both of you can answer it. I'm assuming that the money that we will allocate formally for maintenance of parks includes, as I read this, it appears that it includes the maintenance for these new acquisitions.

**Hathaway-Marxer:** that's right. The maintenance for the new acquisitions comes from that extra, that half a million dollars.

**Katz:** As well as the waterfront park and the chinese classical garden, which is relatively small?

**Hathaway-Marxer:** I don't know about the classical garden, but I know south waterfront is in that allotment as well.

**Katz:** There is a small amount for the classical garden. Okay.

**Saltzman:** I was looking at the last page, the exhibit a, and the list of parcel, 15,000 square foot parcel and hillsdale?

**Hathaway-Marxer:** hillsdale neighborhood.

**Saltzman:** That's the pittock?

**Hathaway-Marxer:** m-hmm. It's a piece—

**Saltzman:** It must be hillside neighborhood.

**Hathaway-Marxer:** perhaps it is.

**Saltzman:** Okay.

**Hathaway-Marxer:** good catch. It actually borders burnside and barnes road.

**Katz:** We'll need—it's a scrivener's error. Good job. Public testimony.

**Jane Leach:** good morning. My name is jane leech, and I live at 111<sup>th</sup> and prescott. The 112<sup>th</sup> street park is the one we're working on. We're very excited about turning this into a green space. Between fremont and sandy and 102<sup>nd</sup> and 122<sup>nd</sup>, there is no green space. And we envision a small play structure, a community garden space. And part—as part of that we're excited about incorporating the botany class of parkrose high school to grow the plants and perhaps participate in actually planting them. So they'll have an investment in the neighborhood too.

**Katz:** Who's going to clean up the contaminated land?

**Leach:** we have a company—

**Katz:** Who is paying for that?

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**Leach:** it's donated.

**Katz:** The clean-up?

**Leach:** yes.

**Katz:** Really?

**Leach:** really.

**Katz:** Do you want to give credit where credit is due?

**Leach:** absolutely.

**Katz:** Why don't you—

**Leach:** christine has been working with them.

**Christine Chenowsky (sp?):** i'm the organizer with the target area project which is a city funded project. We've identified this site as one of the key issues to help bring the community and parkrose together. There's a lot of apartment dwellers and homeowners, and not a lot of interaction. There's no central community space really in parkrose besides the high school and the school areas. We think this green space will be a wonderful bridge to bring the different parts of the community together to interact. The brown field is just another underground diesel tank that has been taken out. Whatever contamination is there it's deep underground and is not a risk on the surface of the site. The brown field showcase program located someone to do this pro bono as a gift to the community. We feel fortunate.

**Katz:** The developer's name is --

**Christine** bat brady of brown field redevelopment. Pat brady. We'll have the children in the area, the high school class, everyone involved in giving input, and then continue with hopefully a multiuse, low-impact it's a small site, but we can get a lot done there.

**Katz:** Good. Keep a good track record of how you're getting the community involved, because those are federal dollars and we want to make sure the feds get a report on how we use their money.

**Christine** we'll have lots of pictures. We hope to find some way to recognize everyone who has made contributions to the site so the community has a real appreciation for everything that's gone into it.

**Katz:** Thank you. Further questions? Thank you. Anybody else want to testify? All right. Roll call.

**Francesconi:** Christine, did you a fabulous job of organizing on this whole thing. You were very persistent, and it you were rewarded. So we showed up after seeing several sites, we show up last at this site and magically kids appear from different places to come and say, commissioner, wouldn't it be great to have a park in this area? And they came from everywhere. So please go back and tell them that they play add role.

**Christine** you can come out and plant trees.

**Francesconi:** I will do that. It was—it's a terrific thing. I'm amazed how often, whether it's gateway or this episode, how often the need—citizens identify the need for a public space gathering place, whether it be an urban plaza or whether it be this. But it takes you to do this. Parks is careful, and sometimes it's painful in selecting and agreeing to take these sites, primarily because of maintenance. So sometimes it creates conflicts. But we have to do this in order to have a coherent system. But we are thrilled that this one made it. Thanks. And thanks to susan for her work on this. Aye.

**Saltzman:** Well, as a former Multnomah county commissioner, I can tell you tax foreclosed properties come in all shapes and sizes, from parcels as small as the table here to 15,000 square foot parcels. I'm glad we have Portland parks and other park agencies always on the lookout. They are made available on a priority basis to parks agencies and also for affordable housing purposes. And one thing I did when I was a county commissioner, I went down to salem and changed the law so we can now give a priority basis to conveying these properties to nonprofit land trusts as well, because as commissioner Francesconi mentioned, often parks departments cannot take these properties under

their own wings because of budget constraints. Now we have—we did get the law changed, however the law was limited to counties with population above 500,000.

**Katz:** I wonder why. [ laughter ]

**Saltzman:** But anyway. These properties that we get are real jewels, and i'm glad to see we're on the lookout to grab them and keep them in open space. Aye.

**Sten:** Well, community organizing, the clean-up of brown fields to make a park. This is about as good as it gets. Aye.

**Katz:** This may be our first real clean-up project. It's a small one, we've been looking at other big, big ones, but this is wonderful. People have a natural need to hang out. That's what the kids used to call it during my years. They call it probably something else today. But it's not only for kids, it's for adults, it's for families. Places to go, places to sit, places to picnic, places to recreate, places to think. And the more we have them, the better this community and this city is going to be. They don't have all to be frisbee parks. They can be peaceful quiet places. But we need a variety of them. So I want to thank parks and recreation also for keeping an eye out for these opportunities, as long as we make sure we have the money and the budget for maintaining them. So thank you parkrose, thank you parks, i'm very happy— commissioner, good job. Aye. All right. 963.

**Item No. 963.**

**Katz:** I watched all of you on this one. There must be something wrong with me. I went on vacation, and I sit and watch you. I didn't hear your final vote on it, but I read the—all the amendments. This is the second reading. I'm going to ask for roll call.

**Francesconi:** Where were you when I needed new—needed you? I'm sorry, that was an aside. I'm going to vote in favor of this. It makes a very important tool a better tool. It's an important tool because it gives us money to buy bigger parks, even than the one we just talked about. We've purchased three in east Portland already. What this amendment does is it tightens up some things that need to be tightened up. We don't want to go through the hearing we had last week again in future redevelopment agreements. So this clarifies the language. If it is not mentioned in a development agreement specifically, there will be a parks sdc from now on. The second thing that's very significant is the land will be valued for the purposes of a credit at the time of the development agreement. Not later on, when land can escalate because of public improvement that's we make. Which I believe contributes to an unfair benefit. The third is it forbids transfer of these credits, which although commissioner Hales had some questions about it, I think on balance it's better to not do that. The fourth thing this does is allows us the complicated procedure by which we can give a credit for low-income housing through a complicated transfer mechanism. So all those are very good reasons to support this. Another reason is we did allow an enhanced maintenance credit which in the—only in the central city, which will contribute to the problem that was just described a minute ago. We have these parks, they're very expensive to maintain. The central city parks are more expensive than ever to maintain, and that drains resources from the neighborhoods. The other thing is, we actually need more vitality in our parks. We need more activities in our parks. A lot more activities in our parks, which is something i'm looking at. If we can encourage that through the use of a credit, that's very, very important. I'm not going to repeat it. I do have a difference of opinion with the majority on the council on how to—how we treated the credit for the second piece of property on the river district. I think we were too generous. But having said that, I still think that we should support this amendment. The last thing I want to tell the council is, i've reassembled the group that put this sdc together for three reasons. One is, it was time to evaluate the overall program. And we need to do that. And I wanted to make these changes immediately, because I wanted to close some loopholes immediately. But i'm reassembling that committee to look at the overall sdc and evaluate it. One of the charges of that committee will be to come up with a mechanism of capping this maintenance credit. To make sure it doesn't get out of hand. And i—i've also asked them to look at how we fund urban parks and construct more urban parks. They're going to report back, it's going to take a while.

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It may take as long as six months. In the meantime, I have confidence, and I have talked to the director, that this enhanced maintenance will receive strict scrutiny in the interim. And I am confident that there won't be any problems until we get this back. In conclusion, I would like to thank two people. Marianne casson for all her work on this. She deserves a lot of thanks for her role. And the other person is pete castings who really did a good job on this. Aye.

**Saltzman:** Aye.

**Sten:** Good job, commissioner. Aye.

**Katz:** As I said, I watched you, and I watched you struggle through all of this, and with the language added in d-5, the date of valuation is the date of the final agreement, I can support and feel very comfortable supporting this. Yes, you did need me, commissioner Francesconi. But I think you were—all of you worked this out and I think it's fair, and it's reasonable, and I think we'll deal with some of the issues that are coming forward to us as we begin looking at development agreements, continuing looking at development agreements in river district or north of river district, north macadam and other areas. Good work. Took you a while, but it was good work. Aye. Okay. 964.

**Item No. 964.**

**Saltzman:** This is a—this relates to the rate reforms the city council passed earlier this year. One of the issues under—we will be giving homeowners a credit against their storm water management fee on their sewer and water bills when they manage their storm water on site. The issue before us and what this contract is going to look at is how much of the cost of storm water management is attributable to transportation, or the public right of way. Because that's important, because everybody has to cover the cost of taking storm water off the public right of way. That's the public benefit that everybody has to pay through the storm water management fee. So we have to determine what portion of our costs are collecting storm water off the right of way, because that enables us to say to the homeowner, this is how much you can expect in terms of an onsite discount when you manage your storm water on site. We think the current split is 65% attributable to storm water from the public right of way, 35% attributable to managing storm water off of a private property owner's property. We're hiring black and veatch to conduct an independent review and cost all evacuation so we will have hopefully independent verification, or if we're wrong, they'll tell us what the right number is. So that's what this study is all about.

**Katz:** Thank you, commissioner. Anybody want to testify on this item? Come on up.

**Tom O'Keefe, United Community Action Network (UCAN):** tom o'keefe. I'm glad storm water again is up front and you're relooking at how it's—you're charging people for this particular service. I hope this study includes looking at prorating. The storm water fee is based on so much impervious service. 2400. A house that's sitting up in the hills that has five or 6,000 square feet of hard surface is charged exactly the same as a small house in southeast— outer southeast, north Portland, that might have a thousand square feet of hard surface. The equity isn't there. The technology is there to prorate. The city spent over \$80,000 to aerial photo the entire city specifically to look at impervious surface. Metro has digitized those aerial photos. Those with a computer link between the city and metro, everybody could be prorated to the exact amount of hard surface on their property and be charged the appropriate amount. This not only makes it fair, but it also sends a message to developers to limit hard surface. Thanks.

**Katz:** Thank you.

**Saltzman:** What tom said is interesting. Right now for residences, yes, we do have a standard estimate that each residential property has 2400 square feet of impervious surface, and that's how we calculate for residential accounts their storm water residential fee. For commercial, we actually measure the surface. Maybe new technology will provide us the ability to really refine that. I don't know if we're there yet, but we can certainly take a look at that. Maybe that can be part of the next generation of our rate reform efforts. What tom is saying is very consistent. We want to encourage

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people to reduce the amount of impervious surface because we're literally drowning due to impervious surface. So his sentiment is exactly correct.

**Katz:** I want to second that as well. For some of us who live in the heart of the city, we hardly have any impervious surface, much less than the amount that commissioner Saltzman mentioned. So when the bureau thinks they have the technology to seriously look at this issue, I think it ought to be on the list to do. It meets all your other requirements. Anybody else want to testify? Roll call.

**Francesconi:** Aye.

**Saltzman:** Aye.

**Sten:** It's an important step. I appreciate it. There's really two issues—one which I think we've addressed is how much your property actually contributes, and the next one is with the two-thirds of the fee that's left, how much of that is due to what? And I think how much surface you have and also since a lot of the fee goes to the roads, how much use of the roads we have is part of the equation. So I think we're on the right track, but we've got to get this data. Thanks, commissioner Saltzman.

Aye.

**Katz:** Mayor votes aye. Thank you. **965.**

**Sten:** We're just accepting a grant.

**Katz:** Mayor votes aye. **966.**

**Katz:** Anybody want to testify on that? Did you expect anybody from pge?

**Sten:** I don't think so.

**Olson:** It changes the budget.

**Katz:** Mayor votes aye. Can we take **967**? Did you anticipate anybody coming for that?

== I didn't anticipate anybody.

**Katz:** Okay. Because we're ahead of schedule and i'm trying to manage it. I thought leo might be coming down, and it's—we're way ahead of our schedule. So we're jumping to less controversial issues.

**Katz:** Go ahead. This is the water main improvement—

== I really don't have anything to add to that. It's one of those pro forma issues that council votes on.

**Katz:** Thank you. Anybody want to testify on this? We have plenty of time. Did you come down for this?

**Gene Wench (sp?):** Arboretum Drive. i'm gene wench. I'm just here in favor of that. I could answer questions if the council has any questions about it.

**Katz:** Mayor votes aye. **968.** Is daniel demaris here?

**Olson:** He called and asked to be continued for one week.

**Katz:** Okay. Let's go back to—i assume the seasonal water supply plan, there will be people here to testify.

**Sten:** Yes.

**Katz:** I also—is OFA here on the state revenue sharing? We never had anybody come and testify on this one. Why don't we take item—

we're ready on the garden too, mayor.

**Katz:** We're ready on the garden. Let's take the garden, then, because it's not a time certain.

**Olson:** Item No. **959.**

**Katz:** Before I turn it over to our esteemed group here, let me just invite the council. Phyllis is going to try to make arrangements with all of you for a quick tour of the garden. It is growing in the city right in front of all of our eyes, and I need to say it is absolutely magnificent. So come before september so you can see it grow. We're almost ready. Somebody told me yesterday, ready to almost put the pond in. So there are a lot of things that are happening. And phyllis will be trying to schedule with your offices to take you on a tour, but if that doesn't work, go on your own.

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**Bob Naito, President, Portland Classical Chinese Garden (PCCG):** i'm bob naito. I'm the president of the Portland classical chinese garden. It's a newly formed 501-c-3 nonprofit formed solely to operate and manage the garden once it's completed on september 13<sup>th</sup>. What have you in front of you is a management agreement for the garden between the city and our group. It's been negotiated basically between harry and amy richter, a volunteer attorney for the— what I call pccg, and pat lacrosse, who we've hired as a consultant to come in and help us get up and going as quickly as possible.

**Katz:** You need—you need to explain what that—those acronyms are.

**Naito:** Portland classical chinese garden is pccg, and that's our organization. We were formed basically starting in may and have basically started with a core group of seven volunteers— volunteer directors. We've increased the board to about 14 right now, 15 as of this morning. Harry reminds me we nominated donald jenkins from the art museum who's probably got the longest history with this project and will be a great asset. We have in a very short period of time put together a staffing plan for the garden, an operating budget for the first six months which is in a draft form today. We've put together the hours of operation for the garden and the fee structure for admission and also membership. We're in the midst of negotiating with the tea house operator and actually he gets back from india—or got back over the weekend, and we're meeting with him this afternoon. We have placed advertisements in the "oregonian," we're looking for a director, a store operator, store manager, an operations manager, and a volunteer membership coordinator. When we're through this initial kind of start-up and shake-down period, we think we'll end up with a staff of five or six full-time employees and probably another 15 part-time, primarily ticket takers and store sales people. So that will bring us up to a paid staff of about 20. The biggest I think challenges evening we're facing right now is getting—challenge we're facing, basically it's the transition from the construction team to our group will be operating the garden, and organizing the grand opening basically week-long celebration that will start on september 13<sup>th</sup>, which one of my board members pointed out is 75 days away. The 13<sup>th</sup> will have a sit-down dinner for 400 people as a fund-raiser. We hope to general arbitrate \$100,000 from that fund-raising activity toward the operation of the garden. The following day, a thursday, mayor Katz and mayor chen will cut the ribbon, officially opening the garden. And then thursday, friday, saturday and sunday we have a dozen I think we're up to a dozen performers and artists coming from the sister city along with the mayor who will perform nightly in the garden—

**Katz:** Not this mayor will perform nightly.

**Naito:** the performers. Did I say the mayors? [ laughter ]

**Katz:** I'm going to be there. Did you check the calendar? It's a full moon?

**Naito:** the full moon is the 13<sup>th</sup>. And we put in a request for good weather. But in the event that it's not perfect weather, we're erecting a tent on flanders street, a very large tent so that people the garden walkways are covered, so that while they're waiting to go through the garden they'll have a place that's dry and warm to wait. In the off chance we have hot weather, the tent can also be air conditioned. So that's kind of where we're at with the operating agreement. It's a five-year agreement. I'll try and recite the terms that I can recall, and harry can back me up if I miss any of them. It starts july 1 and runs until november of 2004, so it's just it's a 4 1/2-year initial term that's renewable for another five. All of the pccg is responsible to operate and take care of the security and the tea house and the concessions and all of those things. The agreement is very similar to the ones the city has for pioneer courthouse square and the japanese garden. We have responsibility to provide an annual budget that's reviewed by the city's program manager, project manager. We'll do monthly financial reports to the city, and at the termination or the expiration of this agreement, all of the funds that—and all of the assets of pccg go back to the city, so if we've bought furniture or computers or if there's money in the bank should the agreement terminate, that all goes back to the city. Did I miss anything?



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**Harry Auerbach, Senior Deputy City Attorney:** I don't think so, unless the council has questions. I just want to make two minor observations. One is that in your packet the form of agreement is labeled a draft. However, the pccg board approved that document as it's written this morning, so there aren't any more changes to be made in it. The other is it's also very similar to the agreement that we have with the rose festival for operating the new rose garden gift shop in Washington park. It's more similar to that than to any other, because we're using our current forms. So if you have any questions, i'd be happy to answer them.

**Katz:** Questions by the council? Folks this, is a big deal. This is probably one of the biggest deals that the council has—and the private community has dealt with. Bob is right, this is very difficult, moving from construction to operational. Budgets are important, making sure the budgets will be balanced so they're self-sustaining. Maintenance, parks. If I recall, parks will be responsible just for anything that's green, but the rest will be the—the staff, the rocks and anything else, the wood is will be the responsibility of the staff that is going to be managing the garden. Harry, did you want to add to that?

**Auerbach:** the major maintenance, like the roof and walls and that kind of stuff would be the city's responsibility to the extent there are funds available in the budget. There are no obligations that the city is accepting that don't require you to have money available for it. So we're not committing you to anything that you don't have money for.

**Katz:** And phyllis and I yesterday, you can add another \$100,000 to the budget.

**Francesconi:** Since you're encouraging questions, because of the seriousness of it, let me follow up on that. It's my understanding, let's say there is a problem with the roof that's not covered by your organization. That's not going to—that's a city capital request or is that a parks capital request? I know parks is parts of the city, but does that go into the park's capital budget request?

**Auerbach:** that's not provided in the agreement. It's something the council will have to work out. At the moment, the mayor is the person in charge of this operation for the city. How you choose to allocate that among the bureaus of the city is a discretionary matter for the council.

**Francesconi:** This is a serious issue for parks.

== I don't want to interrupt, but I do want to say what I envision will happen f. That comes to pass there will have to be cooperation between the city and the corporation to come up with money to keep the garden and the—in the shape you're going to want to keep it in.

**Francesconi:** I'm about to ask bob about that. The issue is—the concern of course is, and we just flagged it in the sdc discussion, we have very expensive parks downtown to maintain, and the neighborhoods suffer. It's a big deal. Parks agreed to do this on the green portion, but only the green portion. On the other hand, parks is part of the city, ask we want this thing to succeed from the city's standpoint. So bob, what happens if there's a shortfall on the maintenance side of this?

**Naito:** the first thing that happens, commissioner, is that it—at least the first cut at the budget that I did when I agreed to do this, was based on 100,000 attendance, which is the number that we have used I think over the whole four-year period. And that attendance dropping 10,000 in the second year and building back up, which is very typical of what these kind of attractions experience that get a big hit at the beginning and then they taper off and build back up. I've always felt, and it's been confirmed in conversations that pat lacrosse and I have had, that that 100,000 is low. So what we hope to do is exceed the budget, and all of the funds that we earn in operating the—in the garden as far as i'm concerned are committed first to establishing an operating reserve so if we have another mt. St. Helens or, you know, some—the garden we have to repair the roof and we have to shut down for a month or two, pccg can continue and have money in the bank to function. After that operating reserve has been established, then every dollar will go into a capital expenditure reserve, and that's I think the first call on any kind of major maintenance or capital improvements for the garden. The key to that, though, is in the—in the first year, basically in a construction project, you've got the contractor's warranty for the first 12 months. I think we're pretty much covered for the first year.

It's the years after that while our capital expenditure fund is building up where we could get tapped for something unexpected. And I don't know what that is, but an uninsured maintenance problem that we have to correct, the foundation fails, or the roof has a problem. If that happens, and we don't have the money for it, the only place we've got to come is back to the city. And it is a city asset, so I think that's both a reasonable thing to do and i'm not sure there's any realistic alternative. We think also not only is the attendance low, but I think and pat's kind of pushed the idea that if we put together a real strong membership campaign in the garden, and one of the ideas that we have for that is what are the membership benefits that you get in the japanese garden if you're a member, you can come into the garden before the public hours. And we think that's a tremendous asset for people who want to come in and do tai chi in the morning, or have a better experience without the crowds and also I think in the evening, when there aren't activities going on in the garden. So if we can build a strong membership base, we will run this garden as—in a businesslike way, with the best experience that we've got. And I think because we've been conservative in the budgeting, I think we'll probably be able to cover hopefully we'll be able to cover the—all of the capital maintenance expenditures. The normal, you know, fixing things that break, the minor maintenance stuff we've already got budgeted out of our annual operating budget.

**Francesconi:** I guess the other question we may get into, I don't know, I wasn't going to raise it, the issue of how this was born, how the community is accepting it, the creation of this new entity, you may as well address it.

**Naito:** well, I kind of miss the— missed the interim step, so i'm going to do this sort of secondhand with the information, the knowledge that i've gotten. It's my understanding that starting earlier than last november, the classical chinese garden trust, which is the group that is raising the capital funds, started to put basically negotiate this operating agreement, or do the preliminary conversations around putting this agreement together. And that's over six months ago. And I think it's right at the end of martha the classical chinese garden society, which is the group that's—the volunteer nonprofit that everybody had assumed would be sitting here instead of me, basically voted not to make some changes in their structure to satisfy some requirements that the trust and the city had to— before the city was willing to go and basically turn over the keys to them in september. And I think that's the point that the mayor's office started looking around for a viable alternative. And basically I think seven of us got a phone call in may, from may to now we've made tremendous progress. But I really don't want to—

**Francesconi:** You went far enough. I guess my question to you harry, what were those essential thing that we needed?

**Auerbach:** the—some of them were structural. For example, the classical chinese garden society has voting members. And there was a very strong feeling that a corporation with voting members was not flexible enough to meet the day-to-day needs of running a facility like the garden. So we asked them to delete the voting membership clause from their bylaws. In addition, there was—we wanted—there was a perceived need to have certain particular areas of expertise represented on the board and executive committee in order to make the garden function. We needed someone with facilities management experience, somebody with accounting or financial background, people with legal background, people with fund-raising background, or connections to potential donors. That sort of thing. And there was the trust, the classical chinese garden trust that was formed for the purpose of raising money and overseeing the construction of the project, developed with the city staff. The basic list of qualification that's we needed to see, and we asked them to be memorialized in the bylaws. And those changes were ultimately not made by the society, and they decided they didn't—from what I understand, and I know there are representatives of the society here that can speak to this better than I can, I think they decided they didn't want to undertake the operation of the garden under those circumstances. And so we came up with a new organization. I want to say that the classical chinese garden society has been a very important contributor to the success of the

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project. They held the original vision that—and intended it faithfully for 15 years or so that it's taken to get us to this point. And I think we would be remiss if we did not expect our gratitude to them for everything they have given and shared in getting us to where we are now. It just—it became apparent that they lacked certain strengths that were necessary, first to raise the funds, which is why we incorporated the trust several years ago, and finally we're not able to make the transition that we hoped they would be able to make in order to be able to operate the thing once it was built. And that's how we got where we are.

**Francesconi:** Thank you. You answered my question.

**Katz:** Further questions by the council? Commissioner Francesconi reminded me that at some point, maybe after opening, we ought to take a little bit after history tour and bring the folks who were responsible, as you said, harry, for the vision to the point where your dad kind of was going to make this thing happen, to the point where I came in to the picture, to the point where northwest natural gas came into the picture, and pull all of this together. In addition to some of the videos that we have, the one that I remember of the initial meeting with the chinese designers, nobody understood each other and we had to talk design issues through a translator and finally through pen criminal and paper. Now we understand. So this is getting—this is a huge project when you're talking about a correct with—a contract with a country 6,000 miles away, different language, different culture, and let me tell you, different codes. They laughed at us when we were concerned about seismic code with china that experiences, you know, earthquake events and the gardens are still standing 2,000 more years old. But those are our codes, and they had to understand that to raising the money, to actual building it, to now making the transition of managing it. And hopefully managing it so we don't come back to the city asking for the cap call resources. But I can't promise that. We just don't know. But we are the largest chinese classical garden in the north american continent. Is that an accurate—we're not the only one, but the largest.

**Naito:** we're the biggest.

**Katz:** We're the biggest.

**Naito:** and we will be the best.

**Katz:** And the chinese will telling us we will also be the best. Because a lot of the designers who are involved in this project were also involved in some of the other projects. Okay.

**Saltzman:** Pccg, are you looking at making the garden available for events, weddings, those types of things?

**Naito:** there's a subcommittee right now that's pulled together the event policies of the japanese garden and a number of other facilities. I suspect it will be open for some corporate functions. I think that was part of the original conversation that we had, and I think the port of Portland for example was very interested in that. I think it's an opportunity. I really doubt it will be open for weddings, just in—people were talking about advertising, photo shoots, all the kind of movie-making and that kind of thing, because it's too disruptive. I think the other thing we're working very hard on, and it's going to take some ingenuity to put together, with the experience of having these 12 performers here in the garden in the evening, I think it's going to strike a chord with people that we're going to want to redo that every year in the spring and summer. And so it's going to limit the opportunities when the garden isn't open to the public that you can close and it use it for a private function. We're counting in the budget on some revenue coming from those kind of corporate events or private events, but it's really a public garden.

**Katz:** Let me describe one of the evening events that hopefully will be open. The full—the moon is out, and it strikes the pond. So there's a reflection. There are lanterns all over the garden. I hope what i'm describing is going to happen. This is what we experienced in china. And you have the chinese classical arts represented in each of the pavilions. And so you quietly move from one pavilion to another, where you'll hear somebody sing, somebody dance, somebody play a musical instrument. When it's all over you make sure they go to the gift shop. And it's—tea is served, and

it's quite an experience. I hope—I know we will be bringing people over, but I hope we have the talent here in the community to replicate that on a regular basis. Further questions? Further testimony? Connie, why don't you come—come on up. You're sort of part of the history.

**Connie Diack:** my name is connie diak, southeast boring. The president of the sister city association and now on the board of pccg. Being involved in this relationship for ten years now, I take my hat off to you, mayor Katz, seeing this through, and this new organization is the pccg is very responsible, very sensitive, and there's no doubt in my mind it will run the garden the best possible.

**Katz:** Thank you. Connie's been our citizen liaison and has been president of the association, has actually lived there, and probably knows more about gardens than any of us combined. I hope will help give tours and explain to the public the nuances, and I underline that, of chinese architecture, chinese symbolism, chinese art. Thank you. Let's open it up to public testimony. Anybody want to speak? If not—okay. Come on up. Before we do that, let marsha talk.

**Marcia Weinstein:** 2951 N. Willamette Blvd. my name is marsha winestein. I am the currently the secretary of the classical chinese garden society. I have been involved with this project since the first delegation came from our sister city, which I think was 1984 or 5. I want to put a couple of things straight in what was previously said. I am the board member on the classical chinese garden society who objected from the first to becoming a nonmember organization. I believe that this is a public entity and the public has a right to have a say in it. And that say was confined by Oregon law and our bylaws on—by voting on who was on the board. This is the way, to my understanding, that the japanese garden society has operated for over 30 years. And continues to operate. I've also been a member of that for a number of years. And I think that was the major point I wanted to make. One of the reasons i'm involved with this project, is when I grew up in Portland and went to fernwood grade school and grant high school, when we did Oregon history, there was no mention of the many tens of thousands of chinese who were in Oregon in the 19<sup>th</sup> century. And I really wanted that there be a concrete piece of chinese culture in Portland so that children who went to school after me would know that the chinese are here, and they have been here for a long time. And I am delighted the garden is happening, i'm delighted it's being completed. I think that's what I have to say.

**Katz:** And I want to express my appreciation for all the work that you and bruce and others have accomplished over the years. Really, thank you. Bruce?

== i'll let this gentleman go first.

**Tom O'Keefe, UCAN:** tom o'keefe, united community action network. I remember many years ago I was here at council for a different issue, when bill naito spoke about the garden, and at the time it was somewhat controversial. He spoke eloquently about it's a way for the chinese community to be more part of our community, and to help the diversity and many other things. He put it in such great words, it inspired me to get up here to say, hey, go for it. And i'm glad it's here today.

**Katz:** Thank you.

**Bruce Fong (sp?):** my name is bruce, 1941 southeast 31<sup>st</sup> avenue. I have been a citizen of Portland almost 70 years. I grew up in chinatown about two blocks from where the garden site is. I'm extremely proud of the fact that the city and our participating members of the society are helping to get this fabulous garden. When they first—when the garden society first approached the chinese community at the ccba, out of 34 people that were there, they all voted it down, because they said we couldn't raise that kind of money. I voted for it, because they said, you're dreaming. It takes a dream to start something. And from that dream, unfortunately, I was asked to participate on the garden. I was on a commission, public safety commission for mr. Goldschmidt when one of the members had cancer and she called me to take her place. And I have since—a few years ago, we, the garden and the city signed a contract. We were partners. The contract terminated january 2000. It has never been renewed. There are stipulations as to the dissolution of that contract. During that contract, it was agreed upon that the city and the society, plus other board members participate on the trust board. The trust board then governed the activity of the project executive trust. The trust board

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has never been dissolved, as I know it today. The trust project—executive committee trust is still functioning under greg canter. Now, I have no problem with the project. As a matter of fact, I am still donating. I donated monies, over \$10,000, i've donated my phone system last month, i've donated a computer last month, i'll than ready to donate another computer, and i'm trying to help the society get the software program for microsoft, which they are having a problem donating to a municipality. And i've made different approaches through them, hopefully without getting personally involved with the person involved that authorizes it, that we can get it for the city through the society, which is a nonmunicipality organization, then we would then have the garden group use the process—use the software. Whether that will be successful, i'm not sure. But i'm participating to let you know that I am participating to help the garden become a reality, which I am ready to participate. We are—we the society believe we are a private organization. We have a 501-c-3. We had it before the trust had it. We had it before the garden has it. They've used our 501-c-3 for collection of donations, and we have no problems with that, because it's for a good cause. We do have a problem when a private organization is told that in order to run—manage two things—manage and operate the garden, manage is one thing and operate the garden, another thing. We did not feel that anyone should encroach upon the society and says, you change your bylaws or else. You do this, you put a new executive board or else. We did not feel that is proper. We felt that society—society run by the board should operate by its own, and should be approached for any assistance or any direction and make any—accept any recommendation that is within the goals of the society. That is our only position.

**Katz:** That is—your time is up. Why don't you just finish up.

**Fong:** okay. I don't know why the society—the decision has been made, we're partners, quote unquote. But we've been left out, and the society now wishes to participate as your arm, as the arm for the body of the garden. We will, and we have initiated a limited endowment plan. We will donate money to the society for maintenance whenever they require under the limitations of our endowment. We will provide volunteers for the garden. We have not been requested for any volunteer, though we have volunteered many times.

**Katz:** Thank you. Okay. Questions? Thank you. I understand five members of the garden society are on the new board. Is that correct? Okay. Anybody else want to testify? Roll call.

**Francesconi:** This will make our whole city much better. Not only honoring our chinese ancestors who helped build the city, but then weren't able to participate in some of the economic benefits of our city, but also further increasing international exposure for our young people as well as being just a tremendous place. My wife and I actually have had the privilege, mayor, of being in the garden at night with the moon listening to the performers, and that is an experience that all of our citizens should have. And thank you for your leadership in providing this. You've culminated, you know, the work of commissioners before you. It may have started with mike lindberg, but it took you to raise the money and make some difficult decisions in order for this to happen. I think—i do have concerns, you know, that we have adequate resources so that this doesn't penalize the neighborhoods as well who have tremendous capital needs. But I think you can do this, because part—partly because you're making sure there's adequate management there. I believe bringing pat lacrosse on, the work he did at omsi will be a tremendous addition here. I think you're creating a structure that will allow this to happen. I think we have the example of the japanese garden which has not been a drain on the neighborhoods and has been a tremendous enhancement here. So you've—you deserve a lot of credit for this. I also know that you're very concerned about honoring the chinese benevolent society, the garden society, who deserve a lot of credit. Executing the dream is one thing, but keeping it alive so the dream could be executed is equally important. And without them, we wouldn't be here, and so i'm just hopeful that as this—we realize what a tremendous resource this is, there will be even more healing and that actually the magical powers of the place will help heal this for—as we go forward. Aye.

**Saltzman:** Aye.

**Sten:** It's a tremendously exciting, and all the different players have made a huge impact. I know how much work it's been. I think this is going to be a permanent and just terrific addition to the city for all the historical and cultural reasons you mentioned, as well as just a terrific place to be. I want to personally thank mayor Katz. I know this hasn't been easy, and the—all the folks who have work order this from day one, I haven't had work on it much at all, so i'm delighted no stand back and see what all of your efforts have done. I think it will be such a wonderful place, I haven't been in it yet, but I look forward to it. Thanks to all of you who are here today. Aye.

**Katz:** We'll have a wonderful opportunity to thank everybody, but it did start with a dream by the garden society, and the sister city. As a matter of fact, it also was discussed with another sister city. You've got to understand, we were dealing with a variety of groups that had dreams about this garden, and at some point we had to get serious about raising the money to build it, and at some point we had to get serious about operations and management of a garden so that we wouldn't be a drain on the city. My dream is that when the time comes for the ribbon to be cut this fall, the healing will have occurred. And I will make it my own personal effort to make sure that that happens. And everybody is properly honored. And as we do this, bill is smiling at us again. So aye. Okay. We made it. 10:30.

**Sten:** It's past 10:30.

**Katz:** All right.

**Item No. 907.**

**Sten:** We order a heat wave to put a little more emphasis on this upcoming report.

**Mike Rosenberger, Director, Water Bureau:** my name is mike rosenberger, director of the Portland water bureau. I would like to talk about the summer supply plan. I've had a chance to brief each of you and/or members of your staff. There are three things I would like to get from you today. You've been forewarned. One is approval of the plan that we presented. The second, I would like to have us reach an agreement about decision-making relative to running the well field should we recommend that we do that. And thirdly, I would like to get some direction related to the treatment of the benson bubblers this summer. So let's start with the first one. The supply plan consists of a document several pages long, but it's essentially summarized in one page. It looks very much like the supply plans that we have adopted in each of the last several years. We identify baseline resources that we think will get us through the summer, but if we end up having problems, we have then identified two tiers, 1 and 2, that we can work our way down into to deal with issues of supply and/or demand. In our baseline resources, we include conservation, bull run, including stream flow and what's in the reservoirs now, and an increment of bull run lake. Offloads that some of our wholesale customers will make, probably as a matter of course, and then a portion of the well field. Certain select wells. And then as we move down, we get into issues where we would offload more customers, we could bring water in from other sources like we've done in the past, like the clackamas river source, look at voluntary curtailment and some additional wells. And then when we start to get down to real problems, then we have more offloads, additional wells and we start looking at the issue of curtailment. Basically our feeling is that we will be able to get through the summer with our baseline resources. We will need to make some decisions probably around the end of the month where we're looking internally about what we think about the need to run the well field. Or a portion of the wellfield. Running the wellfield really helps us address two issues, and the one thing we focus mostly on in our briefings with you is looking at seasonal supply. So when we start to get into pretty much well into july, we have a real good idea of what supply and demand is looking like, we have longer term forecasts, we'll be making recommendations in there to the commissioner about what we think ought to be done to augment summer supply if we think it should come from the wells. We have another issue, though, related to use of the wells. More like on a spot market kind of situation, like today. I don't think we'd recommend we do it today, but if we had a five or six-day hot streak

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like this, we may need in order to meet peak demand, crank up wells just to keep storage full so we can meet the demand on the system. We're running the system to the max right now for the third day in a row, and we think we'll be fine, you know, given what the weather forecasts are. But a week of this weather would almost certainly guarantee just to meet these peaks, that we'd have to hit some wells at night just to be cranking up the supply. And so if I can shift to the decision-making process, as you know, the proposal last year was that if the bureau wanted to recommend that we turn on any wells, that we come to the city council. What I have recommended to you in the individual briefings and recommend now is that it be an operational decision of the bureau and the commissioner in charge, that if the commissioner in charge authorizes us to turn on the wells, that the council be immediately notified, and the public be immediately notified, and that is consistent with the what we have done the last few times that we've run the wells, which in fact has been in the winter time. And in fact the notification generally has come from me to the commission and I think from me to each of your answering machines, last thanksgiving being the most recent event when there was no choice to run it when we're being overrun with turbidity. So that's what I recommend, is that the decision be with the commissioner in charge, and then immediate notification to the council and the public. And we do the public notification as a matter of course. The third issue has to do with the bubblers. Since '92, the city policy has been to turn the bubblers off, retrofit them with the infamous push button. The—kind of—i don't know if i'd say a proposal, an alternative I presented to you was the idea of kind of balancing the conservation message on the one hand with aesthetics and livability on the other, and that is to put timers on them, run them for all or most of the day, and turn them off at night. And that's doable, and I just want to know if you want us to do it or not. So those are the three things, and we could go into any more detail on any of them.

**Katz:** You've got to like the guy.

**Rosenberger:** thank you.

**Sten:** Thanks. I'll throw in a couple of comments. I think the issue of the wells, they're safe, and they are a backup drinking source. Last year we are in some litigation with companies that have polluted the area, and that's—that discussion often gets confused with the wells discussion. In the long run, i'm a believer that what we need to do is expand the bull run supply and you stretch the day that we can expand the bull run supply back by conserving in the interim. And that's what—there's a comprehensive approach going on, and that's commissioner Saltzman and i's rate reform that the council has really worked on. The idea is ton serve as much as possible. Eventually we're going to have to expand the bull run. We drink about 15 to 20% of the available—use, I should say, of the available bull run. So there is more capacity for both fish and people. But we are limited to the amount the reservoirs can hold when it's not raining. So the reservoirs are more or less full now and they'll start draining pretty quickly in this kind of weather. Unless the council wants to come to a policy that we are going to as a matter of policy ration people's water use rather than use our backup source, which is safe, and I don't think it makes sense not to use the backup source when it's available, the citizens paid to have that source, and for the few days a year that we need it it seems to make sense, I don't think it makes sense to set up a council action necessary to turn on a backup source. If there's a policy decision that we don't want to use that source, which wouldn't be my recommendation, but people will testify and give reasons why today. The problem we have in terms of planning for the permanent increase in bull run storage capacity, we're still in a waiting game with some of our suburban partners who started out to build the willamette plan and now some will build it and some aren't. It's hard for us to project and make solid financial recommendations to the council about very expensive expansions until we know how many customers we're likely to have. If we're going to have a lot less customers, we're going to push that back. None of this in my opinion is at all counterproductive with the message you'll hear about conservation. We should be trying to use water as efficiently as possible, we're changing our price structure, and we're going to continue people—to push people like—to do that. I think brown looks good. Mine is brown already and I



won't have to mow it anymore. We're not in a position of saying, in my opinion, if you think a green lawn looks good you can't do that. We have a backup source of water that people have paid for, and unless we want to change that policy, my recommendation is we go ahead and use that. What we have also tried to do, our policy at this point is we blend the well water early on to make sure we have as many options as possible. In the effects few weeks we would expect to have a small amount of well water in the mix in order to stretch our supply. So that's the story right now. If the council would prefer to have a hearing to make that decision, that's our choice. I think it would make more sense to change the policy.

**Katz:** If I recall—that was that was the context. If I recall, the conversation with the council was the concern over contaminated wellfield. And clarify that, I think commissioner Sten began and did that, but I want to hear it from you.

**Rosenberger:** right. If you recall, last year when we had this conversation there was a lot of discussion about contamination, because there are just been a store in the paper at one of the monitoring wells. The way that we have these laid out, and we may hear testimonied to that—today that might lead us to tinker with a couple of these wells, the fact of the matter is, the list we have here is a safe list. There is—in the information that we left with you and with your staff, you have the results of the monitoring and sampling that we have done of all of our wells that we filed with the state. I believe we do not have any kind of contamination problem in the list that we have here. So I don't know what—really what more there is to say about that. What I think the commissioner said is what we continue to say and we think we continue to document. That is, it is a high-quality water source that we should feel comfortable going to when we need it. So far it's been in excess of a dozen times.

**Katz:** If the council wants to go the route that you're recommending, my hope is that you tell the commissioner in charge, in this case it's commissioner Sten, that it's more than you believe.

**Rosenberger:** right. I believe, I think, I know. Therefore, I am. [ laughter ]

**Francesconi:** You better be right, or you won't be.

**Katz:** I think—I'm speaking for the council. I think that's their concern. It should be the commissioner in charge's concern as well.

**Rosenberger:** right. That's right.

**Sten:** Okay. We're going to take testimony. There's going to be testimony on different views of this. Let me just very quickly speak to the bubbler issue first. This is the—there are certain questions in city government that never die, and some are more important than others, and this one I think has caught people's imagination. In the last few years we've put the things on the bubblers so you have to push them to get a drink. I would not say it's an overwhelming set of calls, but a significant number of people call my office every year and very much dislike that with the sense that it's nice—it's not warm when you push the button, and it's nice to be able to get a cold drink, and the buttons are ugly and people see the bubblers as a symbol of Portland. We have put them on because conservation is a major issue in the summer, and again, it's not that this region doesn't have water. It's that getting more water to you is going to double and triple your water bill, like the sewers are, and it costs a lot of money to waste water. So at this point we've been trying to send the right message. I asked mike to look for compromises, and I like this one. We would let them run during the hot hours, and have a time their shuts them off at night. In some ways I see that as—I don't feel super strongly either way, but I see this symbolically to how I view the water system. My argument is not that you should have a law that makes it mandatory that your lawn is brown, but I think there's good reasons to think about that. We do have water resources in this town, but we need to use them wisely. Some of the public sentiment is they would like that bubbler to give them a cold drink, and to turn them off might be a good idea.

**Francesconi:** How much did we spend on the buttons?

**Sten:** A lot. Because they get vandalized constantly.



**Francesconi:** Do we—I can give you—

**Rosenberger:** I can give you an exact number. It's about maybe 15, \$16,000 a year. The thing is, every year we have to go through and put them all on, and then after the end of the summer we have to take them all off, and in the interim we have to fix the ones that are vandalized. And they get vandalized a lot, because for the scrap value of the push-button itself, people unscrew them and take them, and then water is shooting up. So there are a lot of operational issues. The advantage of the timer, and we could view it as our—erik says, as a pilot, we do it once and that's really it. Then all we'd have to do and change the timer. And in fact we could leave the timers so they're not running during the winter time, for that matter, at night. So it wouldn't have to be just a summer thing.

**Saltzman:** The timers are subject to vandalism too?

**Rosenberger:** no, they'll be in the ground. The only upkeep would be— there would be is periodic replacement of the battery.

**Sten:** "the Oregonian" has editorialized that it's like putting a bag on the head of mona lisa.

**Francesconi:** The other is, is ate large percentage of water that it uses?

two-tenths of a percent of the summer supply. So I think the answer would be no.

**Katz:** Whatever—I told mike in an e-mail, whatever you decide, this is not a monumental issue. On the other hand, if we decide to go this route, you're going to get calls and letters from the public saying, why are the bubblers on? It's going to come from the other side.

**Sten:** I've decided Portlanders are sophisticated enough to realize that we need to conserve and we can let them bubble a little bit.

**Rosenberger:** what what—and what we're going to do with the bubblers, if we get into a situation where we're moving down into the next tier or something for water, we could turn them off as parts of the message.

**Sten:** I think if we were in that mode, we'd just turn them off.

**Rosenberger:** that could just be part of the story.

**Katz:** This is not in the items we're going to be voting on today. Okay. We'll give it to you. Let's open it up for public testimony. If the public would like to share with us what they think about the bubblers, we would love to hear from you.

**Tom O'Keefe, UCAN:** tom o'keefe, united community action network. Conservation is at the top of my list. When they speak about last year, if you remember during june the water bureau came in front of council and asked to turn the wellfield on for the entire month of august. It was designed for emergency purposes only. There was no emergency in place. There was more water than we knew what to do with in the bull run at that time. The problem being is, if we give the authority back to the water bureau, the commissioner, our concern is how often will the wellfield be running during nonemergency times? Whether it was designed for. There is some legal arguments being done by boeing and cascade that says they can—they contend it is making their clean-up more difficult if it's affecting the flume field and moving it around. That's one of their legal arguments. Of course we're trying to sue them for the 6.6 million that they owe the city. Now, will the lawsuit be amended to— because if you're using the wellfield, you're going to have to increase a monitoring efforts. So will the lawsuit be amended to show those additional costs? Also, boeing and cascade make a pretty strong argument, and i'm sure you're aware, they've asked for a jury trial on this. They contend that you're making their life more difficult by running the wellfield during nonemergency times, and that you should never have put the wellfield in there anyway, because it's a known industrial area that has contaminants. Cascade, which is very interesting, also claim in their legal argument mismanagement of the bull run. This has never been said before except by other organizations such as onrc, citizens for bull run, people like me and others about logging, road building and other things that cause turbidity and sediments into the reservoir, which lose capacity. Forcing the city to go to the wellfield. So there's a lot of arguments here, how this is going to play out in court should be interesting to follow along. I'm sure a new round of papers will be filed because they're still in the

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discovery process now. Conservation should be at the top of the list, and I think the concern of people such as myself is that the wellfield be used for emergency purposes only, what it was designed for, and not used running at full blast they tried to do it last august, council told them to back off, and it wasn't organizes—organizations like myself, even "the Oregonian" said step aside at this time. Because there is no emergency in place. So sit my concern that the system be used for what it's designed for. Thanks.

**Katz:** Thank you.

**Regna Meritt:** my name is rudna. I'm a member of the citizen water quality advisory committee. First off i'd like to thank council and commissioner Sten for the fine work in efforts to protect and enlarge large the bull run management unit, which I affectionately call the bull run protection unit. We may see legislation this year that we will hopefully attain protections for public health and conservation. You listen to citizen concerns and took action, and for that I thank you. Let's get to the wellfields. From my read of the documents, there are about 11 of the 22 wells that are either have solvents in them or are threatened by a plume of cancer-causing solvents. So i'm asking council to deny the water bureau's request to use the wellfield before going to citizen—a voluntary restrictions on the part of citizens. Under the proposed plan, it's my understanding that nearly one-third of the 17 wells that would be used before voluntary restrictions are subject to solvents, the plume or they actually had a history of solvents in them. Going to the citizens, we have incredibly public spirited, community-minded folks in Portland, and to go to this contaminated wellfield before asking people if they'd like to change their behavior and—with the benefit of continuing to be able to continue to drink some of the highest quality water in the world makes no sense to me. We're not talking about creating a panic, we're simply asking people to pay attention to what they're doing and to do the right thing. We're not talking about mandatory restrictions, and what we're not—we're talking about the council demonstrating a concern for public health and a commitment to a conservation ethic in Portland. I was—now is the right time to do this kind of thing. It would be easy. You could speak with "the Oregonian," and tv stations, put an icon on the weather page and on the weather screen using fish or whatever you'd like so that you could help folks in Portland know to what extent they could be helping conserve bull run water during the season. We have—we're in an economic boom, there's no crisis, this is a perfect time to experiment with some relatively cheap and creative means of controlling conservation and enhancing conservation. I think the bureau's concerned about losing money. They lost millions of dollars during the drought last time around, and there are consequences for planning and for staffing, et cetera, that are understandable. However, with 7 a campaign where you have people looking every day to see what they can do, including restricting some of their indoor use, I think we could have a handle on how much we conserve and in that way the bureau need not panic about citizen conservation. So in short, I ask that you deny the request and you move citizen restrictions up on the scale and move the use of the wellfield well down, that if the bureau feels after looking at the next weather—long-range weather forecast that we need to use the wells, that the bureau come back to council and give an update. We know it's a very dynamic situation with the wellfield. We've found from time to time that there have been changes, new discoveries of cancer-causing chemicals, and the citizens and the council should know what the status of the wellfields is when the bureau wants to use the wellfield. And the lastly, I would like to ask that you do not give the bureau the authority to go ahead and use the wellfield whenever they think it's best. I cannot believe the bubblers are still on after we've been through droughts. It's true that they are lovely and they're historical. However, we had hundreds and thousands of salmon a hundred years ago or whenever the bubblers were put in. It's a new day. The fact that we're still—the bureau has not taken an action on that and the fact the bureau is considering killing the citizens' water quality advisory committee also I think speaks to the fact that both citizens and the council should have oversight over these incredibly important public health decisions.

**Katz:** Thank you.

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**Francesconi:** All your ideas about conservation, which are good, we could do now. It's really just a question of timing. We could do all those things you're saying right now and still go ahead and authorize the commissioner to turn on the wellfield. It wouldn't have the same effect. If we said all those things now, then it would lessen the chance of the commissioner having to turn them on. So what you're arguing is a sense of timing. We're supposed to do it each time. That— isn't that essentially right?

**Merrit:** I think you should definitely make better use of citizens' goodwill right now to conserve water. But I truly believe that council should oversee the turning on of the wellfield because of public health concerns about cancer-causing chemicals. Last year the council did this. I think it's— it to be the right thing to do it again.

**Sten:** You're of the opinion we just shouldn't turn it on and should get to rationing if it gets that hot?

**Merrit:** I'm talking about moving up on the summer supply list, voluntary restrictions before use of a wellfield.

**Sten:** My point is, there isn't any more information for this council to know on the public health standards. So I think the council has to make a public decision, which I think is the wrong decision that the wellfields are not drinkable, or—there isn't a point to having a debate on perceived fears of the wellfield prior to turning it on. We need to make that decision ever decision—we need to overturn council policy that's a viable source of water, and I think that's the wrong decision, or come to a policy that we're not ever going to turn it on until we have done voluntary curtailment. In my opinion, that's not warranted from a public health standpoint, but I can see—I completely agree with you that there's a need to push the message of conservation at all times. I think what's happening, in all fairness, the argument is trying to use a perceived scare as a way to leverage a good return, which is the good thing is getting people to conserve. I totally agree with that. But I don't think it's good to fan the—fan false belief that people are going to get sick from the wellfield.

**Merrit:** Erik, tell me why we should use two wells which are known to have solvents in them before we ask people if they'd like to consider flushing their toilet one less time of day. There are wells that have not had—shown any evidence of solvents and there are many wells that have shown evidence of solvents. So I think that it makes just abundant sense to ask citizens to do the right thing before tapping wells we know have problems.

**Sten:** We don't want to get into debate, the wells are—it's like the willamette debate. There are better sources of water than the willamette, but it's misleading to put it under the health piece. I think you've got two good argument that's link well together politically, but I don't think they make good policy to link together. If we move to measures that are if we—I think we need to publicize it's a hot summer and people should do their best to use less water, as long as—if we can get to work done—if we can get the usage down, then we don't need to go to the wells. I'm in agreement with that, but I'm not willing to send a message which is because of the way the advocates are pushing this, it's false, that the well consist field resist dangerous. It's a dangerous message to send to people that they're—their public health is going to be hurt by—on a very limited basis using this backup source. I agree that it's better to try and conserve and not use the backup source as much as possible, because there's all kinds of good reasons to conserve in addition to not using the wellfields. What I object to is the public health scare that's attached.

**Merrit:** I disagree. I think there are some wells we should not be using at all.

**Katz:** Let me just say, I guess the real question is, are there any—that's really the to mike—are there any wellfield that's we should not be tapping in at all because of health concerns? If the answer is yes, then those are off the list. If the answer is no, we don't have an issue.

**Merrit:** I think that if we look at them at our list here—

**Katz:** Tom, I'll call you back, but there may be other people that want to testify. Don't let me forget you after everybody comes up.

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**Rosenberger:** in our list, in the baseline resource, there are two wells that have vocs detectable at less than 10% of the drinking water standard. Once they're run for two days, they are at the nondetect limit. If it would make people more comfortable, we can take those out and stick them down at the bottom. The point is, the drinking water standard is the drinking water standard which is a safe standard established by epa and we're less than a tenth of that. And that—then the other couple of wells that we don't particularly like are at the absolute bottom of the list. Again, they are well below drinking water standards, but we don't like them for some other reasons too. Partly potential concern for how it might impact some of—some other customers out in the area. The odds are we'd never get there anyway. If these other two wells under 10% of the standards still make people nervous, we can drop them down as well.

**Saltzman:** Are those group a or b wells?

**Rosenberger:** they're in the baseline. Because they're so low—the actual wells are—

**Saltzman:** There's a group a and b.

**Rosenberger:** grape a, wells 13 and 19. We're willing to drop those down if people are concerned that 9% of the drinking water standard --

**Saltzman:** are those the two wells were you concerned about?

**Merritt:** we, but i'm—yes, but i'm also concerned about the four threatened by the plume. If we pump them now, we would bring the—

**Katz:** Hold on.

**Rosenberger:** I don't agree with that. I think the message of the commissioner is the fundamental message. Part of this is the perspective. Are you going to say that anything that is conceivably threatened, therefore it makes this water source unsafe, or based on all the evidence that we have all the testing, the sampling, reports from ourselves, from deq, the state health division, that is a perfectly safe, high-quality resource? Those are the filters. And we're—where the commissioner is, and that's where the city ought to be.

**Francesconi:** What are the four at the bottom of the list, what does that mean?

**Rosenberger:** the couple of parkrose wells have some contaminants.

**Francesconi:** No. Just operationally what does it mean—

**Rosenberger:** when we say tier 2, they're the things we would least likely to do, least likely to run. It means, for example, going to another increment of bull run lake. The city's perspective on bull run lake is that we try to be really cautious about using it. And we have permits to use it, but it's pretty low on our priority list, given the criteria for refill and that sort of thing. It's a question of managing various kinds of risks.

**Francesconi:** I'm comfortable given all this authority to the commissioner in charge.

**Katz:** I'm comfortable, but a little nervous about managing risks. As a cancer survivor today, my perspective on all of this is entirely different than it may have been a year ago. I'm very sensitive that there are environmental impacts that have impacted the health of Oregonians and impacted the health all over the country. So if there are risks, and you think and the commissioner think there's are risks, they ought not to be tapped. Period. End of story. Now, the rest, that's up to you to make that decision.

**Sten:** That's why—we work very closely with these same advocates. You very rarely see me this testy. In two wells that are the very end of the list, we have traces of solvents. We test all this. That gets to be 10% of what the epa considers safe to drink. So if you had ten times as much which lots of drinking waters do, if you had ten times as much as this, the epa would say it was fine to drink. I am not a scientist, but I have to measure what our scientists tell us. That is water we're talking about. If it stays really hot, making 10 to 10% of the blend of the drinking system. If we're going to make a decision that those standards are not safe for us, we need to expand the bull run right now. So we've got to have water in the summer, and our ability to --

== I want to clarify that.

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**Katz:** Wait. Let's not get into—

**Sten:** I think we have to say to ourselves f. We want to make a decision that—this year the problem isn't going—this year we're going to be fine, but as population growth keeps coming, this is going to be more of an issue. We have to decide when to expand the bull run. It's going to cost several million dollars, and it's going to do to water bills what's happening to sewer goals now. The best thing is to make plans to expand the bull run, but I think from a fiscal and—it makes sense to stretch it until we get the sewer project rebuilt and to think this through. We're talking about using small amounts of a backup source, most of which doesn't reach that 10% standard. So I think it actually makes perfect sense, and I think you've made a very good contribution if we say those two wells are last on the list so we don't even get to those. But to publicly scare people that this water is not safe is not fair. If we want to make—we're willing to spend a couple hundred million dollars as a community to avoid a risk that the epa and others don't see as significant, that's a perfectly good decision. But that's ultimately what we're talking about if we decide to ban done the wellfields.

**Saltzman:** I was just going to suggest—I do believe the wellfield is safe, but I also take to heart what the mayor just said. What we know today can change completely tomorrow, and I'm not going to engage in the scare tactics at all, but just think two weeks ago epa decided to bang a pesticide that for years they've been putting in people's homes because they testified the same epa said it's absolutely safe. Now they've banned it. So I would suggest that we take the two wells in the group a, in the baseline, put them at the bottom of the list, and then let's go ahead.

**Rosenberger:** that's fine.

**Katz:** And before you turn them on, I'd like for you certainly you're going to be talking to the commissioner, but have a conversation, let us know that you're doing it. We don't need to have this kind of a—

**Rosenberger:** I understand.

**Katz:** There are serious concerns, and I don't disagree with commissioner Sten, but on the other hand, there are serious concerns about some of the wells. And if we don't have to turn those on, if we can use the other wells that you feel very, very confident are safe, and I believe you when you say that, I'd like to leave those where you know you have a problem at the bottom of the list, and quite frankly never get to there.

okay.

**Katz:** Thank you.

**Merrit:** I just want some clarity here. Am I to understand that council is directing the bureau to move ahead with use of seven wells before they ask the public to voluntarily restrict use?

**Katz:** That's the essence. We haven't gotten to the final wording, but that's the essence. Mike?

**Rosenberger:** I think that is the essence of the supply plan. The conservation message can be as strong as we can make it, and we will make it as strong as we can make it. We start moving from conservation into curtailment, whether it's voluntary curtailment or mandatory, curtailment is not conservation. And our approach, as the commissioner described earlier, we want—in our baseline resources is conservation and lots of it. But before we would say to people, we really think you should not water your lawn and you shouldn't water your plants, we propose doing all the things in the baseline which includes turning on some wells.

**Sten:** I would say I'm really open to—these debates are good. We need to have them out in public and talk about them. I just want to be as clear as we can. I think the idea to use the two wells last makes sense, and I'm open to the idea if that's where people are that we go more aggressive on telling people to save water now. It's a decision that we have to make. I am not convinced that over the long run people should not water lawns and plants. I don't water my lawn, I water my vegetables and my flowers. I'm not convinced in the pacific northwest people should not have green lawns if that's what they want. It's a big deal in parks and other places. So I think the message that's a good thing to think about doing is important, but how far we want to go in pushing that, we can change the

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entire rate structure dramatically to encourage conservation. As of the next couple of weeks forward, you'll save dramatic amounts of money if you use less water. We're moving as hard as we can, including what I think is going to be much more powerful than voluntary, which is pricing. How strongly the council wants to say to people, you know, we would rather you used—you didn't water your lawn than use some wellfield water, I don't know. I'm not 100% -- i'm not convinced that's an obvious choice. I think the message we need to be more efficient I think is crystal clear. So i'm very much supportive of the notion that we start talking now to the public about, boy, it sure looks like it's going to be a hot summer, if there's any indication, and your water usage is important. We're also going to be doing a lot of advertising, saying, are you tired of that high bill? Use less. Because I get a ton more complaints about the high bill than I get any of these issues.

**Katz:** Thank you. Anybody else? I didn't forget you. Anybody else want to testify? Come on up.

**Tom Boon (sp?):** members of the council, my name is tom boone, secretary of the bull run heritage foundation. I live in southwest Portland. I want to echo endorsement for what commissioner Sten is speaking to. That is that it's unfortunate yacht we have to have council time for decisions like this today, because of decision that's were made 20 years ago, which should have been made instead to expand the bull run at that time. I guess it's an unfortunate yacht thing that we have as a signature of our city this sort of discussion, because what I think of as Portland as pristine water, Washington park, the japanese gardens, and now the vision of this council is something like the chinese gardens. These are things i'd like council to look at at this time and say, it's unfortunate yacht we have this decision to make, but let's make a decision for the future. Let's stop spending money today and invest in tomorrow.

**Katz:** Thank you. Anybody else? Okay, tom, come on up for a second.

**Tom O'Keefe:** tom o'keefe, I think it need to be noted there are wells close to the plume field that are capped because of so much pollution. Rockwood water district had two wells, their only wells. They were so polluted they were capped. There was some farmers out there who irrigated 160 acres, had six wells for their own irrigation system. They were so capped, another out of court settlement. There were some trailer park owners who had five wells so polluted, again, all capped, another out of court settlement.

**Rosenberger:** where did these people have to turn to to get water? The bull run, city of Portland. So the farmers are using bull run water for irrigation, the trailer park owners with a population of a thousand people are now using bull run water, and rockwood water district had to come back to the city and readjust their allotment. So there are wells that are—that—the wells that are close to the plume field are the ones we're concerned about. The—then about citizen-council trust. Last year, if you remember, in may there was an item on the no-discussion agenda asking for \$145,000 to do some new monitoring in the wellfield. I pulled that out of the clerk's office and read it and discovered they had found new types of pollution in deep aquifers that had never been detected before. I put that in the consent agenda and "the Oregonian" picked up on that story. It is my concern that when those things are found that should never be under a no-discussion item. I think council and the public have the right to know if you're finding new pollution in the wellfields. Thank you.

**Katz:** Thank you. Okay. Mike, why don't you come up here so the council members can give you instructions as to how they understand where we've left off.

**Rosenberger:** okay.

**Katz:** How do you understand it?

**Rosenberger:** I understand that the supply plan as we have proposed it is being accepted by council when we make the adjustment of moving two wells, 13 and 19, from the baseline resources down into tier 2. Down at the end of our priority list. I understand that it will be up to us to make a recommendation to the commissioner when we think—when we think that some wells should be run either on a peak day or peak season basis, and that we would get the—our recommendation to him regarding how much and the duration and the reasons and all of that, and he would say yes or no and

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notify the council and we would notify the public through some kind of a media release like we always do. Those are the two main things that I hear. The third one is, related probably to the conservation message, how clear and how affirmative it is, and I think that maybe it would be worthwhile providing some information to you so you do know what we're doing in terms of our conservation programming in the summer. And then I think I need to hear what you want to do on the bubblers.

**Katz:** Before we get to that, is that an understanding?

**Sten:** I think my sense is that we should look into what we can do to move up the conservation message in terms of its visibility right now. We're disagreeing with onrc's recommendation on, do the curtailment measures before we turn on the wells, but I don't disagree with the sentiment that we ought to try and encourage the public to stretch as far as we can. So I think there is a middle ground, and i'd like to work with you on how can we move that message faster and more aggressively. The message that it's really, really good for the citizens financially, environmentally, it makes—it's so much better to use water efficiently than any other option available to us, whether we want to put a third dam on the bull run, or restrict people's usage, whatever it might be, it makes more sense, and I think we should move that message. Where I get upset is the argument that people are going to get sick if you don't, because I don't think that's true.

**Katz:** Okay. Bubblers. Oh. I remember. You made me a little nervous when you said I believe, or I think. When you get to the "i believe-i think" level you need to let us know. I hope you never get to that level, because I support moving the conservation issue a little higher, which is where the council has been all these years.

**Rosenberger:** i'm sticking to "i think-i know." I'm not going to feel anymore.

**Sten:** Let me just say something out loud.

**Katz:** You understand what—I understand you saying those words, nobody is absolutely certain. But you represent now all of us represent the safety—the public safety issue on this.

**Sten:** Last year, I think we have made—let me say this out loud—it's not as far as somebody people, but I think we have made somewhat of an explicit policy change that I want to see if I can articulate. The thought we had had the last couple of years prior to the discussion last june that tom drove was what we would do if beginning relatively early on in june blend 5% well water into the supply. If we did that starting today, I could guarantee you that that 95-5 blend, something like that, would last us through the fall. What we did last year was opted to take the risk that we would have enough water, which what it would do later is change the blend, and I think that's where we've shifted our policy somewhat implicitly. We're not going with, let's blend all summer long, we're going with, let's see how things go and then potentially go with a higher blend later. The problem that becomes, weather forecasting isn't particularly good terror tomorrow. For tomorrow. If it's raining in august, we don't have an issue. So trying to predict that—so that's why a few years ago we started moving toward, let's do a small blend. Where council has changed the policy is not to go with those early kind of preventive measures and to manage it more tightly as the summer goes on.

**Katz:** I think you're right.

**Rosenberger:** could I say that our thinking is that as we get probably further into july, and are doing what weather forecasts and getting a better handle on supply and demand, which is shaping up to be a different summer than last year, we're essentially into it maybe two days now, so that's about three weeks earlier than last year. But when we get in around july and are making decisions about what kind of recommendations we will want to make, we may well be wanting to recommend a fairly low blend. Maybe not 5, but maybe 20 or something like that. And so I guess what i—i don't take issue with what you're saying, except that it—maybe what I would want to say is that the policy hasn't necessarily been cast in stone yet. It will kind of—

**Sten:** What i'm saying is, I understand the water bureau's policy is—but I think the council—the sense I get from the council is they want to be a little more slow in making that decision.

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**Rosenberger:** I agree. Yeah.

**Saltzman:** Bubblers, go with the timers.

**Katz:** Do you want to leave that to the commissioner in charge? Or do you wanton participate in helping make that decision?

**Saltzman:** I like the timer idea. Sounds like a good compromise. I'm perfectly happy to leave that to commissioner Sten, too.

**Francesconi:** Commissioner Sten and mike rosenberger need to make the decision. If it's timers, maybe they should be timers. It does seem to send an inconsistent message with the message that we need to conserve. But I don't have strong feelings on it. I kind of go the other way. But I certainly defer to you and commissioner Sten. I have not once has anybody brought this up to you as an issue.

**Katz:** Do you want my opinion? Keep them shut. During time when we have a water problem. But you've got a split council. You make the decision with the commissioner in charge. All right. Roll call on the acceptance of the report.

**Francesconi:** Citizens have talked a lot about bull run water and how important sit to our community. And it is one of our most precious assets. So we could start conserving water right now as some of the testimony was recommended. I actually think it's a good idea. But going to using the well waters unsafe as a motive to conserve is not right. Because your water is safe, folks. And i—so I think we should conserve more, but the water is safe as a backup, in my opinion. And also, I think this is an area where we need to let our own citizens choose as to whether they want their lawns green or not. I do not think government should use the well waters as a reason to force a choice. This is our citizens' choice at this point. And finally, we have expert folks running this. It is important that we set policy, but it is also important that we not micromanage this. I have confidence in mike and commissioner Sten. Aye.

**Saltzman:** Aye.

**Sten:** Well, I appreciate the discussion. I appreciate tom coming in and pushing on us. There is some middle ground. If I could wave my wand, would I have every citizen in Portland right now today get a two-minute briefing on this, which basically says if you use less water, we'll be able to use 100% bull run all summer long, and I think that is the best approach. I also have long been on record saying that I think that the suburban government should really consider, and I think they're moving back that way, joining with us to expand the bull run so that people throughout the region can drink bull run rather than going to sources like the willamette and the wellfields, which I think are safe, but not as good of sources. The bull run is maybe the best source in the world, and we ought to get together as a region and environmentally and environmentally conscious way expand it to the point where we don't have these issues. But it is going to cost a lot of money, and it isn't going to take—happen in the next couple of summers, and the next stretch of summers is when the issue is going to remain squarely in front of Portlanders. If your yard goes brown and you do other things to cut usage of water, there is no issue with the wellfield. But I really do agree with commissioner Francesconi, given what I know about the wellfield I don't feel comfortable saying to people, you can't use water for legitimate public uses, or you shouldn't to avoid the wellfield. I wish could I get everyone to think that through and make their own choice. I think it's an issue the public has got to get smart ore and start to act on. It's right to be cautious and— in using the wellfields, but I think they're safe, and I think that all of us should try and turn this debate as much as possible, and I think all the people here have, and I really appreciate it, from all of the activists, into an argument to how we can get people to use their resources in a smart way. That's the bottom line. So I hope people will keep paying attention to these. Aye. And can I just say, I need to give more thought to this bubbler issue. I was hoping council would voted it through. I'll have to figure it out.

**Katz:** Mayor votes aye. Thank you. All right. Everybody, we have—it's 11:43. We still have a lot of items on the agenda. Come on up. We're going to move rather quickly through them, because this afternoon we've got a full plate. Let's read 908, 909, 910.



**Item Nos. 908, 909, 910.**

**Katz:** I'm going to have to read a formal statement very quickly. **908.** The hearing is being held by the city council of Portland in compliance with the state revenue sharing regulations to allow citizens to comment on the use of these funds in conjunction with the budget process. It's proposed adoption of fiscal year 2000-01 approved budget. Anticipates totals 2.8 from state revenue sharing. It's proposed this revenue be allocated to equal parts to support fire prevention and police patrol services. Anybody want to respond to that? Okay. Roll call. Let's take them one at a time. **908.**

**Katz:** Mayor votes aye. **909.** Mark?

**Mark Murray, Office of Management and Finance (OMF):** this is just a resolution to qualify for the state shared revenues. It certain identifies the city provides certain services, fire protection, police protection, street construction maintenance and lighting, sanitary sewers, storm sewers, planning and zoning and water.

(Council voted aye on Items 909, 910, 911 and 912)

**Item No. 912**

**Murray:** this ordinance states the permit tax rate at 4.5770 per \$1,000 of assessed valuation. So it sets a fixed rate, also sets the tax increment amount rates and the amounting and the amounts for fpd&r as well.

(Council voted aye on Items 909, 910, 911 and 912)

**Item No. 913.**

**Murray:** this does adopt a budget. It incorporates a technical changes we have communicated with your offices previously with a couple of minor changes. The fire apparatus will not be included. Those funds were encumbered this year so they will not need the funds next year. It incorporates the changes due to lowered franchise fees. Not incorporated here, but discussed earlier was the boac recommendations by the finance review group and supported by the various elected officials due to the timing, the implementation will actually take place in the fall, but it has been so noted by boac and our office to follow through with those under commissioner Saltzman's direction. There were modest reductions there to reduce positions and move the money to reestablish their contingency and small reductions in education, travel and facilities as well. One small change, not incorporated in this, but it will be handled technically after July 1, unless council makes other changes to the budget, if changes are made, I will ensure they get incorporated as well. That—parks change is to move some anticipated changes from personal services and buy some vans, structure condition assessment, let's see. Recreation planning, additional support for satellite after-school program and the fair wage contracting policy. Again, that will be done under an ra after July 1.

**Saltzman:** what's an ra?

**Murray:** that's the change of—moving funds to another major object category. It may be done under the signature after commissioner in charge, assuming there is no other policy in place.

**Katz:** I would like the opportunity to review that. I have not had the opportunity to review that. So we'll do it, but I need to spend—unless it's really a violation of some policy.

**Murray:** it is not, but we'll make sure you get additional information.

**Katz:** There were some additional requests by folks that were not included in this budget. We don't have any more money. We'll see where the forecast is at and we'll come back and have discussions with the council.

**Murray:** the current forecast developed by our city economist shows an increase of \$2.

**Katz:** Oh, he really was right on the button. If you push drew hard enough— if you push him hard enough, he'll be right on the mark.

**Sten:** Can we have him for housing?

**Katz:** Okay. Questions?

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**Murray:** one other element is—would be the budget notes which are also included as an attachment.

**Francesconi:** That's where I was going. There was some confusion on the budget regarding seniors. Jim painter is here. Dan, commissioner Saltzman correctly pointed out that an original budget note was too restrictive. My office had drafted that. So since, we have—the new budget note is here and we've been working it through with elders in action, and I think they're okay with it. But jim has been sitting through this testimony patiently. It might be good if he had an opportunity to address that note. I had one question on the green building budget note. I sent it to commissioner Saltzman and to you, mayor, ahead of time, but we haven't had a chance to talk about it. I'm not clear how it works. Under community development, the green building on the capital set-aside, it says a portion. What does that mean? And who sets it and how does that work?

I think this was—

**Saltzman:** This was an idea that came out during the whole discussions of how to fund the green building initiative and how to fund green building activities within the city itself. And this was a funding america name was not actually followed in this budget, but one of the commitments I have made is to look beyond the funding mechanism that's been established for the green building initiative, and also to fund internal green building activities of the city. This is one of the ideas I think we would still like to be able to pursue. And that is take something sort of a portion of our capital set-aside budget, and I don't know what that portion is yet, and nobody—that would be something we would all have to sign off on.

**Murray:** that's correct. The timing on that would be as discussions move forward into the next budget season, september through december as one of the options of what you direct us to incorporate into the forecast. That would be the time forum, but it was our understanding that this would be fleshed out as commissioner Saltzman develops the program and the finance mechanisms for it.

**Saltzman:** The five-year financial plan.

**Francesconi:** Then would you present it to the council and we would all vote—

**Saltzman:** Correct.

**Katz:** Because that was not incorporated into the budget. Okay. Further questions?

**Saltzman:** On the senior center budget note, jim, is your language the one that's in here now or do you have new language?

**Murray:** the most recent language was delivered I believe monday morning, but I brought additional copies if you'd like --

**Saltzman:** You e-mailed me, and that was the language I thought was fine.

**Francesconi:** That's not the language that's in here. There should be different language. It's not that language. I can read it.

**Katz:** Read it.

**Francesconi:** Is it june 23<sup>rd</sup> language? Is that it? Here it s senior centers. Funds will be used for resource development intergenerational activities and recreation education activities. A report on the use of these funds and outcomes aligned with Multnomah county's data collection process for focal point activities will be submitted to the city council on november 2001. This report will establish baseline data. Each year following november the senior center will provide the council will a trend analysis report on specific focal point activities. Turns out that we wanted a little more teeth on the reporting, but there is a baseline data, so this will at least establish and it creates the basis. The other change is, and they were happy, jim is here to make sure, we did limit it to resource development, intergenerational activities and recreation education activities, but they were okay with that. And those are broader categories than is—than what is in front of you.

**Katz:** That would be the adopted language if there's no objections.

**Auerbach:** you need an amendment for that.

**Katz:** We just did.

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**Auerbach:** there's a substitute exhibit. Is that what you just did? Did you make other changes in the exhibit?

**Murray:** it would be substitute exhibits to make sure the budget notes get incorporated as well.

**Katz:** I'll accept this as an amendment. Do I hear any objections? Hearing none, so ordered.

Further questions? I don't want to rush this, but we've had plenty of time on it. And I wanted to thank everybody. Come on up. Make it quick. Please.

**Jim Peters:** my name is jim painter, i'm the executive director of hollywood senior center, which is 1820 northeast 40<sup>th</sup> avenue. I want to begin again by thanking all of you for your support on this issue. I know this has been a difficult budget year. We really do appreciate this. I want to say simply that I think i'm speaking for all of the directors of the district senior centers to support this change in the language in the budget note. I think this gives us sufficient leeway to do what we can do, and to use these funds to our best advantage. We certainly support your need for accountability and for report on how we use these dollars, and we'll be very pleased to come back in november and share that with you.

**Francesconi:** I'm not going to comment on the overall budget, but there's a couple notes that I think are very significant. In the area of parks and recreation, in which we put the senior centers, the issue of accountability is important. Not just on the senior centers, but on some schools and on the implementation of the performance audit. So we've got some requests in here, for example, that we've got to report back on a cost of service study by parks, by december 31<sup>st</sup> of the year 2000. And it's even broader than facilities. It includes recreation. And I know that the auditor has been asking for this for a long time, and we need to do this. So that's a very significant budget note. And the sun school is a little gives us more time, but we have a crackerjack evaluation process led by the county that's going to give us the date that we need. I appreciated working with the mayor on another one, the vehicles services. This is—we probably have some vehicles here that we shouldn't have in terms of fancy vehicles that we don't need. And I discovered this as—when bgs was under me. And so I liked working with tim grew and the mayor on this, because this is going to end that. That budget note. The other one is the greenway. To see the combined efforts and how far we've come, to have a united effort on the greenway, and now having planning lead this effort is terrific. On the green building side, you know, the capital is such a precious resource for parks, and we are so capital deficient on our major facilities, that's why I had to flag that as an issue. Especially when we have some alternative funding sources now. And i'm going to be watching that, because I have to. Hopefully it will work to the advantage of both parks and the green building by doing this collectively. But it is a very significant issue for the council. Finally, in the area of police, there's several significant ones. Commissioner Saltzman and the mayor work order domestic violence. But the issue of overtime, which we all worked on, but the one I want to flag, we have not gotten adequate enough attention, and the mayor and chief kroeker deserve a lot of credit on this, but the budget note on administrative business manager for police requiring that to be brought in on a high level, to manage and supervise the overtime and the personnel at the police, not with a sworn officer, but somebody trained, that's been long time in coming. And the mayor and chief kroeker deserve a lot of credit for that. So for all those reasons, aye.

**Saltzman:** I'm very pleased to support this budget. On the issue of overuse of suvs and larger than necessary vehicles, i'm pleased to announce that yugos are going to start being manufactured again. So we'll have a wider choice of vehicle selection next time.

**Sten:** We've had quite a few budget discussions. I'm not going to repeat my comments, but it's a terrific budget and i'd like to thank the mayor, her office, and tim grewe and his team, and particularly mark for all his work. I know how hard you work, and it's appreciated. You do the citizen as real service. Aye.

**Katz:** My role today is to thank everybody, especially the council members and their offices, but a very special thanks to mark, to you, and to the team that's sitting behind you. They worked long and

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hard and it wasn't a simple—I have to tell you, it wasn't much fun. It wasn't a simple budget. It was a budget where we had to identify the difference between administrative services and nonadministrative services, where we had to make sure we wouldn't double count the reductions that we made, make sure that we gave Tim and his team the ability to further reduce administrative services, and then and only then get to the programmatic implications. So it wasn't one of the most creative budgets, but we did do some things that I think will enhance this community and this city, and some initiatives that I think are very, very important to move us forward. The budget is tight, everybody, and so please try to watch your bureaus as we start with July 1<sup>st</sup>, and so—so we can count on some additional resources for carryover and a beginning balance for the following year. Aye. Thank you, everybody. We're back to the regular agenda. 958.

**Item No. 958.**

**Gary Blackmer, City Auditor:** good afternoon. [ laughter ] Gary Blackmer, city auditor. The fire and police disability and retirement fund is a critical element of our public safety services. It pays for the salaries of injured police officers and firefighters while it's also helping them through coverage of their medical and other expenses to be healthy to return to work. It also pays for those who have long-term disability, and those who are ultimately retired and it makes monthly payments to them. It's about \$60 million a year last time I looked. As I say, it's a critical element for us in terms of offering the care that our police officers and firefighters need. Several cases have come forward in the past couple months that have raised a lot of public concerns about the decisions and practices of the board.

**Katz:** And more to come.

**Blackmer:** and more to come. The mayor and I sit on the board, and we have a sense of what's coming forward. To that degree, we—

**Francesconi:** Don't tell us:

**Blackmer:** the voting patterns of the board are based in some ways on where the perceptions are of the people on the board. And there's some concern regarding the composition of the board, that there's a growing interest in having more public representation on the board. As it currently stands, the majority of the board members are beneficiaries of the fund. So in discussing this with the mayor, we thought it would be appropriate to look at alternatives in terms of the composition, as well as some of the administrative practices of the board. And to have a citizens group review those issues and make some recommendations to council in time for any charter change that might come before—that we could put forward in November. The deadline for council to vote on that is August 16<sup>th</sup>, and so what we've thought would be appropriate to have the committee, which had done work on the unfunded liability, to pick up this issue and look at it as well. There—they're well informed regarding how the board functions and the issues around it, so we think they could do a good job of representing the public's interest. They also have fire and police trustees on the board, as well. So from our viewpoint, we think it's appropriate for a citizen committee to have a series of meetings to bring information from other jurisdictions to consider board composition and ultimately make a recommendation to city council. So to that end, I would urge you to vote to approve this resolution.

**Katz:** Gary, why don't you share the fact that we worked with the union representatives to see if we could get to some kind of an understanding of what the makeup would be, both you and I, and especially you felt it was—we needed to have citizens involved in the review of it.

**Blackmer:** yeah. We had a series of discussions, and put together a whole list of alternative board compositions, and from my perspective, there was some that looked kind of appealing, but I wasn't completely comfortable in the end looking at it and saying, well, I think that is fine and we should put it forward for a citizen vote. I felt like it was important to have more involvement and more looking at what other jurisdictions did in terms of board composition. And to just open up the discussion a bit more. So to that degree we had numerous e-mail discussions, we had several meetings, we wrote up

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a whole bunch of alternatives and discussed them, and our view was—my view at the end was, well, I still would be comfortable having this discussed in a little more broader group of people.

**Katz:** Good. The issue of incarceration and losing—losing benefits, if you're no longer on the force and being incarcerated, I think that's going to be a unanimous support by everybody. And there may be other issues. I know commissioner Saltzman had issues, and other issues that this group will review and come back with recommendations.

**Saltzman:** They will review stress claims?

**Blackmer:** we can bring that forward to them if that's something you'd wish they do.

**Saltzman:** Certainly.

**Katz:** Okay.

**Saltzman:** A couple things. First of all, you have a date of July 1<sup>st</sup> for this group? I think we need to amend that—

**Steve Manton, OMF:** we'd like to amend that to July 31<sup>st</sup>. We think citizens are very active and involved, but a few days is not enough time for them. We do need to have something back to council in time for the August 16<sup>th</sup> vote, and without the full five members we'll need to make that one week earlier too, since we can't do it in emergency.

**Saltzman:** Ply other question was, given we only have a month, and it's July, middle of the summer month, are the members of the committee going to be here to really have these meetings?

**Blackmer:** I look to Steve and his scheduling wizardry to do that.

**Manton:** we have currently scheduled the next meeting for July 5<sup>th</sup>. The committee—for July 5<sup>th</sup>. The committee put together times and they're actively trying to move forward so they can complete this. We thought we had until the end of July, and we think we're going to be done by July 23<sup>rd</sup>, have a recommendation back to you by then so we can have the commission vote on this. We will move very quickly to do that.

**Katz:** Yeah. The schedule for vacations is really making it very difficult for us to schedule necessary votes to meet some time lines. So that's—they're going to have to meet until they get to resolution on this.

**Blackmer:** yes.

**Katz:** Okay. Anybody want to testify on this? Roll call. It needs to be amended to—

**Manton:** change to July 31<sup>st</sup>.

**Katz:** So ordered.

**Francesconi:** Just a couple things. One is the membership does need to be changed. There has to be more public representation. S it's not a fair process at the moment. The public needs to be more represented, period. Number 2, I do believe that stress claims have to be looked at in two areas. One is, discipline should probably happen first before any hearing on the merits, therefore discipline cannot be used as a grounds for stress claims. I'm not sure that's an exact solution, but it might be. But that needs to be considered. You have to limit—you haven't have—can't have a repeat of what happened. The other way, there probably needs to be a statute of limitations. In state law it's five years. Which was in my experience over 18, 19 years, probably sufficient. And there may need to be some consistency. Now, there may be a bunch of other things that need to happen, but I'm not familiar enough with the system to know. And in a month you're not going to get there. But at least it would be good in this report, if some other issues were flagged for further discussion and looked by experts who know what they're doing. It's good to have citizens involved to review, especially on issues like the makeup of the board, but this is an area that's very comply indicated that needs expert attention. And you're not going to do it in 30 days. Aye.

**Saltzman:** Aye.

**Sten:** Aye.

**Katz:** We'll bring you back some recommendations. The auditor and I were talking about taking a lot of these other issues and keep bringing them back to the council. It's probably time to review the

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entire chapter, but that is going to take a little longer. But there are some key issues that need to be addressed right now, just because of what's been going on and what's going to be happening. Aye. Okay. 960.

**Item No. 960.**

**Ruth Roth, OMF:** ruth roth. The ordinance you have before you today authorizes an agreement with Portland family entertainment for the interim period of july 1<sup>st</sup> through december 31<sup>st</sup> during which time pfe will manage the stadium. Originally it was assumed merck was going to continue to operate the stadium until pfe took over in december. We ran into some issues in terms of indemnification during construction, and merck did not wish to manage the stadium in the summer. Pfe stepped forward, we entered into negotiation was them and what you have before you today is the outcome of those negotiations. I want to give you a couple of highlights. Merck is going to loan three key employees to pfe this summer, in addition pfe has hired other former merck employees to operate during the summer rockies season. In terms of the temporary box office ushers, gate attendants, employerees of that sort that had been merck employees, pfe has elected to deal with coast-to-coast as their employee. All of the former merck employees have been given the opportunity to work via coast-to-coast at their current rated of pay. We think this has all the successful components that will be necessary to give a good stadium for the rockies during the season. But all of you need to go, because we need to have attendance as high as we can get it. If attendance holds up, there will actually be a profit to be made, and that will be returned to the city. It's not going to be kept by pfe. If attendance drops by 25% from last summer, we still should be okay. If it drops more than that, we could run into a shortfall situation. Potentially if it dropped 50% we might have a problem in the \$100,000 variety. As part of our settlement agreement with merck, we're retaining \$400,000 of stadium fund balance. That will be available to cover any shortfall if one should occur. Linda is here to answer any legal questions. Mike is here from pfe if you have any questions about the agreement.

**Sten:** Do the merck wages reach our wage standards that the city requires?

**Roth:** do the merck wages?

**Sten:** The wages the merck employees are paid.

**Roth:** oh, yes. Yes. All—

**Sten:** The city has a live I can't believe wage contract—

**Roth:** we have a fair wage of \$8 an hour. All of the workers this summer that will be hired via coast-to-coast will be making in excess of that.

**Sten:** Is that the wage required for total contracts?

**Roth:** at present, correct.

**Sten:** Okay.

**Katz:** The issue of attendance, maybe that's a question for pfe. The more it's promoted, the more times you can bring something like the chicken in, the more people you'll have in attendance, I guarantee you, as a season ticket holder. People love the chicken. You've got to go to the games and bring your children, because the children like the chicken too.

**Linda Meng, Chief Deputy City Attorney:** in hot weather, it will be good, people having lots of drinks, for the concession contract.

**Katz:** Further questions of linda or ruth? All right. Anybody want to testify on this item? Come on up.

**Joe Rastatter:** good afternoon, i'm joe, representing myself as a long-time stadium worker. As well as with the jobs of justice and living wage campaign. Yesterday I faxed to you and your staff a one-page information sheet on income and equality, and I hope you've read it and—or will read it and take it seriously. I guess the big point I was going to make, is to challenge you even on this local level, growing and equality doesn't just happen. Conscious political choices created this, and different choices can fix it. As you know, i've been looking at the civic stadium deal for quite a

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while, and my fear was the rich were going to get richer of Portland, and the people working their second or third jobs would make less. I still think that's a possibility, even though i'm aware of some things like the coast-to-coast did go and connect with the stadium workers last weekend and then had a barbecue on monday where they also made a promise where they would pay their equal wage, their same wage. There's also something else to check out, which was a 1% cola that was supposed to start july 1<sup>st</sup>. So i'm interested to see if they get that also. And I guess I want to continue to challenge the city council to make sure that that sticks. Whatever agreement that they make in a temporary, will that be reflected as the final agreement is made, and I want the city council to seriously look at that. I also know more—a few more details on these situations, like, for example, i'm going to make the point when privatization happens, it's not necessarily a good deal for the workers. A lot of times their unions are busted, so they lose things like seniority, they lose classification-type things, for example, somebody working as an usher making 8.50 an hour could be moved to the gate which is a 10.50 an hour position. Under a union contract, they would be paid the 10.50. I'm not sure, and the workers are afraid when they work for coast-to-coast they might be doing gate work but only making 8.50 an hour. Without the union protection to deal with the seniority and the classification issues, in fact these workers may still be making less. But in general, i'm hopeful that this can continue so the workers don't actually make less money. I'm not sure what all the energy to bear—brought this up, but I guess i'm looking for continued support and aggressive work in this regard. I think there are concessionaire workers that are not making—making that 8.50 standard, so i'd ask ruth and others to look into that. There are still some positions. But i'm glad to here in the—hear in the interim that people that have the union contract will keep their wage scale. They'll also lose their pension, I suppose, too. So there are some losses that workers take in these deals, and I guess I want to challenge you to not allow that to happen.

**Katz:** Your concern—your concern is for the following year.

**Rastatter:** yes. At this point.

**Katz:** At this point.

**Rastatter:** sure.

**Katz:** Okay. Thank you.

**Rastatter:** and how do you then allow the union to succeed, or whatever.

**Saltzman:** You also mentioned there's a 1% cola due this july 1<sup>st</sup>?

**Rastatter:** I believe it's more than that. It's something that the union had negotiated with merck that was supposed to come in effect, and whether coast tow coast intends to recognize that or not, do you know? They do? Okay. That's helpful.

**Saltzman:** They will recognize that cola?

**Katz:** I'm going to ask you to come up and say that publicly. Joe, thanks. Thanks for being on top of this. Go ahead. Come on up.

**Mike Higgins, Portland Family Entertainment (PFE):** mike higgins, general manager, Portland family entertainment. Coast-to-coast, the barbecue that was mentioned, they informed the employees they have agreed to honor the cost of living increase. Any other questions that I can help with?

**Katz:** How are you going to promote it so we all can make some money?

**Higgins:** jack and mary have done a great job. They're going to be involved. Most of the promotions are said, and the plans are made, and we'll just carry out the blueprint that we've started. The first three games, the attendance is up over the first three last year. So we're real happy. Good weather, good baseball, team's winning.

**Katz:** Questions? Thank you. Anybody else want to testify? Roll call.

**Francesconi:** This is good. I'm going to vote eye. Aye. I want to give the council on heads-up on two issues. One is on joe's point, my office has been meeting with jobs with justice and other folks on our living wage ordinance. And we've reached agreement on this with a cola and automatic increase. It's—for the first time it granted health care coverage. We've been in discussions, we're

going to come back shortly to present it to the council. There will be an automatic cost of living increase so this doesn't have to come before us every year. So we should be presenting this shortly in the next few months. And ruth and fiscal have been part of it, and they're in agreement with this. So I just wanted to tell you that. Because what he's raising is one issue, but there's a larger policy question as to how it applies in general. So the second point is, I'll say more later, Mike, I wanted to thank you, because we've been part of the thing we've been negotiating with pfe here is to make sure there's no displacement of community events. And they're actually putting that language in the contract. We've been talking to high school sports and soccer clubs because part of the reason we're going through all this is to make sure this is retained as a community asset. They've not only put that language in the contract, and which—which will apply practices and everything else, but they've agreed to an additional \$40,000 that's going to go into a joint fund as part of the parks foundation that we're creating that's going to give us some revenue to do some things in parks for soccer and some other things. So you are going to be hearing more about that. But since you're here, Mike, I wanted to publicly thank you. Aye.

**Sten:** It sounds good. I hope people will go. The water bureau wants it to rain, you want sun. [ laughter ] it's tough to know which way to vote. On this issue real quickly, I do feel reasonably strongly that this facility should meet the same standards that the city requires for minimum—for living wage. So—and I'm a little concerned that early on the development agreements, the message my office got was we're negotiating the development, which isn't a wage issue, it has to be part of the operating agreement. Recently we got the message, it's getting late and you can't insert that. I know pfe will have to pay wages to be competitive. I hope people can do some work to guarantee this. As council members remind me every time I try to get affordable housing funds, the best way to do that is to raise wages. When the council is making—looking to make money off this stadium, that's my sincere hope. I think the workers need to get the same standard as what we require of other contracts. I just can't say what—with a straight face that's unreachable. It's got to be reachable by this council and pfe. I'm glad you're taking that step now, and I hope we can find a way to do this in the final agreement. Because I don't know how we can say, hey, let's market this and make a lot of money if—merck has done the right thing for wages, and if those wages go down, every dollar we split with pfe is coming out of the workers' pockets until we get them back to that level. Aye. Thanks for your work so far. Aye.

**Katz:** Let me just say, Joe, you came before this council a long time ago and raised this issue and were persistent on it. And I took it seriously and had asked Ruth, who took it seriously too, to review, where are we in the larger sense in terms of wages? Full-time and part-time. We have an issue on the part-time that we need—we'll need to resolve as a council, because some of the jobs if not all of them are—at least some of them are part-time jobs. We're not terribly consistent in that area. But I want to thank Ruth for doing some research on this, and some of these issues will come back and review with the council, and perhaps have that as a priority in the next budget cycle. So thank you. Hot weather, winning team, and the chicken. Aye. One more item before we adjourn. 961.

**Item No. 961.**

**Larry Nelson, OMF:** hello. Larry Nelson with the office of management finance. This is just a routine ordinance we do once a year. To service maintenance to prevent overexpenditures. Pursuant to resolution 33736, which states that any rule that overspends such as personal services, material services or capital outlay, we subtract that appropriation out of the following year's budget. There were about 13 bureaus involved in this overexpenditure ordinance. Most of which the actions contained to prevent overexpenditures and interagencies or internal materials and services. That's basically it.

**Katz:** Questions?

**Francesconi:** I have a question. It will be really quick.



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**Katz:** Mark, do you want to add anything? Anybody have any questions, anybody want to testify? Roll call.

**Katz:** Mayor votes aye. You have a question and I have a question before you adjourn.

**Francesconi:** His tie made me think of this. Commissioner Sten, I have a question for you and a question for the mayor. Are you not wearing a tie just because it's hot, or is this a new fashion statement? Mayor, are you going to tolerate this behavior? I need to know for the future here: This is very important: Commissioner Sten, you can go first.

**Sten:** I'm not sure.

**Katz:** And you forgot to mention I think for the first time in my entire life i'm not wearing stockings.

**Francesconi:** I don't notice those things.

**Katz:** When you get to 98, there are certain things I think you can relax on. I need—  
-- consider it done. [ laughter ]

**Sten:** I like no tie, but I figured the citizens would tolerate it on a hot day.

**Katz:** Council men's, how late are you willing or can stay this afternoon?

**Saltzman:** I have two important meetings at metro. Starting at 3:30. I'd like to try to leave around 3:30 or 4:00.

**Katz:** You and I have a second meeting if we can get there. Commissioner Francesconi, commissioner Sten, you're all right?

**Sten:** I'm fine.

**Francesconi:** As long as it takes.

**Katz:** Thank you. We stand adjourned until 2 o'clock.

At 12:26 p.m., Council recessed.

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Key: == means unidentified speaker.

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**Katz:** before we start because he may not be here for the rest of the afternoon, we want to elect the next—we want to elect the next council president, and without any further ado, it is commissioner Saltzman.

== commissioner Sten did an exemplary job during your vacation.

**Katz:** he certainly did.

==especially last week on the sdc waivers.

**Katz:** Do you want a second opinion? No, he did a very good job. As I watched? For the members of the people of the council watching us, the president of the council is rotated. It is not an elected office. It is rotated type of office, so just so you think that we do these things without thinking about those issues. All right. 969. Accept the Portland police bureau's may day report.

**Item No. 969.**

**Katz:** Okay. Let me start setting the stage for this. And then we will have the report presented to the council. In my may 10<sup>th</sup> memo to you, I shared with you my fervor to protect the rights of lawful expression while maintaining public peace and order. I have participated over many years in more than a few demonstrations, myself, and I believe passionately in achieving the balance of both. I felt then, as I do now, that our challenge is to learn from this event and do better next time, and I asked the chief in my memo to review the problem. The appropriateness of using that in crowd situations. The manner the police use batons. The problems of communications between the demonstrators and the police and police personnel, themselves. The consequences of not taking out a permit. How the route for demonstrator s was organized, if it was, and who was in charge. We then made a decision with the chief to place the tapes in the libraries so that the public could see them. And we asked the chief to provide these drafts to the chief's form, as well as piak for review, and he did both, as well as presenting me with a draft. And has made some changes, which he will talk about when he comes before the council picking up on the recommendations that were expressed to him. The chief has done all of that. He's been reflective and forthright about mistakes and operational issues that need internal review, and that, too, will happen, and you will hear that from him. Today, we are going to hear the report that we committed to present to you. The report that the chief committed to present to you to the public, in general, not only to people who are in this chamber. And we will do so. I have reviewed probably more of the material than even my colleagues in terms of the police reports and all the reports that had come in. My review of all of the material raises some procedural and policy issues, and I would like to just mention that some of those policy issues are issues that we do need to talk as a council, I am not sure we are going to have time to do that thoughtfully today, but I want to flag that as probably a discussion at a council informal. I read the metropolitan human rights center report and I appreciate the work that they had done. I do disagree with those that were interviewed that said that a permit removed the ability for demonstrator s to interact with the public in that—and because of that, of the event would be in a bubble, and that was a quote that they used. I've been in plenty of marches where we took over the streets and we probably had more interaction with the public on the sidelines than we would have if everything—if we weren't allowed to walk into the streets. The lack of permit and participation with march organizers in the planning of the route with the police, I think, contributed to overall confusion and many of the problems of the day. Not all of them, but many of them. Most of the arrests were for disorderly conduct for primarily impeding traffic and not staying on the sidewalk. Or in one lane of traffic, that was opened up to marchers. The report, the metropolitan human rights center report people who testified repeated that in no way would the demonstration impede traffic. And that was their perception in terms of what they heard

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and what I know that they wanted to happen. Marshals, it appeared to me, and I hope that maybe some of them will testify, I didn't have a chance to talk to them individually, did not appear to know what occurred on the east side of the river when they came in to the deal with the demonstration on the west side of the river. And may not have been aware of plans by some who were out to disrupt the march. Communications did break down between marshals and lucent krebbs, and that's in the report. You will hear about that in a few minutes. In the report, describes, and I am not going to go into any great detail, but faulty communications did exist internally and externally. Lack of communication by organizers with police regarding the route and ground rules. That we usually discuss with marchers and demonstrator s. That placed, in my opinion, the bureau in a very reactive mode, as opposed to a planning mode, and we did have demonstrations, a couple of days later, in fact, two of them that worked very well because there was that kind of communication between the marchers and the bureau. The report does raise questions regarding the use of less lethal, and I know this is, this is a concern to some of the council members, a saying with the batons and the use of the amount of patrol in crowds. Use of atvs and the use of tactical gear. And let me summarize briefly that operations plan, and you will hear the chief talk about it, really called for five officers and a sergeant in the mounted patrol unit and four officers and one sergeant from the central precinct so certainly as part of the operational plan, they did not expect to have a nine-hour demonstration. The confusion and the concern for safety led, I think, the police bureau to perceive the situation more urgently than necessary. Decoration of emergency and confusion on directions escalated the frustration and the anger of the crowd, as well. Having said that, the following did appear to happen from all the reports that I have read, and from a, from somebody who was at the may day demonstration from eugene and on his website, he called himself an anarchist and on his website, he described what had happened on the may day. I think I distributed that to the council offices, and did that yesterday. There was some information that he had confirmed and I will mention that at least the information that he had confirmed on the website. We know that a brick or a rock was hurled in a nike store. We know that the person who was arrested had more rocks in their pocket. I did—we also know that the window wasn't broke. It was chipped and maybe the chief will describe that in a little greater detail. We know that there was a plastic newspaper stand thrown at a horse. There was a report of a lit firework curled at an officer and in a report that was copied from the web, it says that they also, they also threw eggs. This came from the report of somebody who was at the demonstration and wrote about it. Many different groups had different issues that they wanted to express at the march, and I think that is—that's a somewhat of a structural issue that we need to clearly understand. I heard some of the discussion in front of city hall that dealt with the issues of housing, things that you all know that we care about. All of us—all of us at the council, and there were other issues that the groups that were in front of city hall addressed that we have as a council talked about in a—and have addressed ourselves. In the report by the anarchist and on the websites and it is the damn website, clearly spelled out that there were tactics to hold the street to defy a parade permit and refused to move to the sidewalk. So, there were individuals that were—that had another agenda, and the marshals, themselves, in their report, and we will wait until we hear the report, said that they had some concerns that they probably couldn't control every, every particular representatives of the groups because weren't quite sure what, what the actions were going to be. The chief will make a report with his staff and we will hear from the metropolitan commission, as well, the center. He had—he has made a commitment in the report and you will hear some of the amended items in the report to review some of the procedures that I think have raised questions, especially questions by the council members, and we have some policy issues that we need to address, and the chief will talk about them. He's going to raise them. But clearly, they are the policy issues that I heard at the church, should we allow marchers to take to the streets without a permit and policy issues that very clearly are spelled out in our code and because they are the law, at least in the city of Portland today, they were—tried to be strictly adhered to. There was some

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flexibility but tried to strictly adhere to. The council can decide whether these are issues that they want to review themselves. So, that's my very brief summary of all the material that I read. My perceptions. I don't want to take any more time. I do want to set some ground rules for us this afternoon. This is a deliberative body, in fact we seat as a quazi-judicial body, and we have set some ground rules for ourselves that signs, we don't permit signs in this deliberative body. That there are times that people feel that they need to applaud, we don't—we don't do that in a body like there, but I have figured out another way of doing it while I was in the legislature, we used it and it works, people feel very strongly in support of what somebody says, is to raise one arm or two arms, that council then will know that people support that kind of message as oppose to applause. I need to get a sense from how many people— [ applause ]

**Katz:** Thank you very much. [ laughter ]

**Katz:** I will tell you, too, that after a certain time, if we don't adhere to these ground rules, I will adjourn the meeting. As I said, this is a city hall. It is a body that meets on a regular basis, in that kind of capacity and we want to hear the issues that people want to talk about. We have—i need to hear—i need to understand how many people plan to testify. Okay. Let me do this, let me start with three minutes and then I will check in with all of you, if we continually see that there are more people that want to testify, we will drop it to two minutes. I have to tell you very honestly that what can be said in three minutes can also be said in two minutes because we have tested this out over and over again. But, we will start with three. Most of us can stay. Now, commissioner Saltzman and I are members of impact, which is --

**Saltzman:** metropolitan advisory committee.

**Katz:** Yes. Metro policy advisory committee and we are dealing with goal 5 and we are dealing with salmon issues and land use issues. Commissioner Saltzman is also at a subcommittee meeting that's going to be dealing with goal 5 and he really does need to leave. He's our representative there. He does need to leave to deal with that because they will be taking a vote. I don't have to leave for impact because there is nothing on the agenda that is contentious or nothing on the agenda that demands a vote. So, I will be here. But I do need to have the city represented on goal 5 issues. So. Just wanted to let everybody know that. We have a little clock on the front of the—our computers that will tell you how much time you have, and so we will start with three minutes. We will hear a little noise. I don't cut you off in the middle of a sentence but that, that is a signal to please finish your thought, brief thought so that we can have everybody else be heard, as well. Okay. Having said all of that, chief kroeker? Chief, you and I have not spoken. Do you want anybody else from, other than bruce at some point to respond?

they are here if necessary, but for the moment, just chief pronk and i.

**Katz:** Okay.

**Chief Mark Kroeker, Police Bureau:** thank you very much. I want to begin by thanking the city council for giving me this opportunity this afternoon to review the police response to the may day events. As we all know, many questions were raised regarding the police responses during the nine hours of events on may the 1<sup>st</sup>. And it is my hope that they report that I have presented to you yesterday, and that I am discussing today will provide information on, on improvements that are needed in police tactics and procedures and will cast a clear light on some of the questions that have been raised. I want to stress that the report that you have today was subjected to considerable community input. This input consisted of a special panel of people who assembled privately, this group represented a widely divergent number, including invitations to those who participated in the demonstrations. It also was presented at the chief's forum. For input, and I received that input. It was also presented at the piak, and for discussion that received those items. It was also published on the Portland police bureau web pages, and those comments were received, and so the report that you have today has substantial alterations and additions from the initial one that was published as a draft. The final report that you have today and that we would like to discuss contains the thorough letter to

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you, mayor Katz, and to this body. It identifies the issues and problems that arise from a situation like this and specifically, this one. It is our effort to answer the questions that are asked and I intend to answer specifically several of the questions that were asked and that were produced in summary fashion. It is—it has a collection of improvements in police tactics that we believe are in order. And it also has a chronology of events. This chronology that was taken from radio reports. From after-action reports of officers, and it is a best reconstruction of the events that we can put together. And so now as we look at this situation and what actually happened, we do acknowledge that large demonstrations pose substantial problems for a city to the police and to the community. And the need there is to balance the people's rights of expression and assembly and to balance those with the commitment to public safety while at the same time maintaining the public order that a city needs to maintain and in the daily life of a city. Here in Portland, many demonstrations take place every year. Dozens that no one hears about, and most of these are just a small assembly with a point to make and these points are made. And our police officers work diligently with people before these events to talk with them about what their plans are and most could be characterized as an outcropping of an agreement. A partnership in classic community policing style where people get together and forge an agreement and then carry out the agreement. Most of those happen in that way. In the events for may the 1<sup>st</sup>, there was an operation's plan that had been developed surrounding the ilwu event at powells and the planned picnic. But, additional information then surfaced regarding the advertised march, the web pages described specifically plan civil disobedience on may day, as you have mentioned, mayor, and this gave us some cause for concern. Nevertheless, the operations plan was for a moderate police presence at the powells' demonstration and also the picnic, in support of the demonstration as is the case, and the protection of all involved community and demonstrator s and all involved. What took place is covered in the chronology, and you have this chronology and I don't want to go through it, including all the nine hours of the events. But in the report, the chronology that is there and that anyone could actually see if they look at it and the web pages, this chronology has details of the situations that occur, the arrests that were made, and then the subsequent fallout, including the prosecutions or the decorations to prosecute, whatever the results were, including the latest ones that we received even as of this week. So I won't go through the whole chronology, but I would like to just give a brief summary of what happened with the events starting at dawson park and then the march through northeast and then it was a stop for a while in the downtown park and then it began again through the downtown area. Then it culminated for a moment with an emergency being declared by an on-scene commander. Then there was the ilwu event at powells, the march to hilton and to the hilton, and what we encountered, of course, in this event was a multiplicity of agendas, of ideas, of needs to express different points of view. There were a lot of different ideas and groups who assembled, so it wasn't a group like many of the groups that we meet with and discuss the plan of action for a, an upcoming event. So as a result of that, there was no set leadership. And the marshals talked to the on-scene commander, but they told us that they may not be able to control everyone. Then there was a contingent of people marching with masks over their faces and hoods and this, of course, gave concern to both and some community people who told us it was frightening to them. And people who are part of the downtown residential and business community. And then, of course, there were people in the crowd with certain agendas having to do with citing people and citing others to an action. This is sort of a summary of how we saw the situation. Now, the operations plan was reevaluated and the staffing was increased based on the information that was developed and the fluid movement of what had occurred. The unpermitted march began. Protesters then, in this unpermitted march, were blocking traffic. Blocking intersections, and when the officers gave orders, these orders were not followed. And protesters were wearing masks. And in the process in citing others, toward violence. The staffing increased in response to this incitement and the specific phrases that were used in the incitement. We, of course, as we looked over the entire deployment had 150 officers. Now this is a number that is used frequently, and it responds to the

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deployment at the height of the day with 150 deploy. Actually, 7 squads were deploy at any one moment, and bare in mind, this is over a period of nine hours so the deployment shifted and the numbers shifted, but there were arrest teams. There was support personnel involved in that number. And so that number is a little bit deceiving. Nevertheless, really the deployment to the event consisted of seven squads, which at its best was about 77 officers, plus command personnel. Now to address a word about tactical gear. That is helmets worn by police officers and the batons that they use. I am reminded that the tactical gear is not new to Portland. It has been here for several decades. Styles have been modified across the years for the safety of all. The information that came to the police on that day led us to conclude that there were people in the crowd associated with groups that had a history of violence in other cities and wanted to incite the violence in Portland on may day. Now, in making a decision as to whether to place the helmet on the officer or not, we consider several things. In my opinion, this decision to put the helmet on was a good decision. It is a disputed decision. But we have to consider the safety of the officer. The Oregon osha standards that have to do with the safety of our people, and the fact of the matter is if our officers are not protected—are not personally protected when there is a possibility that objects will be thrown, then they can't protect others. And so it has to do with a safety of the officers and the problem with making this decision a little bit later is that this gear is such that you can't go back from a location where you are and go retrieve it from a car and then come back to where you are because then you lose your proper deployment. And so you have to make this decision in anticipation sometimes. You can't conceal it. It has to be—it has to be visible and when it is placed on, it does give a different impression to the officer than the ordinary police officers who are out there either on the horses or on foot or on bicycles. It does give a different impression. But, we must weigh the officer's safety with the thought that it, it also can send a signal that could be deemed as provocative, and we recognize that. As to the arrests, there were 20 arrests made. These arrests have—are going through the criminal justice system now and as we look as the arrests that were made, we find that on nine of the arrests, we have violations that were issued by the district attorney, eight for disorderly conduct and one for tampering with a police animal. The district attorney is pursuing a criminal charge on one of the other persons for criminal mischief and disorderly conduct. Some arrests have been—have not been issued on by the district attorney. This, of course, is not unusual. We present to the district attorney many lawful arrests, some of which are prosecuted and some of which aren't but that's a district attorney prosecutorial decision based on successful prosecution. When it comes to internal affairs complaints, and the complaints that were filed against the city, so far one tort claim has been filed. We have 23 calls or complaints in a number of categories that came to the police bureau. Several third party complaints, suggestions for improvements in the way that the police bureau handles this type of activity. Complaints about courtesy by the police officers. Complaints about inaudible directions at protests. Complaints about the horses, the use of batons or other tactics. The use of the atvs. Complaints of police bumping into people at the protest. And then the discussion about the less lethal use of force, specifically the less lethal shotgun. I must remind the members of the city council, and the mayor that these take some time, time to investigate, as you know, they will be going into the process of deliberate investigation that will result in resolutions but these resolutions are not here today.

**Katz:** let me just interrupt you. You have names of officers that were submitted on those complaints.

**Kroeker:** some of them bear names of police officers. Many of them do not. Many of them have a systemic complaint about the manner in which the event was handled. Now, as to injuries we have four reported injuries to the police. One is reported in the tort claim being processed by the risk management of the city and the police bureau. To our knowledge, none have required hospitalization. One mounted patrol officer was injured. This officer was not hospitalized, either. So that's the summary of the injuries as we know them. The cost of the—to the city for this event,

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of course, has to do with the balance of this item, again, protecting the rights of people to express their views and in order to do that, it cost. Our overtime cost for that day amount to almost \$35,000. There was no significant damage to the city of Portland. However, the cost in terms of negativity and polarization in our community, this is a cost that we need to discuss, and it is an unfortunate cost that is high when we polarize and we have people on different sides of the discussion at a time when we need to bring people together. This is a cost and it is hard and in our community policing when we want to bring everyone to the same table. We have had intermittent interruption of traffic on that day throughout the city. This is a cost to the people who normally use their—the streets of Portland for their activities and burnside was blocked during the rush hour. This is a thoroughfare that is significant to the commuters in Portland. Tri-met reported delays and buses were rerouted. So that's the summary of the cost. When it comes to a discussion now of less lethal. In a review of less lethal, ammunition, I am reminded that every single round has to be accounted for and there have been discussions about the less lethal used in crowd controlled situations. But on this day, may the 1<sup>st</sup>, the police fired eight rounds of less lethal ammunition in three separate incidents. The initial review shows that in the initial review on a three-tiered approach, two of those deployments were proper. One has come under review and will be subjected to the second and the third level of review as we go through the process of examining the appropriateness of this type of less lethal equipment. On the first incident, the initial review was that it was deploy appropriately. And that moment, a subject struck a police animal and was waving a stick. Though it was appropriate. The review brought to light another aspect of squad integrity that I will mention in just a moment, and that this squad integrity was eroded after the deployment of the less lethal and when trying to effect this arrest. The second incident of less lethal was also an appropriate deployment. The suspect approached an officer waving a stick. The officer deploy the less lethal. The suspect ran away. The officer, in that case, maintained the squad integrity and he didn't chase after the suspect as the suspect ran away. And that was a good decision and everything was maintained. We don't know who this person was. On the third incident, the initial review, and in this three-tiered level of review, was that it was inappropriate. The suspect made a fist at an officer after refusing to disperse. He began to flee during the attempt of the arrest. The sergeant asked the officer to fire. The officer refuses. A second officer does fire the less lethal. This first level of review considered that this use was inappropriate. Because the standard arrest holds or the chemical agent that could have been deploy would have been a better option in that case. The suspect, by the way, was armed with knives as he was arrested, these became apparent and they were observed before the arrest, I am told. When it comes to the pr-24, the baton use, and again, this is a piece of equipment that has been issued to the Portland police bureau many, many years ago. Across the years, the smaller and collapsible baton was substituted for the police baton, and now the pr-24, the sight handled baton is only deploy in situations where the officers will put on the helmets and the collapsible baton is not effective in crowd controlled situations, and so the batons were deploy on that day. When they are deploy in crowd controlled dispersal tactics, we do not require an officer to file a, an after-action report of each use as they move to disperse a crowd. But, there are two—there are two reported cases. Both have come under the review that's in that level of review, and both have been deemed to be appropriate. And in the first incident of those two baton uses, the officer was confronted by an individual with a mask over his face yelling profanities and failing to disperse. His words were in citing people to riot. The officer pushed him back with a baton, he followed the guidelines but it would have been good if he would have communicated with the squad leader. This would have been a good decision for him. [ laughter ] nevertheless, we have reviewed that particular moment very scrupulously and that particular use of force was considered appropriate. In the second incident, a protester was confronting a police officer, became ready to fling a cigarette at the officer. He used a baton in a horizontal thrust. This we reviewed and considered to be appropriate, but there is a light training issue having to do with a horizontal thrust that can give to the suspect an opportunity to seize the baton and take it from the officer. This is not

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a good technique, but nevertheless, he, in our review, was justified in the use of that. Now, on the video baton use, the one incident that is from a camera in a helicopter, the tape was given to us by the cbs affiliate station. We had worked at identifying the police officer involved and we were not sure of that officer until today. We have identified that police officer. And this level of—this use of force had gone under the preliminary use and will be reviewed as we now get an opportunity to, having identified the officer, to look more definitively at the reports surrounding that incident. Now, the problems that surfaced from this event. Were substantial. But, I am convinced that these problems will become building blocks for the quality, improvement that is needed in the Portland police bureau to deal with this process in the future. We cannot let these problems lie as dormant but need to improve the matter in which we do our work, in such a way that it is acceptable to the members of our city and to this elected body and to professional law enforcement in general. I think that there is a—there is a way ahead, and it is a good way. As we identified these problems, we found several things that were clear to us. The communication, first of all, was a substantial problem. The internal communication, that is. The officers did not always know the plan. Of course, this plan became fluid and very open to development based on what was occurring in the event that it was not static. Secondly we had communication problems that had to do with the radio. There was overloading of our system. There was a saturation of the frequencies. There was a question about what frequency was being used. There was simultaneous things going on, and the helmets worn by the officers while protecting them, sometimes, with the sound of a crowd preventing them from hearing what they needed to hear on the radio or the directions by their supervisors as to what they should do or what were the directions that were given to the crowd in the direction that they should take. This became a problem for our officers. The external communication, that is with the people in the demonstrations, once the decision had been made to disperse, became also a problem. The public address system that was used, a blow horn and then later a police car public address system was clearly inadequate for a size—a crowd this size, and if the crowd would have been much larger, it would have been virtually ineffective. And in the public address system, that is a problem. The interpersonal communication, however, that precedes 99% of the events in Portland was confused, and diffused and this interpersonal communication is at the cornerstone of community policing as you come together what is to be a problem in front of you. And at the event, very little solid leadership and with groups who were there who were—who had a permit or who had a legitimate approach to things, and others that were mixed in with other agendas having to do with incitement and so forth made for a very dicey situation when it came to communication. There was also miscommunication, I am sad to say, in the media regarding this emergency. It was broadcast as a state of emergency. Of course, that was declared by the mayor and brings on a whole different set of scenarios that have to do with disasters and things of that nature, and when, then, we hear a state of emergency, it signals something far more severe than a local emergency under the city's ordinances of emergency much that was also a communication problem exacerbated by news media reports. When it came to command and control. This is an essential item having to do with managing the proper working with crowds in their expression of their views. The deployment of a mobile field force concept is 11 officers and one sergeant. In a squad. Then four, three or four of these squads make up a mobile feel force. The mobile feel force concept is a, is a doctrine. It is a technique that is deploy in many cities across the country. Across the northwest, and as I found out from spending a year in bosnia, around the world with the police agencies that were represented in that forum. Many nations and their police deploy a concept similar to the mobile feel force because it works. In this case, the mobile feel force concept emerged in preparation for the new year's celebration here in Portland. There was training that took place, and this training began, really, but could well have continued and should have been continued and there was some testing done of the capacity of the officers but this training and the knowledge of it is a perishable and must be rekindled so that the officers operate appropriately when it comes to a mobile feel force, this is an element where you have



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a lucent overseeing up to the four squads. The keys in that deployment are a tight command chain. A disciplined unit integrity. This I am reading from the very report. Good communications. Proper training and planning. Established policy and good tactical decision-making, and in this case, there were flaws in our deployment of the mobile feel force during this event. And those flaws, as the report continues, have to do with squad integrity. Squad integrity is the fundamental item in the mobile feel force technique. That means that you have a squad of 11 officers and a sergeant and when most police officers in our city operate individually with police discretion as they go about their duties, when you bring a squad together, that squad must act as a squad and must not disintegrate into the individual decision making so you must stay together and operate as a squad and when it is joined by other squads, it reports to a lucent that becomes a mobile feel force. So, the problems on may day with squad integrity were that—on a number of occasions, officers then broke up and they did not act as units and the communication to the squads ended up being diffuse or there were breaks in the communications and the result was an erosion of the squad integrity. The staffing was a problem. The staffing, the deploying of the officers to the various locations was not always handled correctly. And in one case the officers had to move from point to point to point because there was a leap frog approach so that they could be more effective to the next moment and the next intersection in a demonstration that was taking its own course. Throughout the day. And the officers, as a result, became tired and hungry and across nine hours of work, in the street and in, and the equipment that they wear on a warm day, it was a difficult task for officers. Now, when it comes to span of control, that is to say the concept of span of control, how many police officers should report to one person, and the unity of command that every officer should have one boss to whom to report. There were some flaws and some problems as we saw those, and they were in—they are in the report, also. In the final analysis as we looked at this very carefully now, the unseen commander had too much to manage. He was monitoring the radio. He was talking on the cell phone. He was talking to the protesters. He was trying to reach the marshals and trying to, even at the last moment and while on the street, and with all of this going on, trying to forge an agreement as to, the very last minute as to which way to go and all of that. He was trying to keep the command post informed and his bosses, including chief pronk informed. He was implementing a plan, and at the same time, modifying it. And he was then trying to manage the squads and the squads that should have had an appropriate deployment with the right number of lieutenant as we have trained for. So, in sum, the lucent who was the on-scene commander was task-saturated and the result of that was there was a breakdown in the definitive approach to working out the problem. The organization of the event, there was inadequate preplanning, of course. The ilwu event on that day and three days later was peaceful. This peacefulness and this good resolution was due to the preplanning. Again, in partnership forming that was done and the permit process that was appropriated, a few days later the ilwu had another event. It was flawless, as I understand.

**Kroeker:** now, as to tactical decision making when you have—when you are an on-scene commander and you are charged with this responsibility of making good decisions that come out well for a city, and at the same time, you are being overloaded with decisions and there is too much going on, you are going to have your decision making capacity cramped, and this may have affected some of the arrests. Though the arrests were valid. The law was broken, and they were, somewhere as I mentioned, not deemed prosecutable by the district attorney and some were were downgraded as in a routine case management policy, you know, the decision-making while it was good in the arrest moment, it was saturated and it would have been much, much clearer under a better deployment of good command and control.

(light switch interruption)

**Kroeker:** there you are. All right. Now, the discussion about the mounted patrol. In this event, the—and we have this in the report, the standard slow walk was performed, that is part of the training of this mounted unit and has been trained and retrained repeatedly. This is a unit that does train

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frequently. It was performed, that slow walk was performed while the members of this unit were being—had objects thrown at them. A newspaper stand, a lit firework, what the anarchist website described as eggs. We are not sure that they are eggs but missiles were flying during that time. Flaming objects were thrown. [ laughter ] and these did not hit the police officers, but during that, and when that was happening these mounted officers called for the helmets. They were put on at that moment and they came up to them. Now, this walk, this walk performed by the police officers, as they do this, and sometimes the horses are turned to the side and moving a crowd sometimes directly as the reigns are pulled, the horses move their feet rapidly and gives an impression that the horse is coming quickly at a group. This is a technique that is used in crowd management. The atvs. These atvs that were used during that day, in our opinion, were there was—it was not appropriate. In other words, they posed a threat to pedestrians, as well as officer safety and in future events, they will be greatly restricted. Now out of these observations and these problems that arose, then comes the way ahead for improvements in police tactics and I will tell you that these are coming under our process improvement strategy. We intend to not leave these here with you today, but make them a part of our action in the future and I will produce a report to you, mayor, as to the progress on these developments. First of all, span of control. In future cases, when there is a mobile feel force, the on-scene commander will be a captain or above. Because a mobile feel force is commanded by a lucent, so then in order to do that, then with our understanding of the police rank system that we use in police work, then you have a captain, it is very clear that that lucent and that mobile feel force reports to that captain who is an on-scene commander. The sergeants who have the squads in the mobile feel force know that they report to that lucent who reports to that captain that becomes a clearer approach. In communication, on this technical side of communication having to do with public address, we are researching and intend to make an acquisition of a sound device that will be very clear and it should be, it should be a very audible to anyone in a situation like this. Radio communications and its problem, it has been already—in the process of being addressed by a work improvement team. This work improvement team is continuing and I have sent to this work improvement team the additional concerns that arise out of the may day radio communications problems and the things that emerged as a result. We are also developing the concept of a rapid response team. That is a mobile feel force that will be trained uniquely with a set supervisor and then the spin-off in training from that unit will be to the others and also we will have a unit where police officers are trained together. They have this squad integrity very carefully engrained into them and can be deploy in situations where we have a higher guarantee of squad integrity. This is a concept that we are developing, and I met just this week in a planning session to develop the plans for what that team will look like. On the less lethal, we will again review the policy for using less lethal in crowd situations. Also, we are going to review the policy on using the less lethal round when the subject is fleeing or when the subject is not a direct threat to the other people or the officer. We have to review our general order now to make sure that it conforms to those problems that we experienced on may day. I should point out that since it was, since it was brought to Portland, several years ago this less lethal device has been used over 100 times, and many, many of those times the deployment of this device has saved human lives by not having to then deploy, for example, for a person with a knife and ready to attack an officer for not having to deploy fatal rounds, killing this person, the officer has used the less lethal and has resolved the situation, so I don't know, and I don't know the numbers precisely, but there are more than 100 deployments of that over the last years, was it 96, bruce, when it came to Portland and I am very happy to say that that deployment has saved lives. Now, in the training, we do need more training in crowd management. It is obvious. Not only in the techniques and the tactics, the laws, the whole environment in Portland. We do need to do this training, but also for commanders to insure that they know the consistency of what the doctrine is and the techniques are throughout the organization. And also I intend to insist that this be test so that we know that when we have trained in this perishable skill, this skill is tested and evaluated in the

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precincts or in training fields so that we know exactly what to do and can maintain a better level of discipline in the events if they should occur. The atvs I have already mentioned, will be greatly restricted. We intend to use them in—as perimeter vehicles and not involved in the crowd situation. For reasons that I have mentioned. On the mounted patrol, we intend to review the policies and procedures in crowd control situations to make sure that the best practices are being followed. We are going to review the training and we are going to review what happened and we are going to review these tapes once more to see exactly how the mounted officers were deploy to see what we can learn from the specifics of that. Now, in conclusion, I want to address a couple of the questions that have been asked. Most of those have been answered already. But, there is one question that has surfaced and to me, it is probably the most important one. And that is what about community policing? Where is community policing in all of this? And I want to point to the event, itself, and just quickly make, for all of us as we discuss this, the nexus. What is it? And I want to point out that during the event, the officers of the Portland police bureau worked with the community, the business members were met. The demonstrators were met. People who were planning the event were met. The discussions took place. And as the chronology took place, as early as april 19, discussions were taking place with people who were planning to come. If I am not wrong on the first date, april 19, central precinct meets with goreman regarding a permit that was being issued for a picnic in the south park block. That was the first event where there was communication, and the essential ingredient in community policing is communication. We have to work out this compromise for assembly. Freedom of expression. Is it necessary to make mass arrests? There is no need to make mass arrests for the sake of making mass arrests as you can see and we articulated in the report. There is no need for mass arrests. In fact one of the plans is to isolate arrests rather than large numbers of arrests are unnecessary. After the event took place, there was this public forum. The idea is, let's meet and let's talk about this. And let's hear the views of the people. This was a concept that was borne out in neighborhood forums for discussion openly of the things that trouble people or the things that are their needs as takes place every single day in the city of Portland as people in neighborhood groups meet to talk about traffic on their streets and the like, that meeting at the church was intended for that very purpose. To hear from people. After the event, that public forum, we issued a report to everyone. We got input from many places, and without articulating every one of the changes made in the report, and I won't read them all, but there is a long list of the changes that took place from the initial draft to the one that you have today, and this was a result of our going out listening to people, listening to people on the website, reading the e-mails that came into your, office, mayor, and to mine, and responding to the questions that kept coming up. What about this? What about that? And so the final report, I believe, is a clear example of community input. Community orientation. Listening to people, and sitting down and drawing people to a discussion and here today at the city council, we have this very, very event continuing on in the public discussion. I believe that all of that fits with community policing as we gather as a city. Now, I am persuaded that the city must come together to discuss unpermitted marches. This is a, a policy item that has to be addressed. Because it became a central core of our discussion. When people walk down public roadways or streets, they have a march or a parade and it is not permitted, what is it that the police should do? If you let it go on and a car drives by and strikes one of the people, is the city at risk in liability style? Should we allow this to take place? What is this group moves then to a freeway access. These are discussion items that need to be resolved in my opinion, in this forum. The balance of the rights and responsibilities of all people who assemble in a city needs to be discussed. We are, in fact, reviewing the levels of the force that was used. This is a—an appropriate policy that's embedded in the policies of the Portland police bureau. We must also ask everyone involved to consider their responsibilities to the city of Portland and the people who assemble here, to give an allegiance to a city that's under a rule of law where we have reserve rance for the law and meets like this in an open assembly to chart the course for the future. So I want to thank you, again, for allowing us to come forward, to make

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this presentation, and thank you for all the time you have afforded me. I do appreciate it. It is my objective, it is my hope that what happened on may day of the year 2000 will serve the city in a positive way for a great future. Thank you.

**Katz:** Bruce, do you have you have anything that you want to add?

**Bruce Prunk, Assistant Chief of Police:** I am bruce pronka, assistant chief. In going through our review of our reactions, I think that a lot of the issues that we raised as far as having the appropriate number of people there to help us manage the situation communications, equipment, the way that people are dressed and the response that that generates, on both sides of the issue, I think that there are distinct paralysis between the police response and the crowd response that we saw that day. I would say that many of the same issues that we have identified in our review of our actions are actions that I would ask the folks that also participated in that to take a look at as far as adequate numbers of marshals, the communications with us. The reaction, for example, we have heard loud and clear that people are not always happy when we show up with our safety equipment on with the helmets on. And I have to be perfectly honest with you and tell you that our awareness and our attention and everything else goes out in the way that we see the crowd when they have the masks and the hoods on, that that is an issue for us, as well, so I would just ask that, again, the balance that we are talking about, you know, as far as, you know, the rights of people to assemble and to voice their opinions and speech, and our responsibility to try to assist them to do that, that that be balanced out, as well, when you all consider, you know, our tools and what we have to respond to and what we have to work with. So, again, I just want to reinforce that the communications in having a good sense of where the community wants to go in the future with these types of events would be very helpful for me, personally, but also for the command staff for the Portland police bureau to get a good understanding about what community expectations would be for, you know, events in the future. And again, I just want to thank everyone in the community, council, I know you've been to a lot of the meetings. A lot of people have assisted us in this review, our command staff was involved with this. The community from a variety of modes from coming to the meetings, being on the websites, calling us up. It has given us an opportunity, I think, to do a very thorough job in taking a look at what occurred on may day and how we can do better in the future and I would like to thank the council for that.

**Francesconi:** I have some questions here. Chief, I want to start out by saying that I have had a chance to observe you before you came on as chief in three public forums. I have had a chance to watch you in negotiations and I have had a chance to watch you in budget negotiations. I have had a chance to watch you on the job. I have had a chance to watch you in the community. I have had a chance to talk to you one-on-one. I have had a chance to watch you in one-on-one situations. Now I have had a chance to evaluate how you handled a difficult situation in terms of evaluation after the fact. And you said here earlier that you believe that there is a way ahead for us as a community, I agree with that, and I also believe that you are the one to get us there. If we provide some community support to you. I also believe, though, in the principle of civilian oversight of the police so I thank the mayor for this opportunity and I have some questions to ask you on the issue of the operations plan and then the execution of the operation's plan.

**Francesconi:** I believe so strongly in the principle of civilian oversight, for example, that I think that police decisions, and this isn't in front of us today, the final decision has to rest with the council and you can be the final judge of the amount of discipline. That's a matter for the future that will come in front of the council. On this issue, though, as I am listening to your testimony here, it kind of reaffirms a belief that I had from reading these reports, and you can disagree with this if I am wrong. On the operation's plan, it appears that before you were chief, here in Portland, we went to a decision to go to more of a mobile force. Part of a national movement that was in reaction to Seattle. Was that decision actually made before you became our chief?

**Kroeker:** I should best ask chief pronka to talk about the timing. It was, yes, but to be more specific, maybe bruce can.

**Francesconi:** When was that decision actually made?

**Prunk:** commissioner, the decision was made for us to go to this type of training in using this as a structure to approach crowd situations or special events. The decision was actually made nearly a year ago. We were starting to take a look at how best to organize for large events and at that time, we were focusing our energy on a large event that we had planned on how do we respond and organize our response to potential issues associated with the millennium. And that included everything from unknown, you know, infrastructure problems to large events that were planned, you know, celebrations planned for that night so that decision was made nearly a year ago.

**Francesconi:** Okay. Civilian oversight can degenerate into second-guessing and amateurs not knowing what they are doing.

**Katz:** Wait one second. Lynnae was chief at that time. Do you want to—

**Francesconi:** No, no, but here's the point that I want to make. Here is the point. Where I think that community policing may have failed us here is I didn't know that back a year ago. The council didn't know that, and I doubt that the public knew that. And maybe I missed something, but the point that I am trying to make is when you make a decision like this, which could very well be, and I think in retrospect, is the right decision, that's the kind of decision that has to be aired publicly, so that the public understands what's going on. Because not only because the community policing but from a practical standpoint, so that when people are exercising their first amendment rights, which are at a higher level, even, than traffic laws, and I am going to come to that, but the public. [ laughter ] But listen, folks, that doesn't help me. You know what I am thinking. That doesn't add credibility to your position for me. I am just speaking as an individual council member. See, when a decision of that magnitude is made in a city like Portland, which was done before you ever got here, there needs to be a public discussion of it so that we can not only educate the council, but educate the public. And I am hoping that that's what will come out of may day. Does that make sense?

**Kroeker:** it does make sense. And it is best when people know what the police do and why they do, especially in this community policing equation so that there is an understanding that when this happens, that there is an expectation. It is best if we communicate that, so regardless of what happened in the past, now we have an opportunity to communicate clearly to everyone what it is that the police will do. What is expected and so forth.

**Francesconi:** Okay, what's not clear to me is kind of the guidelines by when this mobile force tactics, which is kind of a large show of force in order to prevent more violence, when it is appropriate. Obviously in seattle it would have been appropriate sooner, okay. At the sunnyside church, we didn't have that, but at this hearing, I just felt like there was a whole lot of police around here and I wasn't quite sure why. Okay. That's just my own personal experience and then you have some other situations where there is clearly violence being talked about, you know, and you know about it, that there should be this mobile force where you have a lot of people and you know that there is threats of violence. What's the rule? I mean, tell our citizens, what's the professional judgment that you must exercise, not civilians, but you must exercise at when it is appropriate to have an operation's plan that is this mobile feel force?

**Kroeker:** you know, as you consider this balance, once again, of leading in such a way that events will have a successful outcome, that is to say that there will be a win-win, people who come to express their views can do that. The city can go on with its operation, and, unimpeded and as best as possible, we can kind of make compromises and adjustments everywhere. When you look out ahead and you know that there is going to be a small amount of five or six people, most often than not, one or two officers will go out there. And so what I am saying now is you escalate the level of crowd, the level of intensity of that crowd. The multiplicity of things and the potential for violence then this escalates into now the first element which will be a squad, 11 officers and a sergeant, and that can

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often take care of it. Will send a squad. Then when you have a larger event you form up into this mobile feel force, you have three or four squads with a lucent and now you have a force of officers and sergeants and you deploy these according to the needs that are dictated but it should be in response to the levels that you understand and the needs that you have there. It was a tactical decision making based on a continuum of the level of need, and this is, obviously, open to judgment and it has a certain feel that you have to apply to it.

**Sten:** okay. Commissioner, could I ask one clarification on that question.

**Francesconi:** Feel free.

**Sten:** does the mobile feel force automatically come with riot gear?

**Prunk:** commissioner, if I could respond to the concept of the squads and the mobile feel force, it is a planning and deployment tool for us in the operations. I am chief operations, we use that, for example, we use the same concept, for example, in determining how many officers we are going to need and how we equip them and get them out for other special events, of which we have well over 100 a year here in Portland. We use the same concept, as far as numbers of officers and sergeants and the squad concept for planning events such as the grand floral parade for the pepsi waterfront village during rose festival. It is a planning and deployment tool. The difference on may day, again, is the equipment that they showed up in and again, the decision was made fairly early on, starting over in northeast, that we were going to deploy our officers with the safety equipment with the helmets and the pr-24s and we do that because we didn't have any prior communication with the event organizers and we responded to what we observed and how the people were first, how they were attired and how they were communicating with us, second of all, and how they responded when we were asking them to help us out on some of these things, so we use that as a standard planning and deployment. What would be different in some cases is the equipment that they would respond with.

**Kroeker:** okay. To answer your question directly, commissioner Sten no. If this is what you are asking, does the fact that they are deploy automatically mean that they wear the tactical gear? No. This is a separate decision. They have it with them, but that's not necessarily the fact that they are deploy that they have actually put it on.

**Francesconi:** It looks from my review, that the decision to deploy—I will use hats and bats in the may day was appropriate. It wasn't clear to me until now, how you would make that decision. And we need to continue to educate the public. I was at the millennium party and I did see the same deployment, and it did not make sense to me then at the millennium. But, you may have had some evidence of violence that I didn't have. You may have had that. My request to you, if it makes sense, I mean, if you have got the evidence, we need to protect the officers, but it is my understanding that in the past, you used to have them not right at the scene and you used to call them forward. I would prefer that if it works from a policing standpoint. Am I making any sense?

**Kroeker:** yes. Absolutely. And, you know, the way that things take place, and particularly on new year's as we did have some information of potential problems, turned out it was really peaceful, a few arrests for alcohol and so forth. But close to the midnight hour, the decision was made in some elements to put this gear on so that if things did happen at that moment, the officers would be protected and they could respond appropriately. So, I mean, that—it is a judgment call. It is a tactical decision-making, and it has to be thought out. And justified, and explained.

**Katz:** Before you go—I am sorry, go ahead.

**Kroeker:** so that it is not made arbitrarily. In other words, it is not made or whenever the deployment is made, they just automatically do this. It is not an arbitrary decision. It should have foundation and justification.

**Katz:** Commissioner, let me jump in. I just got a memo that the police bureau did invite the media out to training last fall in an attempt to explain the whole notion of the mobile feel force. Now, it

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didn't—you are absolutely right, didn't get through to the citizens, but there was some attempt to do that. Go ahead.

**Francesconi:** here's the other part of the report. Switching from the field plan itself to the operation of the field plan. Again, I am an amateur at this, but you said it. The thing that bothered me in reading the report, you emphasized here, which was the breaking down of the squad identity or integrity.

**Katz:** Integrity.

**Francesconi:** And I think that part of the reason that's important is because you have discipline, too, and that's also how you protect the officers.

**Kroeker:** yes.

**Francesconi:** See, and that's where you and some of the people with the signs are in so much agreement. I mean, you have really emphasized that. I am a little surprised that it happened with the degree that it did. Now, again, this is a training issue, and most of this training, again, must have occurred or should have occurred before you were ever here. But, can you say some things more specifically about what kind of training are you going to institute so that this doesn't happen again?

**Kroeker:** all right. The continuity now of training must go on. In other words, where we have, in a sense, produced a training needs analysis through all of this. Now we see where the weaknesses are in our training. And where the flaws are. Now we need to take it from this level and to have our trainers come once again and reaffirming the mobile feel force concept and the doctrines and have another slice at refreshing this and secondly, billing this, this rapid response team with its responsibility to operate as a model for the—as a clearing house of continual training in this. And chief pronka is absolutely right, having to do with a standard deployment, I want to add to that that when they are properly trained in a natural disaster, they can be particularly effective, also, operating as a squad and mobile field forces and several mobile feel forces to a captain when you have, for example, a flood, an earthquake, some major fire, toxic spill with a toxic cloud, so when we do evacuations and things like that, operating under a team or a unit, it becomes far more effective than the individual when there are certain needs like that.

== okay.

**Francesconi:** so the training is going to go on. It is going to go on with this rapid response team and it is going to go on with the trainers being recalled to Portland to continue their training.

**Prunk:** commissioner, if I could just add for just a second, part of the difficulty for us on may 1<sup>st</sup> is that since we didn't have a lot of preknowledge of the parade that was going to be over in northeast Portland, we had to put together this—these four squads to assist and help this march and demonstration move through northeast Portland. Now we had to do that with officers that were on duty. So, we had sergeants working with officers that they would not normally work with. So, we had to pull officers from all five precincts. Traffic division all together to work with sergeants that they would not normally work with. We have to do that at the same time that we have to continue to provide our 9-1-1 service. So I can't close down a precinct and pull everybody that would work together and say, you respond, you know.

**Francesconi:** but here's the problem and maybe I am too bias because I am also the fire commissioner, and demonstrators, which I haven't, sounds like I haven't done it to the degree that has, but I don't mean to equate fire with first amendment rights so bear with me. I don't mean that at all in this analogy. But I know in fire, what the communication, the training, you have people coming from all over the city. You have communication networks and command structures, so I am having trouble, given the fact that the police chief has said that we have had all these demonstrations here in the past, why we haven't worked out some of these communication issues.

**Prunk:** and I guess my answer is two-fold. The first one would be that, again, we are reacting and responding and we weren't in a fire situation, you are pulling out stations that work together, train together, they are a team, they have clear lines of communication. I wasn't able to do that on may



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day because I can't close down a precinct and then ask another precinct to come in like they backfill on the fire side. That's part of what we are trying to get to with this predesignated rapid response team that would work together, train together, be as—be a model that would be deploy in a similar manner to that that the fire bureau would respond to so that's where we want to go to. And you are absolutely right, that is something that we need to do a better job of in the future.

**Francesconi:** I don't want to be labor this but the report even said that some officers didn't know the plan. I think that your report said that. I hope—we have some work to do in this regard.

**Prunk:** we do. We do.

**Francesconi:** Okay. In terms of—on the level of discipline, I guess that I won't get into it because you did. You have identified some areas, and that's not in front of us at this time. Another area that I guess I won't get into it, it now because it is not directly relevant but the question behind commissioner Sten's comment, and mine, about hats and bats is it separates you from the community, okay. But, officers' protection is important 67 we have been there. But it is important that our officers reflect the community because you are the best part of us, police. And another point I want to talk to you about the issues of how we really diversify our workforce, and I know that that's important to you, chief. There is some structural barriers in our system that have to be eliminated. So that we can truly reflect the community and I want to talk to you about that, but I will do that at a later time.

**Katz:** all right. I am going to jump over and ask commissioner Saltzman if he would like to say anything because he is going to leave for another meeting.

**Saltzman:** Just one real quick question, two quick questions and then just a comment before I have to leave. I was very intrigued. You mentioned about the need to examine our whole issue of radio communications and things like that. And you also mentioned that when you wear the helmets, officers often can't hear their walkie-talkies, is that something you are going to take a being look at as part of the review?

**Kroeker:** the ear phones can be readily deploy.

==and their technical applications here that could solve the problem.

**Saltzman:** Did we formally establish an incident commander or an incident command center under this may day demonstration?

**Kroeker:** yes.

**Saltzman:** Okay. And bruce, were you the incident commander?

**Prunk:** the event, as it started out, we had lieutenant krebbs was the commander and we had a commander from the precinct that was the incident commander. As the incident grew and we were going on over several hours and I worked with commander finley but he stayed as a primary incident commander, I was down there assisting him with other resources.

**Kroeker:** I recall this complicated by the other gathering on the east side of the river where since that develops spontaneously, commander foxworth took command of the situation there so he was we had kind of a split command situation.

**Katz:** A split command.

**Saltzman:** great. Because I do have to leave early I wanted to say that I have only heard what the chief has had to say, although certainly I have read what others have had to say. And many of you will speak to come. I guess to me, the one policy area that clearly begs the city council's involvement is procedures for dealing with nonpermissive activities and that's an area that no one can wrestle with that except us, and I guess I would invite people who are going to testify later on because I will watch this, to comment about, you know, where you think that we strike the proper limits in that arena. How do we deal with nonpermissive activities. So I would invite that, and finally I want to say this is by no means to my mind, at all, a breakdown of community policing. More to the point as you described, this has been—this will be a building block of a better police bureau, but



also the whole process under which the demonstration has been examined, probably is, is, I would say, way above probably most other cities in the way that they would look at this activity. And this really is part of community policing in and of itself. So, i, for one, do not accept may day demonstration or the police response as any kind of an indication that the community policing is broken. That the pillars have crumbled or anything like that and I wanted to get that out there. And with that, I apologize but I have to leave.

**Katz:** Yes. The issue of the policy, that's not their burden. That's our burden. And certainly we want input from everybody, but that's going to be something that we are going to have to wrestle with. Commissioner Sten?

**Sten:** Many of the questions have been asked. I don't think that community policing is broken down. I think it broke down that day and I think it broke down from both sides and I think if this is going to move forward it is really a matter—I think that you hit the right tone in your comments here, chief, and I appreciate it, of trying to take there is really two issues. What went right and wrong, and there is a whole variety of issues there, and there is how do we move forward, and I guess I would like to say, especially, I think, I am not going to ask a lot of questions because I think that we need to move this toward some testimony, but I think if everybody can try and address those issues, both of those issues, I think that that's very important because I continue to sense that, you know, there is a split in the community, and I have gotten hit constantly by sides who want to prove the other side is wrong, and I think that you can find individual actions that went wrong. On all sides of this thing, and the issue that I want to see—I think that we are going to have to look at this policy question of how we handle nonpermitted demonstrations and I will leave it to the mayor and you to bring back the choices or however you want to handle that. I guess, I mean, I guess for my kind of lead-in to this question, my bias is towards we should err on the side of less presence and less atvs and riot gear and horses rather than more, and I feel like we erred toward more. On the other hand, for all of you here, if somebody had been badly hurt whether they were a protesters or a police officer, you know, everybody would be saying, well, there wasn't enough things. My instinct is reared the wrong way and that's something that I think that we need to work out. But the question is, when was the decision made to split the march up into groups because it strikes me when that decision is made, we, the city, are kind of inherently inserting ours into the plan of the marchers, so when did you make the decision to send people physically into the middle of the march and break it up because it seems like that's a point at which, you know, we fundamentally change what they are trying to do. And as opposed to protect the citizens, which in my opinion, and yours, concludes the people marching.

**Kroeker:** the decision was made not as the march was taking place, but as it had ceased to move along, and as these other incidents had taken place that I had described, and it was log-jammed right at that location there. 3<sup>rd</sup> and madison.

==salmon.

**Kroeker:** salmon. And the—so, it wasn't moving then. It was lodged there, and then coupled with the other elements that layered on came a tactical decision to, and a crowd, decision, really, to disperse. Then, of course, what happened with the dispersal and there have been other dispersal directives that have been worked out well. There was this problem of communication, and where to go and is it north or south and not hearing and not understanding and some officers even not knowing which direction should people leave. And the bulk of the people being perfectly willing, probably, to go along with whatever the decision was, but not hearing it. Not understanding it. And then with some, being prone to a certain different approach to resisting it and so forth, and so it was a decision that was made to disperse based on the ordinance that is given to police and deploy in that moment to declare an event under certain conditions to meet those criteria that would fulfill that requirement under this Portland ordinance for decoration of a local city emergency and then the dispersal of the people involved.

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**Sten:** Is it fair, because it is my conception that, is it fair to say that enough things that happened or there was a lack of organization to the march at that point that the police made a decision to—and I think this will be debated, whether it was the right decision or not, but a decision was made to ask the marchers to disperse and police were sent physically in the crowd to disperse. At that point, is it fair to say that the bad communication both among the officers and between the officers in the maze made things worse?

**Kroeker:** absolutely, that's the key.

**Sten:** I am trying to break down what happened here, folks.

**Katz:** I think you got it.

**Sten:** and I think from my reading, i've been trying to get at this for a while, I think that's when we as a community, lost it, and I don't think that it was just the police or just the organizers, I think that it was the group that, and so for me, that's, you know, the question of when to go in, because it seems to me that going in and dispersing a march is inherently volatile. Because you have got people who have got a right to freedom of expression, freedom of assembly and we are saying that you have got to get moving, and, but, clearly you have to be able to do that if things were out of control so from a policy standpoint, you can answer this now or later, my question sort of is, I think as the council tries to make the policy, I think that we have got to get at the question of, what's enough for us to decide to disperse a crowd. My own personal belief is that a lack of permit is not enough because of freedom of speech issues. However, I also think that it is very reasonable to say to crowds who organize protests, if you choose not to get a permit as a freedom of speech expression or whatever, the bar is going to be a little lower than if you choose to get a permit. I don't think that—but I don't think we can say if you don't have a permit, you don't have the freedom to assemble so the question is, I think that that's where we have to focus on, when do we go and—when do we try and disperse a crowd which seems to me where this thing went crazy, and I think that all sides need to admit in this discussion, as long question, that there were, where there were a couple of individuals or a ton of individuals, that looked more like a small number to me. There were people trying to take advantage of that chaos who weren't peaceful so I think that we had a chaotic situation. But, that wasn't quite a question, but I will stop and turn it over to you.

**Kroeker:** and for a quick response, normally, when people meet and assemble and they have signs. They have views, and they are on a sidewalk, there is no one who is going to tell anyone to move. It is when they get in the street. [ laughter ] it is when they get into the street and there is traffic and there is, you know, people need to get passed and you have this liability concern, this is what I would invite you to consider, and there is not a permit. And you are in a roadway or a street or on a freeway where you have access and other laws being broken just by being there, like being right down the middle of Broadway, this is a different item, and that, I would propose, would also add, you know, as you mentioned in the decision-making, layering, leading to a point of when you are going to declare, with a need to disperse.

**Francesconi:** The reason I started interrupting, and I am sorry, commissioner Sten, is first of all, unjustified use of force is not appropriate in those circumstances that are documented or any circumstances even if there is a failure to get a permit. But having said that, folks, and I am not talking to the police, I am talking about our community, get a permit. This is a tough enough situation that we need to be in this together. We want to honor free speech but we have to have permits because it is a difficult enough job that if we encourage a policy with no permits, it increases the likelihood of a repeat of this because there are a tinny group of element out there that is going to use there for other reasons. Now, I am not suggesting, commissioner Sten was suggesting not get a permit but I want to make this point very clear.

**Sten:** But, in this case, you know, I have a hard time buying the argument that there was no we are going to have testimony so I will shut up after this, but I have a hard time going to set the stage buying the argument that we were just—there was a protest not to get a permit. But there are times

where spontaneous expressions of free speech lead to marches that were unplanned and I don't believe that we should automatically take the position that, you know, I mean, free speech I think trumps traffic and I think that we stop traffic all the time for—there is 15 traffic being stopped downtown but from a marchers standpoint, I think, if it is truly not a spontaneous action, and what you are trying to do is use the claim that it is spontaneous, to stir it up more, then it is—and I am not saying that's what people are doing but that's what some folks are saying that they wanted to test, then you risk that there is going to be—it is harder for the city to deal with so I think that we have to have some way to deal with things that are spontaneous free speech and I don't think the automatic response should be, you can never block a street with a march that isn't permitted but clearly, it is going to go better if people know the permit is coming. I've been in several marches since this march, so the other thing I want to say is that I don't think that we have any indication that large groups of people cannot march in the streets of Portland but we have a situation that went out of control on this day.

**Katz:** Let me—thank you. This is what I opened it up with that I didn't buy the arguments of why not to get a permit because all of us have marched. All of us have reached to the sidewalk to talk to people and asked them to join us. We do it with the gay and lesbian march. We do it at marches in northeast Portland celebrating civil rights issues. You want to bring people from the sidewalk to join you so you have a bigger march. And I didn't buy the reasons that were given as to why not to get a permit, and as I said, I thought that not getting a permit created a lot of the confusion. Having said that, the issue of how far we, as a city, want to go with regard to stopping a march that doesn't get a permit that hasn't gotten a permit is one of the policy issues that we need to talk about. Okay. Just a minute. I know. It is a law, and the point is that we can change the law if we so choose to.

== I think he meant applause.

**Katz:** Oh, I am sorry. [ laughter ] All right. All right. Thank you. Thank you. All right. Does anybody else from the police bureau want to testify and then we will—greg, did you want to—come on over. And then we will open it up for the public and the three of us are here to stay. It is cool here, so there is no real reason to want to go outside right now. We will stay until we hear everybody and council will be asking questions of people who yes, who are testifying. Thank you, chief. Thank you, bruce, chief.

**Greg Pluchos, President, Portland Police Association:** mayor Katz, council members, and fellow citizens, first of all, I will just like to say the may day report as submitted by the chief and his staff is ground-breaking. We have never seen this happen before on the police bureau.

**Katz:** Before you go. Do you want to identify what you do.

**Pluchos:** I will greg plukos and I am the president of the Portland police association, the union for the police officers. It is groundbreaking and we have never seen this before. This report admits mistakes made at all levels. As we know, there is a saying about what flows downhill. And in this case, it didn't. Everybody took responsibility for whatever oversight or overlooking of details there may have been. We are committed to the partnership of community policing. The men and women of the Portland police bureau, in general, I think, I can speak for on that. But it is a partnership, and I think that the partnership failure started with people failing to want to communicate with the police bureau. There were many efforts made by the police bureau to do just that as is outlined in this report. I am sorry that that failed. I don't think that the fault lies with anybody on the police bureau. Except there wasn't communication prior to the event. As I said, we are committed to the partnership of community policing and we are also committed to the citizens of this city and I believe that the vast majority of the citizens are committed to their police officers. I also believe that the vast majority of the citizens would like to see the ability to drive downtown on the streets of Portland, walk on the sidewalks or whatever, without being disturbed, unless it is a lawful assembly, and without a permit, if you are inside the traveled lanes, portions of the highway and you are doing just that, what if, as is outlined in this report, someone is in need to get to a hospital or an emergency.

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And they have to take an alternate route? As a police officer, for 27 years i've seen many people die because of a matter of a minute or two without getting the service that they need from emergency services personnel. So there are issues that need to be taken up by this council with regard to permits. I am very—and I think our board, in general, the executive board and the members of the police association and the bureau are very encouraged to see this kind of a report come out. There are not 100% of the issues in here that we absolutely agree with, but that's something that we can take up a little bit later. Almost without exception, we think that there are needs for people to take credit when credit is do and also understand when improvement is needed. The biggest improvement as we see it and it is pointed out in this report is training. Police officers day after day after day for years and years and years on end are trained to take action independently as quickly as they see a crime being committed. If they did not if they did not protect the citizens' life or the other officer's life or their own, if they hesitated, all might be lost. But in a mobile feel force training, that's not the case. In fact they are told not do not that. It takes the integrity of the squad away when you do that. Now, think about it, if you are an individual who for 20 some years, such as many of these officers were, have done things one way, and then you are given one eight-hour day of training. And told now you are going to do it this way, only when we tell you we are in the mmf mode. It is a tough concept, folks. Doesn't work. As the chief says, these are perishable skills. They need to be reinforced. And the chief has made a commitment to do just that and we are glad to see that because we need to reinforce this on a regular basis through training. I know that this caused some problems for the community, but I still believe that the vast majority of this community is in concert with their police bureau. Believes that we do the best job that we know how. In most circumstances, we do absolutely whatever is necessary to make sure that the citizens get what they can count on or have learned to count on from this bureau. Don't take one incident, which in my opinion, was given in a really jaundice view by the media at times, and pass judgment. These officers are fine men and women. They live in this community. They coach in this community. They are elders in the churches in this community. They are part of this community. They care about this community. They don't go out there and act with reckless abandon. They have a stake and they don't want to lose it. Thank you very much for your time. I appreciate it.

**Katz:** Thank you, greg. The metropolitan human rights center report. As I wanted to hold the bureau accountable for answering some questions, I also asked the metropolitan human rights center, we have changed your name so many times, to also ask questions of the marshals or the organizers so that we can understand what was behind their thinking, especially in not getting the permit or wanting to work to help us figure out a route or organizational issue. So thank you.

**Amelia:** thank you, mayor Katz and council members. My name is amelia and I am the manager of the metropolitan human rights center. I thank you for the opportunity to pull this report together and don't want to take a huge amount of time because there are people waiting to give testimony. And this is really a second-hand could of what they are going to have to say. The report was developed over the week of—a week period between june 9<sup>th</sup> and the 15<sup>th</sup>. I, myself, conducted all interviews either in person or by phone. The—there was a broad variety of individuals that were interviewed from march organizers, to observers to participants to presenters and also one person who participated in the earlier march in northeast Portland. There was seven basic questions that were asked of all participants, which were what was the intention or purpose of the event, was there a permit obtained and why or why not. Were there designated marshals. How was communication handled. Did anyone else join as the parade moved on, and what could and how was communication handled there and what could organizers have done better and then finally, what could police have done better. The report, itself, has three sections. There is a summary section which gives a, sort of a summarized version of the answers received for the seven questions. There is a narrative section which recounts each specific interview and their accounts of the events, and then an appendix section where there are three first-hand accounts from three of the people interviewed in their own words.

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And so I thought what I would do is just quickly go through, you probably all read the report already. The seven questions and highlights of what the answers were for those, as told to me. And actually, I said in the report that we had hoped to get back to people to get feedback on the accuracy of how we were reporting the information that they gave to us but because of time constraints, we were unable to. So, I just want to reiterate that, that it is a second-hand account and we made every effort to recapture the information given to us. As to the intentions and the purpose of the event the event as told to me was a celebration, a celebration of, as I was told, people's unwillingness to resist people's willingness to resist injustice, to honor the history of may day and those who originally marched for the eight-hour workweek, as a celebration of a pagan holiday. As a continuation of what was started in seattle not in the sense of property destruction or chaos, but rather in terms of bringing together movements that had not been working together previously, such as social justice, labor and the environmental movement. That, in fact, nonviolence guidelines had been developed and communicated for the event. Was there a permit obtained? There were permits obtained for the family celebration, which had been planned in the park blocks after the event. There was no permit obtained for the parade, itself. It was discussed and debated, is what I was told, and ultimately, decided that it was not—they were not going to get a permit. Some of the reasons stated for that, to me, were that in getting a permit, there would be restrictions on, in terms of the route that could be taken and negotiation around that. That as the mayor has already stated, there was a fear that the march would then occur in a bubble and there would be limited interaction with the public. That there was no guarantee that the permit, once granted, would not be revoked as a few people pointed out happened with a permit that was obtained for the park blocks event. Were there designated marshals. Yes, there were. Marshals and also route guides. The marshals were wearing orange vests and the route guides had blue hard-hats so they would be easily identifiable. They, mostly stayed to the periphery of the parade to move people along and have communication with people as the event went on. In terms of what kind of communication there was. The liaisons or marshals and the route guides had radios and cell phones to communicate with each other. They spread out to communicate with the participants and one also had a blow horn, as was reported to me. The question of was there—were they aware of anyone adjoining along the way? Just about everyone that I interviewed felt that very few people, if any, joined on route. They expressed that wherever the parade went, the police blocked off the traffic so that there was not much of a chance for interaction with the public as it was. What could organizers have done better? In their estimation, they thought that perhaps for an event that size, it would have been helpful to have more marshals and have those be more of an integral part of the planning. Certainly in hindsight, I was told that having a contingency plan in case things disintegrated would have been helpful. They—a couple of the organizers told me that they thought perhaps making the focus of the event more narrow might have made things easier, and certainly to communicate better with the planners of the event that occurred earlier in northeast so that they had some idea of what the state of mind of police already was going to be before their event was to start. Then any questions in terms of what police could have done better, the suggestions that we received were that they felt that the response of the police didn't match the behavior of the crowd. They felt it would have been more helpful if the officers were able to dress in a bit more similar to participants so that it didn't raise the level of tension or anxiety to see them decked out in the gear. Some people told me that they believed that the police had no intention of allowing the event to unfold as was planned. One individual told me that the may poll was a religious item and they had wished the police had returned it as opposed to having confiscated and destroyed it. They were concerned about uses, the use of horses and atvs in crowd situations. Particularly horses because of the noise level, crowd anxiety level that the horses could be difficult to control and could be very dangerous. They felt that the use of nonlethal—that nonlethal means were used—or weapons were used in situations where there was no physical threat to the police or to others. And recommended that, perhaps, the officers receive conflict resolution training

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if they don't already receive it. And at least in one instance, it was reported that no medical attention was sought by the police for detaining—a detainee who was injured and bleeding. And a couple of things that they that I was told was that when things started to fall apart over by 3<sup>rd</sup> and salmon, that the crowd psychology was about staying together because there was fear around police actions. And that the more people tried to stick together, the more police tried to break people up and that caused some conflict in terms of how things escalated at that point in time. And the question was brought up, at what kind of dissent would be allowed in Portland and that it was the hope of the people I interviewed that the council would consider that carefully. And that's all I have to say.

**Katz:** Thank you. Questions? Okay. Let's start a public testimony. Let's start with three minutes, and then it is ten to 4:00, I will check in at about 5:00 or 5:30 and see whether we ought to cut it down to two minutes.

**Dave Mazza:** I guess I am first up. My name is dave masa, I am chief petitioner of the police accountability campaign 2000. 1511 north alberta, 287255. I have submitted written testimony that won't fit into the three-minute slot, which I guess we handed out to you shortly but I wanted to touch base on a couple of things. Number one, is that as we go into our nearly second hour here of waiting for the public to have a chance to participate, there is clearly a need for more public outreach on this issue. I don't know the last time I saw city council filled like this, it was probably mia hearings, but the vast majority of folks who have been impacted by what happened on may day and before and after may day are folks who can't afford to come down here and sit in air-conditioned rooms. They have jobs and they have got families to tend to, and I would urge upon the city council to maybe think about using one of those evening sessions that at least some of us seem to know about, to address this issue and take some more testimony from folks. Secondly, I would like to put in a plea to put the may day report and the whole issue in a broader context. Those of us involved on the police accountability campaign believe that may day is not an aberration. That there are nutritional problems with our policing policies in this city. They go back, well, i've been here since 1978 and i've seen police abuse and misconduct. And I won't go through the litany of problems from dead possums on forward, but there are issues here that are not being addressed by the leadership, which is where the fault lies, and I don't know how much longer we have to keep coming back and making this plea that there needs to be institutional changes made, but they do, and for us to seriously address the problem, including may day and including this more military style of policing, we have to be looking at what's happening elsewhere. There are all sorts of folks out there in various parts of the city who are dealing with the sort of abuse that took place on may day on a regular basis. And it is being done to them not because of their political views, well, in some cases it is. Being done to them because of the basis of their age, their skin color, their economic status, and I think that it behooves the council to start showing some leadership on this and to start getting things in order. So, having raised those two points, the only other point that I want to make is quite frankly, I have found that the report is pretty much just a rehash of what we've been hearing for the last six weeks. It would have been night to see some, at least footnotes in quotes so that we know where some of these facts that are being put forward in the report are. I would like to have liked to have seen a photo copy of one of these inflammatory posters that we understand was prompting the police to take the actions that they were. As this is, this is pretty much a narrative without any corroboration, and I don't know. I worked as an investigator in a law firm on the 22<sup>nd</sup> floor of the building next door. If I came in with this story without corroboration, I probably wouldn't have been working there for over nine years. So, I think that this is a totally unsatisfactory report. And lastly, I already said I know I had one last point, but lastly, I want to say that, you know, the first amendment is not something that we turn into a bureaucratic process. I want to—i want public safety is important. I agree. [ laughter ] movement of goods and services are important. I agree. But if it comes down to a broken window or a broken constitution, let the guy go file an insurance claim because I value my civil liberties. Thank you. [ applause ]

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**Francesconi:** The mayor had to step out for just a second. David, on one of I do your points, I want to get a piece of information, on the issue you raised about the relationship with minority communities, and the lack of leadership that you said on the council. Well, without getting into that, I actually went over and talked to chief kroeker about that issue because there is 26% of the complaints are coming from african-americans and chief kroeker is instituting—chief kroeker is talking with folks from the african-american community about that and about what solutions can be addressed in that regard. I actually, again, I don't want to get into it, but having the police force more reflect the community, in my view, will go even further than some of the things that you have recommended. And I appreciate the chief is working on that. Back to you, mayor, he finished his testimony.

**Katz:** I am sorry.

**Erin Madden:** 3622 SE Salmon, 97214. I am aaron madden and I do have a video, actually, to show as part of my testimony, but I did want to say that I was actually volunteering at the may day event. I was asked to volunteer as an observer. Basically just to document what occurred among the parade marchers, as well as the police officers. And some of that, I guess, is reflected in the video.

**Katz:** How long is the video?

**Madden:** it is 3 ½ minutes. And we were going to split it up so that we could each talk about part of it.

**Katz:** Did you give us an opportunity to have a copy to see?

**Madden:** we have copies here for everyone.

**Katz:** Because we asked for other—I want everybody to know that we asked for other videos because people might have been taking it at different angles and things we couldn't see on the police video.

**Madden:** this is actually a combination of police video, media reports and also a couple of private tapes. So if you want to play it. The—I think this part really shows the pretty calm mellow nature of the parade as it started out. Moving along, and I think that that's been one of the major complaints that the police, as shown here, not really walking in that slow walk that they talked about entering the crowd with their horses. Started to escalate what happened. Um, this is at 3<sup>rd</sup> and salmon, and it is pretty obvious in this scene that the horses are out of control. They are frightened. They are anxious in this crowd of people. This is actually a shot of me getting plowed to the ground by an officer on the horses. I attempted to stand there and document the arrest that was occurring. And it is referred to, actually, I just saw in the report as a woman being, I think, let's see, how did they—the chest of the horse makes contact with a female and knocks her down. The woman immediately gets up. This is the first non or less than lethal shooting that occurred, which is referred to in the report as making a fist, and then as chief kroeker said earlier, attempt to go flee. It is obvious that he's not attempt to go flee in any way, before he's here, shot, and pulled to the ground. And then subsequently arrested. This is another angle of where that occurred, and obviously, the concern among the people there that shots were fired. I don't know if it was apparent to the people there whether those were, quote, "less lethal shots or actual shots." And also it was apparent to the protesters that the person was basically walking away as he was being shot at pretty close range, I think, you can tell. From that tape and I believe that this may be the shooting that was referred to as, quote, "inappropriate or inappropriate use."

**Katz:** This is powell, I think.

**Madden:** I am not sure of the officer.

**Katz:** No, not the officer, but the gentleman that was shown.

**Madden:** oh, okay. Yeah. I was not familiar with his name. So, I think this just—these are a couple of instances that occurred, obviously, it is a short version of some of the more egregious things that occurred in the marches and I think that a picture is worth a thousand words and these images speak to the truth of what happened on may 1<sup>st</sup> more than this report. I hope that you will



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analyze these images and all the images available and take into account the discrepancies between the images and the photos and the report that is being given. I am particularly concerned with the notion in this report that the use of the mounted police was okay and there were no problems, specifically when we have video and also a photograph of people being trampled by the horses. I was basically standing there. There were no orders given that people should not be in that area. That there was anything that they were forming a circle around this arrest, and because the horses were out of control and anxious in the situation, I was subsequently injured. So that's my testimony.

**Katz:** Can we put up the lights? Thank you.

**Madden:** I think that he's going to show you this.

**Katz:** And I think, I just want to make a clarification, that the one that you showed with powell, the gentleman with the long hair was the one, is bruce here? It was the one that was identified as improperly used because I saw that, too, and raised the same questions you just did.

== sure.

**Katz:** Just a minute, we are not going to have a debate here. Go ahead, sir.

**Brent Foster:** 2021 SE 44<sup>th</sup>, 97215. good afternoon. Mayor Katz and commissioner, my name is brent foster. Thank you for the opportunity to speak today and also thank you for releasing the police footage, I think it was, in several instances, informative. I have several major concerns with the report. The first is that I think that the report significantly understates both the significance and extent of the problems of the police conduct on may day. Second of all, I think it leaves serious admissions and I think not clear what measures are going to be taken to insure that something like this does not lap in the future. All of these shortcomings really point to the need for some type of formal citizen review process so that the next time that there is a report like this, that it can really, I think, do more than this report does. The video before me is a bit concerning to me, especially where the crowd is marching along relatively peacefully to have a number of horses, essentially, ride into the center of the crowd to make one arrest. It was that point where the total feeling of the whole march changed. It was that point after which things were thrown at the officers, including a plastic newsstand. I said it before at an earlier meeting, I think you could have predicted that reaction almost with certainty. And what I essentially saw happen was that the police taking action which excited the crowd and used the fact that the crowd was excited to break up the march and declare it an emergency. I think that there is some serious—i think that the intent of the constitution, if not the actual case law, implementing it, really goes against this dispersing a crowd on this sort of basis. If you want to follow through, this is—if you can hit play. This is the second shooting on the tape. If you can turn up the volume a little. Several things are clear in here. First of all, the person is running away. This was appropriate, the person was running away. This is another scene of a man getting hit with a baton in the neck several times. I didn't see that reference in the report. This is a scene that's of most concern to me and if you can watch the closeup again, this, according to—this officer, who swung the baton here, until evidently this morning, was unknown. And to me, that raises huge issues because either one, there was problems with looking for this officer. Or two, the officer wasn't coming forward, and either way, I really want to know what final action is going to be taken. I mean, clearly this officer knew that this video was out there. And I assume that can only assume that that—that's the end. I can only assume that he knew that the people were wanting to find out. So I hope that the final report really addresses this.

**Katz:** Let me just say that that was of concern for several of us and a concern for me, as well as to the chief. And it was nobody—nobody did step up and we made a decision to use other techniques to try to identify the officer so that we would know that, because that was a real issue.

**Foster:** I guess, and maybe if you talked about it, I guess I am wondering, there is at least five or six other officers standing right around the officer that are clearly in plain view, were they not coming forward, too, because this could be a lot bigger than may day, I think, but the officers weren't forth coming with what went on.



**Katz:** Thank you. [ applause ]

**Katz:** I will adjourn this meeting. Thank you. Next.

**Suzanne Allen, Oregon Wildlife Federation:** my name is suzanne alan and I am an event coordinate for Oregon wildlife federation and also the coordinate for visual action resource center. Oregon wildlife federation is the second oldest environmental organization and we have a long standing record of nonviolent protest in Oregon. And we have always had a solid working relationship with the Portland police. We were very alarmed by the police's actions on may day because our citizens' civil rights were not upheld. Our public must retain its rights of free speech and public assembly. Oregon wildlife federation would like to continue to maintain a respectful working relationship with the Portland police department. This is only possible if the Portland police respect the activist civil rights. We are suggesting that the Portland police work with citizens, not against them. We have two suggestions that may help this. We feel strongly that there should be a permanent police review board with the inclusion of public citizens and the decision making process. We are also hoping that we see visible in this report today that has been presented that the police is going through tactical training and is going to continue to rego through the things and we are hoping that in addition to the tactical training, which sounds very militaristic, that they would go through a nonviolent training. Joe , the head of the Oregon wildlife federation and he would like to offer his services to the police department to do this nonviolent training which he has done for the past 13 years in various organizations of sierra club, Oregon wildlife federation and also green peace. So, thank you for the opportunity to speak and I hope that these two considerations will be thought about. Thank you.

**Laurie King** 8728 N. Edison, 97203. my name is lori king. I reside at 8728 north edison, Portland. Chief kroeker's report added insult to the injury faced by citizens on may 1<sup>st</sup>. The report repeated allegations of marcher violence against the police and vandalism without providing evidence. Like some pictures. The report uses the word "anarchist" to mean bad boogy man with no reason to make anarchist the bad guys or any definition of what they meant. The report equated civil disobedience and violence. It is interesting that in the willamette week, there is a report that, in nike, they said that there was no window that was hit with a brick. I really, I think a lot of people would like to see that picture. If there is one. On the other hand, the report admitted the police violations against demonstrators, all the violence examine we do have evidence of those—of those— of those ins of violence as you saw just a little while ago. The key is that in a democratic society, a high burden of proof exists on the police and the government which is the city council here to demonstrate that a tax on citizens and freedom of the assembly are, indeed, necessary. The kroeker report really laughs at this burden. And I have to say that it is amazing to me how even today, counselor Francesconi and Saltzman have appeared to make up their minds without seeing the videos and testimony that there is. So, I hope that that just was an appearance and that you are really still open. One of the misstatements in the report, particularly angers me. The report says that, quote "police repeatedly tried to work out a compromise to balance the right to assemble and traffic flow." I was one of the police liaisons that initially worked out an agreement with lieutenant krebbs. He agreed that we could use one lane of traffic and agreed if people went out of the lane, that first the liaison would warn the marcher and then the police would warn the marcher and only then would there be an arrest made. We shook our hands—we shook hands on that. Police charged into the crowd on 3<sup>rd</sup> and salmon with horses and on atvs to arrest people. I found out much later from sergeant rally that the reasons were for going out of the lane of traffic. Thus, the agreement we made was really thrown away by the police. That was not an example of community policing. I was smashed into a car by a mounted police when I was asking why a young man whom I saw do nothing, why he was charged by a cop with his arm pushed up behind him and said that he was under arrest and I was shaken by the sergeant who said that when I was asking this, I was this close to getting arrested myself because I was obstructing an arrest. Though individual officers surely had ideas about what they were being

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ordered to do, the police as a force was not interested in working out a compromise protecting free speech. They had the opportunity and it was blown. There will be no healing or reconciliation without a full investigation of what happened on may day. Looking at all the videos, the council really looking it over and not making up minds right away, and I think that we need 180 degree change in police policy from selectively attacking free speech to protecting free speech. I just want to mention from—I wasn't prepared, I just heard people say today that the liaison job was to control the job. That wasn't true. Our job was not to control the crowd. We never said that we would control the crowd. We had agreements with the police as I mentioned, and we were hoping that by using those agreements, we could help diffuse the situation. The crowd was amazingly, amazingly respectful, and peaceful given the provocations.

**Katz:** Thank you. Your time is up. Sir? You are next. Let me ask the question because I was concerned, I read the report where, and it was probably came from the centers report, where it may have been you or somebody else that tried to talk to the sergeant and in letting the sergeant know that you had an agreement with lieutenant krebb, so that communication was really broken down completely.

**King:** which communication?

**Katz:** What I just described. That were you the one that was not really permitted to get back to us?

**King:** yes. There may have been others, but that's definitely true and I did report that. Yeah. And the sergeant that I spoke to said that he did know that there was an agreement but didn't agree with that agreement.

**Katz:** That's what—that was in the centers report.

**King:** right.

**Katz:** And that was, I think, reflected in a comment in the chief's report about, I don't know quite the word, where there was—internal communication had broken down.

**King:** yeah. I guess I wouldn't say it is just internal communication. I think that there wasn't a true commitment because—

**Katz:** I can't ascribe motives on that, there was a problem, certainly. If lieutenant krebb made an agreement with you, that should have been the standing agreement. Okay.

**Alan Rausch:** 1106 NE Emerson, 97211. my name is alan roush, I live in northeast Portland. This is a bandana that I was wearing on may day. This is my disguise. I was talking with my state representative when I was one of the first two people arrested. There is no blood on the chief report's pages, there is none of the broken bones that I saw while I was in jail. I want to say to the mayor and police commissioner, when you were asked what you would do about racial profiling, you said it needed further study. Who will be responsible for stopping this? I have nothing to say to the police chief. When my daughter asked him at the parade why she and her companion were pepper sprayed when they were protecting a baby carriage, which is obvious on the videos, and he replied, he was not responsible for every officer's actions on may day. Who will be responsible for protecting 14-year-olds? I want to take responsibility for my own actions and participating in the may day organizing and in the parade. I take responsibility up until 1:00 p.m. When I was arrested when the police attacked a peaceful parade that was on its way to a picnic. Everything, everything people did to defend themselves after that point was justified in my mind. I think that in november, we are going to have an opportunity to decide whether we are going to have community policing or community control of the police. For those of us here, and speak to the people behind me less so than to the city commissioners, I think that we have to remember only direct action and civil disobedience have gotten us this far and I will see you again on may day, permit or not.

**Sue Rowan Phillips:** sure, sorry about that. Mayor and city council members, thank you for this opportunity to speak. My name is sue rowen phillips and I live at 2544 southeast 35<sup>th</sup> place. I helped to organize the maple celebration and marched in the parade and was anticipating a picnic but that didn't happen. I am a resident of southeast Portland, a former crime prevention organizers at

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southeast uplift, a local nonprofit. I taught nonviolence conflict resolution for eight years. And I have helped teach people how to work with each other with the Portland police bureau and with other cities and county bureaus and agencies. And I am deeply committed to nonviolence and teach it to other activists. I have here, I am a former member of the chief's forum, as well, and I have here an accommodation signed by Charles Moose, which was given to me on October 13<sup>th</sup> of '95 to my participation in the national community policing forum. I have here a certificate of appreciation for my participation in the chief's forum as a member, that's dated 1996 and Mayor Katz, this is signed by you a certificate of appreciation for my commitment to improving public safety through helping with the neighbor's safe. That being said, I know a good deal about community policing. I have done hundreds of conflict resolution meetings with neighbors, with residents, with all sorts of folks with the Portland police bureau present. Yet what I saw on May 1<sup>st</sup> was a consistent and repeated violation of the public trust. A trust which I feel that I have helped to establish. It was a total breakdown of the values of community policing. In nonviolence work, we teach that respect engenders respect and the use of force and aggression by one body tends to invoke a similar response in others. The result is that people are polarized. Once people become polarized, they cannot easily back down and see and hear each other as human beings and as neighbors. Police vision grows cloudy behind a half inch barrier of clear plastic on a helmet shield and behind the barrier of long wooden clubs which can crack bones. The view from atop an altering vehicle in full acceleration is very different from that of a peaceful person thrust into moving, rush hour traffic on NATO Parkway by the atv, and that was me. I saw police escalate a largely peaceful activist event by pushing, chasing and surrounding activists. By doing so, they created fear and terror and invoked an angry response in some. In all the chief's talk of squad integrity, let's not lose sight of the importance of human integrity. What we teach, what we model comes back to us. Let's demand a better model of communication and interaction between police and activists. Let's have a less military response to activists who care about things which should be important to us all. Workers' rights. Environmental protection, fair housing. These values keep a city strong. Chief Kroeker said that cost of May Day was nearly \$35,000. How do we begin to measure the real cost? The cost of broken trust, fear, and the polarization of this community. Let's remember the good citizens are the riches of a city. Please remember that activists are an important part of those riches. Thank you.

**Francesconi:** Do you still have a contract with Portland police? Do you have a relationship with them?

**Phillips:** I no longer work for southeast uplift. I am in grad school.

**Katz:** She's no longer a city employee.

**Francesconi:** Do you have any time on your hands, your testimony has been very good of all the things I heard here and Chief Kroeker, are you not here any more? He's not here any more. [laughter]

== he had a call.

**Francesconi:** You know as we go forward in the training, there is a line in there, but clearly, exposure to the principles talked about would, as part of a training, should be, should be present. It may be present already. But here we have a person who does this professionally, who witnessed it that it would be good to be part of it, there is a line where you need a more military approach at some point but clearly, we need more of this, as well. And your testimony was pretty powerful for me. And it would be good to incorporate it into the training that the chief is talking about. That is necessary.

**Phillips:** I would be very happy to talk further with anyone who is interested.

**Katz:** Thank you. Alice, make sure that the loop is closed if both parties are interested. They know each other. They know each other. Either that or move the other mike.

**Ianna McGraw:** this one is better, okay. My name is Elaine McGraw and I live at 1125 SE Malden, Portland. I am a homeowner, taxpayer and I have lived in Portland most of my life. I love this city.

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This is my place. I am committed to nonviolence and I am also a nonviolence trainer. I helped plan and lead the may day, maple ritual in the park at may day. As a teacher and a priestess, I am experienced in reading the energy of a group. In my observation, the mood of the marchers at the beginning was celebratory and resolute. We had some things to say and we wanted to say them and we were happy about that. The energy of the police was negative, angry, and punitive. In my observation, there was no violence until the police provoked it by riding horses into the rear of the march and frightening people, cutting off their escape. The police say that marchers affects police response. I was wearing a white dress and a wreath of flowers when I was pursued, cut off from my friends, repeatedly pinned up on four sides and told to disperse. It was a terrifying experience, and I hate to think how bad it would have been if I had been wearing black. I was dismayed sitting here and listening I was very dismayed by chief kroeker's jar john that seeks to obscure the fact that peaceful demonstrators are seen as an annie. A problem before they do anything. Just by being demonstrators. And the term "less lethal" in this context is absolutely appalling to me. It seems to me that the problem here is bigger than any one event. The problem is the underlying assumption that a group of citizens attempting to speak their minds is a crowd that must be controlled and that anything short of killing them outright is justified. If you treat people like enemies, they will become enemies. No doubt, a city of silent oppressed slaves would be easier to manage, but is that what we really want here in Portland? [ laughter ] I want a city where citizens have the right to assemble, to examine their city and identify needed changes. To ask for and plan for those changes, and if necessary, demonstrate for those changes in the interest of a better life for all. Thank you.

**Rich Dudder:** 315 N. Bridgeton Rd., #D, 97217. your honor, council, I am irish dudley, live at 350 north ridgefield road. I am a retired inspector with the city's maintenance bureau and I was present at the may day gathering intending to show my support for the prevention and creation of more low cost housing for those in need and for workers rights 20 a voice in the workplace and let you know that the current bill is not fair to farm workers. It felt good to be celebrating the may day which has roots from 1886 and celebrated by workers throughout the world. I became concerned to note the large police presence. I became more concerned—

**Katz:** Can I just interrupt you because I am curious from both of you, I will give you extra time, did you participate on the east side or on the west side?

**McGraw:** I was on the west side.

**Katz:** And—

**Dudder:** I was on the west side also.

**Katz:** Okay. Go ahead.

**Dudder:** okay. I was concerned early in the procession to note the large police presence and became more concerned to see the mounted police charge into a portion of the procession not far ahead of me for no reason and the numbers of police resembling pictures from seattle at the end of last november. I felt slight reassurance during the rally in front of senator smith's office to sight commissioner Hales in the crowd. This thought was dashed minutes later when those of us were informed that some sort of emergency was declared and we had minutes to disperse. From that point on I contacted several officers who would have been quite happy to give me information on how to leave the area but they had none. I saw, fortunately from a safe distance, officers who obviously were not in control of their anger. I was alone by that time and had remained south of the city ready for the cinco de mayo celebration. It appeared that the bulk were being corralled. Seeing a lack of police presence to the west, I made my exit in that direction. I met a couple of acquaintances about a half block west of waterfront park. When we saw what was happening at that point, I observed another acquaintance on the south side of the street cut off by a horse mounted with an officer. I saw him raise his hands in a questioning gesture only to observe a stream of pepper spray toward his face. Two weeks later at my neighborhood association meeting, the relief officer of the usual district officer was questioned generally by may day. With a straight face he informed us that the violent

elements filled the free newspaper and advertising boxes along the way with rocks to be thrown during the procession. This would seem pro-pacific northwest russ on the surface and when combined with several other later withdrawn claims made immediately after the dispersal, appeared to be an effort to shut off participation in first amendment activities.

**Craig Capling:** 1812 SW High St., 97201. I am craig and I live and work in the city of Portland. I am a member of the american federation of state county and municipal workers, employees, affiliated with the afl-cio. I work at the library. Thank you for giving me this opportunity to speak truth to power. I am also very concerned about the wild stories and police fabrication, particularly in drug searches and the street hassling of, quote, gang members. And in what has already been pointed out here, police conduct fails to meet constitutional standards. But with great pressure to make arrests, the officers are forced to describe the arrest or action in ways that would have been constitutionally permissible. This practice of making up stories to justify searches and arrests is known by the police as testifying which accustoms them to prettying stories of citizen misconduct. This seemed to have happened on may day when the police decided to show, intimidate and assert authority over the northeast march called the pirate parade. The youth were carrying a pirate ship as part of the street theater and the police jumped into the crowd and had to justify the arrests and apparently did so by claiming the demonstrators entered school grounds and terrorized children. This rumor then got elaborated on police radio with reports that the threat was so serious that the school had to be, quote, locked down. Of course, nothing of this sort happened. The parade passed by without notice or incident. But the report was broadcast and Portland's police apparently believed that eugene anarchists had come to terrorize Portland's kindergartners. Apparently officer krebbs actually thought that happened and nike was under attack. [ laughter ] I think that the city council has to investigate and set up an independent inquiry into may day and find out how these wildly inflammatory falsehoods became fact that then led the later actions. In the '70s. I worked for mb associates, the designer of the green bag weapons. At that time they were tested in the united states and promptly banned. The reason for banning was inappropriate use, severe injury and death of civilians. However, we had no shortage of demand from third world dictatorships. I see them now back again and what I fear are similar circumstances to other places in the world. And I fear the tactics. When I go to work at the Portland building, I pass by posters by the metropolitan human rights commission. They contain the words of leaders and social justice and democracy such as martin luther king, cesar chavez and certain, and a certain supervisor from the great city of fran—from san francisco. He says maybe I see dragons where there are only wind mills but something says that the dragons are for real. And for police chief mike kroeker, you said that—I have two words.

**Katz:** Wait, wait, wait. Let me correct that, and that's been corrected. Chief kroeker never said that.

**Capling:** pardon me, I read it in the paper.

**Katz:** Oh, really. [ laughter ] You read it in the paper and that's the truth? [ laughter ]

**Capling:** it is the truth.

**Katz:** Well, it is not the case, and—

**Capling:** I stand corrected but what I said stands also, never again.

**Katz:** That's true. That statement, I have heard. But what you just said was totally inaccurate. With regard to chief kroeker's comment. Go ahead.

**Gene Mechanic:** okay. Thank you. Good afternoon, mayor Katz. Commissioners. My name is gene mcenic, I live in u.s. Grant approximate place in Portland and I am a partner in the Portland law firm of goldberg mechanic and stewart.

**Francesconi:** I am sorry I cut you off here earlier today, I had to come here, just to apologize.

**Mechanic:** oh, I knew that. I am here today because no one else mows what we are talking about, but I am here today at the request of jobs for justice and other clients I have in the labor movement. I will give you a very quick view of my perspective on chief kroeker's draft report. Frankly I have not

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read the final report but I think that I have looked enough at the report to know that my comments remain fully relevant. I view the report from my experience as a former deputy assistant attorney general in New York where I defended law enforcement in other state and local agencies and as a lawyer for many labor unions in Oregon for the past 20 years, I have advised and represented unions and others on numerous demonstrations. I see a very dangerous theme in the report. Which although I appreciate Chief Kroeker's conciliatory language, still concerns me. And which I believe raises serious constitutional and policy concerns. And the theme that really hit me, which was in the initial draft report, but is still in the final report and these pages are not numbered, but it is the statement that, quote, as a police agency, we must balance people's right to assemble with maintaining peace and order. Close quote. The first amendment's right to speech association and assembly is not to be balanced. Against the state interest to maintain peace and order. That's the standard used in nondemocratic sites where the government suppresses speech and dissent on the grounds that peace and order must be maintained. Under our constitution, in our democracy, freedoms of speech association and assembly are supreme and not to be nearly balanced against other interests. To quote the 9<sup>th</sup> circuit U.S. Court of Appeals decision, the first amendment rights constitute the heart of our system of democratic government. And to further quote the U.S. Supreme Court in the *Hardware* case, peaceful political expression on public issues, quote, has always rested on the highest rung of the hierarchy of first amendment values. Close quote. In *Clayborn*, the Supreme Court emphasized that a court must be wary of the claim that the true color of forest is better revealed by the red tiles hidden in the weeds than by the foliage of countless free standing trees. I had to read that three times before I understood it but I think what it means, is that you cannot inhibit political speech because of fear that a few, quote, anarchists, close quote, as the Chief noted in his report may be in the crowd. [ applause ] the general themes which we urge the city council to use in developing policies to deal with future demonstrations must reject the reports' balancing test and adopt a proper first amendment standard as follows, and this is really my own thoughts. Number one, there should be no presumption that a group plans violence because it doesn't communicate with police about its specific plans before a demonstration. I often advise clients that communication with police before a demonstration is useful. But courts have said that government cannot require advance notice as a condition to peaceful demonstrations. And Chief Kroeker's implication in his report that he feared the worst because some people didn't return his phone calls or otherwise communicate with him concerns me. [ laughter ] number two, police plans for presence at marches or demonstrations should be minimal. The least amount of presence to deal with traffic inconveniences should be the goal only if there is substantial evidence and clear evidence that unlawful activities planned should the police presence reflect a need to deal with that unlawful activity. Of course, rapid response plans can be made if problems arise but police overpresence on the streets, as appears to have been in this case is intimidating and has a chilling effect on speech and, indeed, may cause confrontations, which I have heard people testify about today, which otherwise would not occur. Finally, police should respond with force only to actual violence or clear and present danger to people's safety or to property. Traffic disruption alone does not warrant use of batons or less than lethal firearms. In conclusion, a balancing test provides a constitutionally wrong focus. And is bad policy for our progressive city. It is during these times where people may be demonstrating more than they have over the last few years. That the strength of our democratic values are truly tested. I am confident that we can develop policies which pass that test and distinguish between those disruptions which inherently flow.

**Katz:** I know you are a lawyer but your time is up.

**Mechanic:** free speech.

**Francesconi:** But I do have a question, constitutionally you are absolutely right, I think I said earlier, free speech and traffic violations are not on the same page, okay, and you just have been accurate in how you described that. I think that the Supreme Court has also said that cities and other

states have a right to require permits in terms of demonstrating free speech and that that has not been interpreted as infringing on free speech. Is that correct?

**Mechanic:** I am not sure, but I think that that's true.

**Mechanic:** the supreme court said that cities and states can have reasonable time, place, and manner restrictions, and in dealing with certain types of demonstrations can require permits. So, you know, it is a balancing to the extent of if you are going to have a large demonstration, which you are marching down the city streets, a permit is reasonable, in that situation. There are other situations where people might stand in front of the city of Portland building right now, five, ten people on a public sidewalk and be able to articulate their position where you can say, well, you should have gotten a permit ahead of time but that's not the issue that I was dealing with here.

**Francesconi:** So I would take it you normally advise your clients in preplanned big demonstrations to get permits, right?

**Mechanic:** I advise my clients not only to do that but also to cooperate with the police, and that communication with the police ahead of time to let them know what may be going on is useful because they are protected, as well. But, it is not, in many cases, constitutionally required, and what I saw chief kroeker say, again, in the draft report, I don't know if it is all here in the final.

**Katz:** The final report is over there, you can grab it.

**Mechanic:** I read as much as I could before making the statement. What I saw in that report was a theme that the people who didn't communicate with him and tell him what their plans were, were inherently suspect and that somehow justified more concerns on his part. But again, my focus is, as you proceed with policies because obviously, there is something wrong that happened here. If you get into this balancing test, that the report seems to talk about, I strongly believe that you are going down the wrong avenue. You start out, I think, as commissioner Francesconi noted with the first amendment up here and the other interest down here and see to what extent the first amendment must be somewhat compromised to deal with those other issues.

**Katz:** Thank you. Let me ask you a question, clear evidence of unlawful activity. Define that for me.

**Mechanic:** well, I certainly didn't see anything in the report that I read to indicate that any sort of standard, evidentiary standard, whether it is clear, whether it is substantial, you know. We can get into technical things that you probably don't want me to spend time on. But from the most minimal evidentiary standard, even, perhaps, in a traffic violation case, to bring someone before a traffic court wasn't met here. There was simply no evidence, other than conjecture that some people from eugene may be coming up to act like arnicus.

**Katz:** Wo, that was the point I was trying to get at. Help me out. And this is—I am just asking a question, what if the information from eugene was an accurate and substantial information, but it isn't the kind of information that you want to flag to everybody that this is, in fact, happening. Help me out on how, how do you manage a situation like this?

**Mechanic:** well, you attempt to try to focus on who is involved. And do your best to try to zero in on people that you have concrete information on, may actually cause physical injury or property damage. Again, we are always taking a risk if we don't—I guess the less totalitarian we are, the more risk we are taking and if you can't tie down who those people are, you just do your best to maintain an overview and have your rapid, you know, I am not a police expert. I will say that. But, I do know enough to know that there are ways that people can be prepared in the bureau to react rather quickly without that overwhelming presence and chilling effect that seems to have been created in this situation. And even in the report, I mean, I read that chief kroeker, himself, said that there was no serious damage to people or property in this case. So, I wish that I could help you out more specifically. I probably, if I think it through more, I could do so.

**Katz:** I would like to ask, I don't want to take time now, but there are issues—there are police issues that one may not want to make public announcement on the other hand, you have to make sure that

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they are credible, as well. And isolating individuals is really what the plan is. Now, did they succeed? They didn't succeed all the way on doing that. And there were problems that had occurred. But, I wanted to—I think that the test that the issue in terms of the test that you raise is one that we are going to have to kind of come back and review as a council. I appreciate you raising it.

**Mechanic:** I appreciate your response.

**Katz:** Okay. Bill.

hi. Yes, I prepared a report.

**Katz:** Is that was we had.

it has over three pages on the permit process.

**Katz:** Do you want to identify yourself.

**Bill Resnick:** 1615 SE 35<sup>th</sup> Pl. bill resnick, southeast Portland. There is over three pages on the permit process. I think when you look at that you will have second thoughts about the advisability of the current permit process and the ways in which police—it empowers police to, in fact, continuously raise the standard and restrict further the first amendment exercises of the people who they prefer to restrict. Others, like beer truck parades do real well downtown and seem to have no trouble blocking lanes for race car parades, I mean, for hours. But, when we walked past, it takes about five minutes, it becomes a terrible offense to public order. The permit process it seems to me, invites that and we need something very, very different. The police chief, may or may not have said, get used to it, in those words. But that's what this is. It is, "get used to it." I read it very carefully. The police have this enormously high burden of proof, it seems to me, to show that the—to break up a first amendment exercise. They have to show high levels of extremely dangerous and destructive conduct. What happened, the mayor listed everyone that was in the report. You did a very good research job much there was almost nothing. Almost nothing, and what did happen came after the police, quite deliberately, and i've been in demonstrations before, smaller ones where they run horses into you, to show strength, says chief kroeker. They sure do show strengths. It is extremely intimidating and really it is an effort to show who is boss, not strength. Even if all of the things happened that they recite in their report over and over, short of the people in the black masks, that's there everywhere, searches of the internet, children say things and they think that that's real evidence. [ laughter ] whereas, the ten hours of videotape, five hours of their own, not a mention in this report. Why is there not a mention of those videotapes at all? There must be something embarrassing there because if they had some violence by the protesters and the marchers, maybe some of that would be mentioned. Not at all. What is mentioned is tremendous fears of anarchist violence constantly throughout the report. At least the version that I read. The versions keep changing. I read about the second version. What is this, this is "get used to it." Let me tell you a few other reasons why. These admissions of error that everybody thinks shows so much openness, really all the admissions of error are admissions of not executing their military policy better and all of the improvements, in quotes, are, in fact, improvements in military. They are more training and more communications devices, more rapid response teams. How could it be more rapid. We were set upon about a minute and a half after we were walking. [ laughter ] I mean. [ applause ] it seems to me the report also, enormously fails. Why, in a report on police conduct on this thing, did not the chief ask, how could it be possible that, that the communication's system within the police force broadcast the idea that anarchist were invading school grounds and terrorizing our school children. Don't you have to ask that question. How did that happen? Did officer krebbs hear that? Did he make his decision based on those things.

**Katz:** Bill, your time is up.

**Resnick:** what about the broken windows. I think you have to investigate this. [ laughter ]

**Katz:** Thank you. [ applause ]

**Katz:** There is an inaccuracy in your report that I would like to correct a little later on. That I spotted.

**Resnick:** I would be happy to talk to you about it.



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**Katz:** Okay.

**Resnick:** in depth.

**Katz:** We go back a long time, so allow plea to do this.

**Resnick:** there are many—

**Katz:** I know, I know, I know. I know what you would say. [ applause ] [ laughter ]

**Katz:** Bill, you haven't changed a bit. All right. Next. Next three.

**Katz:** Okay. Go ahead.

**Jennifer Laverdure:** 7038 N. Fairport Pl, 97217. thank you. My name is jennifer labdoor from radical women and police abuse is a growing problem both locally and nationally. I was at the may day protests on may 1<sup>st</sup> and saw the ridiculous number of riot police called out to harass and intimidate may day celebration. The harassment used to bother protesters and the rubber bullets shot at marchers were unnecessary. Police chief kroeker said that the police have the right to disban protesters if they feel things will get out of hand. This is a blatant violation of our constitutional freedom of assembly and freedom of speech. In addition, it is wrong to charge civilians money for their constitutional rights through parade and park use permits. Historically, may day is a u.s. Workers holiday to commemorate the lives of anarchists, socialists, and all activists who fought for the eight-hour workday. The two—they, too, were hazard, bullied, and even murdered by the police. This conflict of workers, versus the capitalist system and the police who watchdog it, is hundreds of years old. The police state that existed for one week in seattle last year, open a lot of people's eyes to the unchecked power of law enforcement in our country. Anarchists were not the problem at the w—anti-wto protests. The police were. But people of color, the homeless and social activists have long known about and have been targets of police abuse. The problem of police abuse does not lie with the few bad apples more just some poor man. It is inherent in our capitalist system. Police do not enforce laws that protect workers and their rights. But, laws that protect private property and big business. The racism, sexism, homophobia and brutality of police is part and parcel to keeping people intimidated and dos isle. We need to get rid of this economy that puts profits before people. We applaud the very important work and efforts of pac 2000 activists to hold police accountable. The initiative does not allow the police review board to make disciplinary decisions and it will be appointed by city council. These are two key points that will keep the board from being a true tool of police accountability. Therefore, the city council can institute the best way to hold police accountable with a civilian review board independent of city hall, that is elected and that can hire and fire and discipline the police.

**Edwardo Martinez:** Forest Grove. I am martinez and I am with the socialist party, and a participant in the may day celebration last month. And I want to take my comments a little bit to the history and a little bit to the future, also. I want to say that police brutality is not limited to the heinous and brutal tactics that the Portland police used during the peaceful may day celebration and protest last month. It is a daily occurrence in Portland. Police are constantly utilizing racial profiling in our communities. And commonly attack innocent people simply because they are black, chicanos, latinos, nerve americans or homeless or activists of any color. During racial profiling attacks, it is not unusual for police to send someone to the emergency room or to kill them before they even see if they have the right person. Umamal, a prisoner and radical journalist was on death row for many years of he was sentenced to death for the false charge of murder. Murder of a policeman. This is one example of the racism in the u.s. Justice system. With this kind of institutionalized racism, it is no wonder that the u.s. Industrial prison complex is populated with over 2 million people, 70% of which, approximately, are people of color. Working class whites make up the rest of the prison population. An independent democratically elected civilian police review board is long overdue. And while pac 2000 is a step in the right direction, and a much needed public education campaign, it does not go far enough. As a chicano man and a target of police abuse, I demand a Portland—demand of Portland a civilian police review board that is elected, independent of

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city control, and with the power to fire and hire police. Upon review. The city council and the mayor need to act immediately to insure that our civilian—that our civil rights are not denied because of race or class. In memphis, 1968 the racism of the mayor and police and the inaction of the city council provoked an all-out war in the streets with sanitation workers that were striking. You have an opportunity to change policies that can avoid a repetition of memphis here in Portland. And I am appalled that commissioner Francesconi repeatedly defends the permit issue. We all have our permit and it is the constitution.

**Katz:** Let me check in, how many more want to testify? There is more that want to testify that raised their hands when I first asked, so in about ten minutes, we will switch over to two-minute testimony. Okay.

= good afternoon. Into the evening. Friends and neighbors. I begin with a brief statement from folks unable to attend today.

**Katz:** Identify yourself for the record.

**Spring Swart, Greenleaf:** 3416 NE 30<sup>th</sup>, 97212. my name is spring swart. And I am beginning with a brief statement from folks unable to attend today. The statement in solidarity with those who resulted by Portland peace officers, may day, may day. Police are attacking people who are exercising constitutional rights and freedoms to assemble, to speak, and to protest corporate and state wrongdoing. In eugene, in Portland, and across the country, paramilitary police are mobilizing against people speaking out against corporate abuses on our land, our air, our water, and workers. On june 17<sup>th</sup> and 18<sup>th</sup> in eugene, hundreds of witnesses backed by solid media documentation, as well as cop-watch videos saw unbelievable police brutality. Believe it, it is real. We stand in solidarity with our Portland neighbors, demanding accountability of police injustice for all the people. Unite, resist, together for justice. Carol berge, eugene cop-watch and the independent police review project of eugene. My name, however, is spring, and I went to the celebration. I helped decorate for the annual celebration, which the police would not let three of our members remove after they had revoked our block party permit for 9<sup>th</sup> and salmon, this past may day. They destroyed our sacred property.

**Bill Bradley:** 2218 SE Clinton, 97202. my name is bill bradley and I am a counselor with run-away and homeless teenagers. I am also an elected delegate for harry's mother. And with the nonprofit social service workers union, I use 670 of the industrial workers of the world. It is my job at work to understand, defend, and improve the social contract. Our right to speak up, look out for each other and to make things better. In the larger city, there has been, speaking to the permit issue, a clear precedent of past practice in marching, demonstrating and taking direct action without a permit. I am proud to be a member of the jobs with justice coalition, which has never, and I hope never will ask for a permit. We do not demand the right to speak. We speak. You don't have the right to withhold from us the right to speak. We speak. With that said, I am often one of the people who does police negotiations, and I am very interested in helping to articulate a policy that is fair, that is reasonable, and that works out clear engagement and principle dialogue. I want to point out—I want to actually give props briefly to two officers who, in past cases, have done very well, sergeant mcgomery and officer dodds, and I want to note that sergeant roly refused to negotiate on several occasions much he was mentioned earlier. He not only refused to negotiate but made aggressive motions with his baton when approached to negotiate. He's demonstrated repeated and extreme hostility, forcing people to march backwards over stairs, striking folks walking away quickly in the back and ordering officers to do the same. Getting back to the permit question, it used to be that even the right to organize a union at all was illegal. It wasn't very long ago that in the northwest, members of my union were arrested for speaking out in public at all on sidewalks. The way that we established the practice of free speech was the only way that you ever, that these rights have ever been won. These rights were never given to us. We won them by concerted democratic action. And in many cases, that took packing jails in order to do that. In a democratic society, that should not be

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necessary, but very often we have to fight for things that we never should have had to ask for in the first place and I want you to sense here that we are very willing to do that. [ applause ] I want to point out that those rights are not safe in any way at this time in seattle I was arrested without any order to disperse in westlake center in what may be an entirely unconstitutional order to create a protest-free zone over the entire downtown area. Of seattle. In malls, it is very much in question whether there is free speech at all, even though they are clearly a public space, and on may day we saw clearly that our streets are not necessarily ours or that people are willing in authority to try to constrain those rights and try to demand that we ask and that we obtain a permit. Much as people tried to obtain a permit for the park. It is worth noticing that that permit was not respected and entirely revoked. And we need to be willing to set up a clear policy of engagement of negotiations. There needs to be no policy of an order to disperse just because there hasn't been a permit. I agree very much with erik Sten's statement that free speech trumps traffic. I think that's actually a piece of poetry. [ laughter ]

**Francesconi:** I want to explain this. So far I have asked questions and now I want to explain to you because I made the statement on the permits, which I stand by, but in case you are not clear about there, or the audience is not clear about this, the failure to get a permit doesn't just defy changing a strategy without telling the public, okay. Which I believe happened in this case. Earlier. A failure to get a permit does not just defy a breakdown in command and communication, which is designed to prevent—to have discipline in the police ranks. So that some things that happened here don't happen. That wasn't justified. Just because people didn't get a permit. The excessive force that has been documented by the police chief and that was shown in some of the videotape is not justified by failure to get a permit. I actually believe that we need to hold our police and our citizens and our employees to an even higher standard.

**Bradley:** naturally.

**Francesconi:** And I believe that with the fewer bureau and with the police and I believe that we do that most of the time. My point on the permit, which the, which the supreme court of the united states has repeatedly given jurisdictions the ability to impose, in all kinds of cases, is because the idea is to help make it easier for the police to do their job, not to justify those things. See, because it forces some communication to happen earlier. Now I agree with everything that commissioner Sten has said. He qualified it by saying in spontaneous acts, I agree with that 100%. I am there but what I am saying is as I think I tried to point out, that the police have to do a better job on some of these things. We need some help from the public and I believe if the permits are too severe because they infringe, let's change the permit system. Okay, I am fine with that. But the point is we need some help from the public because this could get worse instead of better. Because there is also a small group out there that could use this as an opportunity and we don't want that to happen. We want to preserve free speech in this city.

**Bradley:** and I think the way to preserve it—

**Francesconi:** So, am I being clear on my side? You can respond. That's a question.

**Bradley:** I appreciate that. What I am hearing from you is the desire for a policy of prior restraint. And I hear because the supreme court permits prior restraint, that it is possible that I am mishearing you but it is possible to mishear in what you are saying. Quite similar to when a contract, a labor contract is used as an exclusive, to say that only what the rights that you have won in the contract are the ones that you have. There is not. What we need to look at, also, is that some of the social contract has allowed the supreme court upheld slavery. The supreme court has upheld serious restrictions on free speech, and what we are saying is that by direct action, we will establish democratic practice. We have established democratic practice that for years now, we have been having demonstrations without permits. We have every intention to continue that, and that very much like an employer might try to establish a new practice like that, it isn't just because you say it is. The social contract isn't something that you just hand down. The social contract is something that

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we create together and that's a dialogue. That's a negotiation, and this is not going to be a restriction we are going to be all right with going along with.

**Francesconi:** The point I want to make here. The permitting system has to allow anarchists to march. They have to allow nazis to march, okay. They have to allow that as abhorrent as they could be to our system, and I believe, even, that police need some extra training in keeping ranks and allowing things that are abhorrent to happen. But still, giving some restrictions on location, allowing it to happen, no matter what, has to be there. But some reasonable restrictions in order to help us just get along as we express views that we are opposed to. That's where I am at.

**Bradley:** reasonable restrictions constituting negotiation and not public prior permission.

**Katz:** Can I ask—we are not disagreeing with that. I am curious, jobs for justice got a permit for the park.

**Bradley:** jobs with justice did not get a permit. They don't get permits.

**Katz:** Okay. That's what I want. [ laughter ] That's what I wanted to correct. I thought that I had heard you say that—

**Bradley:** there was a permit for the park.

**Katz:** There was a permit. But, I thought it was jobs for justice that got the permit.

**Bradley:** it is jobs with justice, a small point, but it is almost—it is not offensive to the degree of equating nazis and anarchists. [ applause ] [ laughter ]

**Katz:** Enough.

**Francesconi:** You knew why I made that point. I didn't make that point, I made the point to prove your point, how important it is to have—to protect free speech. I did not do that to identify you with them and you know that. Well, you understand that but I want to make that clear.

**Bradley:** understanding.

**Katz:** Commissioner Sten.

**Sten:** bill, for whatever reason your testimony seems to be the moment where we are getting a little more discussion going so I want to ask you. I want to ask you, it is good testimony. We have known each other a long time. I think it is crystal clear that mistakes were made by the police. I think that the report says that. I think that there is some real questions that the chief raises and I think that other people raise about is the report explicit enough and maybe it can't be because I think that there is a city council issue that the chief says explicitly about what's the overall policy and how does this get into community policing and it is clear to me this situation went out of control after 3<sup>rd</sup> and salmon, you know. The video with the horses is very clear. Those horses were out of control. That being said, you know, and I think it is very clear and I don't know this is a bad thing that I am about to say because people don't come down to city council that much, and I think that there is a lot of issues about police that are being added on to the review of this, and that may be completely appropriate because people don't come that often so you have got your three minutes and lay out whatever you want, fine. The question given all of that, which, you know, I kind of agree to all of that. I, however, don't see evidence that there is a systemic problem with being able to have a protest march in the city of Portland. I was in one the week after with pretty radical people about eagle creek and other issues. These are people who are, you know, chaining themselves to trees and the march, which is fine, so the issue that I am trying to grapple with, aside from the key one is, the wrongs that were done need to be righted. Those are individual wrongs and there was a general perception that the police had changed tactics, and if that's true, the city council has to work with the police and the community on that. But, do you see and evidence that, you know, assuming this one gets dealt with and the policies are done, that, you know, in my history of working with you, I see evidence you are unable to do the kind of protests that you need to do in Portland because my evidence is you can. I mean, so that's what I am trying to get at.

**Bradley:** I think it is an extremely honest question and I respect where it is coming from. I was a marshal for the cfa eagle creek protest. I was—I am frequently one of the people who does police

negotiations, I am not one of the only people, but it is something I like doing because I have an easy time carrying respect for the respect for the people who are in uniform, even though I have serious questions about the democratic action of the people—of that role and what's often the orders that often an individual police officer does not have the right to question. Except later, which, of course, there were police officers who questioned later those orders coming down in a principled way through their union for almost the first time that I know about. What I want to talk about at the eagle creek piece, sergeant rolly, when we were moving toward dispersal, I was worried about the safety of the people there because when we proceeded away from the city—from the forest service building, sergeant rolly was set up with a group of people in what would have been an incredibly peaceful march. Every person in black what talked to by at least a dozen people who were cautioning them several times about their fashion choice. [ laughter ] but, it is an extremely peaceful march, and even so, when we were even looking at crossing that street, sergeant rolly had the people with his officers so prepared and already with batons out and starting to move them before we had begun to cross the street so when I moved toward to engage him, he said we are not talking to you. Step forward and we are going to arrest you. This is to a designated marshal in a very calm situation. There are—the other problem that is—that the permit piece systematically causes is that now protests are moving in a more and more democratic direction. There isn't as much of a party line. There isn't as much—one person with a blow horn giving orders. We are democratically deciding what to do as we go along. And in way, it is not possible as a marshal to say what is going to happen, necessarily, we need to talk about it. I will say that you can tell over time that, and Portlanders are famous for civility. They are famous for good sense and Portlanders are famous for a commitment to a democracy and respect. And I can commit to you that that will happen. I can't tell you that I could apply for a permit in good conscience saying, let's see what's going to happen. It can't happen that way. There needs to be tactical freedom on both sides to talk about what's possible, what's desirable. We don't have bosses in my union, for instance. There isn't a way that—

**Sten:** No. You answered me. I am not so much dealing with the permit. What I am trying to deal with is pick a time period, when it is whether it is the last 12 months or last 3 months or the last five years. The evidence to me, which has nothing to do with excusing something that went wrong. Something that went wrong is a serious situation. That's like saying that a murder is okay because the rate is going down. It is not. A bad situation needs to be dealt with. But, the implication, assuming that we kind of deal with the perception that's out there, which I think could be justified by some of the things that have been developed, I don't think that it is the case that Portland is majorly changing its tactics but if it is not majorly changing the tactics, the evidence is that generally speaking, the evidence is overwhelming that marches have been able to go forward without major incident. The issue you talked about, about the interaction with the sergeant, I think, gets at that there is a real tension, and that's what I am trying to get at. In terms of the ability, which you were really talking about, the citizens and the organized or nonorganized, whatever it is, person's ability to exercise their right of free speech in Portland, my personal belief is that that right is there, and we have, we have a situation that went wrong as opposed to what I thought I heard you saying, which is sort of a systemic inability to express yourself in this city.

**Bradley:** you got that quite correctly.

**Sten:** I am trying to get at what makes you say that there is a systemic ability to do it because I see you do it constantly.

**Bradley:** it is true. I do. [ laughter ] and even as I am doing that, I would like to, even as I am doing that, I am hearing from committed activists who I consider very courageous people that they are extremely afraid. We did a protest march very soon afterwards and I heard from committed people when we sat around over at a restaurant, I actually didn't feel afraid and I thought it would be a cake walk. I thought the police officers would be on their good behavior and assign the right—assign people who are extremely good at mediation, people like sergeant mcgomey who have

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established a good rapport, at least on the times that I have seen. What I have seen is that people are too afraid to go to demonstrations in many cases. I also do want to set it in some kind of historical context, this is not unique like something new. There were times when we had clan connections between more extensive clan connections between the police and where the police had acted in a much more systematically abusive way where they brought people from my union who had organized on the waterfront. This is decades ago, not brought them out of town or beat them up. No, we are not talking about that kind of scale of things. But as we have an increasingly active social movement, beginning to happen again, and I think that that's a very good thing, we are, we are seeing more, more police trying to be used and I think that they are being used as pawns to intimidate people. We are seeing these rapid response teams. I did not see lots of police in riot gear. The so-called anarchist riot, actually a few years which was another case of provoked police aggression. Where it was a show that was happening. When police show up in riot gear, instead of being in riot gear some distance away and some police in regular situation dealing, okay, that is a much, it is much more easy for me as a negotiator or as a mediator to help keep things calm and chill if there aren't tons of folks trying to break—

**Katz:** We understand. We understand. Let me ask you—just a minute, we are not going to have side conversations here. Hold on for a second.

**Sten:** Let me say, I am saying this to you because I think this is a good conversation but also, for the people who are thinking about this, I mean, and I need to listen, I am I am not trying to pronounce judgment but as it comes across to me the more I hear people say things, is that there is always a tension in these kinds of situations that I believe could be better. I mean, I think that—i think chief kroeker is willing to try and make it better. I know some of the leadership are and I know not everybody is going to listen. I know the situation. I think that there is an inherent tension in these situations that completely went awry on may day, and but most times, that tension is under control, and I think that may day could become a catalyst for better addressing the tension that's underlying all of the ones that work but don't—but people sense that problem. That's what I am trying to get at. Because I think that you are right there is a problem underneath it but I think that most of the time we make it work but it is the underlying relationship that really blew up on everyone on may day, and because everybody got—people were dressed in funny things on both sides and they got real tense and it exploded. But, it was an underlying tension that's there. The 19 out of 20 times when it goes peacefully and I think that we have an opportunity to confront that tension and address it here.

**Bradley:** and pointing—and we have got to get the anger out first, I understand that, folks, but that's where we have got to get once the anger gets out. That's not to say the anger is unjustified.

**Katz:** Let me—i am— educate me for a second. I have listened to you carefully and I don't agree with everything, but I want to ask you a question. You don't get a permit but you talk about negotiations.

**Bradley:** correct.

**Katz:** Well, at what point do you make the contact to negotiate before the march, during the march, when do you, as an individual, who is a labor leader, make that happen so that at least the people that you are with are protected?

**Bradley:** with the permission of the body.

**Katz:** Which body?

**Bradley:** whichever group I am with.

**Katz:** Oh, I see.

**Bradley:** the organization that's a subset, greeting officers when they arrive on the scene and asking who is the officer in charge. Talking—establishing contact at that point.

**Katz:** Oh, okay.

**Bradley:** I am under direction from the group. I am not, as would any person who—

**Katz:** But you do negotiate with them in terms of the route, so that there is no confusion about where the group goes.

**Bradley:** there is a negotiation that happens where I don't have the right to concede some specific things, like if the police want to negotiate about, oh, you can go there or you can't. They are letting me know consequences for what might— what they might feel like is a provocation, I would ask things, what are your tactical goals and what are you afraid of happening here. What do you think that you would what do you anticipate doing here. What are you prepared for? Those are important pieces of feedback. It is really important. I am not going to tell people to disperse or tell people to go home. I might give him feedback that says they are going to spray us with pepper spray in a little while is what they are claiming or going to try and make mass arrests. That's information people need to have but those things with a permit, what they do is they put a single person in a position of responsibility that they don't really have. They don't—they can't even democratically have the way we do things any more. Sorry to speak so much.

== is mr. Warren here from the permitting department?

**Katz:** No, no. We got—let's not—we will have an opportunity to talk among themselves.

**Bradley:** I didn't talk this much when I did stand-up, this is amazing, sorry, but thank you for your time. [ laughter ]

**Ezra Gorman:** 605 SE 15<sup>th</sup>, 97214. my name is ezer gore 3467 and I was part of the may day coalition that helped organize the events on may day. When the coalition first gathered to plan the may 1<sup>st</sup>2000 celebration, we talked a lot about the different ways that we wanted to create a holiday that would include a wide range of people examine bring back to life the long history of may day as a time to celebrate working people and the start of spring. To that end, we decided on two main components to the day's activities. A parade through downtown with stops connected to various struggles within our community and a family picnic with live music. I spent most of my time making the picnic happen. We reserved the block at southwest 9<sup>th</sup> and salmon to not conflict with other events going on and began the long process of getting a special use permit for the park. We followed all of the steps, sending a letter to the neighborhood association and getting approval from the health department and getting a noise permit and getting approval from the police. Despite having jumped through all of the hoops to get a permit for the picnic, the police made it difficult to unload items for the picnic by preventing people from driving within blocks of the park before the parade began. For the parade, we had four stops to make, city hall for low income housing, senator smith's office of the world training center and a stop to the presario bill, and powell's books to join in the rally scheduled to happen there calling for a contract for workers. In order to facilitate moving easily through downtown, we had our own crossing guards dressed as giant woodpeckers to help get the crowd through intersections. We had a team of police liaisons who spoke with the police before the march. The police and our liaisons agreed that the police would stay in one lane of traffic and the police would give ample warning if they planned on making arrests. We marched through downtown in one lane of traffic while the police blocked the other lane and our cheerleaders and drum folks led the way. The police violated the agreement that we had made. Later that afternoon, the police chose to cancel our permit for the park. I do not understand why the police believe that a picnic with music was a danger to the community. After canceling the permit, the police sealed off the park and would not allow the people to remove the tables and sound equipment and later threatened to arrest people who removing the equipment and food from the park. They fault the organizers of may day mainly for the fact that the coalition did not get a parade permit. But the permit we applied for and get was revoked despite all the effort we put into it. The police took what was hoped to be a day of celebration and turned it into a frightening experience filled with aggression from the police. I wanted to clarify the issue of who got the park permit. Like I was the pain person doing it and we did it through one of the organizations as part of the may day coalition and it really disturbs me that the police put out—thought it was jobs for justice because they are supposed to be collecting real

evidence about what happened and they can't even get this thing right that's filed away, you know, at city hall.

**Katz:** Were you—your name kept coming up. [ laughter ] In all my readings. Were you the person that they were trying to call with regard to the parade and would not— could not get a return call from?

**Gorman:** I received no call from the police about the permit.

**Katz:** All right.

== he returns calls. [ laughter ]

**Missy Rohs:** 3616 SE 37<sup>th</sup>, 97202. my name is missy rose, and I live in southeast Portland. I helped organize the may day parade and picnic and I was a may day organizer and approached to add to the testimony today. But right now what—I would rather not talk about may day so specifically because other people can testify to the violence and to the misconduct that they witnessed. What I do want to talk about is how the Portland police commit acts of misconduct, violence, and abuse almost every day in Portland. Recently I've been collecting signatures for the police accountability campaign, and that's given me uninvited occasion to hear people's stories about their interactions with police. Most people will sign the ballot without comment, but many people will really share their personal stories and opinions of how police acting wrongly as impacted their life. And I think that the one that hit me the hardest was a few days ago a woman told me her best friend had been hit by a speeding police car 55 in a 25 mile-per-hour zone. And then ended up in intensive care for three days. And I think that the citizens need to be able to review the police policy and high-speed chases and make recommendations. I think that civilian oversight is really important for a case like that. Other stories people tell me are, you know, more mun day. A teenager told me the other day that a car that he was riding in was stopped recently and that the woman who was driving was, pardon me language, but called a bitch by the police officer, and was asked by the police officer if her mommy wiped her ass for her. And that may not land her in the hospital but it certainly is not the kind of conduct that we want to see from our police officers and you know not only does this woman not have a very good avenue to go through complaining about this officer, but she will never know if he's ever disciplined. And that's another reason that I feel like we need a civilian review board with more power to hear cases like this and make recommendations back to the police about discipline. I also wanted to address commissioner Sten's question about demonstrations in general in Portland. One of my friends has a young boy just past toddler age. And they were at a demonstration about a year ago that was staying only on the sidewalks that probably looked like a peaceful demonstration to people walking by. It was being followed by police sources, though, at the tail end. And the horses were getting out of control and almost hit the little boy and, you know, almost got him under the hooves. And among other things, like she doesn't really want to bring her children to demonstrations any more, and the child care is not all that easy to find. So, that's one of the ways in which police are going to try to prevent people from coming to demonstrations, and I think that this is a pattern that we see over and over again. Even if the demonstration might look peaceful to bystanders, it doesn't facilitate free expression in Portland.

**Katz:** Thank you. After this panel, we will go to two minutes.

**Nancy Haque:** 4054 NE Rodney, 97212. my name is nancy hawk kin and I work for jobs with justice. And I just want to clarify one thing, and we do not have a policy about permits. And the second thing is that a lot of people don't understand what we do. And really, our role in many actions and demonstrations is to support organizations who take the lead and we support them by supplying people who have signed a pledge card to say that they will come out for action. So just a little bit of clarification. But what I would like to talk about today is hope. When people are involved in protest for social justice, others sometimes react with anger and in the case of Portland police on may day with violence. There seems to be a lack of understanding with what we are protesting about and why we choose to march in the streets and carry signs. We do it because we



have hope. Hope for a world where farm workers did not suffer to put food on the table and hope that every person in Portland has access to safe, affordable housing, hope for a world where ancient forests are not cut down to make a timber area richer. Where people are treated with respect and hope for a world where people who believe in a just and civil society can be free to express their opinions without the threat of violence. Mayor Katz when you spoke of the commencement address at PSU this year, you quoted Bobby Kennedy. Each time a man stands up for an idea or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope and crossing each other from a million different centers of area, it builds a current that can go down the walls of oppression and resistance. I do not believe that our ideals are so different, this makes me wonder how the police can act so violently toward demonstrators. I did not see the crowd on May Day act with violence. Instead, I saw people acting with courage and restraint. Systems of oppression are enforced by violence and the threat of violence. I see no other reason for the police's behavior on May Day, except to instill that fear of violence in the residences of the city. I know that many are afraid to come to demonstrations because of the fear that they or their children will be hurt by the police. I ask that you honor the hope of people who fight for justice by making this a city where people are protected from police violence. Thank you.

**Katz:** Thanks. Thank you. [ applause ]

**Jeri Sundvall:** PO Box 11635, 97211. I am Jere Retzer and I am the director of the environmental justice action group which is an environmental organization in northeast Portland. I did not go to the May Day celebration. God may my car break down and I think I know why. [ laughter ] because it started working right after all the violence was over. I am sitting here seeing some of these footages for the first time and I have got to tell you that I am shaken. I can't believe that these things happen in the city of Portland. I am shaken that a lot of my friends who I have known for years who I fought next to shoulder-to-shoulder on issues to improve conditions and in work and environment were poked with sticks and beat up when I know that these are compassionate people fighting for justice. I don't think that that's the direction we want Portland to go in. I really don't. I, as a lot of you know, used to be a criminal, I used to get poked by police officers and get cussed out by them. I haven't been a criminal for many years now, been out organizing people for justice. I don't expect to be treated that way by police officers any more. When I took some children fishing on Swan Island in April, I was approached by a police officer who yelled at my 12-year-old daughter who looks African-American and then went over and yelled at an African-American man standing next to us saying why didn't you teach this child better and when I went over to tell the officer that the child was mine, he said, I am not talking to you. And walk—and went back and continued to harass this African-American man who was no relation to us. And when I brought up the fact that it seemed a little racist, he got in my face and when I explained to him that my children do know how to fish. We have known how to fish for many years, my family has been in this area of the state for probably hundreds of years. He said well, good, then people like you should know better. And I said, excuse me, people like me, what did you mean. Well, you brought up the fact you were Native American so I can talk about it. I said I didn't know that was how racism worked in the city of Portland any more. I asked him his name, politely asked him his name and I said I am not trying to piss you off, I am really not. I am just trying to explain to you that what you are doing is racist. He said my name is Officer Jones and he laughed and walked away. Well, you know I am an activist. And I stand up for my rights these days. I am not the person that I used to be. So, I said okay, Officer Jones, what's your first name. And at that time, he came up and got in my face. And told me if he ever caught me on Swan Island again, that he would put me in jail. I said now, I have two little boys, two little white boys who are not in the conversation were actually catching the fish. My daughter, who wasn't catching fish, and my son and his friend are going, that racist cop. This is not a relationship that I want for my children. This is not the way that I want my children to think about the police. When I sat and watched the footage from that, from the May Day celebration, which I wasn't a part of, which

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was a celebration. We keep hearing protest and demonstration, it was a celebration because we have come so far. It was a celebration for the police officers, who have unions, themselves. It wasn't about fighting. It was about winning. For all of us. You are our community. Sorry, when I saw that happen, I don't want the police to have that sort of reputation in the city of Portland. And I think that we need to do whatever we possibly can to insure that the city heals behind this situation and that we find a workable solution.

**Francesconi:** So one quick question, I am going to ask someone else this question, so what role can you play in helping the healing.

**Sundvall:** what role can who play, you?

**Francesconi:** No, you.

**Sundvall:** me? I have a lot of experience with the police, both good and bad. I actually have staged marches through the city of Portland with and without permits. I have worked with lieutenant berg on ins issues and on marches. I have never had a problem with her. She's been very supportive. I can land you my experience. As a person in this community on my way over here today, a police a police car turned on their lights so that they could get through the red light so I had to stop when my light was green and then turned off its lights and kept going, those are the kinds of things that happen in northeast Portland all the time and these are the kinds of things that I want to look at. I don't want to know that there are a couple of african-american people you are talking to when I am a native american people. I want to know that you are talking with people motion directly affected by the issue. That's what I want to know. Thank you. [ applause ]

**Katz:** Two minutes, man. Who wants to start? Are you nancy? Why don't you start.

**Nancy Tracy:** 7310 SW Pine, 97223. I am nancy tracey from 7310 southwest pine in Portland. And I am just sorry, though it could have been a dangerous choice I wasn't part of the may day celebration and march. I know many of the people that were involved and I know how dedicated they are toward at working tirelessly toward social justice, environmental and economic justice issues. I would have been proud to have been a part of that group. I read an article about an operation called "operation urban warrior." It happened in oakland, california, in march of 1999. And was sought to have been part of what influenced the disaster in seattle. On november 30<sup>th</sup> and throughout the week. So I am wondering if this military energy isn't making its way through police forces out of some kind of fear that those of us that would protest against conditions of socioeconomic and environmental injustice are a little bit dangerous. I think that we—the two things that, that chief kroeker said, and I am just paraphrasing, but one was that he was a little disturbed or anxious when he read that there could be nonviolent civil disobedience. Well, I think that someone else, one of the other speakers said the social group is growing. That is going to be out, speaking against these injustices that now go around the globe and are inescapable. So, but the other thing that chief kroeker said was that marches that he's known that have happened are quiet, orderly things. There may be a rally. There may be a gathering of people. And then they are done, and no problem and you would hardly know they even happened. Well, that's exactly what the situation is. You hardly know they even happened. I think if nike, where houser, whomever, decided to have a march, and applied to the city for a permit and did everything properly. I think probably they would be shined, smiled upon by the police department and what they did and what they said in terms of self-congratulation would be in the front page of the Oregonians Oregonian. We aren't in the front page. The injustices, the things that we are anxious and concerned about just aren't there. So, somehow, we have to become compatible with citizen action.

**Matt Baker:** elliot young left early and gave me a space. I am matt baker, a member of the ilw, powell's books, one of the main problems we experienced on may day was that of being videotaped by the police. We object to the surveillance. The taping of the activity is part of keeping files on somebody. Free to hold whatever political beliefs we choose and free to stand up against whatever construction as we see it. Lack of affordable housing, taking away the rights of immigrants.

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Protesting a civil right and by confiscating that. It happened at the public defender's rally. By confiscating bull horns, we are being robbed of our civil rights. It is an effective way to bring about change. What kind of political dissent will be allowed if the police force has their way. Will anything outside the status quo be allowed. Another problem that we experienced after may day was how the police tried to distance the ilw and the rest of the may day activities in the Portland activist community in general. The dividing tactics may work when we marching through the streets but won't work to break our solidarity. We support the Portland activist community and standing up against injustice and we know the Portland activist community supports the ilb liberal 5 and our struggle against injustice. And another point I wanted to bring up was I read the report that was handed out here and it says the ilw organizers called us and work with us and there are no incidents of violence or disobedience on may 4<sup>th</sup>. We didn't call them for a permit. The police came and knocked on the door and caught us and basically forced a permit on us and there were—and there have been incidents of violence but the protest, it was very hard to work with police, such a heavy police presence there. Police came and kicked us off the porch of powells, they went inside and locked the doors. Set up—closed the cash registers and took over. An injury to one is an injury to all. [ applause ]

**Katz:** let me add I had a completely different story told to me by two ilw organizers who were there who I met after the activity at the church and who wanted to come to testify. They made a decision not to so we need to clear up the discrepancy.

**Baker:** I heard this from other ilw organizer.

**Katz:** So we have a discrepancy.

**Lily Mandel:** Lily mandel, 1511 southwest park avenue. As an old civil rights and vietnam war protester with adosia that I am quite proud of, I was particularly disturbed on may day to see demonstrators wearing masks and hoods. Now, masks, who wears masks, in my opinion, are people like the kkk and why, because they are going to do things that they don't want to be caught doing. And getting credit for. Now, the police may have been informed that these masks and hoods were coming down. This would certainly be some reason for them to worry about not having a peaceful demonstration. The hoods and masks certainly were weren't there to dance around the poll. There is another thing that disturbs me. This has deteriorated to—the other question, who are the police. It is like, they are a different species. They are a different race. The police are our children. Our brothers, our sisters, our wives and husbands, our lovers, and whatever they want to be. [ laughter ] and they—who are they really? They are us. This is very, very disturbing to me. Thank you. for the record, people wearing masks were on the video camera. [ laughter ]

**Richard Beetle:** 8236 N. Dana, 97203. okay. My name is richard beetle and I live on north Portland. I am also a public employee and I work for the bureau of environmental services, and I am not working today, I worked last night so I am not on city time. I am also a member and a secretary treasurer to municipal employees, laborers, local authority 3 which represents a large chunk of the workforce. And I would like to ask the council for the reasons for the call for the city emergency. Was it the demand for international workers solidarity against the free trade mantra of the national free trade corporations, the corporations who search the globe for low wage havens with environmental safeguards, corporations creating a race to the bottom. That turns children into robots, that takes jobs and futures away from working people. Corporations that level rainforests, causes governments to oppress and repress their own people. Was this the cause for the city emergency? Or was it the fact that we held a rally at city hall demanding affordable housing for the working poor of Portland? Or was it our march over to the ins offices where we demanded a fair immigration policy that would allow for a shred of decency and a voice for the my grant farm workers whose long hours and under the worst conditions bring food to our table. About that this the cause for a the city emergency? Or was it any time that working people choose to exercise their democratic rights to assemble and speak, that the city will declare emergency? And not for what we

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do, but, but their pair nide fear of what might happen. And I elected—I would like to salute the ilwu for diffusing an ugly confrontation when on the same day, police surrounded a sanction ticket line at powell books, and I would like to close with this response to police chief kroeker's callous remark after the may day march. This coalition, mr. Kroeker, between labor, the environmentalists, the community activists, and the clergy is not going to go away. So we just need to get used to it. [ applause ] no, bes, bureau of environmental services.

**Christopher Lowe:** 4159 SE Bybee Blvd., 97202. hi. My name is christopher low. Thank you for the opportunity to testify. I am a homeowner and taxpayer in southeast Portland. I work as an editor and care for my 1-year-old daughter. I hold a ph.d. From yale university and value and respect the work of police officers, including that of a cousin by marriage with whom I am close. I also support the labor movement, as a historians I think that the quality of life in our nation and communities improves when the labor movement is strong. Likewise as an historians of africa, I support the current movement to make global markets accountable in matters such as labor rights and environmental protection, equitable development and community stability. Because of these views, I had planned to participate in the may day demonstration. However, taking part meant bringing my infant daughter, a friend warned me on the basis of demonstrations prior to may day and I had been at some of those so I knew what she was talking about, that the police had been using increasing and excessive force in recent demonstrations and it might not be safe to bring her. I decided to stay away. Unfortunately, on may day, my friend proved right. For my daughter's sake I am glad I stayed away but as an individual and a citizen, I am humiliated, angry and outraged that I would allow abusive police practices to intimidate me from expressing my views. I feel deeply humiliated by that and angry that my local government put me in this position by violently and unnecessarily repressing freedom of expression and outraged that the police treated the minor disorder on the part of a few individuals in the demonstration as a proper occasion for suspending civil liberties under a declaration of emergency and employing potentially lethal force against the crowd. These actions were completely out of proportion to any threat the city faced or now faces. The pattern they represent threatens democracy in Portland. The conclusions that I have drawn from reflecting on the information that's come to me about may day are these. The first amendment is the foundation of our democratic social order. Preserving order means preserving the first amendment. A militarized police force treats them as enemies. It is incapacitable with the debate and civil liberties and also incapacitable with community policing approach to public safety and crime prevention and punishment of crime. They face no threats for requiring the military central guests or requirements. They have justified a military approach to policing that's incapacitable with the policing strategies. His recent statement that this is becoming the norm means that Portland should take the lead in resisting this trend. The city council should direct the chief of police to shift away from military policing strategies because they are incapacitable with the community policing and they should—and it is much stronger than it exists in Portland today.

**Katz:** Somebody needs to, to calm you folks down for a second so that we can get you through this. I just want to let you know that there is a group that is looking at police and civilian oversight. And having a very thorough discussion and analysis of what that means, what that would entail, what the pluses and minuses are on that and how to carve something if we want to change the current civilian oversight, how do we carve something that fits Portland in that works. Just kind of give you a little bit. They are looking at minneapolis, which is a system that, that works very, very well. They are looking at other cities, so that, that work is, is continuing and will go on until they make a formal recommendation. To me, then, I will pass onto the city council.

**Lowe:** can I respond briefly to that? Um, I am glad to hear that. I am deeply troubled by what I perceive as an effort to minimize what's going on in the world policing effort, both on may day, demonstrations before that and in the more general community relations to which people have referred so it creates applies trust in that process and the minimizing effort going on.

**Caffeine Jones:** 939 N. Failing St., 97227. I know that it is my responsibility to keep my child safe, and to guide the demonstrations, and since it's a child, to increase the efforts of the police and so my actions are completely legal. I stayed on the sidewalk and I don't, I don't block traffic. I follow the lights because I am afraid of what could happen if I was arrested so, when there was several other children that I saw this happen to, as well, when the police were breaking up the demonstration, I was following the lights. I was actually trying to leave, but I was being controlled where I was going. And two separate times I had an officer on horseback put the pepper spray directly in my face, and threaten me directly with it even though I hadn't done anything remotely illegal with my child on my back. Which was a terrifying thing, you know, for me, and it is not something that I am accustomed to. I come from this part of the country and I am used to things being a lot more free and safe and obviously, people are going to bring their children to a demonstration, they are not intending to burn any buildings or do anything dangerous. They are intending to demonstrate peacefully. So, I saw this kind of thing happen to other children, as well, and I am just terrified of what could happen if this disregard for safety would continue. I would just really hate to hear of some awful thing happening. (At this point, a new transcriptionist took over)

**Dan Handelman, Portland Copwatch:** PO Box 42456, 97242. Pepperspray was unnecessary. The General Order does not use "emergency."

**Katz:** You know I always take your testimony very seriously because I respect the work you've done although I don't agree with you all the time. But I agree with you a lot of the time. I'll take those remarks seriously and we'll have a discussion on them. Thank you.

**Francesconi:** Just on the beanbag use of force, I may not understand this right, but I think officer kroeker is saying one of the beanbags was excessive force. Are you saying there's more, or are you—

**Handelman:** I believe that using a shotgun and pointing it at a crowd of people is irresponsible. You've heard testimony that people didn't know if there were real bullets being fired. I don't believe—and you heard the same comments in august of '98 when the people were protesting on mlk. I don't think we should be using guns in crowds. Period.

**Francesconi:** My second question is a more general question. There's a lot in this report, and one could interpret your testimony almost that chief kroeker is even more critical of the police than you. You've only picked a few—

**Handelman:** I only had two minutes, mr. Francesconi. [ laughter ] [ applause ]

**Francesconi:** Without giving you ten minutes, could you just list the items that you think are the most significant? You listed them now, what else did you leave out of your prepared remarks? Just list them. Don't go into—

**Handelman:** the permit process that people have been speaking of is.

**Francesconi:** We're going to look into that. I've asked for more information, and the purpose of that is to allow—when situations of a certain size, where it's going to block traffic, where it's broad, big, across town, that's the purpose of that. It's not for small little things where traffic is not going to be blocked. But we're going to look more into that. Keep going.

**Handelman:** I might add, commissioner Sten asked before about history of protestors that are disrupted by police in this manner. In december of '98 --

**Francesconi:** No. I meant—

**Handelman:** I understand. I'm talking about in general. The problem with this report has it treats may day as an isolated incident. That's another problem.

**Francesconi:** My question is just about this day. And you've only listed several things. You haven't gone into a long list. Are there other things from that day?

**Handelman:** certainly. Use of the batons, pushing people in the back. Declaring the protest to be illegal. Two judges have overturned a part of the city ordinance about disorderly conduct, where it gives the police permission to declare a protest unlawful, they declared it unconstitutional. I know

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the city is appealing that now. There were people arrested in '98 relating to that. And so I think they were trying to use this other ordinance which as I said doesn't say anything about disbursing a crowd, it just says they can shut off an area to the public. I'm very disturbed about this. They were just trying to find another way to do the same thing. I could go on and on.

**Katz:** Dan, dan—

**Handelman:** I didn't prepare notes about all the other things in the report that are disturbing. Most of what's disturbing about the report is what's not in it.

**Katz:** Dan? Thank you.

**Chuck Sullivan:** 2403 SE Hawthorne, #A, 97214. eye name is chuck sullivan. I'm an overeducated under employed college writing instructor with no health insurance. [ laughter ] how can we stop an us versus them men at between the police and community? These are the questions poor people and people of color have been asking for a while. It would seem not until white middle class people find themselves on the receiving end of police excesses do any suggestions of substance get implemented. Kroeker recently said he was bothered and frustrated by the attitude Portlanders have shown toward the los angeles police department. He spent 32 years there, where he learned about policing. It's the department people love to december pies, he said. But Portland isn't l.a. Anyone who follows the news know the lapd have come under a scandal. Over 30 officers have been relieved of duty, suspended quit or fired and 70 more are being investigated while over 4,000 case resist being reviewed. This investigation has uncovered evidence of false arrests, evidence planting beatings, witness intimidation, perjury and unjustified shootings. Is it any wonder people of Portland have misgiving about los angeles style policing to Portland? Don't forget christopher commission report of 1991, characterized the lapd as steep in a culture of violence that permeated all levels of the department. Is it any wonder Portlanders despise l.a. Style policing? We believe in democracy that allows the citizens to fairly investigate the actions of those charged to serve and protect us. Of course it goes without saying if we're going to have a police force, we should hire strong and brave people to do the job and we should pay them well, but never allow for a code of silence or a culture of protectionism that protects us from investigating injustices when they occur. We should be on guard against the militaristic mentality. The military investigates their own. They rarely permit civilian investigations. Vigilant people should break down those walls whenever they arise. [ applause ]

**Katz:** You really want to antagonize me. I can see the joy in your face when you do that, and I shake my head.

**Handelman:** can I let people know the work group is holding a public hearing on july 37<sup>th</sup> at the Portland building at 6 o'clock to people can say that they would like to see in a police review board. The committee has been committed to not making any decisions about what we want to see until we hear from the public. So we want people to tell their friends and tell everybody that's concerned about these issues to please come to the Portland building on july 11<sup>th</sup>. It's a tuesday night.

**Katz:** Fair. Thank you. Fair enough. All right. We can talk about that later.

**James Cook:** 1320 NE 64<sup>th</sup>, 97213. my name is james cook, I reside in northeast Portland. I am an activist in the labor community. I'm on the executive board of northwest Oregon labor council and I attempted to present the may day celebration to the northwest Oregon labor council and it was received. What I want to recognize is that the police do have a very difficult job, and not all of the police are guilty of the overreaction. But what we're looking for here is accountability. And I haven't seen it yet in the report, and what i'm looking at is history. I'm also on the labor history committee, and that was one of the joys of participating in may day celebration. It was lost history. And we are regaining that history. Unfortunately we regained the history that is often overlooked, and that is that when people come together to organize, we meet resistance. And that resistance is in the videos and it was a peaceful celebration until the overreaction. Now, I happen to be behind with the—the stage area, and I was asked if the may pole could remain. I said sure. It can remain. And

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when the sound tech person came, I went to look for the march. The march had been dispersed. Gut the police presence was very heavy along 3<sup>rd</sup> near madison and there were no protestors anywhere. I got back up to the picnic area, the may pole was safe. It was completely surrounded by police, and police tape. I felt secure. I went up to the police officer, one of the police officers who was very heavily armed, and I asked, where is the picnic? He said, it's been cancelled. I said, there was a permit to have the picnic. It's been cancelled. My response was, so have civil liberties. And that is what we want to hold you accountable for. You cancelled civil liberties on this day, may 1<sup>st</sup>, 2000. They were cancelled in 1886 in chicago, milwaukee, throughout the country. Police attacked marchers and parades then. So we just have to look in the history books and the question is, were the police held accountable then? Will they be held accountable now? As a fellow union activist, I want to recognize that the police union is trying to find out who is to be held accountable. And I applaud their efforts, because someone needs to be held accountable for the instructions to attack the crowd.

**Michael Bennett:** 3710 SE 39<sup>th</sup>, 97202. my name is michael bennett. I'd like to start off saying that a lot of what I might say will just echo things that have been previously said. Basically may day is just another symptom of a bigger problem. I've lived in several parts of the country, and no place I have been—has there been a bigger apparent disregard for public attitude and public safety than here in Portland with the Portland police bureau. People from all walks of life that i've come into contact with all have bad stories about the police. I've had plenty bad stories myself. May day is just one. For example, in the report at 4:31, it talks about—I was at the corner of jefferson and front. Sgt. Pool, according to this, says he was charged by people. That's essentially a blatant lie. I was there on the corner. There 2 two officers, one being sgt. Pool, one on front avenue, not being more than a few feet apart, and they were giving contradictory order. I tried to let them know, and I was maced. That was a little irritating, to say the least. But not as irritating as what happened later on across the street from the justice center. There, I was at the tail end of the march, I was Britta Olson ken off into a group of about eight people. One of these people was about 80 years old. He was carrying a picket sign. Because he's 80 years old, he was moving slow. We were moving with him. This man was pushed by a Portland police officer. When I confronted the officer about this, they tore away his sign and I told them they should be careful, he's an 80-year-old man, and they said he should not be there. That is unacceptable. There's been lots of talks about rights. The constitution claims to guarantee our rights, but I don't accept that. I was born with rights. When you talk about government this and government that, I will not allow my rights or the rights of others to be taken away.

**Katz:** Thank you. [ applause ] we only have a little more time. Do you want to adjourn now or do you want to give everybody an opportunity to talk? Thank you. Go ahead.

**Eric McClelland:** 5105 SE Rex Dr., 97206. i'm a carpenter and a homeowner in southeast Portland. I want to thank you three and the police officers for your patience. I think that the people that preceded me with testimony have shown that we the people are inexhaustible on this topic. We have a lot of deep feelings, and I think that you folks have really shown a lot of patience sitting here and paying attention to all of this. I appreciate it. What i've heard today is that the police say, consider permits. Hear that echoed by the council. Consider the permits issue. Well, what i've heard from a lot of people is that, you know, we really want you guys to consider police power. And I would like to chime in with many others preceding me to ask you to consider a citizen review board that adopts pac 2000 guidelines. The problems that I see with permits kind of work in with a problem that I think is more broad. It goes much more beyond may day and certainly even beyond demonstrations. Police have an intelligence about them. It's all part of their militarized training. And in fact, as i've learned as many other people have, perhaps, from recent radio shows, that the police use the same training outfits as the military does. And so we have this militarized thinking in the police, and the intelligence that goes along with this I believe doesn't get talked about. In fact, at the martha—march that that church I know there were questions directed precisely to the chief and to



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you, mayor Katz, regarding surveillance of activists within our community here in Portland. And it was kind of dodged around. I think this is something to look at.

**Katz:** I don't think I would have been very well received if I answered anything at the church. But that issue is one that I have been on for a long, long time, and we'll talk about it as a council, because it keeps coming up.

**McClelland:** i'd like to just present the flyer from the may day celebration. as documentation.

**Katz:** Why don't you give it to Britta. All right. Britta? Who is next on the list? It looks like we might not have all three.

**Patrick Norton:** 3229 NE 7<sup>th</sup>, 97212. eye name is patrick norton. I live on northeast 7<sup>th</sup>. The police probably know that by now. I'm an activist in Portland, and first of all, i'd like to start off saying when people give testimony here, mostly the folks that really get questioned are older white men with credentials of some sort. And you might give just a little thought to how that looks, even if you don't care about really questioning people who may be— maybe don't have official credentials of any kind. There's so many things I want to say. I was an organizer of the may day rally, and I focused mostly on the picnic. My part in the protests, or the march, was that I was going ahead with the sound system. And so I wasn't in the thick of it until the police tried to break up things. And at that point it became very frightening, and the police chased people, and generally created chaos where there was no chaos before. That—i thought that was really ridiculous. It was very frightening, and at one point a police horse stepped on the trailer I was carrying the sound system in. Fortunately it wasn't damaged, but all this talk about slow walk and stuff is just, you know, just a load of bull. It's a lie, if I can say that here. It's a lie. They forced people to run through the bushes, they chased people up and down stairs. About the mayor's report, I probably won't have time to go through all my testimony. Not the mayor's report, the police chief's report. What he really did there is he criticizes some technical details, and what i'm really disturbed about is what's not in it. The reason to break up the protest is not in the report, and he doesn't even attempt to address that. Not in any serious way.

**Katz:** Thank you.

**Kathleen Juergens:** 3229 NE 7<sup>th</sup>, 97212. my name is kathleen of northeast Portland. I was one of the may day organizers. I'm going to focus on one aspect of the police report that I find alarming. The cellization of people's philosophies and political associations. The report is chalk full of references to, quote, people dressed as anarchists. And ominous phrases like, quote, possibility of anarchists in the crowd. A citizen might well conclude that black-clad anarchists were hiding under their bed and about to get their momma. From reading this report you would never realize it's not against the law to be an anarchist. Not unless you count the unwritten laws that police make up on the spot to punish those whose politics are unpopular. After may day, many of us believed the police response was a politically motivated attempt to suppress free speech. Now we have it in writing. The police admit in their own report that they targeted people for suspicion, not because of anything they did, but because they looked like anarchists. And that they dispersed our march based on the fear of anarchists in the crowd. Anarchism is not a violent philosophy. It's based on the rejection of all forms of domination in favor of voluntary associations based on mutual empowerment and respect. The real irony is that anarchists are responsible for many of the social reforms that have made america a better place to live. It was anarchist and other radicals marching for the eight-hour work day who gave us the first may day. Every police officer who collected overtime pay from may 1<sup>st</sup> needs to realize something. If it were not for the efforts of anarchists, they would have worked those hours for free: The unspoken message could not be clearer to activists. If you want to avoid getting trampled, beaten and shot, you need to purge the anarchists from your ranks. Senator mccarthy would be proud of this: We are having none of it: I'd like to close by asking all the anarchists, everybody who calls them self an anarchist, or who has been influenced by the philosophy, to stand up. All you anarchists, stand up: I'd like you to notice we do not all live in



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eugene. We do not all wear black. These are the anarchists. We are not going away. We are not going to be divided: And Portland city government needs to stop trying to intimidate us, stop trying to divide us and get on with the business of meeting our righteous demands. Thank you. [ applause ]

**Francesconi:** One question. Have you seen that an—this Portland Oregon may day, that was on the web may 2<sup>nd</sup> 2000?

**Juergens:** no. Whatever that website is not one that I monitor.

**Francesconi:** You don't have to answer it now, maybe if the mayor would let you come back. If you could read this and tell me if there's anything in it you disagree with. Okay? You don't have to if you don't want to.

**Juergens:** you'd like me to read it right now—

**Francesconi:** You can take it away later.

**Juergens:** i'm happy to do that. I find it interesting that this is the first thing—the first I heard about the use of this particular website. I find it interesting that the chief is relying on an anarchist website to corroborate his version of events. Is that because he doesn't have any other evidence to corroborate his version of events? [ applause ]

**Katz:** Go ahead.

**Jay Thiemeyer:** 1231 SW Morrison, 97209. my name is jay. I'd like to speak for—on behalf of people who can't—often can't speak for themselves, namely the homeless. What i'm concerned about is that homeless folks experience with police is often very negative. And result of that experience, is a reluctance to record legitimate complaints with the very bureau that, you know, is the cause of their problems. There's a great reluctance to go to iad, for example, if your whole experience with police is one of either inference or threats or harassment or profiling. And i'm saying this because I think the only recourse that can be established for people like the homeless who are the most vulnerable members of our society would be an independent review board, which promoted their confidence, their trust, and gave them an ear where they felt like they were going to be respected and to come forward with their complaints. Thank you.

**Katz:** Thank you.

**Francesconi:** Is there anything you disagree with in that e-mail?

**Juergens:** well, i've—after reading about three-quarters of it, i've noted it is an anonymous report. It's posted on a website, and I think for purposes of trying to discredit an entire movement it's possible for anything to write anything and put it up on a website.

**Katz:** This is not just a web just a website. It is one of the web sites that I track as well as others.

**Francesconi:** I take it there are some things—we can get into that. I see your point, and it may be valid. Are there things you disagree with? I take {tlit} are.

**Juergens:** i'm finding some things in here that I can't testify to personally because I wasn't there. I haven't gotten all the way to the end, but the stuff that supposedly is in here about things being thrown, I am not aware of video evidence or eye witness testimony that's been made from any of the people that dozens, probably hundreds of people i've heard talk in person about this that {krob} rates any of these things that the police said that we did. The plastic newspaper box I have heard corroborated. The eggs I cannot. And I think that this is an anonymous post on the internet. And to be taken as a basis for action and to be considered as evidence you need to meet a lot higher standard than that.

**Katz:** Thank you. [ applause ]

**Sten:** Just a point, this website has been referred to a lot, and I want to be on the record, I don't know what to make of it. It says the nike window was broken. It was not. I understand people were relying on it, but—

**Katz:** It was broken the night before.

**Sten:** Which is not true. I don't know what to make of this. I understand people are putting a lot of credibility to this website, but it doesn't necessarily ring true to me.

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**Katz:** Let's continue.

**Katz:** I'd like to meet ken spice.  
i'm ken spice.

**Katz:** Oh, yes.

we've met several times.

**Katz:** I know. Go ahead.

**Herschel Soles:** 6126 NE 32<sup>nd</sup>, 97211 thank you. I'd like to talk a little bit about the—herschel soles, I live in northeast Portland. I came down on may 1<sup>st</sup> to be part of the picnic. I got down here about 6:30 and of course it was cancelled by that time. A friend and I went around to try and find out why it was cancelled, and no one could come up with a reason. We had all these crazy stories. Someone said maybe a window was broken at powell's, and that turned out to be not true. I called the mayor's office and the police to find out why. Surely to suspend this permit there must be some egregious event that took place. But in my phone calls, I couldn't come up with this egregious event. And someone, I think maybe later I might have read the people at the picnic left and they didn't have a permit. So because they were parading without a permit, leaving the picnic area, the picnic was suspended. Well, I don't go along with this idea of a permit, and it seems to me that anyone has a right to walk anywhere, any time. They don't need to ask permission from the police to walk someplace down in Portland. This is just kind of—this permit thing is just a way for the police to step in sometime and suspend operations of a protest. And I think it was used to besmirch the people demonstrating. Parading without a permit. As if that was some kind of offense, when basically we're just walking from here to there. I read the report, and there's an incident in the report where they're talking about pulling a mask down on a demonstrator to identify this person. But in reading the report, I didn't see where this police officer that pulled the mask down was reprimanded for an assault or disciplined for doing things he has no right to do. People have a right to wear a mask if they choose. The police have no right to pull a mask down. But it was not reprimanded in there. They also talk about crowd management. One of the things that disturbed me about the report was they were talking about getting control of the crowd early on. We don't want the police to control us like that. I mean, facilitating traffic is fine. We don't want them to control us or to think that they control us.

**Katz:** Thank you, herschel. Go ahead, sir.

**Michael Parker:** 629 SE Morrison Apt. 101, 97214. my name is michael parker. I live in southeast Portland, and i'm a member of ilw local 5. I would like to read a statement on behalf of local 5 and then a brief statement—a brief individual statement. Mayor Katz and commissioners, we are writing to protest the conduct of the Portland police department during the first week of may. Many members of our local were harassed or witnessed harassment of others by the police during the may 1<sup>st</sup> celebration. We believe the police used excessive force. We saw no justification for shooting bean bags at people who were not only dispersing but were running away. No justification for running horses through a pun I canned crowd and sidewalks and no justification for any of the act committed by police. Such attacks were unprovoked and put the citizens of Portland in danger of being seriously injured. Likewise we commend the rank and file officer who followed their consciences and refused to participate in such act. We also find it unacceptable that the Portland police department videotaped our picket line the week of may 1<sup>st</sup>. Picketing is a constitutionally protected activity and should not be surveilled by a city's police force. We found such tactics intimidating. Therefore ilw local 5 of powell's calls for an independent investigation of police conduct on may day and the days that followed. We also endorse the establishment of an independent civilian police review committee composed much elected citizens of Portland to help make the police department accountable in the future. An injury to one is an injury to all. Sincerely, local 5. Personally I would like to make a statement that the ilwu has a proud history of demonstrating on behalf of those who have suffered injustice. Local 5 mechanics were proud to have

stood and marched with responsible demonstrators, including anarchists, farm workers, steelworkers, tree huggers, working people and the homeless, and we will continue to stand and march within—in the face of ongoing disorderly conduct by Portland police officers until our common struggles are over. Thank you.

**Katz:** Thank you. [ applause ]

**Ken Spice:** 3603 NE 6<sup>th</sup> Ave., 97212. my name is ken spice, I live in northeast Portland. Among other part-time jobs i've been teaching for about seven years at Portland state. I have assigned quite a few research projects to my students over the years, and i've like to echo a statement I heard earlier. If I had a student turn into a report like the chief's report to me, i'd send them home and tell them to start over. There's a thousand and 1 things i'd like to object to, but I only have time for a couple. The city code cited as the authority by the police gives them according to the title of the code authority to restrict actions to certain areas. They can say you have to stay out of this area because there's a problem. They can't say this march is over. But that's what they said. Another complaint. This balancing between the right to assemble and the right to drive, I think other people have spoke to this better than I can. There's no issue there. The right to assemble is in the constitution. The right to get your car through downtown quickly is not. One of the things i'd like to object to in the report. Early on in the report the chief of police says that when demonstrators move off of the sidewalk and onto the street a significant clash of public interest occurs and this is the reason why in part the police came down so hard. On the other hand, later in the report an individual's arrested for not being—not removing himself off the sidewalk. So if he can't be on the street and he can't be on the sidewalk, where can we have political protest in Portland? Of course the videotape showed that the police horses at a slow walk was simply a lie. Only protestors used profanity in this report. In reality I can assure you that's not true. The police do as well. Only the events that actually got caught on tape are getting additional scrutiny. Whereas the things that were not caught on tape aren't. The most important to me is the criminalization of political beliefs as a few other people have spoken to. I am an anarchist and I don't appreciate the way we're dealt with in this report. I'm afraid to be admitting to be an anarchist in the city of Portland based on this report. I think the report needs to go back to the beginning stages and start over.

**Katz:** Thank you.

**Gregory Satis:** 2426 SE Main, 97214. my name is gregory, I live in southeast Portland. I was a marshall at the may day march downtown. To me the biggest issue is, is the problem a failure to repress dissent well enough as the report seems to suggest, or is the problem one of aggressive policing? A street emergency call completely abridges the right to assemble. We need to look very carefully. I would ask you to look very carefully if this was done properly, can it be done because of disorderly conduct which I understand is just a violation. I can assure you the crowd was very peaceful, and I saw no reason except the fear of civil disobedience or something, but nothing that was happening at the time. Less lethal weapons can kill people. Please look closely at their use on fleeing people and at close range and in crowd situations at all. Why? I haven't heard anyone talk about why the police busted into the peace until crowd and arrested someone. I think they said it was because of niketown, but I called niketown as did many other people and they said there was no damage at all. I believe the report still says there was. As another—as I can corroborate as a marshal the onsite commander said the police would work with us, we could have one lane of traffic and the police would talk to the marshals first before making arrests. I don't see why the lack of a permit can be used as an excuse for police violence since we had an agreement with the police. I would also like to talk to the issue of whether chief kroeker said get used to it. This was a very important statement to me, so I called both "the Oregonian" and the "willamette week" and talked to them about it. They said to me that in fact he said, get accustomed to it. Both of them said that. So the fact that this report says—the public editor of the "oregonian" and the "willamette week" news editor

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both spoke to me. And so the fact this report says he didn't say that is just a quibbling in terms as far as i'm concerned.

**Katz:** I'll give you a little time. I think the report for willamette—reporter for “willamette week” is here that covered it. We'll maybe later on ask him what did he really say.

**Satis:** my understanding is it's a quote from an interview with lars larson.

**Katz:** Oh, okay.

**Satis:** other parts of the report are also more than quibbles. Civil kid obedience is not a form of violence and cannot be used as an excuse for police violence. Bandanas and gas masks are legal and are fully valuable for protests because sometimes pepper spray is used even if you're not doing anything illegal. I'm worried there's no intelligence shown that people intended violence. Please, the future of policing is in your hands in Portland.

**Katz:** Thank you. Go ahead.

**Mike Dee:** 133 NW 6<sup>th</sup>, 97209. hello. Eye name is mike dee, and I live in the community here. My address is on the stuff there. I'm here to speak about the part of the permits. I did do the research. I went down to the park and recreation district and looked to see if there was a permit, because I was given notice of this way ahead of time. There was a big billboard that there was going to be a picnic downtown, and that—well ahead of time there was going to be something going on. So I went and made sure they had a permit, and they did. I heard—I did attend the picnic, or where it was supposed to be at the park, but the police were there and they had it all marked off and they had all the stuff in the middle. Multiple police. Lots of police. After a while, just waiting maybe thinking somebody might come back, because a bunch of their stuff was still there. Police in riot gear came out. People were saying maybe the overtime thing was out of hand, I would agree with that. I was told that it was a state of emergency, that that was the reason why the park was closed. I did talk to the park bureau about that and they said no, they didn't declare that, they were forced by the police to do that. I guess—so i'd like clarity on why it was closed. I'm hearing reports of the city code or something like that. I don't know if that's—that the people are—I know it says it in the record that the city code was violated. What city code was violated? How did they violate it? It sounds like the parks and recreation district doesn't agree with you. The—there's numerous other things. I'm glad there's a report calling it the final report probably isn't appropriate. If you haven't done all your public testimony. Doing public testimony at a church is kind of questionable too, I think. Don't we have a division of the church and state? That's going to limit people, who's going to attend your process there. Less lethal, it still has the term “lethal” in there, so that's a—there's multiple other things, but that's good for now. Thanks.

**Katz:** Thank you.

**Anne Kimberly:** 4261 SE Alder, 97215. my name is anne kimberly, I live in southeast Portland. I'm a nurse practitioner at a local hospital. I'm also a volunteer in a health care collective in town that was formed to provide health care and first aid to anyone attending demonstrations. I'm going to talk about an emotion, and that's fear. When I came to the may day celebration, I got there after spending the whole day in the emergency room at work. And I got there right when the horses were out of control, everyone was being herded to waterfront park, being given contradictory messages. I saw for the first time someone being shot with a beanbag gun. Of course I didn't know it was a beanbag gun. And he was within ten—the police officer doing this was—had to be about ten feet away from the person. At the same time, the police on their horses were bearing down on us and telling us to go forward. We couldn't move. We were bottle-necked. I looked around at everyone else and I watched their faces and they went from disbelief that we weren't being—the communication was so poor, we weren't being told where to go. And then disbelief turned to fear. And people were panicking. And pushing each other. And the police were right behind us. Also, we were on the sidewalk when they started to do the divide and conquer. That was incredibly frightening. I didn't understand that part. At all. And again, it's the fear. It's the gun, it's the

bean— having the horse on your back, seeing someone being shot with a gun for the first time. It's hard for me to respect the police when all I am is afraid of them.

**Lisa Melyan:** 13006 NW Saltzman Ct., 97229. my name is lisa mann. I am a local musician. I'm always one of those white middle class people referred to earlier. I went to the may day protest because I opposed gat and the wto and nafta and I support a sustainable economy. And when I got there, I wasn't really intended on marching. I was feeling pretty bad that day, but I figured what the heck, why not, and anyway, we made it to waterfront, seen some bad things, and I made it to the front of the crowd, so I got across the street. I wasn't controlled like the people that I saw in water front park. It was fairly obvious to me that it was like a military procedure almost. It seemed very preplanned that the crowd was separated into different groups, and surrounded, and they were not allowed to leave. They were told to disperse, but yet not allowed to leave. What happened to me, I testified to this at the church, and I lacked behind the group. I couldn't keep up. I have fiber myalgia, I have chronic fatigue and vertigo. All very similar to remissive— recurrent remissive ms, and that's what I explain to people that it's similar to. I was having a very hard time making it up the street, and I was by myself and I heard horse hooves behind me. And I heard an officer yell, you need to catch up with your group: And I said, i'm trying, i'm going as fast as I can. I was on the sidewalk, where the issue of being on the sidewalk or being on the street, I have to say I was on the sidewalk. I was by myself, all 5'2" of me, and this officer, the horse's head was above me and I have— I actually have horse spittle on the front of my cap. And he began pushing me and he said, you need to move faster: I said, I have ms: I can't walk any faster: And he said, and I quote, perhaps you need a little encouragement. And he began ramming me with this horse. He rammed me all the way down that block. All the way down the block, and then I guess he was distracted by something else before he moved off. He almost knocked me down a few times. I was terrified. I was afraid if I fell down, that he would arrest me. So I tried to keep myself up as best as I could. Anyway, I collapsed a few blocks later. One thing i— you've narrowed the scope of this discussion to one of procedure. When this is a problem that is systemic, and that's why we were there protesting in the first place. Because these problems are systemic. And the fact that we accept the very concept for the need for a permit is totally unamerican.

**Amy Catania:** my name is amy, I work—I live at 6945 north mississippi. I work at bradley englehouse, which is an antidomestic violence agency. I took time off work to attend the may day celebration. As I was walking east to the riverside, after the state of emergency, I heard the words "state of emergency," so if the chief says there was a communication problem, I agree, yes, there is, because did I hear those words. After I began walking to the waterfront, I was in the back of the crowd and I linked arms with some other folks with me to pace the crowd and to avoid making people run. And I had a long bamboo pole with cloth declarations on it, and the gentleman on my left raised his arm to take some video footage. His right arm. And my left arm is where the pole was. As his arm raised my arm raised as well and the pole tipped back. And I heard from behind me a police officer yell, "get that fucking pole out of my face or i'll break it:" I tried to tried to loosen and I saw another officer running up who grabbed me by the hood of my sweatshirt and yanked me back so I was looking at sky. Pulled me off balance and started yelling at me. And other hands grabbed ahold of me and you can see the picture there of what happened to me of what they did. My concern with this is that this is a training and a supervision issue. And not a training issue as far as how to be—become more like the army. As far as being disciplined. This is a training issue as far as how to be more respectful of individual citizens. It's—like the woman before me said, it's part of the requirement of the police force, where this individual behavior is acceptable. I witness add small number of officers who were very respectful. But they really stood out among the number of public employees in riot gear who were completely inappropriate to me. And so what I would like to really see is not so much how to be in squad formation and how to follow commands, but like other people

have said, conflict resolution, training. Respect. And a screening process. Not just training, but a screening process of—a better process in the beginning to weed these folks out.

**Katz:** Thank you.

**Francesconi:** Could you briefly describe the behavior of the officers that you felt was good and positive towards the crowd? That situation? Can you tell us the behavior that—

**Catania:** sure. Later on, after we—the group I was with made it to Powell's, we were marching with the ilw back to the Hilton, there was an officer not in riot gear, who was just—he wasn't in plain clothes, but in a union form, who made eye contact and asked me, how are you doing? And I said, much better. Thank you. Because earlier in the day I was crying, had to be walked by the people who were holding me up to the park. And the same cop who swore at me later also ridiculed a mother whose baby had almost gotten pepper sprayed for being there in the first place. He said yeah, whatever, mom. Go home. The contrast was vast. But just the personal communication and the fact, frankly, that that guy wasn't in riot gear was—made a huge difference to me.

**Katz:** Thank you.

**Joseph Schneider:** 2062 NW Marshall St., #306, 97209. here's an example of what happens when a force walks into a crowd at a slow walk—

==you need to identify yourself.

my name is Joseph Snyder, I live in northwest Portland. The horses were not out of control, they were in control of their riders and the riders just didn't give a damn about people's safety. The problem here is not one of communication, when which according to the press reports I've been reading old issues of the "Oregonian," Chief Kroeker decided the day after May Day was the problem. So I don't know if the conclusions of this report are foregone conclusions. As of—this lady says, they're systemic. Some cops are good. They treat people well and with respect. Some cops don't. They don't care about other people's well being. Maybe they have some sort of percentage at fault, their mommy didn't love them, I don't know. Maybe just power corrupts. And since we don't recruit the saints that are among normal people for this job, and it's dangerous to give normal people that kind of power and also give them impunity, this is a systemic problem. I also notice it is also a problem coming from the policies that come from the top. Early in the report Chief Kroeker said, finally police are fortunate that marchers stayed together for the most part because if they had split off, it would have been difficult to provide adequate police coverage. If it splits off, it's hard to give adequate coverage. Later on the report describes how the plan is to split the group off in the downtown. So let me get this straight. You've got a bunch of potentially dangerous anarchists hell bent on property destruction. You knock them around, then break them up into little mobile groups that are hard to police and scatter them downtown. And this is supposed to be smart? If you don't want property destruction? Do you want to talk about restraint, the restraint was shown by those people who were abused so much that day, and then were scattered throughout the downtown and didn't break anything. But we can't count on that continuing to happen. I love this city. That's why I moved here. The only reason why I moved here, because I like it. It would be a tragedy to see the this sort of police behavior provoke a riot downtown, because it will one day. If this continues, this militarization, I know there are a lot of forces pushing it. The Pentagon, there are grants from the federal government for military style gear. Be strong. Say no. We don't need a militarized police force. That's why it's in the constitution that the military don't police civilians. and at base—the base of the problem is the impunity. Good officers or bad officers, they know they have the choice to act good or bad. Because of the impunity that the bad ones have.

**Katz:** Thank you.

**Schneider:** so we need a civilian review board with power.

**Katz:** Thank you. All right.

==Jody had to leave. She just wanted to say she supports jobs with justice and she loved Bill Ramirez '96's testimony.

**Katz:** Are we at the very end now?

**Olson:** Just about.

**Katz:** Why don't you start. We'll continue working through the list.

**Cherry Holenstein:** 6141 SE Steele. sherry. I first of all would like to protest the limitation of the people's time from three minutes to two. We were told three minutes. So i'm going to spend—i've spent time preparing testimony, and I object to that. When I became a teenager, this country was questioning once again, this time under the dictates—whether people had the right to practice democracy by exercising the bill of rights. Mayor Katz on may 2<sup>nd</sup> the day after the event, I questioned you to televise public might be about the increasing militarization of the police since you have been in power. Specifically the clubbing of a man by the police shown on local television. You told me the media purposely selected that sound byte for its sensationalism and the videos before and after that which showed the person being clubbed had provoked that action. The video did not show that. Police brutality does exist in the city of roses, and we are here to tell you it must stop. We have democracy, freedom here or we do not. Freedom is about free assembly. 50 or 60 years ago it was said, I have never heard it better said, the true test of freedom is in its use. There is no other test. I believe that was—democracy is not about ribbon cutting and the parade of self richness. It's not about causing harm to the people. So I suggest to you you take a stand on what is right. If you don't know, take some time to read. Read about the history of this country and the uses of police power to quell past, current and future actions of the people. Michael foote, the british labor party wrote men of power have no time to read. But men who do not read aren't fit for power. Most of us would not—went to the nation's capital during the depression to ask for money to feed the families who were hungry. Money promised them for their war services. The response to their civil disobedience was to burn their shelters, kill and—an infant baby, kill a small boy, I think he was 8 years old, and kill many veterans. This is in books to read. So also is a berkeley people's park massacre in 1969. In one day, one day, 110 people were shot, one blinded for life and one killed. The men blinded for life and the man whose life was taken were on a rooftop watching. What were they watching? People trying to stop the bull dozing—bulldozers from disturbing the park they had built themselves, planting trees, flowers and vegetables, vegetables to grow, to eat, to share. I guess it was the wrong kind of development. They had no guns, no knives, no clubs. 110 people were shot. One blinded one killed by police and sheriff's deputies. That is current history that took place in all of your lives and it took too was in books to read. So do our elected officials believe in the bill of rights? That civil kid obedience is not vie dense—

**Katz:** Your time is up.

**Holenstein:** disobedience is the true test of freedom—

**Katz:** Thank you.

**Holenstein:** there is no other test.

**Michael Anderson:** 1611 SE Belmont # 303, 97214. my name is michael anderson. I live in southeast Portland. I moved to Portland about 61/2 years ago. Since then i've been—i started working in a homeless shelter and i've spent the last four years working on civil rights and—in housing. I consider myself a very involved citizen, I have invested in making the city I live in a better place. I understand too as elected officials that's something obviously that you show a dedication to and certainly that's what the police dedicate their lives to with their hard work and—of enforcing the law and often being the heavy. That said, the events of may day were so shocking to me, I was involved in the events as a representative of the community alliance of tenants. I spoke outside of this building on affordable housing and the importance of the city dedicating a budget money to which you did a wonderful job, by the by. But a block and a half later, or is it 21/2 blocks later on 3<sup>rd</sup> and salmon, I was about 20 feet away, and I watched the horses charge into the crowd. At the time I it was unclear what happened. But then when I went to the police open forum, where you showed the video, it was clear that that container which the paper container which supposedly was

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the provocation happened after the police were in the crowd. And that's when I knew my worse fierce were—fear were realized. Everything afterwards was start the aggression from the police. My stomach ached for two weeks. I work downtown. Every day coming downtown my stomach ached because the streets that I love, that I know, felt sickening to me. Because the fellow citizens who are public employee, who are police, had attacked other citizens. I couldn't understand it. The order to disperse at the waterfront was a joke. I tried to go north and the people on atvs came and blocked that road as people were telling us to disperse: There was nowhere to go: Okay? The rest of the walk I spent next to a woman with a baby. She, like the woman who testified earlier, had to go slower because of the baby in the carriage. So we kept falling behind and the police would come up in back of us. We came right up to the edge of the stone edge of this building and the police closed in on us and we had to lift the baby carriage over the stone fence in order to get away from the police. I was looking in their eyes and I saw nothing. To close, I heard my beep, I know that's time to go. At 3<sup>rd</sup>—at the federal building at the corner where the police came in, there's a quote that I think applies very well to what's going on right now. It says, the boisterous of liberty is never without waves. Mayor Katz, we are currently experiencing those waves. You are the captain of the ship. We trust you to steer us right. Please make the police accountable for their actions of may day.

**Katz:** Thank you. Okay. Continue. Did you finally get an appointment?

**Jada Mae Langloss:** 310 NW Flanders, 97208. with whom?

**Katz:** With me: We're setting one up.

**Langloss:** they won't let—your body guard will not let me talk to you. For eight years he's never allowed me to talk to you.

**Katz:** He's kidding, jada may.

**Langloss:** can I tell you the whole story?

**Katz:** No.

**Langloss:** it's funny:

**Katz:** I know. Thank you for your pictures of your children and your note. That was very sweet. Why don't you go ahead.

**Langloss:** I missed out on the action because I was in a wheelchair in a very, very fast—as fast as I could go to fred meyer to get \$3.49 cheese because i'm feeding, starving orphans down at the royal palm. And i'm a member there also. I've been given an eviction notice because I question turning so business—zombies into—i have been questioning the—i've been—i'm moving into storage real soon. I was on the way up there and these people were—taking up the sidewalk in their protest at powell's. A very cool bookstore, by the way. I was forced to commit a crime. Hi to turn around and go up the street because nobody there notices the little old lady in a wheelchair that was trying to take care of business. And I was breaking the law terribly by going backwards where I couldn't even see traffic coming to me. And I went up there, got the cheese, but I missed all the action. If i—if the action would have been there, would I have made so much noise that all these cops would have wiped me out and it would have been over in a hurry. That's the way I want to go. Not with tubes up the nose in the hospital with diabetes.

**Katz:** I promise.

**Langloss:** i'm going to ask you a question, because i'm really curious about your idea of what is an anarchist. My 40 years of training men how to be tender to ladies and training people to be self governing, and some people call this anarchist. It's a possibility I might be guilty of that myself. [ laughter ] my dream for may day next year is that we all get together and say hurray, the 1<sup>st</sup> of may: Cops and citizens hug today: In one year I expect all of this it will be past, we'll set an example to the world, and I would very much like to retrain the fellas over here and teach kroeker a different way of thinking. I am jada may, also the widow of the last living—was the last grandson—you're looking at somebody who—whose ancestors survived the holocaust at wounded knee and there were survivors. It's time for you and I to have a talk, i've been trying to do it for eight years. I have to order to run



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for office in order to get a word in with you, because you have a body guard that—I told him, I said, chuck, fire—

**Katz:** Don't go there.

**Langloss:** I said, quit now so I can take your place: You're not going to have any— she's not going to have any fun with you he said, she's not going to be safe with you. I said why not? He said, because i've got a gun. I said, if you ever see me with a gun, run. Because i've got a hot head. Could you consider that?

**Katz:** You know how I feel about you.

**Langloss:** I just only tell the truth from my own point of view, that's all.

**Katz:** Thank you.

**Langloss:** what is an anarchist?

**Katz:** Thank you.

**Langloss:** maybe someday you'll tell me.

**Netta:** SE . my name is netta. I am really tired of sitting in this room as I imagine a lot of us are. I want to talk about it as a symptom of something that's not just about may day. I think the—that may day has brought attention to—I guess since I have two minutes to say, we need an independent review board of the police. I think there's thing after thing, long, long lists of reasons that may day is a particularly good example that shows how police can lie, how report police reviews of their own of other policemen can show that they—they interpret things differently. Sometimes with gray areas and it's about actually interpreting, was this necessary or not in a particular action, but it's also about people saying, police saying that things happen that didn't happen. It's about the criminalization of anarchism, it's about treating people differently based on the way they look, whether it's clothes or the color of their skin, or taking them seriously or not, because of their age, because—there's a whole list of things. I think the fact that so many people came today to this meeting to try and explain another point of view is a sign that there—we have to do so much hard work just to bring to attention things that shouldn't in the first place exist. And it's a structural thing that I think we need to have something different happening. It shouldn't have to be that every time something goes wrong we have to come to city council and talk for five hours to try and convince you that something needs to be done. There should already be something in place. And I think that's what pac is about. I think that's just a beginning also. I don't—there's so many people that experienced violence from the police on a daily basis who don't have the time to come here who don't—who are not listened to when they do try to say something. There are lots of people out there for every one of us who came here today. A lot of them are black, are latino, whatever terminology, there's lots of people, homeless people who are targeted unfairly because police have impunity to do what they want. There isn't something that holds them accountable. And police are people like anybody else. They do things wrong. And if you give them weapons, you give them in—tell them they have surveillance, they can there's a need for civilian independent review board.

**Katz:** Thank you. Okay. Who else?

**Olson:** That's all I have.

**Katz:** All right.

**Francesconi:** I have one question.

**Katz:** Chief? Come on up.

**Francesconi:** I just have one question. I'm really not—now i'm not interested really in—and you've been patient too, listening to this. I'm not interested in a rebuttal right now to things you've heard at this point. But you did—one quote that I wrote down, it's hard to respect the police when you're afraid of them. We had one of the witnesses just say that. You didn't put it that way, but you alluded in your report in your cover letter several times that, you know, there's an issue here that now we very to address in terms of the community perception and the loss of, among some, about—of the feeling of community policing. You didn't word it that way. My only question to you is, where do

we go from here in terms of learning from this and having some healing where we can move forward?

**Kroeker:** it was my responsibility as chief of police of course to, number 1, set the tone in the organization for the manner in which we treat each other in the community, and inside the organization. And that remark that you had mentioned about fear of the police troubled me also as I listened to it, because the idea there is that the police should be there to prevent fear. In fact we use the term “fear” in one of those goals we have set out to reduce crime and the fear of crime. And so it’s our objective to certainly reduce the fear of crime, but also reduce the fear to people—that people would have of the police. And this is fundamental. And so where we go from here, with this report as being not a complete report, not a perfect report, but a report that—as one person stated, and I agreed with it, not a final report, but an open passageway to the future. To give this report the emphasis that it needs is to interpret it into the action and the way ahead. I also certainly agree with one of the comments that was made having to do with a development of the human factor and the organization, not only in the techniques or technologies of working with crowds, but in the personal aspect of who we are individually. And how we treat other people. The remarks that were made about how officers treated this person certain officers had a good attitude towards some, and others were abrupt, unkind or rude, according to their observations. And so there’s a doorway here, in my opinion, to solidify our understanding of who we the police are in the community, that we are in fact the community, and that the—the remark that one person made having to do with our humanity, the fact that we are people first and so is everyone else in the equation, that I thought was a good one. But as we look forward to look indicate these lessons into the—to have that first amendment right that was discussed so—so passionately here today, that should be part of our fabric as well. It’s a u.s. Constitution. It belongs to all of us and should be adhered to by all of us, respected and revered by us all. That is my commitment. That is what I intend to do in setting the pattern for leadership in the future and the organization. And establish that training, and then to come back to this city council and to my boss, mayor Katz, and the—in the months and years ahead as to what have we done that’s different as a result of what is here. So that if there are systemic problems, and this word “systemic” was used, and I agree, we have a need for systemic enhancement of the way we do things, so we can respect individuals. And not be an occupying army, or give this impression of militaristic force that intimidates and sometimes horrifies people. And so that’s what I wish to do. That’s where we need to go in terms of leadership, and I will report our accomplishments over the next months. This is our report. It’s not finished. We have work to do, and we’ll do that work.

**Francesconi:** Well, that was a terrific response. One of the reasons that I respect you so much is that now the question is, how do we put this into practice? We have had a history here among some city employees, contrary to the private practice, of not having written job descriptions. I’ve heard you speak on this subject about how you’re trying to have that, and some regular performance appraisals. So how you incorporate what you just said into that so that we have a constant teaching device and evaluation technique I think is something that I would ask you to consider. So you’ve elaborated on it in the training section under improvement and police tactics. You already highlighted the need for training. And now I think you’re elaborating on a broader kind of training that may be necessary in light of some of this testimony. So I would encourage that. While i’m on the subject, I think you’ve got the right categories. Just following your category this, is now just my feedback—the span of control I think you’ve identified it. There have to be people up here in the organization that are also looking at what’s happening. And i’m glad that you’re looking into this. There have been questions raised which I agree with. It needs a little further elaboration. You do say in the report the strategy to break large crowds into smaller groups is a well proved one. I believe that, but when do you actually employ the strategy? And what was the quote, emergency, closed quote, that required implementing the strategy? It’s not clear from this report. So as you’re reviewing that, it’s also important to review that question. The fundamental question as to when do

you do that. On the issue of improved communications, I think you outline it. On the issue of the rapid response team, there, and i've already said this, but the issue is the criteria has to be clearer to me for what—and to the public as to when you deploy this. And so I would ask you to do that. Make it clear to the public and to the council as to when you do that. I'd also like you to consider, and then this is where your professional judgment is really important, if it's possible to keep it out of sight, i'd like you to do that as long as that's also the right thing. I'd just like to evaluate it there. Are circumstances you don't want to do it, because it would be the wrong thing. But at least i'd like you to look at that issue. On the issue of less lethal force, you've got the issues. I do think, and looking at that videotape, which I had seen before, and looking at that photograph, the issue, it is true that horses can be used and are appropriate in crowd control. But the question is, was this horse at this time used appropriately with this demonstrator? And I would like you to at least look at that question. And then you already decided that the alter—all hood river terrain vehicles are not the right thing. I do think then you should also ask us and the community what we can do to help. What our part is. In making this healing. I don't know if you want to answer that now or later. Actually, why don't you answer that now?

**Kroeker:** what you can do or comma the community—

**Francesconi:** What the council can do, and then what the community can do?

**Sten:** I think it's fine, but I need to ask you the question, because you're the police commissioner, and I need to understand what you want from this hearing from the council. I don't know.

**Katz:** I want you to—

**Sten:** Do you want me to give a list of things that I have concluded from listening to this? I—

**Katz:** We're not—

**Sten:** I don't know what you want—

**Katz:** I'm waiting to have commissioner Francesconi conclude his questioning, then i'll share that information. Why don't you continue.

**Francesconi:** Why don't you— my last questions are, what do you need from us? And what do you need from the community as we move forward here?

**Kroeker:** from this council I think the discussion on the policy of the unpermitted marches, specifically in the street. Park use, that's another item, has park use permits and parade permits. That is roadway use. For example, freeways, bridges, streets and so forth. And this whole issue that—of course we heard a lot of testimony on, the nature of the police response to that. You set ordinances and policy through the police commissioner, and her direction and so forth. And this is one that needs to be discussed. I think as far as the community is concerned, here's where once again I would really like to stress in the spirit of true community policing is when people are willing to come to the table. And talk about it, and as one person who sat in this chair talked about how he had—he didn't support the permit process and was not going to seek a permit, but was going to talk with the police beforehand, and he did that, and he had certain techniques for doing that and so forth. Another person told me, if there's civil disobedience and there is an expectation they will be arrested, they know that, that always makes things easier. Some people don't wish to do that. But I invite discussion on this. I invite agreements on this. And certainly those other items having to do with the technical needs of the organization that might require some budgetary considerations, if they're here, that's for a later discussion also.

**Katz:** Do you have any questions you want to ask?

**Bradley:** I think what he just said was fantastic. What I see as a possibility is pulling together a negotiation to come to an agreement—i don't speak for— I think that's extremely good thing, suggestion on the chief's part.

**Katz:** Let me—we're going to—i'm going to take a motion to accept the chief's report. Let me share with you that as police commissioner, I am daily, and raise your hand, am daily confronted with stories somewhat the same type of stories that we heard today. Different geographic area, different

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situations. They are painful for me to hear, letters to read, e-mails to read. Many of them are incomplete and there's always another side to the story, and in some of the cases I try to get the other side of the story and then I—the chief and I talk about these particular situations, the officers involved, and what he thinks should be done. So there are systemic issues that have been raised because we are dealing with a quasi military organization. That's a police force. We hope here in Portland is that we've humanized that organization a little bit by embracing community policing and trying to understand truly what community policing is. I think it is very clear that the chief, and I hope the officers who are here heard from the community not necessarily the political rhetoric, but heard from the community some of the issues about their sense that they cannot—they feel uncomfortable dissenting, or feel uncomfortable making a political statement, whatever that statement can be. That's not acceptable. People should feel comfortable in doing that. There are procedural issues that the chief and I have talked about for a long time. I'm not terribly comfortable with the use of the nonlethal weapons in controlling a crowd. I have heard—I mean, I have heard situations, I've monitored them on the police radio where they in fact have saved lives, where people wanted to destroy themselves or are doing something that is very unsafe, and it's only by stopping them with a nonlethal weapon that you have in fact saved their lives. These situations resist over and over again. I'm not sure it's proper using them here. I'm also—I think after reading all the material, I think I know what happened on 3<sup>rd</sup> and Salmon. I think the concern that an officer or officers, especially one, felt his physical being was threatened, and he was concerned that things were getting out of control, send that message down the line that things are getting out of control and we probably need to declare a—an emergency. If I'm wrong, chief, correct me, but I think after reading all the reports that was very clear, that his particular concern because of years and years of experience, he perceived, rightfully or not, he perceived a situation that he thought was potentially very volatile. And because of that, an emergency was declared. So here you have the issue of perception of what's really a problem and what's not. You have the issue of communication. Clearly somehow there has to be a discussion of why do you perceive this to be such a situation that we have to call an emergency. Sometimes you have time to make to have those conversations, sometimes you don't because things erupt very rapidly. That's something that the chief is going to be exploring, and he and I will have that conversation in terms of the procedures of the communications so that we don't have this happen again. So what I want from the council is, first of all, I want the incumbent for you to spend some time with the chief and with the assistant chiefs and the officers, anybody that you want, to talk about some of the procedures. The chief is very happy to do that, and will listen, and get to some consensus on the part of the council, you know, at least some of the parameters. This is not acceptable at this particular time, or if you have to go this route, here is some of the criteria that you need to seriously consider. We haven't had that conversation, because some of you really probably don't even want to do—spend that kind of time. But I think there are enough issues that have been raised that will require that. The issue of the civilian review, I am very—I've told you all, I'm very open on this. The—a lot of this is tied to PAC 2000. And people's hope that some civilian review will respond to all of these issues. They won't. I've read enough into the literature about how and when civilian review boards, independent review boards work and when they don't work, but there are some that work very, very well. And we are looking into seeing whether—where they're respected by both the citizens and the police. And that's really the test. Because it isn't going after this cop or that cop, it's really looking at the organization and the institution. Not individual police officers necessarily. And so we're looking at where it works and where it doesn't work, where the community is satisfied, and where the community isn't satisfied. And that's the community the police community as well as the citizens at large. And that will come to the council. I guarantee you. The group is working very hard and very excited about answering some questions. The issue of racial profiling, I have said over and over again, publicly, and the chief has heard me loud and clear, it is not acceptable. It does exist, we have to collect the data that is required by us and probably will

be required by the federal—by federal statute eventually. And the chief has a working committee that is looking at racial profiling, because that said isn't enough. We've got to understand how you collect the data, how you want to analyze the data so it makes some sense to the community, and it's honest information. Those—that issue also will come back to the council. The issue of permit—it isn't so much the issue of permitting, it's the issue of when—how do we—how do we view the community in the rights—and the rights of the citizens to demonstrate and maintain some order? And I think that's the discussion that council has to have with the chief, certainly with the parks bureau, because we have ordinances related to parks in terms of emergency declarations on—in the area of parks. We need to have that conversation in a work session, and talk through that. I'm not a lawyer. But there was some legal discussion about the freedom of speech and the freedom to assemble, and whatever restraints—if we in fact are putting any additional restraints that really come to question. And so we have probably the best civil libertarian city attorney in Oregon, if not nationwide, and I will ask madeleine to take a look at that and have her report to you to see whether we are—we have crossed the line just historically crossed the line. Nothing to do with the chief. We're the ones that wrote the law. Because you've raised a very interesting question with regard to that, and I think i've—so there's a lot of work to do. This isn't going to object resolved just like accepting reports of other groups that come before us. All the issue aren't going to be resolved tomorrow, but I think the tone has been set for us to move ahead. The notion, bill, is that your name? The—it's interesting, it's also very scary, because you and I were thinking on the same—going on the same track. As I heard—

**Bradley:** it's scary, isn't it?

**Katz:** Yes, it is. It's for me to say it's scary. I know. You're a stand-up comedian. I can't compete with that. The notion—there are training exercises that are—and people who have been involved in that, and in addition to the training for procedural training for tactical operations, which officers need to have, we probably need to hone in a little bit on some of the other issues that were raised. And there are plenty of people that can help us on that. Some of them who testified, and others who haven't. I think—I have always felt that respect of the citizens is by police officers is their number 1 responsibility in addition to keeping the city safe. And if we're lacking in that, chief, then we need to hone in to hone in on it.

**Bradley:** I agree.

**Katz:** I know that we—when we did the ilj study, there was discussion by the chief of police of I think it was san diego at that time of the canadian methodology. Assistant chief—right. Where it was basically a problem-solving process in terms of training. We talked a lot about that when we went on the retreat, and i'm very intrigued whether parts of that can be incorporate the into our training. I don't know, we probably can't do anything—we have our own training program—

**Bradley:** you do—

**Katz:** Do you that? Maybe we need too do it a little bit better. Or maybe that's not the right—the manual to do it. But bringing people together to have those kinds of discussions. Finally, somewhere during chief moose's tenure as chief, we changed a—help me out—a general order on profanity, where we have—we—the order was written that in some cases an extreme—in extreme cases, in emergency cases it's all right. It was clarified as to where and why. I am convinced that we have to change that. Operating procedure immediately. There's a lot of discussion in the police bureau, a lot of folks are not happy with that. But I think once you open the door and allow to give anybody the okay to not treat people with respect, the lines will be crossed very often. And by some, never by others, never by others, even under emergency situations. And i'm convinced that that may be some of the problems we have in terms of using profanity. However, there was profanity used on both sides, i'm sure. “kill cops” is not the kind of language that citizens in this city of Portland want to hear when there's a demonstration and a march. But—but.

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**Bradley:** I want to thank you for being so nice about pointing out the profanity stuff. But I also want to remind everyone that people are getting hurt every single—

**Katz:** I know. I know.

**Bradley:** something structurally is wrong:

**Katz:** You are—we need a motion to—we'll continue this conversation on the issues. Did you want to --.

==I propose that the council adopt the report, as you've said.

**Katz:** Accept the report.

**Sten:** Are we going to call for a roll call?

**Katz:** Roll call. The mr—mhrc report comes together.

**Francesconi:** I'm going to vote to accept the report. I've said most of my suggestions. I guess, mayor, i'd like you— i'd like you to consider—to add to one other thing to your list of things to look at while we're looking at the police force issues. I have alluded to it several times. I also believe the firefighters, the parks department, and by the way, the parks department is very lagging in this. Parks department needs to represent the community. I have very strong feelings that the police bureau's numbers in terms of african-americans and latinos is not where it needs to be. And I think that in connection with community policing, if we better reflect the community in that regard, it will help us a whole lot. In communications things that's happening in the precincts between shifts and all these things that you're never going to get at just through a regulatory approach. And therefore, I believe that a two-year degree is sufficient, with incentives for additional training, but that a four-year degree discriminates against african-americans and latinos. I believe that. I believe there are no studies out there that show that a four-year degree is necessary in police work. I want to put it on the table now and I want to us look at that issue. Because I think sit an unfair barrier. Other than that, in terms of this report, the other—the only other thing I want to say is that we're not going to get consensus on this. As was just demonstrated here a minute ago. And i'm not looking for consensus. But what just happened a minute ago was a terrific sign for hope here. We have a report that is documents some significant issues in the police bureau. We have a police chief that's willing to address it. And we as a community can do this. We can do this. This is doable here. In Portland. The fact with just had this discussion, it's not like everything is totally broken. Let's not go overboard here. We can do this together. And we can address this together. And we're going to. Aye.

**Sten:** It was—

**Francesconi:** It was not our finest hour by any stretch of the imagination. And we've got improvement. But we can do this.

**Sten:** I appreciate your openness, chief. There are disagreements on how people see this. Anybody who's listened closely has to come to the conclusion that the chief is ready to work on these issues. I've heard the mayor say we're going to look at each of the key procedures. I think that's the most important thing. It is also important that people have a chance to be heard today and talk about what happened on may day and frankly, to be very blunt, having heard this many hours of testimony, I lean a little more towards the idea that I think we made a mistake in declaring this an emergency. I don't see a ton of evidence that the violence was as rampant as it's been portrayed, and i— it looks to me like the violence got a lot worse after the horses went in. So some of the things—i'm not convinced horses worked in this situation. I'm not convinced breaking up the crowd or dispersing the first amendment type of gathering should be done quite as quickly as we did it. That being said, I also do believe, and I know people don't want to admit this on the other side, but that the police had some legitimate reasons to be concerned. I have talked to citizens who get nervous when people go by in masks there. Was a lot of violence in seattle. But whether that was because of the no-protest zone or not because of the no-protest zone, there was a lot of violence and a lot of citizen were scared when they saw the people in masks and the police are people, they get tense, so it was a very tense situation. My own belief is that we need to err much more on the side of less visible presence and I

would like to see a slower hand to declare an emergency and disperse the crowd. I think that's the moment we lost control. I don't mean we the police, I mean we the city, the community, the marchers, the police, everybody. We all lost control when that emergency went in, is my view. And I just—those horses in the middle of the crowd, the whole thing just didn't work as planned. And so I do think we need to revamp these procedures, and I think some mistakes were made, but I think the more important thing is can we—the inter— interchange bill and I had earlier was very interesting to me. Almost all protests that i've been involved in that i've watched that have happened in Portland have not had incidents like this happen. And when I asked bill, so what's the problem? It was partly, you know a. Loaded question. The answer was, even at the one you were at, there was bad feeling between some of the officers and the protestors. And that's the underlying thing. I think trying to get a relationship between people as they march and speak their minds and the police is the underlying issue. Both side resist professional enough if you allow me to use that word that 19 out of 20 times we don't have these kind of problems. But we can't afford these one. It's the underlying relationship that has to be addressed. I really think the idea that was being bantered around with trying to come up with joint agreements on the issue of permits, it's my feeling that we cannot disperse a march strictly because they do not have a permit. That being said, I think a spontaneous march is a spontaneous march. We ought to work it out. But folks ought to pretend something—it's just going to be—it's going to diffuse the tension that much more. I think police in riot gear increases tension. I think permits, no permits increases tension. Every time either side, I think there's more than two sides of this thing, increases tensions, the likelihood of what happened on may day increases. And I think everybody has to do everything they can to decrease tension and let political speech be about political speech. Whatever the message might be. The—if the message which I think there's a very small subset, if the message is we want to provoke the police to show how bad the state is, that's one message. But I think if—that's got to be—i—when I listened to the testimony today, I didn't hear a single testimony saying, you know, that some of these folks provoked the police. I know a lot of the people who testified. Some of them may be anarchists, but they're reasonable people. I'm trying toe make it—these are people who have political views and are reasonable. I really believe they were part of community policing this. And I think, again, I don't think it's any one moment. I even think had you had—your point the communication between the officers and with the crowd was no good, that could have been what sparked it once the tensions started. So I think we need new procedures. I've learned a little bit about this, but I hope that we have at least an opening in—it's very, very hard for police to make the move into I think helping facilitate these things, and frankly I think it's equally hard for—it's not always left and right, but for the left to reach out to the police and I think there's some opportunity to do that here. Whatever the philosophies that are out there, pragmatically, if that doesn't happen, this will happen again. No matter how careful we are. And so I hope we have that window and I appreciate everybody who's taking a step in that direction. And I look forward to further discussions on this—both procedures and philosophy and I appreciate the openness on different parts. And I think it's fine people came and got the anger on the table and those—that's just fine. The next question is, can we turn that—all that energy, whether it's anger, sadness, whatever it might be, into positive momentum. That's might commitment to the people. Let's try and see if we can turn this into a better situation. Aye.

**Katz:** I agree with everything that both of you have said. I'm sure that if commissioner Saltzman or Hales were here they would as well. The reason that I honed in on the permit, it isn't a 10 or 15 dollars or the piece of paper—  
== \$500.

**Katz:** oh, that's a lot—it isn't the money or the piece of paper. It's the communication. Just a minute. Excuse me. You're out of order now. It isn't the money or the piece of paper that is—that is the underlying interest for me. It's the ability to communicate.

**Bradley:** make it cheaper:

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**Katz:** The ability to communicate with the police and the people who are trying to make a point, where's the route, what happens if things go haywire, what should we do? Develop a plan together. That's part of community policing. I don't know if it can work out without a permit and have an assigned leader of groups working with the police without a permit. It does seem a little bit of— all right. All right. All right. But I think the issue of communication and how we deal with dissent in this community with regard to that is something we need to address. We have had marches here for many, many years. I've been in Portland since 1964. Every once in a while there is an issue that comes up. This one wasn't very pretty. And there's enough blame to go around everywhere. And it's a lesson we all learned, and I happen to have sat through the church meeting with the chief and others for five or six hours, I have heard it. I've seen the tapes. I have read all the reports. The testimony today was very compelling. And we will have to make some changes. And I have enough faith in chief in the chief that he will lead the organization forward and make those changes, and I have enough faith in the council that they will hold me accountable as well as they will hold the chief accountable in making those changes. They aren't going to come overnight, I need to tell you. Change of an organization, whether it's the system of education or police system, comes slowly. Those two major institutions don't change overnight. But we will work at it and we'll get better. Thank you. Aye. We stand adjourned.  
At 7:36 p.m., Council recessed.



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This transcript was produced through the closed captioning process for the televised City Council broadcast. For further information, please consult the City Council Meeting Summary.

Key: == means unidentified speaker.

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**Katz:** I'm here. Commissioner Sten is on—

**Francesconi:** We're the only three that care about southwest. So let the record go forth. [ laughter ]

**Katz:** The goal today is to finish. Okay? Good. Let me just say a few things that I have before me. I want to make it very clear what the next steps are going to be, and then what we're going to do today. We have money next year to do some work on the southwest coupe. We made—community plant. We had a long conversation with you with regard to updating the map. The map was very, very important. And possibly other elements of the plan. And I say possibly, and there's where I think it's going to be necessary—I know Marie wanted to move on something else, but she's going to be still with us, and I'm very pleased with that. To put together a work plan, and work with the neighborhood and bring back a work plan for the council to look at in August as to what the next steps and the time line would be. The work plan should include work on the map, and the desired character statements that we—that alluded us and alluded everybody at this time. And I think very—those are very important. And I know that some of you are want to make sure that some elements of your neighborhood plans are included. That was not part of the funding, but if we can get through of the our needs and the time line and the budget that we have. For today, their—there are final decisions that were—weren't made that we need to make today. There's some comments, editorial, whatever, clean-up language. We'll take testimony, but we'll have Jere Retzer up here, and with your team on the specialties that we're going to discuss, but only on the language that we're proposed. We're not going to open this up. We're almost completely finished on this. And then this will pass to second reading on July 13<sup>th</sup>. We will not take testimony on July 13<sup>th</sup>. We will—unless you all want to, but I don't—it will be second reading. I'll let you think about it, but traditionally we don't take testimony. We'll vote on it and then we'll have a little celebration at 5:00 p.m. Okay? Or earlier. All right. Let's start. Marie?

**Olson:** Shall I read the title?

**Katz:** Yes, that would be helpful.

**Marie Johnson, Planning Bureau:** first I want to say that Deborah Stein is out of town, and that's why she's not here today. At the previous session council made decisions on all the outstanding amendment requests that had been presented to you with exception of one transportation element. That one item was deferred so that staff could develop an alternative. In addition, council asked staff to work with a task force on items related to land use and urban form, and that was based on testimony that Mark Helfand of the task force had presented on language that had been developed quite a while ago through a group called the summit group. And that was related to land uses and urban form patterns in inner and outer neighborhoods and transit corridors. So what I'm going to do today is follow up process—a process pretty similar to what we did on June 1<sup>st</sup>, but it should be quicker because we have a lot less items and most of them are consent.

**Katz:** Tell us which pages you're working on.

**Johnson:** first why don't I give you an overview on—and then we'll go to the review of the items. Okay. I want to let you know that there was some confusion after the last session about the wording of a particular housing objective. It was the housing objective related to housing around parks and land use around parks. Based on that confusion, staff researched—did some research. We got a set of the hearing transcripts and we talked with commissioner staff, and our understanding is that the correct wording for the objective, I think it's housing objective 10, is the following. The land use

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that persons near existing parks in southwest should consider the desired neighborhood character, service level of the park and accessibility as well as the potential impact on sensitive environmental areas. Now, the—

**Francesconi:** That's right. I'm sorry I wasn't very responsive to you.

**Johnson:** okay. The proposals we have in front of you today, staff is recommending a series of clean-up items, editing. We had done a last read-through based on the changes you supported and found some little items that can be addressed. In addition, we're coming back to you on the transportation objective, and the task force has based on their final review of the draft document, come up with some items that they'd like to call your attention to. Let's see. I want to review how—let you know how we looked at the summit proposals that mark helfand proposed to you and let you know what that process is. Mark reviewed a number of proposals and we focused on the inner and outer neighborhoods and transit areas, as you had recommended. And how we did this is that jere and I met and we thought it would be important to start with a comparison with the proposals with the language that's already in the southwest community plant policy document and the comprehensive plan policies. And staff drafted a matrixes to be used that showed the comparison of the different policies and the summit proposals. We went to the task force and reviewed these items, and found that all of the items with the exception of two were adequately addressed, either in the southwest community plant policies or in the comprehensive plan. The two issues that were outstanding were—there was one issue about the ratio of single family and multifamily housing and neighborhoods. After we discussed this, we felt that this is really more of a neighborhood issue, because the neighborhoods in southwest are very different, and the appropriate balance differs depending on the particular part of the community. The task force also wanted to have an objective that dealt with auto oriented uses along transit corridors. They said they want to be transit oriented as much as possible, there may be some places where it makes sense to have auto oriented uses. After discussing that we felt that was beyond the capacity of this project to deal with. So because of that discussion, we have no new objectives to propose based on the review of the summit document. So now I will quickly run through the items that we have before you today. We've combined the planning bureau and the task force proposals. We felt like it would be—

**Katz:** Why don't you come up with marie.

**Johnson:** after we're done going through the review, then we can have testimony and then we can go to decision-making. The first—we have 15 consent items, and five nonconsent items. The first consent item and the most important is the addition of a map to the policy document that outlines the plan area boundary. We're on page 1 of the new matrixes and the map is the last page.

**Katz:** I thought—

**Francesconi:** I hate to admit this, but I don't have that in front of me.

**Johnson:** we can get you a copy. We recognized—realized belatedly that because we have separated the different components of the southwest community plant plan, we—

**Katz:** Hello? We're in session right now. Okay? Bye.

**Johnson:** initially we were going to be bringing you a whole set of components that made up the southwest community plant, and since we're working on these elements separately, the policies came forward to you without an accompanying map. And this is—we felt like it would be important in the ordinance to include a map that showed where—it's just a boundary.

**Katz:** Everybody is fine. Okay. Done.

**Johnson:** the next item is a revision to the asterisks that represents the town center. We thought it should be changed to say the city council recommended the change instead of the planning commission. In the vision statement, after we incorporated the proposals that you had supported from the task force, it changed the way the—that vision statement flowed, and we thought it would be better to reorder it to be the same as the way the task force had proposed it.

**Katz:** Is that a problem?

== no problem.

**Johnson:** the vision statement there is a sentence that says, in the late 19 90s, southwest Portland has several thriving commercial nodes. We're now into 2000, so I changed the tense. This section related to the inner sections of terwilliger, bertha, capitol highway and so on. It was confusing for the task force. They didn't understand what it meant, and we realized that there were other references to the terwilliger boulevard capitol highway and hillsdale town center, so that section wasn't needed. We're asking it be deleted. Next section has to do with west Portland town center. Staff is recommending that the first two sentences in this paragraph remain as a place holder, but that the rest of the sentence—the paragraph be deleted because it provides some fairly specific direction on how that area should develop and that isn't—doesn't seem consistent with approach that council supported.

**Katz:** this is fine. It should have an asterisks there.

**Johnson:** i'm sorry. We missed that.

**Katz:** So we'll put the asterisk there.

**Johnson:** okay. Land use and urban forum. General objective 10. The task force asked that the phrase be added about addressing deficiencies. When prioritizing public funding for improvements along corridors. Let me read it. Give priority public funding for future infrastructure improvements in southwest Portland that address deficiencies and support employment and housing growth in the town centers, main streets and designated areas along the corridors, including improvements that will support nodes of pedestrian and transit activity. We're fine with that. Land use and urban forum. This is a new objective. This is under town centers. Within the boundaries of town centers create transitions along the edges that respect the planned density design scale and character of the neighborhoods. That's a task force request and we support it. The next is the first objective under main streets. In the land use and urban forum policy area, the task force proposal that staff supports. Respect the plan density design, scale and character of the contiguous neighborhoods when increasing residential and employment density within main streets. Land use and urban forum, corridor objective 4, we're asking that the word "for" be struck from this to correct a grammatical problem. Economic development objective 1. The planning commission's objective 1 initially had a lead portion and then three subitems. The way that policy area has been reconfigured there's now only one subitem and it deals with a separate issue. So the first part of the objective talks very generally about fostering the development of new jobs in southwest and the second item deals with educational and medical institutions. We think these should be two separate objectives. Housing objective 10, this is the objective dealing with land use patterns near parks. We're asking that this be moved to land use and urban forum as a corridor—a communitiwide objectives because it doesn't apply just to housing. Parks and recreation—parks, recreation and open space policy. We're asking the word "insure" be changed—removed and the word "ensure" be used instead. This is more consistent with our policy language. Transportation, i'm sorry, I omitted the reference to the particular objective. But anyway, we're asking that this be revised to correct a grammatical problem, and i'll read it as we're proposing it be revised. Facilitate citizen participation and transportation planning, project prioritization and project development and implementation, including a dynamic dialogue model soliciting input from the broadest possible audience and using the knowledge and resources of southwest citizens.

**Saltzman:** I raised this question last time, nobody seems to know what this dynamic dialogue model is. Last time I raised this question people nodded, oh, yeah, we know what it is, but apparently it came out after staff briefing.

**Johnson:** transportation.

**Saltzman:** Nobody knows what this means.

**Johnson:** I think there are concerns because it isn't a defined term. But my sense is that the community would like to have more direct interchange with staff, like we're trying to do in this project.

**Katz:** Didn't somebody define it for us at one of the hearings?

== I don't recall.

== I think don may have had comments on that effect. And—in one of the hearings.

**Katz:** Whatever—if I recall, it was a little fluid, but it sounded—

**Saltzman:** It sounds good.

**Katz:** And it sounded positive, and if people can go back and replay the tape on that one and see what it really said, and begin thinking about that as a model, that would be a wonderful idea.

**Johnson:** m-hmm. And the final consent item is under watershed. It's very, very simple. We're suggesting that the objective be revised to say, support the combined sewer overflow reduction and other multiobjective projects and encourage green solutions, projects that include planting of vegetation to reduce storm water, pesticide fertilizer and other pollutant run-off into the willamette river.

**Katz:** Okay.

**Johnson:** those are the consent items. There are five nonconsent items. The first is in the—

**Katz:** Let me just—the council approves all the consent agenda items. Okay. Go ahead.

**Johnson:** and the macadam main street area be revised. Would you like me to read this?

**Katz:** Why don't you read this? This is new and this has raised some questions.

**Johnson:** okay. Macadam avenue already a major urban thoroughfare in 1997 changed significantly with a development of the north macadam district. While the area south of boundary has retain add residential low profile, the north district added dense housing and businesses that enhances urban character and links to downtown Portland. Important view corridors are maintained and enhanced. The willamette greenway trail, the premier public amenity, is wide enough to accommodate important wildlife habitat and alternative transportation route as well as recreational and aesthetic opportunities for the region's many citizens. The greenway is easily accessible throughout the district and connects to both the downtown and southern portions of the trail. Fish and wildlife habitat and water quality have been markedly improved through the treatment of contaminated areas and the restoration of native vegetation, including large trees.

**Katz:** It sounds all wonderful. I think we could agree, but isn't it premature to include 90 here?

**Jere Retzer** there's two aspects of this. I guess we intentionally tried to dodge some of the really hot issues like the width of the greenway, but really to capture the key functions of the greenway. There were two aspects of this. As we read the current paragraph, it talked about the greenway, but really talked about strictly from a purely recreational aspect. It did not address any of the environmental aspects of the greenway whatsoever. So that was one aspect. The other was that there was so much going on down there, and it's really very key, a very key area of southwest, that we felt like it really needed to address the bigger peck which your, because it is an important part of the vision of southwest. We also have kevin, the new chair of the ctilh neighborhood here to have—who had an active role in reviewing this statement. I can call him forward if you'd like to hear from him.

**Katz:** In a second. What do you think, marie?

**Jere Retzer:** in general we support the idea of there being more specificity, but it is very late in the process. Given the number of projects that have an impact on this area, I would not feel comfortable supporting it without there being review from staff and more review in the community. The task force followed a process where their policy document went back to the neighborhood associations for review and then came back to the task force discussion. This hasn't been through that same level of process, so we're not supporting it for those reasons.

**Katz:** Why don't you bring the individual who—  
okay.

**Olson:** Sir, could you identify yourself for the record?

**Jere Retzer:** i'm Jerry ritzer, southwest neighborhoods.

**Kevin Myles, Corbett/Terwilliger, Lair Hill Neighborhood Association:** good afternoon. I'm kevin miles, the president of ctlh. I was elected to the office about two months ago. I e-mailed, but i'm not sure whether or not technology works. I sent you an e-mail that essentially consists of one page, and we support this item as the vision statement, primarily because it's going to have the greatest impact on our neighborhood of all of the developments that are going on down there. It's going to be very high density, and we need to understand from the beginning what will happen to that area. It's not in the southwest plan, but it's in my neighborhood. And my neighborhood runs from 405 south, so if you look at the little map they've given at the back of the consent and nonconsent items, if you locate the 405 bridge, there's a white area that runs down to about midway on ross island, and that's the area that we're talking about. In that area a lot of the view property, the people who own views of the willamette river won't have a view depending on how that area is developed. In addition, the greenway, there is nothing that runs through there now except if you take the roadways and walk on a sidewalk. This is the area where the salting—the saltimbanco—the cirque du soleil was.

**Francesconi:** We're very familiar—we're familiar with this. There's a whole other process that's focused right on this right now. I have two problems with this. One is process, when we have another process. And the second is just a little technical. The way you read this is you want—it could be read that everything has to happen simultaneously within that greenway. Recreation and habitat, for example, and trail, and alternative, all within one spot. And we do need diversity along the trail. It would be great to have a wider greenway than is presently being allocated. I'm watching the process, parks is looking at the process. Either we put in some little sentence that says, adds to recreation, like one of your sentences, aesthetic opportunities, you could put—we could—I'm opposed to the current version. We could expand it slightly, but I think a better approach would be to pull it out and then insert a vision statement from this other group. We have different alternatives. I don't like yours because of both process reason and substantive. We could either have not any vision statement and see what vision this other group comes up, and get it back to you and insert it, or we could have a little more general statement, because it is too narrow. The current version. Am I making any sense? But you go too far. In my opinion. When we've got this other process set up. That's what I think.

**Katz:** Dan, how do you feel about that?

**Saltzman:** I'm pretty consistent what jim just said. I'd like broader reference to the greenway than just being a walking trail and pedestrian access. There is obviously fish and wildlife habitat consideration. I'd be open to either trying to get a word or two in the original to that extent, or to wait until the other group develops their vision statement and insert it here.

**Katz:** Let me ask a technical there will be a vision statement in the north macadam district plan?

**Johnson:** yes.

**Katz:** We can insert it into this plan at that appropriate time when it's adopted by the council.

**Johnson:** well, this plan does not apply to the north macadam area.

**Francesconi:** It doesn't?

**Johnson:** no, it does not.

**Francesconi:** That's a third reason not to do it.

**Johnson:** I think it's legitimate to acknowledge the connection between north macadam and the ctlh neighborhood. It might be possible to make minor adjustments to the existing vision statement to recognize the recreational transportation and environmental benefits of the greenway.

**Francesconi:** And aesthetic.

**Johnson:** and aesthetic, yes. The greenway plan will also have an opportunity—I'm assuming, and I don't know for sure, the greenway plan will include a vision statement, and then we have character

statement that's will be involving for each of the mixed use areas. For macadam avenue, which is a main street, we'll be working with a community to develop—to desired—to develop a desired character statement. These issues could be addressed in other processes, and if we made that slight change to the vision statement, people's concerns should be addressed.

**Katz:** It is in—isn't part of the plan, but you're right, it is a very critical component to your neighborhood, and your you're sitting—sitting at the table working through—I don't know if you particularly, but the ctlh neighborhood is sitting at the table working through the north macadam. I would feel more comfortable that that go through a process that—which you will probably approve and then we can either insert it in here or not. But marie, if you can make that connection between the neighborhood and the north macadam—

**Johnson:** when we do the character statement?

**Katz:** No, here.

**Johnson:** well, we'll need to develop that today, I believe, if that's --

**Katz:** You need to develop it today?

**Johnson:** while we're here.

**Katz:** Okay.

**Francesconi:** Why don't you do what you said and broaden the categories for now. And then if they come up with something else, you can add it later. Is that possible?

**Johnson:** well, I believe we have—we'll have second reading. I think we have to make—all the decisions have to be made today.

**Katz:** Right.

**Johnson:** unless it was amended. If there was a set of amendment that's were going to come forward at some future date, then I think those—this could be incorporated. But I don't know how that would happen.

**Jere Retzer:** the current version is on page 3 of the consolidated document that marie gave you. So if you look at the bottom of that, we could basically do—there's two ways. We could edit the proposed version that you have in front of you, or perhaps start from the one on the bottom of page 3 and add in the pieces that we think need to be added in. That might be a little easier under the circumstances.

**Francesconi:** I think it would be.

**Katz:** Do you think you can do it this afternoon?

**Francesconi:** Why doesn't somebody do it right now while we move on—

**Katz:** Do you have staff with you?

**Johnson:** I have some support.

**Jere Retzer:** we could say something like, residents and visitors to the Portland metro area now enjoy riverfront access for recreation, walking—by the trail, which is—provides also also provides important fish and wildlife habitat and is accessible from—something like that.

**Francesconi:** Yeah.

**Johnson:** I have a suggestion. Residence and visitors to the metro area now enjoy riverfront access for recreational, transportation, aesthetic and habitat benefits—I'm sorry. I have to work on it. If I could take five minutes at some point—

**Francesconi:** The combination of two—your two ideas would do it.

**Katz:** Keep going. We still need to come back to that.

**Jere Retzer:** should I stay here or go back into the audience.

**Katz:** Go back into the audience because we're moving on. But we'll come back and work on it. We won't adjourn until we deal with this.

**Johnson:** encourage reuse of currently developed sites where reuse has clear public benefit, fewer adverse consequences, minimal environmental limitations and adequate infrastructure. Shall we discuss that now or wait to see if there's testimony?

**Katz:** Let's just do it. So it's reuse versus redevelopment. Talk to us about that.

**Jere Retzer:** the concern with the task force is historically the word "redevelopment" has been used in various context. There was some citation from one of the former planners in the task force that historically the word "redevelopment" has been used in sort of a pdc context where you redevelop something. The intent here is really to go ahead and reuse, literally, things that are out there and do something better. There was some—

**Francesconi:** Is there any objection to this? What's the objection?

**Johnson:** our concern is that the term is broad. It could apply to a change of use in an existing building, so if you went from a shoe store to a coffee shop, that's a reuse of that same building. We understand that there's concerns about the word "redevelopment," but it isn't necessarily just large-scale publicly supported projects, but also includes smaller scale private projects. For example, in Multnomah neighborhood right now, loaves and fishes has bought the former copeland lumber site and is looking at removing that building and building a senior housing and senior food center, and that's supported by the community. That would be considered redevelopment. And it's our feeling that this objective includes several qualifiers that address key concerns of the community. So redevelopment needs to have clearer public benefit, fewer adverse consequences, minimal environmental limitations and adequate infrastructure.

**Francesconi:** And you've agreed to that part? Those qualifiers have already been agreed to?

**Saltzman:** Are those already --

**Katz:** I—

**Francesconi:** Redevelopment of currently developed sites. There are—their other concern is it would be too broad.

**Katz:** My concern on this is you're playing an old tape. Pdc is not the same pdc that ripped out a whole neighborhood anymore. We have urban renewal areas where we don't even use condemnation anymore. So—

**Francesconi:** I see. What the staff—would the staff object to redevelopment of currently developed sites?

**Johnson:** I think that's fine, except it seems redundant to me. But I don't object to it.

**Francesconi:** I was just trying to narrow it. The task force says they're worried about large-scale rezoning.

**Johnson:** m-hmm. And if—this is a hard one. We've struggled with the issue of providing policy guidance for the map, or completion of work on the southwest community plan and I feel comfortable that we will continue to have a process that everyone has substantial involvement in and completing the mapping work. So large scale zoning changes and southwest community plan, there will be lots of public input. In a quasi judicial process, my sense is that in the few years after the policy document is adopted, those kinds of changes would be unlikely to happen, but it is possible that after the new zoning is in place for several years, a developer could argue that those—the zone can designation resist no longer appropriate and they could ask for changes.

**Francesconi:** How about redevelopment of current sites? That makes it clear that we're not talking about broad areas. Are you all right with that? I don't care that much on this one.

**Johnson:** right.

**Francesconi:** I'm just trying to help. But I don't care.

**Katz:** I'm a little sensitive on this issue, so dan—

**Saltzman:** Let's go with the old language. Redevelopment of opportunity sites. Just the way it was.

**Francesconi:** Okay.

**Saltzman:** I'm proposing we do back to the way it originally was, encourage redevelopment of opportunity sites.

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**Jere Retzer:** it would be a little bit narrower, maybe a compromise solution close to what commissioner Francesconi suggested. Actually shorter, just to say, encourage redevelopment where it has clear—and you could take a whole lot of words there.

**Johnson:** we could do that, I think opportunity sites was meant to provide some assurance to the community, but—

**Jere Retzer:** we still have—in the future quasi judicial—in future land use cases we have concern over how that term “redevelopment” gets used.

**Saltzman:** Where redevelopment has clear public benefit.

**Johnson:** that’s fine.

**Katz:** Okay? Did anybody want to testify on this? If you really want to testify, since you started screaming out at us, just to raise your hand and we’ll take the testimony. Good. Thank you, Jere Retzer. Thanks for working through this.

**Saltzman:** We’re not done.

**Katz:** I know.

**Johnson:** the next item is land use and urban forum general objective three. The staff had proposed a change to this because the community felt like the way it was worded was placing too much emphasis on redevelopment. And so we—when we talked to the task force they thought part of this was a syntax problem, and we came up with this alternative, and then they have an—another proposal. So the staff proposal is within main streets and town centers, encourage redevelopment that enhances commercial vitality and the desired characteristics of these areas.

**Jere Retzer:** we feel like any development within those areas ought to ensure those capabilities. So development is actually broader in this case.

**Johnson:** and we actually would be okay with the original wording, just having it be encourage development within main streets and town centers that enhances.

**Katz:** Okay?

**Saltzman:** Yeah.

**Katz:** So we’ll take the task force language.

**Johnson:** that’s actually different.

**Jere Retzer:** I think marie just gave you a hybrid there.

**Katz:** Okay.

**Johnson:** I gave you a third alternative because I thought two weren’t enough.

**Katz:** Read it again.

**Johnson:** encourage development within main streets and town centers that enhances commercial vitality and the desired cashing advertise ricks of these areas.

**Katz:** Okay.

**Johnson:** the final—i’m sorry. It’s not the final item. Transportation objective. This is a new objective developed in response to council’s direction. The objective previously had said evaluate the transportation impacts on neighborhoods and arterials of redevelopment infill much large sites and include mitigation measures in the development plans. Staff worked with office of transportation, office of planning and development review, and bureau of planning code team to develop this alternative. Analyze potential transportation impacts and require appropriate mitigation measures for new development consistent with review processes and provision of the city codes. Code, excuse me.

**Jere Retzer:** the task force feels congestion in the desired new neighborhood should also be concern for any development, whether it’s a major redevelopment or new development.

**Johnson:** staff’s concern about that is first of all that congestion is not—we’ve discussed that issue before. The concern about saying just development instead of new development was that it’s overly broad and it would give the impression that this would apply to any change in land use. And these



objectives would not be considered in those kinds of processes, so we don't want to give an incorrect—

**Katz:** That's why you reference the city code.

**Johnson:** exactly. And the—considering neighborhood characteristics, there are criteria that the office of planning and development review use in these processes, and in some cases they consider the desired neighborhood characteristics, but they don't in all cases, so this objective if we include it include that clause would be inconsistent—

**Katz:** Isn't it better to consider the desired neighborhood character?

**Johnson:** I think it's a good principle, but there's a threshold at which that happens, and this would—this would say that would happen in almost any land use case.

**Katz:** You know, a new development, if we take the language and reference it only to new development—

**Johnson:** but if there was a house built on a vacant lot that was allowed by right, there may not be a process that requires that kind of consideration. And we'd have a conflict between our policy language and our code.

**Francesconi:** I don't see a compromise on this one.

**Katz:** No. I tried. I didn't get there.

**Johnson:** I wish we could find one.

**Francesconi:** No, I think we need to go with the planning bureau on this.

**Katz:** Dan? Any brighter idea? I tried.

**Saltzman:** No bright ideas here.

**Katz:** Jere Retzer?

**Saltzman:** I'll go with the planning.

**Katz:** I'm sympathetic, but marie happens to be right on this one. Now, should we correct it at some point?

**Johnson:** yeah. That's a possibility.

**Katz:** That's probably the route we ought to be going. So I think we're going to be left with the planning bureau's recommendation. Unless somebody can come up with anything that's a compromise. If not, okay.

**Johnson:** so we only have one outstanding issue, and that's the macadam issue.

**Katz:** No, there's another one.

**Johnson:** i'm sorry, I missed one.

**Katz:** the process issue, which is something you addressed in your opening remarks. And I just want to make a comment that it's a really important issue from the neighborhood's perspective and the task force's perspective that we do include some method in this process going ahead to make sure we arrive at defining those neighborhood characters, because what—characteristics. As well as to the extent we can approve the neighborhood plans. And the reason for that is because what's happening in this convergence where we've come together on the policies, which has been really a great thing, and I think marie's been very—everybody's been very happy about that, or the majority of people have been happy about that, is the whole desired character thing has become sort of the foundation upon which everything else exists. So we need to make sure we have some mechanism in this process going forward that we get that defined. And you really addressed that already in your comments, but we wanted to highlight that to make sure it's very important to us.

**Katz:** Which language are we --

**Jere Retzer:** there's no language to be proposed. It's really a process issue. The task force is—has encouraged you to support work on not only the mixed use character statements which you have endorsed already, but also a process to describe desired neighborhood characteristics.

**Katz:** I think that's what we're going to do.

**Francesconi:** Yes. And I think we should. I'm not going back on that. But I think the planning director is going to have to look at this, because does that mean we're getting into neighborhood plans throughout the whole city? Because what we do in southwest we're going to have to do other places.

**Johnson:** and I think there's—that we in principle support this concept, again, but we support this process for the mixed use areas and we'd like to see it happen for the neighborhoods as well, but we're not certain, given the budget and time constraints that we have that—how this would fit into our process.

== it is a slightly unique issue to southwest because of the way we wrote a bunch of the policies in here. You read through a bunch of these policies and you'll see references in a number of places where it refers to the desired neighborhood character. And so that desired neighborhood character, having that defined becomes an important issue.

**Francesconi:** But the other parts of the city could write it that way too, because they care about the same issue. Is this all the neighborhoods, or just along corridors?

**Johnson:** actually, I think the task force was asking that there be one set of character statements for the mixed use areas, so town centers, main streets and corridors, and another set of character statements specifically for each neighborhood that would be used and quasi judicial processes.

**Francesconi:** You better rev up your budget request for the planning bureau.

**Katz:** It should be expedited because the plans are critical how many of the neighborhood plans haven't been completed yet?

**Johnson:** none of them are complete. All of them are at the process of being—of being subject to public comment and staff requests for changes. But they're also about three years old, and so there have been changes that have happened since they were drafted that would need to be reviewed for—the proposal, -- the proposal we vote order last night said process needed to approve the neighborhood plans that are close to adoption, or completion. I don't have 90 front of me. The point was there are a number of them that are close. We reviewed them before the task force re-ranked up, and went through them. A number of them are very, very close. This are—some are further away.

**Katz:** This is a vision document. I have no problem all of that being included in the neighborhood plans. But the given on this, this is the amount of money we have. Okay? So we may not get to all of them. At the same time.

**Johnson:** right.

**Katz:** Do you understand that?

**Johnson:** yes.

**Francesconi:** Yeah. I want to be clear on this too. You know, the people in this room know it, we have to start putting planning dollars in other communities.

**Johnson:** right.

**Katz:** I mean, i'm—i'd love to revisit some of the other plans we worked on, and begin—I know i'm probably—this is not in the budget, folks. But we've done, with your help, such good work on this one, and language that I think ought to be reflected in other community plans, that we didn't get to in years prior to this. And I haven't talked to planning staff yet about it, but i'd like to spend a little bit of time thinking about, do we want to capture some of these wonderful policies and vision statements in other plans that may not have been captured. And maybe creating some problems now.

**Saltzman:** How many neighborhood plans are in that category of close to completion?

**Jere Retzer:** I haven't got the count in front of me. We actually did a count about a year and a half ago, and I think the majority of them it was a question of going through. The main difference in the number of those neighborhood plans, for example, were the action items, and—where the staff said that they couldn't support the implementation of something, and I think that was a majority of them that basically will to make that change to say that those things that didn't have an implement or were

aspirational, and that was a bulk of them right there. Most of them actually in effect, that's a way of documenting your desired neighborhood character. In most cases.

**Johnson:** I believe there's about eight or nine of those neighborhood plans, and then there were about five neighborhoods that submitted action—abbreviated action agendas. They're not complete neighborhood plans. They're very simple—simple proposals.

**Katz:** So read your language.

**Johnson:** okay. So the language we have actually as written, but it would say a process need to improve neighborhood plans that are close to being ready for adoption.

**Saltzman:** You're adding language to the last sentence?

== yeah.

**Johnson:** I guess I have to say i'm a little confused. I saw this as a process issue as opposed to a proposed objective. Perhaps that's what the task force intended, but I wasn't clear that that was—

**Katz:** They want to guarantee that this is what we're going to do.

**Johnson:** we'll take your word for it.

**Katz:** It really—marie is right. It doesn't really fit into what we're doing.

**Jere Retzer:** you're right. It not something you'd expect to read there ten years from now.

**Katz:** Can you trust us now that we're going to do this?

== we've got you on tape. [ laughter ]

**Katz:** I read that at the upfront—i said that, that that is the intent, that was the intent of the council. The only qualifier is the time and the money. So the quicker we get some of these—

**Jere Retzer:** we understand that.

**Katz:** Okay. So he's got it on tape. Is that all right with the council? Okay.

could we have a five-minute break—

**Katz:** We'll have a five-minute break, and then we'll finish.

**Johnson:** to try to develop alternative language for macadam, and then that is it.

**Katz:** We'll take a recess for five minutes to get language that we'll adopt. The other question, while you're sitting together, maybe get into a little huddle, you know the neighborhood a little better than any of us here. Do you think that we ought to have a hearing and then vote on it' as opposed to just doing a second without testimony?

== good question.

**Katz:** We have that option. We are not going to take amendments, but we'd like maybe to give the opportunity for the community to comment. It's not necessary, but it a question. Okay? We'll take a five-minute recess. [ recess ]

**Johnson:** the alternative we came up with is to retain the first section of the original language of—

**Katz:** Macadam avenue.

**Johnson:** and where it says residents, we have a new section to include. And this has been reviewed by mr. Myles and— residents and visitors to the Portland metro area now enjoy riverfront access via the willamette trail. It provides recreational, walking and bicycle opportunities. The greenway is easily accessible from macadam boulevard and links with tom mccall waterfront park and Portland's downtown.

**Saltzman:** That's good.

**Katz:** Good.

**Jere Retzer:** thank you.

**Katz:** You're welcome.

**Jere Retzer:** it's a pleasure to be here.

**Katz:** All right. We'll have testimony.

==on your hearing question—

**Katz:** Just on what we did, and if—

== you asked a question—

**Jere Retzer:** I conferred briefly with the southwest residents here, we've had really a lot of opportunities for people to come forth and the task force has been working with their neighborhoods, and I guess what you could consider doing, so I guess this group here didn't feel like an additional hearing per se on the policies is needed. Obviously we're going to have a whole different thing going forward at some point with the map. And that's been a key concern for some folks. So the group that's here did not feel like they really need add an—an additional hearing per se. If you wanted to, you could leave things open for written, come back to you and you could decide on the council if you needed to go further based upon any written submissions to you. So that would be the only suggestion.

**Katz:** The only notion was that there may be other people who haven't seen the whole plan that would like an opportunity to comment, make suggestions. We could adopt it or not adopt it as the case may be. But you don't think that—

**Jere Retzer:** it went before the task force. The revised version. We have not published it out to the entire community. That's an interesting question. It's something that would be useful. I don't know that we want to delay things for that, though. People have talked about this a lot.

**Katz:** Marie? I'm going to ask you your opinion on this.

**Johnson:** i'm sorry, I thought I deferred to the community. My understanding is you just take part of the session on the 13<sup>th</sup> to allow for testimony on the southwest community plant policies.

**Katz:** That was the question.

**Johnson:** I think it would be a very nice gesture, and i'm not sure how many people would come to testify, but I think there are a few people out there who are interested, and, again, it would be a nice gesture.

**Katz:** Okay. We'll do that. All right. Let's hear testimony on what we did. This is sort of backwards, but you know what? We didn't do this right from the very beginning. So as we end this, we might as well do it a little different way. Come on up and talk to us about what we just did. Anybody want to do that?

I have a sign-up sheet.

**Katz:** Come on up.

since we did do this backwards—

**Katz:** You've got to introduce yourself.

**Corinne Weber, SWCP Task Force:** 6245 SW 39<sup>th</sup>, 97221. corrinne webber. Anyway, I just wanted to testify today about a little bit about the background of how we came to put this all together. Recently one of our members calculated the thousands of hours that our volunteers throughout southwest had put in on this effort over the last several years, and he came to millions—it came to millions of dollars, and this is all volunteer effort of people who have worked during the workweek and come home, you know, at the end of the workday and run out to meetings several times a week, and on saturday and so forth. So there's been an enormous effort put in on the neighborhood plans and on the map, and on the policies. And they're all interrelated. We started out with a neighborhood plan, which were the foundation for what ensued. And then the policies were picked out of the portions of the neighborhood plans. And now of course we've rewritten the policies. And I really would urge that we do, as the next step in the process, develop some expedited means to deal with those neighborhood plans, because they are the foundation for everything that we're doing. They describe the vision for the neighborhoods and the desired characteristics, and they lay out all of the parameters that we eventually put on the maps. And so I think it's absolutely imperative that we move with those that are ready. There are a few neighborhoods that didn't even write a neighborhood plan, I think. But most of them are ready to go. And we did spend hours before the planning commission presenting them. We had wonderful presentations on these. And it would take very little modification in terms of what has happened since they were written, and as jere pointed out, a lot of hit to do with action items. That—so that would be my suggestion, recommendation, that

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in fairness to those who spent all those hours, that we don't overlook it and that we put that first and foremost and then move from that to the maps. And I think that would be a very satisfying and essential process to follow.

**Katz:** Thank you.

**Dixie Johnston, SWCP Task Force, Collinsview Neighborhood Association (CVNA):** 0550 SW Palatine Hill Rd., 97219. I'm Dixie Johnston, I'm also on the task force. I'm also cochair of the land use committee at Collinsview Neighborhood Association. I want to reiterate what Corrinne just said. The task force policies were culled from the neighborhood plans and the vision statements. I'm—I also want to say that we're looking at character statements now in our neighborhood plan, the bureau of planning put in a statement that our vision statements and our policies define the character of our neighborhoods. In our plans we have saying the character is our neighborhood is the livability of our neighborhood is. We're very clear and concise. So I'm wondering, do we still need character statements in addition to those we have already put in? Our vision statements and our neighborhood plans. If we do, could we please have a clear definition of what else is needed? One of the big problems is trying to find clear definitions of terminology. We would also appreciate council giving us some direct advice as to what we really need to do yet to finish up the process for this community plan. Many of us feel like the—not all of us, but the essence of our neighborhood plans and our zoning maps are done. We feel like this has been done. We went through planning commission, we thought we were on track, and then it was stopped. So if you could give us some direct advice on what is the proper process to go from here on and put it in writing, so it's clear to all the city agencies and to the neighborhoods, I think it would save an awful lot of time and money. And effort. And the little bit that needs to be done I think a lot of this, if we need a planner or some assistance, I think we could finish it up in a real hurry if we have the clear indication. So if you could help us out, we'd really appreciate that. The other thing I wanted to mention on today's document, page 5 on the land use and urban form communitywide objective 3-b, we were talking about redevelopment as opposed to the term "reuse." We do have an instance in our neighborhood where several years ago the bureau of planning and our neighborhood agreed to almost every single zoning proposal that we had, there was one slight variation that the planning commission did not get to, but other than that, the planning commission agreed with the neighborhood and the bureau of planning on these certain zoning areas. We now are in a situation where we do have an entity trying to buy wholesale tracts of land. This entity has verbally told the neighborhood they expect to do major redevelopment, which could have a very serious adverse affect on the neighborhood. It could perhaps lower the values of character and livability in the neighborhood. And this is why I would suggest we stick with the term "reuse" as the task force recommends, because it could have terribly adverse effects. I know I'm being selfish when I mention that, and I admit it. But when we in the bureau—and the bureau of plan can and the planning commission are on track and of the same mind and in agreement, we were proposing some additional housing units, and some upzoning. This entity has other things in mind, which could lower the number of housing units. So we would really appreciate your advice on this too. Thank you so much.

**Katz:** You're welcome. Comments for council? Thank you. Britta?

**Olson:** Dave Johnson is the last person.

**Dave Johnston, CVNA:** it appears I'm last. Let me be brief. Thank you all for caring about southwest and also to the staff. Thank you for caring.

**Katz:** Identify yourself for the record.

**Dave Johnston:** Dave Johnson, the other land use cochair. Other than that I'm here only to support the task force and urge you to move forward as quickly as possible to get the map completed and the neighborhood plans too if we can. So thank you.

**Katz:** You're welcome. Marie is—Marie's next assignment is not only to get this finished, but would be to sit down with you and Dixie, your request, your through with Marie. Marie then will be

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in conversations with me and with gil to see if we're all on the same track so that we have the same understanding of expectations. The last thing I want this council, or myself to be involved is to raise expectations and not being able to deliver. You went through too much, you don't deserve that. So I want to make sure that everybody's on the same page. And so marie and the task force members will start that. The sooner the better, so we can begin our work in july. Marie, did you want to add anything? You're just happy it's finished. All right. So on the 13<sup>th</sup> we'll be back, we'll open it up for testimony. We'll give the community an opportunity who hasn't been involved to say a few words. We'll adopt this and move on. Good. Council, anybody want to say anything? We stand adjourned. At 3:16 p.m., Council adjourned.