



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7<sup>TH</sup> DAY OF AUGUST, 2013 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Tracy Reeve, Chief Deputy City Attorney; John Chandler, Sergeant at Arms and Mike Cohen, Sergeant at Arms at 11:30 a.m.

Item No. 757 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
745 Request of Crystal Elinski to address Council regarding natural resources and human rights (Communication)	<b>PLACED ON FILE</b>
746 Request of Michael Krupp to address Council regarding communication on June 19, 2013 what we will do now that we know (Communication)	<b>PLACED ON FILE</b>
747 Request of Taz to address Council regarding homeless issues and R2D Too (Communication)	<b>PLACED ON FILE</b>
748 Request of Christopher Perkins to address Council regarding homeless issues and Right To Dream Too (Communication)	<b>PLACED ON FILE</b>
749 Request of Mary Eng to address Council regarding Portland Police beating of Benjamin Pickering (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>	
750 <b>TIME CERTAIN: 9:30 AM</b> – Transmit Report on City of Portland Electronic Recordkeeping - A Roadmap to Improved Practices and Compliance (Report introduced by Auditor Griffin-Valade) 30 minutes requested  <b>Motion to accept the report:</b> Moved by Fish and seconded by Fritz.  (Y-5)	<b>ACCEPTED</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	

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**Mayor Charlie Hales**

**Office of Management and Finance**

**\*751** Create a new Nonrepresented classification of Assistant Budget Director and establish a compensation rate for this classification (Ordinance)  
(Y-5)

**186178**

**752** Create the new represented classifications of Field Sciences Technician Trainee, Field Sciences Technician and Field Sciences Specialist and establish interim compensation rates for these classifications (Ordinance)

**PASSED TO  
SECOND READING  
AUGUST 14, 2013  
AT 9:30 AM**

**753** Grant a franchise to Chevron USA for a period of 20 years to use City streets to own and operate a Pipeline System (Ordinance)

**PASSED TO  
SECOND READING  
SEPTEMBER 11, 2013  
AT 9:30 AM**

**Commissioner Dan Saltzman**

**Position No. 3**

**Portland Fire & Rescue**

**754** Authorize contract with Burlington Water District for fire prevention, suppression and emergency response services for FY 2013-14 (Second Reading Agenda 738; Contract No. 30003362)  
(Y-5)

**186179**

**Commissioner Nick Fish**

**Position No. 2**

**Bureau of Environmental Services**

**\*755** Amend contract with Smiley Joe, LLC dba Solid Ground Consulting Group, formerly dba Decisions, Decisions, for additional work and compensation for the Cooperative Leadership Institute for \$100,000 (Ordinance; amend Contract No. 30001535)  
(Y-5)

**186180**

**\*756** Authorize the Director of the Bureau of Environmental Services or designee and the City Attorney to enter into a settlement agreement with Paul Herman not to exceed \$67,000 for retrofitting costs in regards to SW 86th Avenue Pump Station and Appurtenances Project (Ordinance)  
(Y-5)

**186181**

**757** Authorize grant agreement with Southwest Neighborhoods, Inc. to provide education, outreach and community involvement for watershed projects in Fanno, Tryon and Willamette watersheds up to \$73,000 for FY 2013/14 (Ordinance)

**REFERRED TO  
COMMISSIONER OF  
PUBLIC WORKS**

**REGULAR AGENDA**

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<p><b>*758</b> Authorize an alternative selection process for the Compliance Officer and Community Liaison contract to comply with the City of Portland and Department of Justice Settlement Agreement (Ordinance introduced by Mayor Hales and Commissioner Fritz) 15 minutes requested (Y-5)</p>	<p><b>186182</b></p>
<p><b>Mayor Charlie Hales</b> <b>Bureau of Police</b></p>	
<p><b>*759</b> Amend a contract with LifeWorks Northwest in an amount not to exceed \$200,000 and extend the term through June 30, 2015 to work with the Police Bureau Prostitution Coordination Team (Ordinance; amend Contract No. 30002562) (Y-5)</p>	<p><b>186184</b></p>
<p><b>*760</b> Accept and appropriate a grant in the amount of \$20,000 from the Oregon Department of Transportation, Transportation Safety Division 2013 Portland Police Speed Grant for sworn personnel overtime (Ordinance) 10 minutes requested (Y-5)</p>	<p><b>186185</b></p>
<p><b>*761</b> Amend an Intergovernmental Agreement with the Multnomah County District Attorney to reimburse the Police Bureau for overtime costs up to \$31,995 of officers assigned to the District Attorney's Office as investigators (Ordinance; amend Contract No. 52562) (Y-5)</p>	<p><b>186186</b></p>
<p><b>*762</b> Amend an Intergovernmental Agreement with Multnomah County District Attorney to increase funding in the amount of \$3,058 for child abuse investigations (Ordinance; amend Contract No. 30001158) <b>Motion to call the question that the Mayor is not acting out of order in trying to suppress citizen testimony:</b> Moved by Saltzman and seconded by Fish. (Y-5) (Y-5)</p>	<p><b>186187</b></p>
<p><b>*763</b> Authorize an Intergovernmental Agreement with Multnomah County to reimburse Police Bureau overtime costs up to \$15,000 for education and enforcement efforts to reduce alcohol service to visibly intoxicated persons and service to minors at Portland bars and nightclubs (Previous Agenda 724) (Y-5)</p>	<p><b>186188</b></p>
<p><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b> <b>Portland Fire &amp; Rescue</b></p>	
<p><b>*764</b> Authorize application to Federal Emergency Management Agency for a grant in the amount of \$4,554,394 for the 2013 Staffing for Adequate Fire and Emergency Response Grant Program to fund 26 firefighter positions for two years (Ordinance) 10 minutes requested <b>Motion to amend directives to change Mayor to Fire Chief:</b> Moved by Saltzman and seconded by Fish. (Y-5) (Y-5)</p>	<p><b>186183</b> AS AMENDED</p>

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<b>Commissioner Steve Novick</b> <b>Position No. 4</b> <b>Bureau of Transportation</b>		
<b>765</b>	Vacate portions of SE Sherrett St and SE Umatilla St west of SE Grand Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10080) 15 minutes requested	<b>PASSED TO SECOND READING AUGUST 14, 2013 AT 9:30 AM</b>
<b>*766</b>	Amend contract with Portland Streetcar, Inc. to provide additional project management and other professional services for the Portland Streetcar Loop Project and increase compensation by \$157,500 (Ordinance; amend Contract No. 37251)  (Y-5)	<b>186189</b>
<b>*767</b>	Amend contract with Portland Streetcar, Inc. for vehicle engineering services related to streetcar vehicles being procured from Oregon Iron Works for the Portland Streetcar Loop Project and increase compensation by \$175,860 (Ordinance; amend Contract No. 30001193)  (Y-5)	<b>186190</b>
<b>768</b>	Set a hearing date, 9:30 a.m. Wednesday, September 18, 2013, to vacate a portion of SW Fairview Blvd at SW Champlain Dr (Report; VAC-10081)  <b>Motion to accept the report:</b> Moved by Fish and seconded by Saltzman.  (Y-5)	<b>ACCEPTED</b>
<b>769</b>	Amend Ordinance to remove Exhibit A relating to the phased implementation of the Northwest Parking Meter District and Area Permit Parking Program (Second Reading 733; amend Ordinance No. 185805)  (Y-5)	<b>186191</b>
<b>Commissioner Nick Fish</b> <b>Position No. 2</b> <b>Bureau of Environmental Services</b>		
<b>770</b>	Revise enforcement provisions to standardize language related to Bureau of Environmental Services program enforcement activities (Second Reading Agenda 744; amend Code Chapters 17.32, 17.34, 17.35, 17.38 and 17.39)  (Y-5)	<b>186192</b>

At 12:11 p.m., Council recessed.

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**WEDNESDAY, 2:00 PM, AUGUST 7, 2013**

**DUE TO LACK OF AN AGENDA  
THERE WAS NO MEETING**

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August 8, 2013

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF AUGUST, 2013** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

Commissioner Fish arrived at 2:07 p.m.  
Commissioner Saltzman arrived at 2:19 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Chief Deputy City Attorney; and Wayne Dykes, Sergeant at Arms.

<p><b>771</b>    <b>TIME CERTAIN: 2:00 P M</b> – Consider the proposal of Paradise 39 Grape, LLC and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Industrial Sanctuary to Central Employment and the Zoning Map designation from IG1 General Industrial 1 to EX Central Employment, with a design overlay at the southeast corner of N Albina Ave and N Fremont St (Hearing; LU 13-131300 CP ZC) 1 hour requested for items 771 and 772</p> <p><b>Motion to accept Hearings Officer’s recommendation:</b> Moved by Fritz and seconded by Fish.</p> <p>(Y-5)</p>	<p><b>Disposition:</b></p> <p><b>ACCEPT HEARINGS OFFICER’S RECOMMENDATION</b></p>
<p><b>*772</b>    Amend the Comprehensive Plan Map designation and change zoning of property located at 750 N Fremont at the request of Richard Larson, Paradise 39 Grape, LLC (Ordinance introduced by Commissioner Fritz; LU 13-131300 CP ZC )</p> <p>(Y-5)</p>	<p><b>186193</b></p>

At 2:27 p.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland



By Karla Moore-Love  
Clerk of the Council

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

August 7, 2013  
**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**AUGUST 7, 2013 9:30 AM**

**Hales:** Welcome to the august 7<sup>th</sup> meeting of Portland city council. Karla will you please call the roll. [roll]

**Hales:** We're going to start this morning with a proclamation and we have Barbara jenson here to talk about it, in terms of what the state is doing about the spirit of 45 day. Come on up and tell us about this fine idea. And then I have a proclamation to read on behalf of this day.

**Barbara Jenson:** My name is Barbara jenson. I am a citizen of Oregon, born in Oregon and my father fought in world war 2 and the proclamation you have is called the spirit of 45 day. The spirit of '45 is a national movement across America. Began with congressional endorsement in 2010 and we have been bringing it to Oregon over the past year and a piece of legislation was entered, senate bill 832, this last session that raises level of awareness in our communities about the importance of world war two. And the definition of the spirit of '45 day is not veteran, not memorial. It is about an entire nation that rebuilt America. That fought for our freedom, rebuilt America. And by their examples to inspire the youth of our communities today. So we're taking that message across Oregon now. Proclamations are being made. Rick tobiason with the honor flight caught on fire and made it happen in bend and Redmond quickly after the legislation signed by the governor june 25<sup>th</sup> and mayor hales you also signed the other day. Thank you very much to have the city proclaim that the spirit of '45 day is an annual event. Now that it's in legislation, it will be an annual event for a long time. We appreciate your support in carrying it through. Today I have my mother with me, joy beebe. Joy is a member of the WW2 generation. She married my father, she's an English war bride and lived during the bombs and the blitz in London. Watching her mother in a silhouette, wondering if they were going to survive while the burning city was behind her. It was quite a time. In fact she slept under a Morrison table for five years which had a net around it so the shrapnel would not harm the family. She wrote a book in april of last year which would have been her 67<sup>th</sup> wedding anniversary. My father died in 1995 and in that book she talked about what it was like to live under the duress of the war and come to America with \$10 in their pocket. Our family was so surprised about the book, we took it to the national war brides of America and contacted the spirit of '45 which we didn't know at that time was looking for a mascot for their organization. Edith Shane, who is kissed by the sailor in the iconic view of the end of WW2 in times square had passed away just before the congressional endorsement in 2010. They were looking for a mascot and asked my mom if she would do that and within 5 weeks we were on tour with the national campaign back to washington DC and the memorial there and to times square where they have the big celebration on the actual date the president Truman named the end of the war, august 14, 1945. So it's been quite a journey with mom, and we just really appreciate this opportunity to be in front of you and tell you this is a special day for oregonians, now that we have a permanent day to honor this generation and talk about how that example can help our youth be inspired.

**Hales:** Would you like to add anything?

**Joy Beebe:** Thank you.

**Jenson:** My mother will turn 90 the 70<sup>th</sup> anniversary of the end of WW2. We will be in times square. Her English relatives may come, so it could be a very very nice time.

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**Hales:** Here's the proclamation. Whereas Oregon governor John Kitzhaber has signed senate bill 832 into law designating the second Sunday each August as Spirit of '45 Day and whereas the people of Oregon honor the nearly 150,000 Oregonians who served in the armed forces during World War Two and remembering the 4,000 Oregonians who made the supreme sacrifice with their lives; and whereas nearly 40,000 veterans served in WW II over 1200 of whom died helping free the world from tyranny; whereas the Oregon Ship Building Corporation was located in Portland and responsible for building over 1,000 Liberty and Victory ships between 1941 and 1945 in addition to building the Star of Oregon; whereas on August 14, 1945 the people of the United States received word of the end of WW II; whereas the victory march, the culmination of the national effort to defeat the forces of aggression and brought freedom to subjugated nations through the collective service and sacrifice by those who served in uniform and on the home front; whereas August 14, 1945 marked the beginning of an unprecedented era of rebuilding during which the WW II generation developed an array of organizations and institutions which helped strengthen American democracy by promoting civic engagement, volunteerism and service to community and country; whereas the courage, dedication, self-sacrifice, and compassion of the World War II generation has inspired subsequent generations in the United States Armed Forces; whereas the entire World War II generation, military personnel and civilians alike, have provided a model of unity that serves as an inspiration for current and future generations of Americans; now therefore I, Charlie Hales, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim the second Sunday of August of each year to be Spirit of '45 Day in Portland to commemorate the service and sacrifice of the WW II generation and to encourage all residents to join in this observance.

**Jenson:** And a little a little moment here, and I am sure they will love this.

**Hales:** Thank you for being here. Take care. Thank you very much.

**Hales:** Well, as I know that there were quite a few stories up here about that era, my dad was a veteran for World War II, and I think that there are others represented here, as well, with stories about that generation in our lives so I appreciate this commemoration, of the Greatest Generation. Thank you.

**Hales:** Ok. Let's move to, to communications items first. We have five, I believe.

**Item 745.**

**Hales:** Crystal, are you here this morning? Crystal? Are you not here? Ok. Well, we'll see if she arrives later, let's move on, please.

**Item 746.**

**Hales:** Come on up.

**Michael Krupp:** Happy to see the fire and police departments. To call you greedy would be to limit the spotlight on your persona to the little piggy wee, wee, wee, all the way home, in the garb of another done describe corporate front man, you are, in point fact, the business end of the malignant cabal, assuming a certain fait accompli is complete. The burial of our water. Attempted grand theft, hydro, and like a pale, horseless conquistador, you set about the pillage in plunder of our blessed city. You attempt to banish our water, which is, indeed, holy, to the realm of darkness below. With the oozing sincerity of Boris Karlov as a funeral director, and offering his deepest condolences. And in the flashing of Randy's reverence in, and the Tibetan memorial, for 13 victims of self [inaudible], demonstrating the atrocities of the Chinese Communist Party. While [inaudible] signed deals in Shanghai, armed with a game from hell composed by a Pluto in Plato clothing you attempt to pull a Chaney. Even your ganger, sorry, Charlie, a rejected star tuna wouldn't swim in your subterranean drinking sewer. And we hereby cease to swallow your swell. Go ahead and dick around with all our institutions, schools, hospitals, city services, and elections, and this is your stocking trade. The water is not an institution. Not to be [inaudible] about stock or trade. I know that you are a lifelong member of the crypts. Perhaps you even sleep in one. As a doctor, I see the gross defects in your thought processes. And your morbid love of the dark. I know. I know. It smells like money down

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there. But, before you toss your career under the bus, I suggest you look around. Whatever became of sam and randy? They, too, had maniacle dilutions, money was their viagra, and emperor hales, where are your clothes? Cover yourself, not our reservoirs. We are a family city. Cease and desist your mad efforts. Pretend the overwhelming outrage of the people may see the light, just in favor of, just in favor of speech. By virtue of your momentary position you must consider yourself one sly dog. But the water is a community bond. Not here to fulfill your client's wettest dream. You cannot possibly bury it while millions watch. Think of yourself as -- at obama in this congress, you ain't going nowhere. You ain't going nowhere.

**Hales:** Thanks, good morning. Next. [applause]

**Item 747.**

**Taz:** I am here to represent r2d2. First I want to say thanks lots for, for the money that we did get to receive. Everybody else received, that's all right because we're doing all right ourselves out there. We're making it. All we're asking, if you guys get a chance to really come down, without your bodyguards, nobody is going to hurt nobody, but come down and really see what we are doing. People are more, more wanting more, more of r2d2. Because they are safe there. And they get their nourishments. They get their sleep. They can go to work. There is no other place, man, the money you gave to the missions, other places, their running shelters, and they kick everybody out, and in a short period of time, we don't. We give them a 12-hour rest. And all we're asking is, is the fine to be stopped. All you are thinking is, is that you guys want to be voted, you know that you can stop the defiance but you are afraid if you stop it, that everybody will be pissed off at you. It's like the indians. Got the land taken. They survived on a small piece, a little property. That they want to grow something, they had to take and give the money to the city, and the city tells them how to run it. All we're doing in that little spot, is, is growing. And we're getting bigger. We need more room. We need the, to stop so we can grow. You all think, that that, that we are, we are -- one of these times you will be around the corner just like we are. You know, different. Go to sleep in the doorway. Some night. Like to see guys go to sleep from the doorway. And be harassed or kicked, just like that basketball player in Portland. Innocent person. Kicked for no reason. \$43, to keep his mouth shut. Bribery. We don't deserve that. There is more, more people are going to be out on the streets because of the taxpayers' money because we are coming up to the homeless instead of going after the middle class people, and doing something with them. We need to be stopped. We need to find, define stopped now, that's what we are asking. Let us go on the fines need to be stopped. That's what they are asking. Is to come and watch us do a security check, how we do it. How we check people in. How polite we are. The missions are not like that. They are rude. We're not rude. We treat people with respect. If you are just out there, we are just the same as them. So, we're asking all. Take a time to come and watch us. To see how it is. Thank you.

**Hales:** Thanks for coming. [applause]

**Item 748.**

**Hales:** We don't do alternates so if he's not here we'll have to ask him to come back. Next one, please.

**Item 749.**

**Hales:** Mary, just you, just one person. No. You need to sit down and let her speak. One person at a time gets to sign up. So go and have a seat, sir. No, go and have a seat in the audience. Thank you.

**Mary Eng:** Actually, I don't need the mic.

**Hales:** Go and have a seat, sir, she has the floor and you need to sit and speak to the council so the tv can pick it up.

**Eng:** Ok. You are right. I liked terry's talking to the crowd. Good morning, I am mary rose lenmore eng. All of us are heroes to somebody. Each and every one of us in this city. We have got a lot of heroes in this room. And I am looking around at heroes. Heroes. I am really proud to be in the presence all of you. I think that my biggest heroes are the people on the street. A lot of them

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veterans and, and benjamin pickering is a hero to a lot of people. Hundreds of people. And possibly thousands of people. They have got a big family. I would like you to, to reaffirm our jurisdictional cooperation with Washington in helping benjamin pickering get back to Washington to continue his work with the homicide investigation. The near, that nearly robbed him of his life. And ben has suffered a lot, and I don't want to go into too many personal details of the many, many ways that he's suffered. But, the Portland police attack on benjamin pickering, grinding his blind left eye and, and into the ground, at 8868, ace tavern on northeast sandy. And something that I find highly disturbing. And I know that we have a lot of police brutality in the city. I'm, actually, taking a break from, from the deep throat pepper spray case across the way, with you, with david landrum, who is an embarrassment to the city. For verbally abusing a victim of police brutality. Victim blaming her, grinding her into the ground with such an abrasive and disrespectful tone. That I can only wonder once again, at the state of the rule of law in Portland, Oregon. But I am willing to renew my hope new guys. I would like to politely ask you, to refrain from any personal street harassment via your ipr agent, that's the independent police review, we're doing more background trying to get all the medical records, that will firmly establish benjamin's needs and, and then, we're trying to get the best consultation. I would like to, to request a public inquest the way in that they do in england, where say, for instance, with jimmy, we have the public inquiry where members of the public who possibly have been witnesses or, or could be character witnesses could, could vouch, that that benjamin is, actually, an unpaid garden and her street sweeper who guys have a debt of gratitude to for, for working pro bono, or as a slave for city hall and in the front yard, and I do hope that you will help him financially. He's suffering, and I am suffering, and his social security has been embezzled, and by, by nicolle and, and, with her group financial management, inc., so, july was really hard for us financially. I never expected to fall in love with the police brutality victim from the city of Portland, where I was born. And the city from, for which i'm named, mary rose, granddaughter mary kangas, also known as the [inaudible] of Portland. I hope I can bring hope and light to the situation given the serious gravity of it. Thank you.

**Hales:** Thanks, mary. [applause]

**Hales:** Before we start the rest of the calendar, we have a guest here to welcome. The mayor of gosen city, japan, who is here for visit to Portland, and we want to welcome him and say welcome to Portland and thank you for coming. [applause]

**Hales:** All right, we'll move onto the consent calendar. I believe that we have a request from commissioner Fish to pull back item 757 to go back to his office. Any objection? Any other items to be pulled or taken back to, to council offices?

**Moore-Love:** I will read the title for 757.

**Hales:** That's returned to commissioner Fish, any other items to be pulled? And if not, then a roll call on the balance of the consent calendar.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye.

**Hales:** Aye. [gavel pounded]

**Hales:** Time certain. Item 750.

**Item 750.**

**Hales:** Good morning.

**LaVonne Griffin-Valade, City Auditor:** Good morning, mayor hales, and council. I am lavonne griffin-valade, city auditor, and I am here to introduce from the auditor's office the team from the auditor's office, presenting our report on the city's electronic record-keeping system. Chief deputy auditor sarah landis will be leading the presentation along with tim hunt, records analyst in the archives and records management division. And I want to thank them for their hard work and their leadership in managing this really important part of city government's business infrastructure. And, and I would also like to, to thank the city-wide trim steering committee who helped us on this project, nine other bureaus contributed staff time to this effort, and assisted us with, with developing

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recommendations for an expanded rollout of trim. And finally, I would like to share my, my appreciation for the three very busy bureau directors, who will join us as guest presenters this morning, and anna from h.r., jim from the city attorney's office, and ben, from the bureau of technology services, and I will turn it over to sarah. Thank you.

**Sarah Landis, Chief Deputy City Auditor:** good morning, mayor and commissioners. Thank you very much for the opportunity to share this report with you. And I think tim going to, to pull up the slide show. And the purpose of the presentation is to provide with the status update on the city's electronic record-keeping efforts. We want to remind council about the risks of not properly managing the city's information and document assets, specifically, electronic records. We also want to present the recommendations of the city-wide trim steering committee that lavonne referenced that was convened to look into trim implementation. For those of you who may be unfamiliar with trim, it's the electronic records management system purchased by the city, and administered through the archives and records management division in the auditor's office. This report is our best thinking, by our office and members of the steering committee on how we can make improvements and why we need to. There is a lot of detail in the report, and it raises a number of questions about how the city can improve the practices. I am going to keep my presentation at a very high level today but we're happy to go over the report in more detail with you at your convenience if you would like. The next slide. So, why this report? The information environment that drove this office 12 years ago to undertake serious efforts to improve the city's electronic records management practices, has grown in both scope and complexity since that time. City policies put in place to guide bureaus are not universally followed, a technology solution exists, and is owned by the city but is not available to all employees. And myths prevail about data being backed up and preserved, costs of recovering data rises because there is no unified logic. Storage costs rise because of duplicative records and retention requirements are inconsistent applied. The city's records and information are an important infrastructure asset, much like building street or sewer lines and ignoring these puts the cities at legal and financial risk in the future. And we have tried to capture those risks in this report but perhaps, a visual image will help. This is a photo boxes holding thousands of the city's paper records. They are being professionally cataloged, managed and stored in our archives and records center. If you need a document, you will be able to find it. This is not a photo city records. But, I thought it a fitting metaphor for how many in the city generally handle their electronic records. The flood of email and electronic documents that employees receive and create get dumped into drives and giant pst Files, so that if need to find a document, it might be like searching through this dump. The record is there, but finding it is extremely difficult. While our management of our paper records is generally good, we are required to treat electronic records the same way that we do paper records, and we have a long way to go before we are there. This slide outlines the benefits both to city employees, and to the public of a good, electronic records' management system. Few of these benefits are ease of access to information, and historic or life cycle preservation, and compliance with laws and rules, and greater transparency to the public. For those of you who are not familiar with our terminology, e-files is the public facing interface with trim, and it allows the public or employees to, to search and view documents in trim that bureaus have designated for open access. You may be most familiar with e-files in your search for past council documents. One of the problems with the current practices, the, the status of electronic record keeping efforts in the city is, is spotty. And in general, we found a lack of compliance with the rules and risk of losing records with long-term retention value and lack of strong lines of responsibility and accountability for records and records that are largely uncontrolled or dumped in large folders or deleted without proper retention, there is a strong need for more tools and Training and there is a lack funding to support a strategy to ensure city-wide compliance. Here, we're showing some of the deployments, we have helped implement around the city as well as statistics for the last fiscal year. And, and council records, city personnel files and contracts, and police incident reports and, and bureau of

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environmental services. Project files, and elected officials correspondence and bureau development services permit records are some of the, some of the implementations of trim that we have been successful with. Most deployments such as the ones I mentioned, have been to specific areas in bureaus where trim meets a records management need. And although, there has been scattered implementation to individuals and to entire bureaus. There are currently 1100 total users, over that, of trim, and hundreds of thousands of documents being managed and view in the system. This is, this is a sort of busy slide, but we pulled this out to give you a flavor of what people are looking at. And it's the most often viewed records and e-files since July. It shows the diverse why did of information available and of interest to the public and internally. And so, the first, most, most, most commonly viewed file with over, over, with 5400 views, was, was an agenda from a bureau of development services design commission meeting in 2012. And if you go down the list to the last record there, number ten, with over 1100 views, the tenth most popular document was minutes from a docks commission meeting in 1951.

\*\*\*\*\*: I like that one. [laughter]

**Landis:** We think that's related to the superfund research that's going on. But, it shows the wealth of what we have in the system. And it also kind of highlights the risk of what we might be losing if we don't get a better handle on the records. The next slide is, is a, a time line, a high level time line of where we've been with electronic record-breaking efforts, and in 1999, we made our first request for funding before council, and we're, were successful in that request. And in 2001, the first trim licenses were purchased and the first implementations began. In 2006, funding for city-wide trim implementation was requested but was not support by council at that time until additional research and work was done. And in 2009, an ordinance was passed and administrative rules were adopted to give clarity to the rules and responsibilities for bureau directors and employees and to beef up expectations for electronic record-breaking. In 2011, despite all of this effort we are still seeing city bureaus struggle with their records. There was increased interest from bureaus in getting trim established but we're at a tipping point in terms of the Exhausting current licenses and staff resources. So we convened the steering committee to help us get a handle on these for the future. The trim steering committee, was convene as I said to help guide our office to improve record-breaking practices across the city, and furthering implementation of trim. And it recommended priorities, planned timelines and objectives, and identified the funding and staffing resources necessary for a city-wide implementation. As part of the work that the steering committee conducted, we did a, a, a record-breaking survey to, to, to get sense of the needs for record-breaking help in bureaus. This survey was aimed at management level contact out after general sense of record-keeping activities, and it was worse than we had feared. The next slide will highlight a few of the results from that survey. There was a strong awareness among group of, offered a, of the administrative rule that applies to electronic records, but it was not universal. Even among those who were, who were identified by bureau directors as the records, specialists in their bureaus. And respondents were split on whether staff were aware of retention schedules governing their records, and there really were not strong results in having procedures to identify and retain the records. And there was no, no strong process for retention and purging of unneeded records. And we believe that, that the results of the survey are indicative of the general trends that we've been seeing overall in the city. So, based on discussions, the survey and other information gathering, that that the steering committee did, the committee developed findings, and then corresponding recommendations to improve electronic record keeping and expand employment of trim city-wide. The recommendations include insuring records management responsibilities are understood and accepted. And establishing an advisory committee to ensure input from bureaus, enhancing training. And monitoring and enforcing compliance with the laws and rules. And, and encouraging best practices, and compliance with the rules. And developing a funding model to support program growth, and expanding trim, base on the priorities identified by the committee. The steering committee left development of a

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plan to implement the recommendations to the auditor's office. We outlined a draft five-year implementation plan in this report and in the appendix of the report provided to you. And there are sections on policy and governance, training, and trim administration and testing, and staffing, and finance, and scheduling, compliance, and monitoring, and software and i.t. Infrastructure. And we see this plan as a starting point to raise council Anticipate awareness of our concerns and the risks to the city, and to explore what resources are needed to fully capitalize on the early investments we made in trim. And we hope to sustain the momentum we currently, have and to ensure that we don't lose our ability to provide transparency, ease access to information and long-term preservation of those records that we produce today that will be tomorrow's historical asset. And we'll plan on coming to council with the funding proposal during the next budget cycle and, and as I mentioned earlier, we can provide any additional details or conversations about the plan at that time, or individually with council members or staff. And, and we're happy to answer any questions you might have about this presentation, but first, we have asked the bureau directors anna, jim, and ben to, to each say a few words about their perspectives on improving the city's electronic record-keeping practices.

**Hales:** Great, thank you. Come on up and we'll see if there are questions for any of the team. Good morning.

**Ben Berry, Chief Technology Officer:** Good morning, mr. Mayor and commissioners. City auditor. I am ben, the chief technology officer for the city of Portland, and the bureau director for the business, for the bureau of technology services. I am going to read my comments this morning, mr. Mayor. Bts is keenly aware of the scale And the email and electronic records. First, the cost of dumping the electronic records into storage is growing, and won't decrease until documents and data are deleted, based on their retention schedules. The bureaus are responsible for, for, for adopting retention schedules, and secondly, bts is called on to search, search those records, and this is a, an extremely expensive and time consuming effort in the current environments. Bts backups are performed for short-term recovery purposes, and do not come to compliance with retention laws, and best practices, and proper records management, reduces the unnecessary duplication of data and, and, and secures records from, from accidental destruction, and applies a structure that helps both employees and the public find the information that they need. Our records, electronic records contain information that must be managed, just like any other city assets. Bts recognizes the efforts to improve the city's electronic records and management, and roll out of trim, must be a partnership between bts as the infrastructure providers, and the auditor's office, as the policy and technical assistance body, and the bureaus as the owners of the records. And I have committed bts to this partnership and work closely with the auditor's office. And we also recognize that we have multiple electronic record systems here in the city. And such as trim, sap and Microsoft 365, and as we work through the city-wide technology assessment, initiative, and we can better identify the best use of these electronic records, platforms, and how best to fully implement these technologies and integrate them for the city. Thank you very much.

**Hales:** Thank you. Who is next?

**Anna Kanwit, Director, Bureau of Human Resources:** Anna, director bureau human resources, good morning, mayor, and commissioners. What i'm going to talk about a bit is our, in the bureau of human resources, the use of trim and, and the value to us. We have moved to trim for the maintenance of the personnel files, the official personnel files for all employees, and all the discipline documents and all the medical files, including family medical leave and the Oregon family medical leave documents. The advantages are many, key is, is confidentiality of those records, the ability to separate them into, into, into sub-folders so that we can restrict access to those files, only to, to those who have, have clearance to look at those important documents. But, the other advantages, at the same time, multiple people who have that access view the documents at the same time. So, we don't have to, have to print the documents out, and provide copies and partly whenever

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do that, there is a risk that, that those, those copies and, and -- end up in the wrong place and are not the confidentiality that's so important is not maintained. And, and our, archiving is way easier with the electronic files, and we, we do scan them in, and, and then they are documented. And they have, they have the date set for destruction so if it shows up, when the documents are appropriate for destruction, into our records, and policies. And it very much reduces the workload, if you, to, to, to, as sarah showed in the powerpoint, to, to archive them in the, in the center, although it's a wonderful center, we have to place them in box, and we have to be sure the boxes are appropriately marked so we can find what's in there again and mark it so the documents that should be destroyed. So, it's a huge workload savings for us to be using trim. And, and finally, of course, the documents in trim cannot be edited, so that's another safety feature with, with the documents that we maintain. So, overall, although, although, you know, there is not a cost savings per se for the bureau to be using this, for these important records, it certainly creates a, efficiencies for us and, and those will be greater as we move to more and more electronic-based systems. And we are moving less paper and changing that into electronic documents. So, we have had very good experience using, using trim for us, and I said these important, important employee records.

**Jim Van Dyke, City Attorney:** Good morning, mayor and commissioners. Jim van dyke, city attorney's office. I've been asked to say few words About the perspective of, of keeping good records from a legal perspective. And as you know, we have requirements imposed upon, upon the city, by state law, to keep public records. And to establish retention schedules for public records. Our office assists bureaus when they have public records requests, and, and we have encountered many times problems trying to, to recover those records to provide them as we're required to do by law. Obviously, when we are unable to do that, or we have to go back multiple times and try to find the records, it damages the city's credibility. And, and that's a very valuable commodity, so record retention is very important, I think, from that standpoint, both to comply with state law, and from our own credibility standpoint. We also have responsibilities imposed by law when it comes to, to litigation. And potential litigation. And, and we are required by the courts to produce documents, responsive to, to people's requests in the litigation, and we need to do that, if we don't do that, in a, in a timely and responsive manner, we can be fined by the courts, and they can impose penalties on us and, of course, just the mere failure to discover the records that we need can hurt us in a litigation perspective. So, from our perspective, from our office, office's perspective we need a good electronic records retention system. I want to thank the city auditor's office for working With us on there, and I also want to thank ben berry of bts because we're also collaborating with him on this, and in fact, we have a meeting scheduled for tomorrow morning to work on one aspect of the electronic records retentions.

**Hales:** Great. And there was some questions from council, I am not sure if it's for you or --

**Fish:** Right. First, ben, we have set up a technology oversight committee, which reports to the council on a regular basis and, and on all, all of the, of the new technology projects, to make sure that, that we're, we're on, on-time under budget and flagging issues that come up. And I think that, that i, along with my colleagues, have found that very helpful to have a regular oversight body bringing problems to our attention up the stream and, and giving us ongoing reports. Do you think that might be the model for, for how we take the recommendations and implement it here in terms of the an oversight process?

**Berry:** Commissioner Fish, fellow commissioner and is mayor hales, I think that we could look at that directly and, and I think that trim is present at tlc early on when I was on the tlc, and I would like to, to test that question with the tlc and, and bring back an answer to you. But, I think that, that body is an oversight team that could play a role in review as we implement.

**Fish:** And I think that, that, actually, you are in a very good position to evaluate. We have had different models of oversight bodies and reporting to council, some were less, work less well than others and I would be interested in your thoughts about what the high functioning, should it be

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independent of staff? Or should it be staff supported with an independent group, should it be, should it be alternatively composed of senior leaders within the city? And how, how, how best do you get compliance because, because, I think, some of the data here is alarming about the slippage, so how do you get people's attention and make sure that, that consistent policies are, are applied and enforced?

**Berry:** Commissioner, commissioner Fish, one of the things that, that the technology assessment will, will ferret out is a, a high level governance structure for enterprise-wide initiatives. And, and which would have the bureau directors sitting on that enterprise governance structure along with staff support. And I am hoping to see that, that kind of a recommendation in the structure for that, which could, in fact, enable what you are discussing now.

**Fish:** And to the city attorney, the sense that, that I often get is that, that just -- you have a manpower problem. You have a, a problem bodies that can handle the current work flow. And, and public records requests are coming with greater frequency from the media and from citizens, and they are, they are more and more involved, and, as we know, takes a lot of time to get it right. And you can't just do it, a document dump. One of your, your obligations is to screen the documents to make sure that nothing that is privilege or confidential or that contains information protected under privacy laws is disclosed, so that, that is not just identifying documents, it might be responsive, they have to be reviewed to make sure we don't violate people's rights in the disclosure of those documents. Do you believe that you can, you can step up and meet your, your component of this project without additional bodies?

**Van Dyke:** Commissioner Fish, mayor, and other commissioners, I think that we're hanging on by our fingernails right now in terms of the number that we're getting in, so that, that, that if we get a flood more in, we are going to have a problem. This is not to be fair, this is not a problem that I particularly identified before to council. But, we have long talked within the office about, about identifying a particular attorney to handle all the public records requests that come in because they develop a, a particular expertise, and they work with the district attorney's office, if those matters get, get appealed, and it provides consistency of advice, and there is a lot of good reasons for doing that, but, at present, we are not able, I don't feel like we're able to designate a particular person because of the volume.

**Fish:** So mayor, we have this innovation fund, my guess is if we look at best practices there are dedicated people in other cities responsible for, for public records, records, requests, compliance and, and record keeping retention. Often we get two kinds of requests, one is in litigation, and at some point, a public record comes in. In order for us to be consistent and thorough we need to cross-reference those two we need to make sure that the public record request picks up any documents that the lawyers found and vice versa, and ultimately, if we don't link those up we are putting our credibility at risk. Because if we are giving one set of documents to a reporter and another to a lawyer, that's where we can get into trouble, and if the goal is to make sure that we produce everything that we are legally required to, it's time intensive. I just wonder, rather than, than just, just keep putting this off for further study and more data that is somewhat discouraging, maybe we ought to look at this as, you know, through the innovation fund or even through our reserves, to have dedicated person who really becomes the quarterback, who guides us through all these recommendations.

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

**Hales:** It's worth looking at. The other hope, of course, with technology, is not just a hope but a pattern, is that, that the search capabilities keep getting better and, and the, the user friendliness of the software gets better so that, that the ability of those of us who have Other things to do to operate the system is improved, you know, that it doesn't get more and more arcane, but more and more usable for folks that have other, other responsibilities. How fast is that curve rising, you know, versus the workload curve. I don't know. But, that's --

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**Fish:** And the concern that I have is every day we read in the paper of some breach of privacy in some private sector setting, and some of that is just bad technology, sloppy oversight, but we, actually, are custodians of information that we are not legally allowed to share with people. H.r. Files. Confidential advice from attorneys on matters. All kinds of things and, and they often show up as a, as attachments or email trees or, or they get forwarded, and I just -- I think that, that we're probably at a point where we're having someone who is, who is the public records czar who has expertise in centralized in jim's office working with the auditor's office is long overdo.

**Hales:** Worth exploring, thank you. Other questions for our bureau directors or for the auditor?

**Fritz:** I have a question for the auditor's team, thank you.

**Hales:** Ok, thank you very much.

**Fritz:** First, thank you for bringing this report and for the services that provide with trim. I got many trainings in my first week in office in 2009 and I think the one on public records retention and how to do it was perhaps the most helpful and memorable. In particular brian brown in your office who has helped set up my trim so that it's just automatic. I find that it's the most helpful electronic tool that I have. Notwithstanding my calendar and everything else. Because it's searchable and I can access it. I'm surprised the utilization is so low, given it's such a great tool and so easy to use. My first question is what does trim stand for?

**Tim Hunt, Auditor's Office:** It stands for total records and information management.

**Fritz:** And that's what it does. Excellent to know. And my second question is can you, as a follow up, get me a breakdown? I noticed you have a 1100 city staff working using trim, and I would like to get a breakdown by bureau of who is and who is not. I am delighted that the bureau development services has the most hits. On that one, one particular item. But, I would like to know so that I can provide some accountability, and so that I can measure how many staff in my bureaus are using it and see some progress in that, so, with, would that be possible?

**Landis:** Absolutely. And the bureau of development services is just, has just completed a new project that pulls plans into Portland maps, and those plans reside in e-files, is that correct?

**Hunt:** Right. Trim.

**Landis:** So, that's a great interface between, between the new system that they are using and, and trim and, and shows the power of being able to integrate, you know, our data with the other tools that we need, so that's been a great project.

**Hales:** That's a good suggestion, why don't provide that information to all five of us because I would like to see, that as well.

**Fritz:** And I will follow up with ben berry and technology services because i'm presuming that the new computer at the bureau of development services will be able to talk to trim. Do you know that already?

**Hunt:** Are you referring to the i-tap?

**Fritz:** Yes.

**Hunt:** Yes, that is the plan.

**Fritz:** I think that moving forward, that's another check on our technology oversight committee and others to make sure that since we have a system working, we make sure that everything else plugs into that, so thank you very much, both, for this report and for your service on this. It's made my life immeasurably easier.

**Fish:** You highlighted administrative rule 8.12. And we have some experience with rules that are particularly important where annual refreshers are useful. And particularly, in a time if you have, you have new staff people coming, and new elect-eds, is it your view, that that the council would benefit from an annual in office tutorial on 8.12?

**Landis:** I think that that's fantastic idea, and ultimately we would like for acknowledgment of 8.12 to be part of what every city employee acknowledges on an annual basis, and to include that kind of training in onboarding for new employees once h.r. has that up.

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**Fish:** Having watched Anna and her crack team taking 2.02 which is an HR rule and turn it into a box you check when you are hired, and then a requirement of training with follow up, I would strongly encourage HR to work with you to set up 8.12 for that purpose and at a minimum Council offices and bureau directors get that training and have the benefit of bureau directors meeting as a group and then Council offices meet. In your recommendations, you talk about needing some dedicated funding and what a system would look like. Have you put pen to paper on what that would look like?

**Landis:** We have. The figures are almost a year old at this point, but the steering committee recommended that we look at a five-year implementation for the system. It has components of purchasing additional licenses, getting additional resources both for training and for the management of the infrastructure and then for assisting with a roll out. That builds up in year three and then comes back down in year five. But we have fleshed that out.

**Fish:** Can you furnish that for the Council?

**Landis:** It is in your report. I can pull it out for you as a separate document for you and be happy to brief you on those.

**Hales:** In the report documents.

**Fish:** Ok.

**Hunt:** In c-3.

**Landis:** Right. Appendix c-3.

**Landis:** And then appendix d is the outline of what our plan year by year for the rollout would look like.

**Hales:** And so the proposed expenditure this is c-3 will, will start to show up as budget proposals, is that how that, that comes forward.

**Landis:** That's what we hoped for this year. We planned on it last year, but clearly the environment for budget requests was not good, at that point. So, the steering committee advised that we wait until this year, to come forward with the proposal.

**Fish:** Do you have an opinion as to, as to whether we would benefit from having a public records czar located in the city attorney's office, or in the auditor's office?

**Landis:** I think it would be a great idea to have somebody dedicated to coordinating all of the requirements, because they are different, the public records requirements that we have for just managing the city records are different than the litigation requirements, and legal holds that have to be put on things, I think it would be a good idea to have somebody who had as their sole responsibility, pulling together a system that did that.

**Fish:** And again, because I mentioned, it when jim was here, I think having the left-hand and the right hand track the disclosure through discovery with public records is useful because we have, we have got to make sure that we're consistent in producing the same documents even if they come as requests in different ways.

**Landis:** Agree.

**Fritz:** One more question. The other tracking system that we have is called track it. How does track it interact with trim?

**Hunt:** There is no direct interaction between track it and trim, to my knowledge. Track it, I think, is, is -- yeah, i'm, i'm not, not especially familiar with track It. The functionality of that.

**Landis:** I think it is a, a system to, track a request for something through to the end, but, that is not being cataloged in trim at this point. But that's --

**Fritz:** That's something that we might want to add in as we look at expanding the system. When people fill out a form, a contact form on Portland online, it tends to go to track it rather than, that so to have a mechanism to make sure that when we ask for public records, for example, but also, from my own knowledge that, if I ask, I don't have to ask in both places, and track it does not have as

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much search capacity in my experience, as trim does. So, that would be really helpful to be able to get track it into trim so that then we could just search in one place.

**Landis:** That's a great idea. Thank you.

**Hales:** Other questions or comments from council? Ok. Thank you very much.

**Landis:** Thank you.

**Hales:** Do we have anyone signed up to testify on this?

**Moore-Love:** One person, mary eng.

**Hales:** Mary, are you still here? Ok. I think that she has left. So, I believe what we need is a motion for the report.

**Fish:** Motion to adopt the report.

**Fritz:** Second.

**Hales:** I think that we are accepting not necessarily adopting in this case because we have budget proposals involved in it.

**Fish:** Motion to accept, that's right, sarah?

**Landis:** I don't think that there is any vote required on this report, it was just a presentation. We'll be flushing out the details of the plan and the budget later.

**Hales:** So you don't need us to accept the report in order to move forward.

**Fish:** If we accept it gives us an opportunity to comment on it.

**Hales:** We'll accept it anyway. [laughter]

**Landis:** Excellent.

**Hales:** Thank you. Any further council comments before the roll call on accepting the report? Roll call.

**Saltzman:** Thank you for your report, aye.

**Novick:** Thank you very much, aye.

**Fritz:** Thank you for your service, this is important both to help us get our work done and be accountable to the public, aye.

**Fish:** Excellent report, and again, what I particularly would like to see coming out of this process is a menu of options for what the oversight body would look like and how we, actually, are able to get compliance across the bureaus to whether a public records czar of some type would be valuable, remind that, that I think one of the first people that president barack obama hired was a regulatory czar with an instruction that no new regulations could be promulgated at the agency level without going through this person. And given the volume of public records requests and other requests for information, I think that it's probably long overdue that we are coordinated, and having someone who specializes in that, and with the idea making sure that the public gets timely and comprehensive responses, I think is very important. So, thank you for your excellent work. Aye.

**Hales:** Thanks for this important and thorough look at, at the management problem that we have, very important. And just one comment I would make is that it seems to me that, that we're in this avalanche of technological change and information overload. And, and government needs to be following those trends, but be, be far enough behind the curve that other people try things out before we do. But, not so far behind the curve that we're, we're getting out of touch or inefficient. And again, my sense is just that the rate of change is not slowing down. We're in the process of installing incar cameras in the police vehicles, they download data when they come back to the precinct, and there are huge amounts of data to manage and privacy issues to discuss as a community as we implement that. I think that I have told you some of the stories, I was at the u.s. Conference of mayor's office meeting and got to try out the prototype google glasses. There is a camera and an internet transponder here, and imagine both with anticipation and perhaps, with recoiling, that each of our firefighters and police officers were equipped with such a device as they did their work. We would have, little doubt about what happened at each incident and almost no privacy as a community. If those records were, were generally available. So, how do we balance those changes

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that come with this technology? It's going to be, to be an ongoing discussion as a community and in house with our experts in your office and ben berry's office and elsewhere. But, my sense is we'll be talking about the subjects a lot because the pace changes is accelerating, and the amount of data that we have to manage and how people want to get to that data is changing just as fast, so, thanks for, for this look at where we are today. Thank you. Aye. Good work. Ok. Let's move onto the regular agenda.

**Item 758.**

**Hales:** Let me start by thanking commissioner Fritz for her work on this. She's focused on this, this is one of the questions that she is focus on in the department of justice settlement. Very important matter of how we select this critical staff person, and how we, we make sure that we are doing that in a way that works. So, a call for resumes as opposed to a more formal rfq process or an rfp process, before us and, and I think that is a great idea. Will allow a larger pool of applicants to submit for the position and attract more and more diverse candidates. The council is going to continue to work with the community and with the police bureau and everyone else in the implementation of this settlement agreement, but this is an important step, and to get this in front of the community and the council today, and again, commissioner Fritz, thank you for your leadership on this.

**Fritz:** Thank you mayor and for your partnership, there is a new spirit of cooperation collaboration, I believe, that embraces the community as well as the council, and I want to read from the ordinance which was prepared by, by Ellen Osoinach, with the city attorney's office who has been our lead on this and has done great work. She's not able to be here today, the city of Portland has entered into the settlement agreement with the united states department of justice to improve the policies and practices of the Portland police bureau relating to serving or responding to individuals experiencing mental illness, and of course, as we all know the court has not yet determined the agreement is final, however, we have entered into that agreement and, and when we discussed this a couple of weeks ago there was agreement that we should not wait until the court has finalized the agreement to start moving on some of these critical elements. We also discussed how we would put this, I would put this with the mayor on today's agenda, so that we do absolutely every step of the process in an open and transparent and accountable manner so everybody can comment, that's what we're doing today. So, the agreement specifies that the city is responsible for hiring a compliance officer community liaison to perform the duties identified in the agreement. And again, that means that the duties are identified in the settlement agreement, which may or may not change, but the regular process would include a request for proposals to say how are you going to do this? And that may be part of what we'll be asking for in this process, but what compliance officer is going to do is lay it out in the settlement agreement. We won't need to discuss that but what we need to do is to make sure that we get the right person who will be responsive to the community, as well as to perform the, the identified tasks. So, in march of this year, I organized a council coordinating committee for their purpose of coordinating the office of all the elect officials, including the city auditor. We are all partners in making sure that the settlement items are accomplished and we improve trust with our community. So that's why we're here today to discuss how we're going to hire the compliance office of community liaison who will independently examine and synthesize the data for the Purposes of reporting to the city council, the united states department of justice, and the public on the city's compliance with the agreement. And the compliance officer, community liaison sometimes known as the cocol, which I think is an unfortunate acronym. But there we are, will create and share the community oversight advisory board, known as the co-ab, also not particularly helpful, and hold public meetings. The cocol is responsible for collecting, reviewing and reporting on data related to the Portland police bureau's interactions with persons experiencing a mental health crisis, and use of force, Portland police bureau supervision and management of force and training. The agreement requires that the top three finalists for the position will be publicly announced and for the

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community to have the opportunity to provide public testimony on those candidates. And then the person chosen will be selected by the city council following a public vetting process. We want to start this process by starting, by not by using the request for proposals but rather, this request for resumes or some alternative process, which I will be inviting community stakeholder groups to join with me, one of those identified groups is the albina ministerial alliance that we have the agreement with two weeks ago, and I have discussed this in concept with The leadership of the albina ministry alliance and they felt comfortable moving forward with this proposal even though we have a, we have not figured out how it will be done. As I said, it's important to get things done in step-by-step manner, to do that we need to do it in a public forum rather than behind the scenes and that's what we are doing today. And so, we will be, be hopefully adopting the, the solicitation requirements, waving the solicitation requirements, the 5.68, and having an alternative selection process, and just to give an example, mayor adams, and now mayor hales are using this to review, for rebidding the contract on the police psychological evaluation. And from what I have heard, that alternative process has, has resulted in much more community confidence, as well as mayor hales said, in increasing the diversity and scope of folks who felt that they wanted to apply, and sometimes, I know that this will come as a shock to the public but sometimes the city processes are a little difficult to navigate and we're hoping that this alternative process will be clearer, as to encouraging people to apply, and we'll have a selection process which will include the community stakeholders to figure out which of the candidates to put forward for the public vetting process. Does anybody on the council have a question on that?

**Saltzman:** Yes, I am confused a bit, the community compliance person is not going to be a city employee. Is that correct?

**Fritz:** Correct.

**Saltzman:** It could be a firm. As opposed to an individual, is that also correct?

**Fritz:** No, the, the settlement agreement says it's an individual. So, it could be a person in a firm but we would be contracting with a person, not with the company.

**Saltzman:** Not a direct employee, right? So this alternative process that we're, we're looking to adopt today, is not without precedent, so, you are saying the mayor has used it for selecting the police psychologist?

**Fritz:** Correct. And it's also recommended by christine moody, the chief officer who also helped to draft this ordinance.

**Saltzman:** Great, thanks.

**Novick:** I just want to be absolutely sure of that. I got conflicting answers to that question about whether it could be an individual or a firm.

**Fritz:** The discussion that we had at the coordinating committee yesterday, was that it will be an individual. As I said, she is out of town this week, so we can, we can clarify that this, this process doesn't exclude that. But, but, that the, most of the, most of the, those who, who are familiar with the agreement, believe that it is an individual rather than a company.

**Novick:** I also have to say that I am disappointed to hear that the proper pronunciation is Cocal because I thought it was cocal with the goal to have a process that leads the police department that warms the cockles of our heart.

**Hales:** We try to supply you puns on regular basis but this time, maybe not. [laughter]

**Hales:** I think the fine point about an individual versus a firm is not just a fine point, but in terms of the accountability that the community is going to want to know, that's the person that we, the community, have been involved in selecting, that the city council in the in light of day had a process, picked somebody, you know, the buck stops there. And, and you know, having been part of the consulting firm, and part of my career, there are times when a client, in this case, is going to be the city of Portland, says we want that person. We'll have the ability to do that if the selected individual is, is somebody who is part of the, of the firm. But, I think for everybody's sake, there

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should not be any fuzziness about this responsibility. There ought to be person who is, who is in this role.

**Saltzman:** I have another question. Another question, I guess, will the selection process, I believe, we have hiring preferences for, for veterans, in our normal hiring process. We'll disclose the preferences for veterans, and will those be applicable here?

**Hales:** Good question, i'm not sure.

**Fritz:** I don't know the answer but I would assume so.

**Hales:** And maybe our city attorney could check that.

**Tracy Reeve, Chief Deputy City Attorney:** I will.

**Fritz:** We're not voting on the specific process, we're just saying that we're waiving the standard process, and we're going to figure out the new process and bring that to council along with, with -- there will be another step.

**Hales:** We're waiving the standard procurement process but not finishing every detail of the selection process. Because we are going into the alternative track that we have flexibility.

**Saltzman:** Is it the intent to honor the hiring preferences or contracting preference that exists, in the city procurement processes.

**Fritz:** We would be bound by that, that what we are directing is that the city code 5.68 is waived and an alternative selection process such as the request for resumes will be used for the determination.

**Hales:** I think that we have a broad flexibility since we are in the alternative track so we could say, and I am inclined to agree with you that our policies that guide general procurement in terms of the preferences for veterans and those kinds of, of policies, will apply in this case, so we probably have that option.

**Fritz:** And the coordinating committee will continue to meet every two weeks. Unfortunately, nobody from the Office was able to come yesterday but that's one of the bodies that will be putting forward, a proposal and we'll have a selection advisory committee from the stakeholders to continue to advise to review what we are proposing and help with the selection process.

**Saltzman:** Okay, thank you.

**Hales:** Any other questions, council? And I believe that we have folks signed up to testify on this.

**Moore-Love:** We do. Mary has probably left, mary eng, and we have joanne and dan.

**Jo Ann Hardesty:** Good morning, mayor, and city council members, for the record you, I am jo ann hardesty, and today I am here representing the albino ministerial alliance coalition for justice and police reform. And I want to start off by saying thank you very much to both mayor hales, and commissioner Fritz, and for understanding that this process has to be outside of what would normally be a traditional city of Portland procurement process. And this position so critical for this, for the success of the reform that we're going to undertake base on a, the u.s. Department of justice complaint and settlement agreement, and so this is, this is a tiny piece, and I want to say that i'm so proud of this city council for continuing to move forward. Even though there continue to be obstacles to getting anything accomplished as it relates to moving forward. Police reform efforts in the city of Portland.

**Fish:** Worked in the state legislature and you are familiar with obstacles.

**Hardesty:** I am definitely familiar with obstacles but I have never the kind of opposition that I have experienced in trying to reform our police department. But, doesn't mean we're not going to do it, just means that it's going to be a hard thing to do. And since I have like about 30 seconds left, I also want to take this opportunity to thank commissioner novick. It's rare to have a politician, publicly say, when I get more information I make better decisions. Thank you very much for doing that. That's a model for politicians in the city. I appreciate that. And so, we wholeheartedly support the proposal that's in front of you, and we look forward to working with all of you to make sure that we are putting the reforms in place, and that this will outlive all of us so that we have a city that,

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actually, works for all of the people in it, regardless of race, ethnicity, age, and disability and etc. Thank you.

**Hales:** Thank you. Good morning.

**Dan Handelman:** Good morning, council. And mayor hales, I am dan handelman with the Portland cop watch and a member of the steering committee, the ama coalition, for justice and police reform and I want to point out that the ordinance mentions, if read it all the way through, that, that the Coalition met with your office, and with commissioner Fritz's office and we do thank you for putting the community into the process of reforming the police because, because one of the concerns that we had at Portland cop watch for years, when people said let's bring in the doj is losing control of our police, and the more that we can keep things within our city, within our community, as we move forward, the better, and I am very appreciative that the ama coalition and their community members will help to draw up the defining documents or what cocl will do, and I will not pronounce it as a word. Thanks. So, you know, one of the things that is of concern is that what's written in the doj agreement and as you know, the coalition is, has express concern it does not go far enough, that the cocl's job has some defined parameters but that does not mean it's limited to what's written in that document. So we could also make it so that person do more things than just what's written in there. I also just want to say that, that the -- one of the biggest frustrations about that doj agreement document is that there is not a standing in court. There is nothing that we can do to change that, but I want to make sure for the record, that if something written in, as the things develop, and the cocl gets that power, we want to make sure that person is aware that They might be able to go to court and say, well, we don't think this is being followed properly or whatever, because I think that that's one of the things that would differ between in process and, and the monitors that they have in other cities. And finally, you know, the piece that jo anne was making reference to is that we have outstanding issues with the Portland police association and, and I was the only person, other than the city staff, at literally other than the city staff, that, that appeared at the cpa negotiations session last thursday, and pba didn't show up and I am not sure whether that's going to continue. You think it's great that mayor, you are making efforts to ensure that the public has access to the discussions because, you know, there are public policy issues involved in the labor contract as it stands and, and the public pays the salaries of the police, and we have an interest in how that money being spent. And I would like to say, I did read the, the city attorney's opinion that, that you cannot require that they be open meetings, unless there is a decision-making body involved and I understand that, and I think that, that it would be great if people from a decision-making body came to those negotiations and they would be open meetings. Thank you.

**Hales:** Thank you very much. Great. Anyone else signed up on this item?

**Moore-Love:** That's all who signed up.

**Hales:** Thank you very much. Further council discussion? And then roll call, please.

**Saltzman:** Aye.

**Novick:** I very much appreciate commissioner Fritz's continue work on this issue. Aye.

**Fritz:** Thank you, and I appreciate the partnership with the council offices and my colleagues on the council and also with the auditor's office. It is something that we all take very seriously, and the partnership with the community, with the albina ministerial alliance and others, it's a good start and we need to expand and continue that, which I am excited to see, and we will be expediting this with all due speed, and with transparency and accountability, so thank you, mayor, for your partnership on this. Aye.

**Fish:** Thanks to the community leaders working on this, and to the mayor and commissioner Fritz. Aye.

**Hales:** From a justice settlement predated my arrival on commissioner novick's arrival on this council, but it is sound policy, both in letter and in spirit, and you have my commitment and, and the

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council's commitment that we're going to continue to go step by step, into full compliance with this agreement, and this is a very important step. Aye. [gavel pounded]

**Hales:** Now, I would like to move because we have an item here of importance, and the chief here, as well, to Commissioner Saltzman's proposal. Item 764, so I would like to take that out of order. And let the chief and others testify about that, so could read 764, please, Karla?

**Item 764.**

**Saltzman:** Thank you, mayor. We have the Portland fire and rescue Chief Erin Janssens here to provide bit more information about this important grant application. And I just wanted to start out by providing some overall context. The budget deficit, the city council faced, in this year's budget, was the largest deficit that I have dealt with in the 15 years that I have serve on the city council. And we had to make difficult decisions and unlike many other tough budgets, that I have been through, we have had to, actually, make some cuts to our public safety bureaus. And, and that is something that is unfortunate, and one result of that is the adopted budget required through the layoff of 26 firefighters, that were notified two weeks ago, the layoffs would take effect on october 9. Thankfully, we have the option before us to ask the federal emergency management agency to provide bridge funding for the next two years. In that time, hopefully, our economy will improve and get stronger than ever. And the city council reallocate ongoing general fund dollars to keep these 26 firefighter positions staffed and serving our community when the grant expires in two years. But that will be for another council to make the decision. And right now we hope that fema sees the wisdom and in providing us the important funding to keep these 26 firefighters working for the city of Portland. With that I will turn it over to the fire and rescue Chief Erin Janssens.

**Chief Erin Janssens, Fire & Rescue:** Thank you, commissioner. Is there a substitute ordinance?

**Saltzman:** I'm sorry, I need to move a substitute ordinance.

**Fish:** Second.

**Saltzman:** It substitutes the fire and rescue chief to make the decision about how to allocate the money rather than the mayor.

**Janssens:** Initially, yes. And then the mayor will sign the final application.

**Hales:** So take a moment before you start the rest of the presentation and describe the difference between the substitute and the original ordinance.

**Janssens:** The only difference is the strikeout. The application states they would like a chief officer from the requesting organization, and then the final application, they replaced the mayor with the fire chief, and then the final application will have your signature.

**Fish:** That's reflected in the memo with the strikeout language.

**Hales:** Yeah. That's how the grant requirement works, I have to sign them but you are the named party.

**Janssens:** Point of contact.

**Hales:** Right. Further council discussion of the amendment, and roll call to substitute the amended version for the council hearing.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye. [gavel pounded]

**Erin Janssens:** Good morning, members of council, I have been introduced, but for the record, Erin Janssens, fire chief, Portland fire and rescue, and I have with me Deborah Harrison, our business operations supervisor and, and as commissioner Saltzman stated, and everyone knows, this has been a tough budget. When we heard what members of the council asked for, creative solutions to hard problems. Our management team developed a plan that creates efficiencies for the tax payer through innovative approaches but maintains critical emergency response capabilities at all the fire and rescue stations throughout the city, and also sustains the high level of service Portlanders expect of the fire bureau. Portland fire and rescue is trying a new apparatus called quint that will preserve our limited truck companies, and but supports the deployment of the fire attack line if needed in an emergency. We also reorganized some resources to hire demand areas to respond more equitably

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across the city. Because Portland fire and rescue is a critical part of the safety net we introduced new rapid response vehicles, specifically, for medical calls where they are needed, in old town and east Portland. The RRVs also help with the response reliability and response time of critical fire apparatus, with staffing needed for more complicated and critical emergencies. And despite these efficiencies and innovations, the tools we use, and the apparatus we ride and the stations that we staff and operate from are meaningless without our most important asset. That's our highly trained firefighters. To that end, we're here today to request council to approve your application for the 2013 safer grant staffing for adequate fire and emergency response offered through FEMA. The safer program was implemented in 2003. However, since it is designed solely for departments that need to either rehire firefighters, the firefighters laid off or have issued official layoff notices to, Portland fire and rescue did not previously qualify for the funding. Unfortunately, now, we do. And on July 30, Portland fire and rescue issued layoff notices to firefighters impacting 26 people with the potential to close two fire and rescue stations. We respectfully request from council the support to apply for this safer funding, which if we receive, will total over 4.5 million and can be used for the sole purpose of paying salary and benefits for the 26 firefighters for the next two years. Some specifics of the count of the grant requirements are copies of the formal layoff notices must be included with the application. There is no cost match requirement and no maintenance of effort as have been previously required in former years. And grantees must maintain the safer funded staffing as well as the staffing at the level that existed at the time of the award for two-year commitment of the funding. I would like to take a minute just to thank business operations supervisor Deborah Harrison, who with the help of Merrill Gonterman, our deputy chief of special operations and firefighter Isaac McLennan and others who wrote this very complicated grant application. And I would like to thank you for considering this opportunity for Portland fire and rescue to apply for the grant. There is a lot riding on it. Not only for the firefighters and their families that will be directly impacted, but to the people of Portland who count on the services Portland fire and rescue provides.

**Hales:** Thank you. Questions for the bureau? Thank you both very much. Good work. And I know that we have folks signed up to testify.

**Moore-Love:** We have one person, Alan Ferschweiler.

**Hales:** Good morning, Alan.

**Alan Ferschweiler:** For the record Alan Ferschweiler, president of the Portland firefighter's association, good morning. I just want to hit a couple of extra points on that, and I think that the discussion of our bridge funding and our 26 positions that we have, and I think that's one of the things that we're focusing on with the safer grant, I want to emphasize is that if we do not get this grant, and we don't get bridge funding, we have to have further cuts to the fire service, and to the stations that currently exist, so the changes that happened on July 1, those are there, and those are there to stay for right now. And but, on October 9 if we don't get this grant for further bridge funding we have to look for two company closures or two other fire stations that will need to be further closed at that time. And I wanted to talk about what happened, especially in the past week. On July 30, the bureau, which they did a very good job in bringing in all 26 people that were available into the fire station 1 and talked to them about the layoff notice and actually give it to them in person. And thanks to the chief for allowing me to be a portion of that day. And that weekend, when the grant came out, and it said that we are going to open it on July 30, my one commitment to our members was to call each and every one of those 26 people personally and tell them that they have our support, and that I think about them all the time. And I think through those past eight months if anything, I can tell you the thought of them and their families has weighed on me and our other union officers greatly. The last person, of course, is -- his name is Steve. And he's one that I really think about a lot. He's the last person in seniority. Eight years as a marine, he was a civil servant in Seaside, and he left that to work as a firefighter for the citizens of Portland. He's got three

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kids, and it would just be devastating to him and his family if he did actually have to have that layoff. Again, I just want to reemphasize, I understand you guys are in a difficult budget position. I think this is an opportunity to prevent any of those layoffs and a firefighter like Steve, that's worked for Seaside, decorated marine to be able to keep his employment status with you. So again, thank you for letting me testify, I encourage a yes vote. I'll answer any questions you guys may have.

**Fish:** I just have one question and first I want to thank you for your persistence on this issue. I know you've been talking to each of our offices, making sure we get this right and honor a commitment we made. Looking at the item before us, authorizing the application, the amount, the sequencing. Are you satisfied that we are fulfilling the commitment that we made?

**Ferschweiler:** Absolutely. Absolutely.

**Hales:** Other questions for Alan? Thank you very much.

**Ferschweiler:** Thank you.

**Hales:** Anyone else signed up to testify? Let's take a roll call.

[applause]

**Saltzman:** Well, thank you President Ferschweiler for your testimony and for putting a human face on this unfortunate situation where we have to lay off 26 firefighters. Thank you to those firefighters who are here today for all of your service to our city. And it's residents. And let's get this grant into FEMA. Aye.

**Novick:** I very much hope that this application will be successful. I want to thank our firefighters for all of the work that they do, both fighting fires and responding to medical emergencies and let's cross our fingers, thank you, aye.

**Fritz:** Thanks to Commissioner Saltzman, Chief Janssens, and Carol Boucher. We hope that we get this grant. Aye.

**Fish:** We made a commitment that we would vigorously pursue this grant and Alan has kept our feet to the fire. Today we're moving forward to honor that commitment. As someone who knows what it's like to have a firefighter come to your house and answer a call and provide world class service, I am as committed as all of my colleagues are to securing this grant and hoping to avert layoffs that none of us wish. Thank you, Dan, for bringing this forward. And the council fully supports your application. Aye.

**Hales:** We were hard pressed by this budget and a lot of hard choices were queued up for the five of us. And difficult things, including giving people layoff notices were the results of those hard choices. And it is very fortunate that in this case we have an exit door, and we're going to try our very best, and this partnership that you heard from here this morning is a good sign of our hopes for that process to make sure that we get to use that exit door and that people who we value as part of our team and that provide great service to our community will still be with us and that the layoff notices will just be a piece of paper, not a reality. I want to particularly compliment you, Alan, and the Portland firefighters association for working in great partnership with the bureau and us to get this application together to make a strong case to the federal government that this is exactly the circumstances, the safer grant was intended for. Portland doesn't ask the federal government for help unless we really need it. This time we do. And if there is anything that I can do as the mayor of this city to augment the quality of this application with whatever persuasion I can apply to the federal government, I'll be happy to pick up the phone and help. Thank you all. We look forward to hearing a favorable response to this grant from FEMA soon. Aye. [gavel pounded]

**Hales:** Thank you. Thank you Commissioner. Next let's go back to the regular agenda.

**Item 759.**

**Hales:** Good morning.

**Mike Gallagher, Bureau of Police:** Mayor, commissioners, good morning. I'm Mike Gallagher, one of the officers who works at the east precinct coordination team. I would first like to thank you

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for funding the services that work the human trafficking victims as well as the women trying to remove themselves from a life of prostitution.

**Kristin Lumm:** I'm program coordinator with lifeworks northwest. Good to see you again.

**Hales:** Good to see you.

**Gallagher:** During the recent budget talks, questions asked during the operating expenses and success rate of lifeworks new options for women program as well as the sex buyers accountability and diversion school, also known as the john school. Unfortunately answers to these success rate questions is not easy as telling you the number of women who have graduated from the program. We wanted you to know that the program is working and there is a noticeable decrease in the number of women working out on 82nd avenue, as well as sandy boulevard who were involved in prostitution. To provide the answers to the questions, deputy district attorney working at our office, kelly, kristin, myself, worked together to come up with the reporting requirements that the lifeworks now program will provide on a quarterly basis. This information will be reported back to east precinct's prostitution coordination team, and will be shared with commander westbrook. The amendment, lifeworks reporting requirement is an addition to the original contract we had in place for the 2012-2013 fiscal year. In coming up with this amendment, we looked at how we could best track the women involved in the program and provide information on how they were doing. Additionally we include tracking information related to the john school participants and money generated from that program. Information about administrative costs associated with the now program. We believe this information will be invaluable in the future to answer questions about the lifeworks new option for women program and demonstrate the importance of the work that they're doing. We are here to answer any questions that you might have about the amendment and the new options for women program.

**Hales:** Great. Thank you.

**Saltzman:** This data will be reported to whom?

**Gallagher:** To myself and the prostitution team, team members and the Commander at the precinct, shared with commissioners at their request.

**Saltzman:** Every six months?

**Gallagher:** Quarterly and a summary every six months.

**Saltzman:** I'm interested in seeing the data as it evolves.

**Fish:** Could you clarify, our materials say this is funded with \$100,000 one time special appropriation, and \$100,000 from byrne memorial justice. Is the \$100,000 special appropriation in the most recently adopted budget or are we taking it out of contingency.

**Gallagher:** The most recent.

**Fritz:** Most recent.

**Fish:** We adopt that within our budget.

**Fritz:** Yes.

**Hales:** Other questions for our team here?

**Lumm:** I did want to say that we have heard you and changed how we are keeping track of things. We heard everything that you said and we are thankful for that feedback and we're doing the best to show more clearly just so you can see that we heard you and we -- now we know the process a little better so that we can be here and in the conversation the whole time and we look forward to any questions you might have throughout the year. Please feel free to reach out. We would love to talk more about it.

**Hales:** Thank you. Appreciate you being responsive. Thank you.

**Lumm:** I forgot, since I last saw all of you, we have had five women graduate the new options for women program. Exit from the life-style, gainful employment, educational schooling plans. So, this -- that's a pretty big yea.

**Hales:** That is a big yea.

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**Fritz:** The last four months.

**Lumm:** Two the end of the last fiscal year, and three in this fiscal year.

**Hales:** That's great. Thank you. Anyone signed up on this?

**Moore-Love:** Yes, joe walsh.

**Hales:** Come on up, mr. Walsh.

**Joe Walsh:** My name is joe walsh. I represent individuals for justice. And we are here to fully support the reintroduction of the moneys for this program. It's a national problem. The underage prostitution is so -- I was excited about the work that commissioner Fritz did on this. And also the mayor being involved. And also for the second time in two weeks, complimenting the police department. We are fully supportive of this and we thank you for fighting to get this money back. I used to live very close to 82nd street. And I know the area reasonably well. So, it's something that has to be addressed. It's something that as human beings, we really need to stop it. So, thank you for your service.

**Hales:** Thanks, joe, appreciate that. Anyone else signed up?

**Moore-Love:** That's all.

**Hales:** Okay. Let's take a roll call please.

**Saltzman:** I want to thank the council for approving the funding for the new options for women program in the recent budget process. Lifeworks has been one of our partners from the beginning of the city's efforts to combat human trafficking. As was pointed out, this contract is great because it does have new data reporting requirements. Which coincides in a great way with Portland state university study that was released on monday with hard data about child trafficking in Portland. Quantifiable, factual information will shed light on this hidden topic. Thank you to lifeworks and to the east precinct prostitution coordination team and thank you in particular to officer mike gallagher for his steadfast commitment to ending prostitution. Thank you. Aye.

**Novick:** Thank you very much. And thank you for the good news about your recent successes. Aye.

**Fritz:** Thank you for your participation in the budget process. It must be noted that this contract is \$47,000 less than last year's, and so as the mayor graciously agreed when I voted for the budget, we will be looking at what services we can provide to both adults and children escaping prostitution. I invite both of you to contact my office because we need to get going on that now that i've got a little handle on my new bureaus, that is something close to the top of my to-do list. You can be thinking about who else should be engaged in that discussion. I agree that the reporting requirement is going to be helpful. We need to be able to show that we're investing the public's money wisely and making improvements just coming today and saying that we have five survivors who are now on the -- beyond the road to recovery. They're there. So, thank you both for your work and I know that each one of those people has a story and that each one of you was a part of that recovery. Thank you very much. Aye.

**Fish:** And, mayor, I recently attended the ground-breaking for lifeworks northwest new residential facility in inner northeast. And I met a number of the women and their children who are in recovery that will call that new facility home. That is funded in part through the Portland housing bureau and with the use of urban renewal money, under third try in a competitive process secured funding to make this a reality. If you visited the existing facility up beyond brewing, you know why it is so vitally important that we have a modern facility for their clients. And in addition to the work they do in addressing and combatting prostitution, they do such wonderful work with women in recovery. Thank you for your great work in our community. I'm proud to vote aye.

**Hales:** We have to make our decisions up here with our hearts and our heads. You're giving us the ability to do that here by both highlighting really outrageous crime, and the need to be serious about fighting it and giving us quantifiable justification for how we spend the public's money. Those are

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two reasonable things to make decisions on and you're giving us the tools to do that and to do very important work. I appreciate the work that you're doing. Thank you, aye.

**Gallagher:** Thank you, commissioners.

**Lumm:** Thank you.

**Hales:** Okay. 759 -- 760, sorry.

**Item 760.**

**Hales:** Good morning.

**Lt. Chris Davis, Bureau of Police:** Good morning. I am lieutenant chris davis with the Portland police traffic division. We're here today to ask for you to accept that grant. This covers the rest of the federal fiscal year, so it's \$20,000 to be used for speed enforcement over time between now and the end of september. And then we will be able to reapply presumably for a larger grant for next federal fiscal year. And we all know that there has been an uptick in traffic fatalities in Portland in 2013. One of the common factors in traffic fatalities is speed. We recently lost five positions in the traffic division in the budget crisis. This grant will enhance our ability to conduct speed enforcement missions in high-crash corridors. And these are multi-officer missions, and we can also use this as a force multiplier for the ongoing projects that we have with the state police and the sheriff's office to do enhanced traffic safety enforcement in Portland. We would ask for your support for this today.

**Hales:** Thank you. Questions?

**Saltzman:** Could you remind us what are the high traffic -- high crash corridors --

**Davis:** There are several throughout the city. There are areas that have been identified as having above average traffic crash rates. Southeast division street is one example of a high-crash corridor.

**Hales:** Southeast powell.

**Davis:** And powell is actually high-crash corridor for the city and it is one of the highest crash locations on state facilities in Oregon.

**Hales:** Other questions? Thank you. Appreciate it. Anyone else testifying on this?

**Novick:** I would like to take the opportunity to thank Lt Davis and the work that the traffic division has done, street closures at major arterials this summer and we asked the traffic division to go in and over-patrol and make sure that people aren't speeding through neighborhoods when they take detours. You issued a lot of citations to help to be sure that the closures have not resulted in adjoining neighborhoods being unsafe.

**Fritz:** My understanding is the grant period when the overtime has to be done is September 30<sup>th</sup>, so I think the public should be aware that you will have a lot of patrols out between now and then.

**Davis:** Yes, we will.

**Hales:** Fair warned and we hope they don't need the warning but we're glad you're out there. Thank you.

**Davis:** Thank you.

**Hales:** Other questions? Anyone else signed up? Yes, three people. Mary eng, ben pickering, and joseph.

**Hales:** Mary, on this topic, please.

**\*\*\*\*\*:** Police brutality --

**Hales:** No, it has to do with traffic enforcement.

**Eng:** Thank you. This is mary eng. I wanted to clarify if I understood this resolution to be a measure towards increasing traffic safety by offering police overtime?

**Hales:** Paying for overtime, they can be out there longer.

**Eng:** What is the -- permissible allowable overtime that officers are allowed to have and what risk assessment is done for accidents that happen after a certain threshold is reached in terms of increased safety due to overwork or overstress or possible missing of meals or breaks?

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**Hales:** We can probably get you answers to those questions, but I would ask you to talk to lieutenant davis after the council meeting.

**Eng:** Lieutenant davis.

**Hales:** Right behind you.

**Eng:** Great, thank you so much.

**Ben Pickering:** Yeah, what do the people get paid that call in accidents or people on the road or what not, I mean, who actually drives around that's got nothing better to do, whether it is -- I know friends and everybody, but people that drive nice trucks, like to drive around because they ain't got nothing better to do, southeast, northeast, whatever, I mean, what do they get a pension for their time, just to drive around and let them know that even though they're not wearing a badge or nothing. Would it be cool to be brought up to have something you know -- just throw out there if someone has got a little free time out there just driving around and just enjoying their day or whatever in the neighborhood, you know, like -- do you think it would be -- what does that cost?

**Hales:** Thank you for coming. We will get you answers outside of the hearing. Thanks. Anyone else?

**Moore-Love:** That's all.

**Hales:** Council vote.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye.

**Hales:** The police chief, with good cause, celebrated the accomplishments in the community of reducing part one crime from last year to this year about 9%, that is great news, but as lieutenant davis pointed out we're having a bad year for traffic safety. Enforcement matters. Engineering matters, education, so does enforcement. And it's really been appalling to see, as I do, the daily situation reports coming from the police bureau, pedestrian collision after bicycle collision after accident with injuries or fatalities. So, this traffic enforcement work is really important, and we have -- and the presence on the street has both a suppressing effect on accidents that therefore don't happen, and, you know, apprehends people causing problems out there. We are getting way too many reminders this year, appalling statistics, traffic safety matters.

**Fish:** I live in the grant park neighborhood. I would have just a -- some friendly advice for people who are on bikes and in cars. That sign that is in red that says stop at the intersection. If people actually stopped, I -- I now noticed that it is now equal opportunity. The bikes don't stop. Cars don't stop. Only difference is that cars can do more damage than a bike. But I don't know that we have amended our laws to say that those are just cautionary signs and believe they still require a complete stop. I would think that is a surprise to a lot of people in the neighborhood.

**Hales:** I agree. Statistics as they come through and there is a little pattern, you might lump a lot of injuries and fatalities into behavior that I would somewhat flippantly call being clueless in the right of way, whether driving a car while texting, walking across the street texting, riding a bike without a helmet diagonally across an intersection. Lots of way to getting hurt or killed operating casually in a dangerous environment which is what these folks have done. The other biggest factor by far is alcohol. Traffic enforcement does a very good job when they're out there of apprehending people driving under the influence.

**Fish:** If I could also just note, mayor, we know lots of people, including members of this council, who have lost loved ones in car accidents. It is something that you never recover from. In addition, I know people who have been behind the wheel and have through an accident taken a life. And it is something they have never recovered for. I think if people in their rush and in their selfishness took a moment to think that ultimately the cost of this reckless behavior could be a life, innocent life, particularly in a residential area, we might see a higher degree of responsible driving. And cycling. Because I believe it is now an equal opportunity offense.

**Hales:** Thank you very much. Aye. Thanks. Okay. Next item, Karla.

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**Hales:** Thank you. Do you want to read the other item, too? Are you doing both of these?

**\*\*\*\*\*:** I think i'm only doing one.

**Hales:** I'm sorry.

**Margaret Bahnon, Bureau of Police:** I hope. I'm a sergeant with the Portland police bureau in the detective division. Portland police bureau has provided three officers for investigations for the Multnomah county district attorney's office. Investigations are directly and indirectly related to the prosecution of crimes within Multnomah county. The city and Multnomah county, district attorney office, city of Portland will be reimbursed for overtime incurred for the investigations up to \$31,994. The police bureau is asking that you accept that ordinance for reimbursement of the overtime funds for the 2014 fiscal year.

**Hales:** Thanks. Appreciate that. Questions? Anyone signed up?

**Moore-Love:** Yes, we have mary eng and ben pickering.

**Hales:** Not again, mary, mary -- this is -- on only this item, okay.

**Mary Eng:** We have to resolve the security issue outside.

**Hales:** Please go resolve it outside.

**Eng:** But i'm allowed to speak on the measure for which I spoke.

**Hales:** Only this item.

**Eng:** Since I was outside.

**Hales:** Reimbursement from Multnomah county for police investigations

**Eng:** How long am I permitted to speak, mr. Hales?

**Hales:** Three minutes on the subject.

**Eng:** Reimbursements for the city of Portland for investigations from Multnomah county, which I have heard that Multnomah county that is more money than the city and the city has been having some anxiety about finances. So, the reimbursement -- you know, actually I would like to have a copy of this in writing. Is that possible?

**Hales:** Yes, we can get you a copy.

**Eng:** This would be nice. Police investigation with the joint terrorism task force --

**Hales:** No, nothing with --

**Eng:** Just common petty crime?

**Hales:** Yes.

**Eng:** Crimes upon citizens that are instituted by police officers.

**Hales:** That's not the subject before us.

**Eng:** That's not the subject before us. Okay.

**Hales:** Thanks very much.

**Ben Pickering:** I want to before I get started, I know what this is about, one thing I don't know. I have three minutes. Is this for either -- I mean, I don't take sides because I give everybody the benefit of the doubt, but this is for petty crime or police brutality kind of in a way, like fighting for either side?

**Hales:** This is just the county reimbursing the police bureau for overtime when we're investigating.

**Pickering:** Investigating.

**Hales:** Right.

**Pickering:** For the right reasons, I have nothing to say.

**Hales:** Thank you very much. Anyone else? Karla, anyone else?

**Moore-Love:** That's all that signed up.

**Hales:** Roll call.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** aye. **Fish:** aye.

**Hales:** Aye. 762.

**Item 762.**

**Hales:** Come on up. Good morning.

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**Rachael Andrew, Bureau of Police:** Good morning. My name is Rachel Andrew. I am the acting captain at family services division. This amendment is merely a clerical error that the county performed when they were giving the amount back to the city. It is an add of \$3,058.

**Hales:** Thank you. Questions?

**Fish:** That was the most succinct and persuasive testimony that we have had today. It is no wonder you are rising so rapidly through the ranks. [laughter]

**Hales:** Thank you. Anyone signed up

**Moore-Love:** Mary Eng --

**Hales:** Mary, I'm not going to allow you to continue to testify.

**Mary Eng:** But I'm a citizen. I get special rules where my free speech is violated

**Hales:** Because we have 600,000 citizens in the city.

**Eng:** Let's get them to come to the meetings.

**Hales:** That would give them a good idea but you have to give them rule. I will rule we are not going to take anymore testimony on this. I am going to approve it. It is a clerical error.

**Eng:** Can the other commissioners clarify that the mayor is not acting out of order --

**Saltzman:** I will move to call the question.

**Fish:** Second.

**Hales:** Question has been called. Roll call.

**Saltzman:** Aye.

**Novick:** I appreciate your succinct testimony. I think we're all wondering why we were voting on \$3,058. Aye.

**Fritz:** We're voting on the original question?

**Hales:** Yes.

**Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

**Hales:** 763.

**Moore-Love:** We need to do the roll call on 762 first.

**Fritz:** That was my question.

**Hales:** I'm sorry. That was the amendment. Roll call on the original question. Sorry. Yes.

**Moore-Love:** First roll call was that on the motion --

**Fritz:** That was apparently --

**Hales:** On the motion. Now the amendment.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** For the record I would not have voted yes on the motion to call the question but I do vote yes on this. Aye.

**Fish:** Aye.

**Hales:** Aye. 763.

**Item 763.**

**Hales:** Good morning. Thank you.

**Ariana Ridgely, Bureau of Police:** Good morning. Thank you for having us. I work for central precinct entertainment detail. And today we're going to bring about an intergovernmental agreement. This was an initiative from the county. They had a federal grant to reduce high-risk drinking among young people, 18 to 25. She asked if we had any ideas on how to do that working in the entertainment detail, we see a lot of over service, which leads to problems down the road, including the traffic accidents that we just discussed.

**Fish:** May I ask you -- what does over-service mean?

**Ridgely:** It means serving someone too much alcohol.

**Fish:** I'm just curious, if a bartender under Oregon law knows that someone is inebriated and keeps serving that customer, do we attach any liability on the bartender or the owner?

**Ridgely:** Yes, the bartender. It is a misdemeanor.

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**Fish:** If the customer who is inebriated leaves the bar and the person they observe gets in a car, in some states they attach liability to the owner of the bar for the subsequent accident, do we have a similar law in Oregon?

**Ridgely:** I believe the olcc can fine them for things like that. Generally they sue them civilly.

**Fish:** My sense is in other states, they pass statues to say if a bartender serves someone inebriated and gets into the car, and there is a subsequent accident, that is considered a foreseeable event and they are liable in the chain for whatever happens.

**Ridgely:** I don't think Oregon has that.

**Fish:** Our authority is to ding the owner, bartender for a misdemeanor offense if they serve someone who is clearly inebriated and they over-served.

**Ridgely:** Right.

**Fish:** Thank you.

**Ridgely:** In Oregon, to go forward with that ors, you have to see them do it. You have to get the actual bartender. You can't charge the bar with it. So, this has to be the person who served them last. So, that can be kind of difficult, especially for uniformed officers to see. We don't spend a lot of time directly inside the bars, at the bar watching people get drinks. This grant from the county would allow overtime costs for backfill, for -- to plain clothed officers to go into establishments and observe servers and to see if we are seeing any of this over-service. If we see it, then we will cite the server, and our hope initially is that they will have an option to take some kind of over service education class to dismiss the ticket on the first offense.

**Saltzman:** Did you say two plain clothed officers?

**Ridgely:** Yes. For safety.

**Saltzman:** I get it. I get it.

**Ridgely:** All of these missions will be documented in reports. Tickets will be sent to the da's office. We're working with one of the neighborhood da's on getting those prosecuted and working with a community court to get a class set up, like the class with traffic tickets. And we will be reporting back to the county on how the money is spent.

**Hales:** Thank you.

**Saltzman:** Does the Oregon liquor control commission still have undercover people working?

**Ridgely:** They do. We are going to hopefully have one or two with us on each one of the missions working with them because they have a different site where they can cite the establishment and not just the server. We're trying to work together jointly to do that.

**Fish:** Are they looking at underage drinking and over-serving?

**Ridgely:** Correct.

**Fish:** How egregious does the violation need to be or how many repeat violations before you can take action against the owner or operator?

**Ridgely:** The owner of the bar --

**Fish:** Shut them down or --

**Ridgely:** From the OLCC standpoint? I don't know how they do that. If we saw -- from the city's stand point, we can use that to some degree in the time, place, manner violation for the establishment later, due to liquor licensing committee. It generally has to be the way the law -- they should have known. The person is visibly intoxicated. It's very obvious that they are intoxicated and should not have anymore alcohol. You have to articulate what you're seeing.

**Fish:** I don't want to give away too much here. I'm a cable tv junky. And there is a couple of these undercover restaurant shows that are big hits now. Not infrequently, one of the problems is the bartender over-serving someone, staggering out, getting into a car, and that's what often sends the owner who is watching a hidden camera over the top. It happens quite a bit in those shows. I think going upstream and trying to prevent this so that people don't leave establishments and get in the car and become essentially a weapon is vitally important.

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**Ridgely:** Uh-hmm.

**Hales:** That's the idea. Welcome. Did you want to add anything?

**\*\*\*\*\*:** No, thank you for listening to this. I coordinate the project. The strategic prevention--

**Fritz:** State your name.

**Sandra Storman [spelling?]:** I'm with the Multnomah county mental health and addiction services. Coordinating this grant project to reduce higher-risk drinking. With the project, we are looking at multiple strategies. Working with the colleges in Multnomah county as well as a task force that is focused on the entertainment district because that is where a lot of the young adults go to drink, and the Portland police, as well as the city of Portland, office of neighborhood involvement has been involved and helpful in thinking about creative strategies to address this issue. So, we are looking at multiple strategies enforcement is definitely a research-based strategy around addressing some of the issues, but we're also looking at policy. Looking at the norms and messaging in the district as well as the direct work with college students.

**Fish:** Can I ask you about that point? I have a rising college junior in my household. My sense most college students in Oregon are not legally allowed to buy and consume alcohol until at least their junior year generally. My experience as a former college student, that the enforcement on the campus is not as vigorous as it could be. Is it your experience that local colleges and universities are trying to get the word out that students are not allowed to consume alcohol if they're underage off campus --

**Sandra:** Six colleges that we're working with. Each school is unique. Portland state, environment at psu, different than the environment at reed and lewis and clark. On campus, varying degrees of infrastructure established to address some of the drinking issues and different cultures and different philosophies, but there are six schools that are working with us that are trying to strengthen those resources that they have. And strengthen the policies that they have. So, I would say that it varies a lot depending on the school, what their actual practices are and the resources that they have to address those. But it is definitely an issue that all of the campuses are aware of and are trying, working to try to address. With psu being the largest university, you know, in Oregon, the typical -- the average age for a student at psu is actually 26. But as it has increased in size, the traditional students have increased as well. There is more student housing. And, so, they're really trying to ramp up efforts to address some of the on-campus housing issues. Of course, being in the city, there is an intersection between urban issues and city issues as well as student issues.

**Fish:** Appreciate that point. My wife teaches at psu and she reminds me it is a continuum of learning. People come back in different stages, community colleges, like you might see at reed, more students traditional age for college, where as psu, people coming back and continuing their education, thank you for that.

**Sandra:** Part of the work that we're doing is focused in resident life. Catching those students that are living on campus at psu and we are doing -- campaigns and enforcement policy and all of that.

**Hales:** Thank you. Good morning. Do you want to add anything?

**Jay Gahan, Bureau of Police:** Portland police. Just the one thing I would like to add, all of this will be performed in bars and establishments where people are supposed to be 21. It's going to help us get a handle on the underage drinking problem with the times that we're in now, underage people have a great resource of getting i.d.s that show that they're 21 from overseas and they get a lot of stuff that the bars have trouble detecting. This will help us not only stop the over-service, but also enforce against people using fake i.d.s.

**Hales:** Good. Thank you.

**Saltzman:** Fake drivers licenses from overseas?

**Gahan:** Yes, china is one of the worst. They get two for one deals when they purchase i.d.s, in case the first one gets confiscated, they have a back-up to use another time.

**Hales:** Other questions for the team? Thank you. Anyone signed up.

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**Moore-Love:** Just mary and ben.

**Hales:** Mary, it has to be on this topic.

**Saltzman:** I would move to call the question again.

**Fritz:** Can I get a clarification from the city attorney on being allowed to testify?

**Tracy Reeve, Chief Deputy City Attorney:** The mayor has the authority if he finds that the testimony is creating a disruption in the council meeting to limit public testimony. That is the standard --

**Fish:** There is precedent on that. Mayor Adams on situations where people came on every single item and in particular did not address the item, Mayor Adams invoked that clause and one of the reasons he did is that there are lots of other people that are inconvenienced when people testify not on the subject matter and for the purpose of filibustering. And the mayor does have under Robert's Rules the right to maintain good order.

**Hales:** And I intend to use that again. If you want to testify on this subject, you get to do that. But to come up here again and again and talk about what you want to talk about, that is not what this forum is for.

**\*\*\*\*\*:** 763?

**Hales:** It's 763.

**Mary Eng:** Hi. Members of the council. My name is Mary Eng. I would like to heartily congratulate you on your support for 763. A measure to authorize an intergovernmental agreement with Multnomah County to reimburse the police bureau overtime cost for up to \$15,000 for education and enforcement efforts to reduce alcohol service to visibly intoxicated persons and service to minors at Portland bars and night clubs. I would like to encourage you to consider the risks of continued use or abuse of overtime as a measure when we have a staffing crisis and cutbacks on a lot of emergency services, police, environment, etc. But I would like to support the measure because of the severe sadness and sorrow, deaths via DUI and intoxicated drivers cause, and I think with young people, especially the generation Y, is in extreme crisis financially. A lot of us have been unemployed, Gen-X and Gen-Y. Turning to alcohol as a means to satisfy the internal economic and social struggle that we face is definitely something that we should find better ways to encourage a productive and happy and harmonious community. So, this will be a first step. I would like to also laud the state of Oregon for their progressive measures in alcohol enforcement in terms of the famous case regarding a death by drunk driver and that in some ways Oregon seems to have a tendency to be a bit of a controlling in terms of our social crimes, but I think some measures to protect the community and especially at-risk minors or juveniles may help prevent some of these unfortunate occurrences of deaths and rape which are happening or abuse of the homeless at-risk juvenile population as well so trying to get some curtailment of that, which is often used in the human trafficking and child trafficking phenomenon which is so relentlessly pursued by -- that is something that we can all be proud of here in Portland, Oregon, as we attempt to help the at-risk children.

**Hales:** Thank you.

**Ben Pickering:** On the alcohol thing I agree on what she said. But to take -- we talked about this -- I experienced this stuff, see it on the streets and stuff. There is -- it kind of like one of those things, someone said something about the crime going up. Alcohol there should be a limit on understanding -- there should be a private place where if you're old enough with I.D. And each person should have a limit to what they buy. Some people go in the stores, I see it all of the time. Kids grow up to a certain amount -- I've heard it, seen it. I can just go down the street and get it from a guy or gal old enough to buy it for me. Not a big deal. Well, you know, and, you know, the violence -- some of the people either upset or this and that. Some people are just scrounging up money, but, I mean, to be abusive with it, like, you know scrounging up just to get that alcohol or that drink, well, sometimes, you know, it's like I have seen people having a hard day at work. Hung

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without with a dad and some of his friends, and my friends' dad and parents, work, go out, you know, i'm of age to drink, and I don't gorge myself, but one cools me off and the breeze picks up and it cools me off just fine. But I mean taking advantage of the deal, socializing, drinking wine, whatever, that's cool. But it is like one of those things that's going up, like there should be a limit on, you know, what it is anyway. And I think the best thing for a few things -- okay.

**Hales:** Thank you.

**\*\*\*\*\*:** Thank you.

**Hales:** Anyone else? Roll call. Saltzman.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** I appreciate the team's work on this. I was at the neighborhood association national night out party last night, mike boyer, officer neighborhood crime prevention specialist downtown, hearing of the remarkable work with the police bureau, partnering with the mayor's office and the entertainment district and the issues that you're facing. It is a great example of our partnership with the county and recognizing this as our problem. And it does highlight some of the challenges we have with the Oregon liquor control commission. Of all the things I've lost in oni going over to you, the battles with the olcc are not one of those that i'm missing in any way, shape or form. Thank you mayor for your leadership on this and for the team for coming in and working on this problem. Aye.

**Fish:** I would like to thank the panel that came before us today for an excellent, thorough, thoughtful presentation. It was good to hear about this work and it seems like a fairly modest investment with the potential for a big community impact. So thank you. Aye.

**Hales:** We are right on the ragged edge in old town between a safe and successful entertainment district and the wild west. And we all know which side of that line we want to be on. And, in fact, I don't have much patience with those that want to drag us over the line into the wild west. Whether that is individuals trying to buy alcohol who are not legally permitted to do so, bars that are serving it to them, or people that are unmindful of the fact that they have neighbors that would like to get a good night's sleep. I think we can make this work but it is going to require cooperation of the community and the kind of cooperation that we see here on this panel, and Multnomah county working effectively with the police bureau. You mentioned the olcc. You're not done with those issues, commissioner Fritz. You know that. I want us to start thinking soon about our legislative agenda for next session and the fact that we've had this experience with what's working and not working in terms of the olcc's regulations, seeing some real success in terms of the work last thursday, they were out there last thursday and did a great job, and we also see this carnage of too many people operating motor vehicles under the influence of alcohol. We have a lot to talk about with the olcc in terms of our authority to keep it on the right side of that line between the safe and successful entertainment area and the wild west. And we want them to be our partners, too. This is good work. I appreciate the partnership and look forward to continuing it. Thank you. Aye. [gavel pounded]

**Hales:** Okay. We are to 765.

**Item 765.**

**Hales:** Good morning. If it is still morning.

**John Deyo, Bureau of Transportation:** Good morning. City of Portland right of way acquisition. Before you is the proposed vacation of sherrett and umatilla streets -- this was initiated by the bureau of environmental services pursuant to a stipulated general judgment from 2010. The judgment was in connection with negotiations between the city and Portland rowing club for the granting of easements on their property needed for the sellwood pump station project. This item has been before the planning and sustainability commission and was approved. With me today to answer any questions you might have, bill ryan, bureau of environmental services.

**Hales:** Okay. Good. Thank you. Questions? Concerns from the council? Anyone signed up.

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**Moore-Love:** Yes, mary eng, sara gardner, and corey tolliver.

**Hales:** Mary, this is on a street vacation. I assume you don't have any testimony on that. Come on up, please, ma'am.

**Sara Gardner:** I'm sara gardner, president of the waverly landing condominium homeowners association, and we are supposed to receive half of the sherrett street vacation, which comes directly up to our building and we just want to say that we very much appreciate this, the opportunity to have the land to give us a little bit of a buffer, and we accept.

**Hales:** I'm glad we could get it worked out.

**Gardner:** I hope we have.

**Hales:** I think we have.

**Fritz:** On that point, my understanding is that we were attaining a separate pedestrian easement and a sewer easement over the entire property.

**Gardner:** That's our understanding. We also understand that this is to be determined after the -- there is also a pedestrian path along the river, which is currently not enforced across the rowing club's property. It is across our's. We understand that that walking path right of way, the vacation, cannot be put in to place until the other walkway across the rowing club's property is in effect. But we do understand that.

**Fritz:** I would like to get clarification from staff on that point. Thank you for saying that.

**Hales:** Do you want to clarify that question? Somebody else signed up --

**Hales:** I'm sorry. Come on up if you would like. I'm sorry. I didn't mean to exclude you.

**Corey Tolliver:** I represent the Portland rowing club which joins both of the street vacations, and I would just like to say that the rowing club obviously supports the application, understands the public easements and utility easements across the two pieces of property and would like to thank the commission for its work on this. It has been a long process over the last couple of years to get the pump station in place and to bring the stipulated judgment kind of work it out, which was the agreement between the rowing club and the city of Portland. And if I can address any objections that the council has, but other than that, I thank the commissioners.

**Hales:** Okay. Great. Thank you.

**Tolliver:** Thank you.

**Hales:** Questions for staff? Yes.

**Fritz:** I would like to know more about the pedestrian easement down the vacated right of way and parallel to the river.

**Deyo:** Okay. There will be a pedestrian easement over the portion of sherrett to be vacated. There is currently not an easement for pedestrian trail across the rowing club property. There is over the waverly landing condominiums portion. So, this easement for the trail would connect up to the springwater corridor trail and provide a connection down to the greenway trail along the river.

**Fritz:** Was there any discussion asking for an easement across the rowing club property?

**Deyo:** There was discussion before planning commission, and amongst staff, but at this point, it was decided that the point that the rowing club came in for permits to develop their land at that time, we would get an easement for the greenway trail.

**Fritz:** Is there a condition of approval on that?

**Deyo:** There is not a condition of approval from the planning commission for the greenway trail on the rowing club property.

**Fritz:** This is a nonemergency ordinance, and I would like some discussion on that before the vote. Because it seems like we're giving the right of way going down to the river to the adjacent properties. It would be appropriate, in my opinion, to get an easement across the property similar to what is on the waverly condominiums in order to be able to complete the greenway trail which is after all a state regulation. So if we could have some discussion about that, I would appreciate it. Certainly.

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**Fritz:** Thank you.

**Hales:** Other questions. If not, I believe this passes to second reading, right? Yes. Second reading. Get a chance to answer those questions before it comes back for second reading. Okay. 766.

**Item 766 and 767.**

**Hales:** Good morning.

**Novick:** By way of introduction, this next items do relate to the streetcar loop project and both involve allocating additional money, and as kathryn will explain, out of contingency funds. We're not adding additional dollars to the project, however the purpose of the contingency is not of course to spend all of it. You hope you don't. And these expenses are related to some of our ongoing issues with the timely receipts of consistently functioning streetcars from Oregon iron works, united streetcar inc. And I would like to take a moment to talk about our relationship with Oregon iron works, united streetcar inc. There is huge value doing business with an Oregon company. If they're successful in building a thriving business, that is a huge benefit to us. Although they're not in Portland, they're in the state, they and their employees, provide living wage jobs, pay state income taxes which support our schools. The company pays property taxes which for the most part -- the school's part of it goes into the statewide pool and supports everybody's schools and there is a value I think dealing with a local company. I met with the president of united streetcar, kevin carter, last week, I found out that he too went to yoncalla junior high school, and it is nice to have that personal connection. It is understandable that you have a company going into a new line of business there will be glitches. We have had glitches with companies that are not Oregon companies. My understanding that the Czech Republic company that was delivering streetcars to us some years ago, we had some delays there too. But, the fact that glitches and delays are understandable does not make them acceptable. When I met with mr. Carter last week, delays we have been having are unacceptable and needs to be fixed. We made it clear to Oregon iron works, united streetcar inc, that when we settle accounts at the end of the contract we expect to be made whole in respect to the delays. I will turn it over to kathryn to describe what the amendments are about.

**Kathryn Levine, Bureau of Transportation:** Thank you. I'm kathryn levine. Portland transportation, and as the commissioner noted, both of the items, 766 and 767.

**Hales:** Karla, read the second item.

**Levine:** Both of these are contract amendments with Portland streetcar inc, nonprofit operator for the Portland streetcar. They involve contracts with the first project management services, which includes in part oversight of the vehicle engineering, testing, and certification that we need to occur before the vehicles can be put in service. The second item addresses the vehicle engineering services provided by ltk. They are the actual professional and technical leads who provide the oversight at oiw on behalf of the city. So, together these represent amendments totaling about \$333,000. We do have contingency within the east side Portland streetcar loop budget. I believe in april, with the last council action, there was approximately \$1.6 million in contingency with these items that would be approximately \$1.25 in contingency remaining to fully complete the project.

**Saltzman:** What does fully complete the project mean?

**Levine:** For us it means closing out the contract with oiw after receipt of the vehicles and having their success -- we have a contract for five vehicles. We have received three. Two are in service. The third one is expected to be in service this week.

**Saltzman:** It's been certified by the federal government as transit ready, whatever the term is?

**Levine:** The safety certifications involve, as I understand it, a number of agencies. We are expecting that safety certification on the third vehicle this week.

**Saltzman:** Vehicles four and five, where are those?

**Levine:** According to the latest schedule proposed by Oregon iron works, we will see those delivered this fall, in september and october.

**Saltzman:** September and october.

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**Levine:** That's correct.

**Hales:** Good news. Thank you.

**Saltzman:** I didn't mean to interrupt.

**Levine:** Please do. Your staff were great about contacting us early and asking questions both about the amount of contingency and whether or not any future amendments would be coming forward. I think it is likely with the schedule proposed, that it is possible there will be future amendments. We negotiate each amendment based on the amount of work done over a period of time as a way to try to control costs. Once we get actual receipt of the 5th vehicle, it is possible that there will be a subsequent amendment for services, for engineering oversight.

**Saltzman:** If you want to finish your presentation, I have more questions. But go ahead.

**Levine:** I would say in closing, repeat what the commissioner indicated, which is that the project budget has contingency funds to cover the services provided. That we are in a position where we want very much to see the work completed. To be able to close out the east side loop project in its entirety. And as well close out the grant with the federal government. So, beyond the vehicle work that is talked about here, I would like to give you a heads up that when the feds invest money that they have, in this case, over \$75 million. They very rightly require a before and after study. And that is over a two-year period of time. So, we will be looking at september 12th, through september 14th. The due date for that before and after study is at the end of calendar year 2014. So, that is when we would actually finally reach completion and closure of the project grant and close out.

**Greg Jones, Bureau of Transportation:** Greg with bureau of transportation. Last time we were before you for an amendment, I believe you also asked for a lessons learned study as we complete the project. I think we would try to incorporate that with the before/after work that we would be doing on the part of the federal transit administration so that we can identify all of the different things that went well and some lessons learned about the things that haven't gone as well.

**Saltzman:** So, we're paying Portland streetcar and ltk for their time and efforts, and those time and efforts can, as you gave a little foreshadowing, it sounds like the streetcars four and five are probably going to slip from september and october. I mean, which has been consistent, a consistent pattern that we have had with Oregon iron works, not getting vehicles certified for service on time. So, why don't we pay based upon delivery of the vehicles, as opposed to just -- it sounds to me like we're doing open-ended contracts with Portland streetcar and ltk -- there is no tangibles connected with those efforts. We just keep dipping into contingency until we burn right through it.

**Levine:** As a newcomer to the streetcar, one thing that was explained to me the service at ltk provides being on site while the manufacturing is occurring in addition to being present once we receive the vehicle and work through safety certification. To the extent that oiw has the cars and does work on them, we need to have our quality assurance representative there.

**Hales:** I think the question that commissioner novick raised is a critical one. Okay, we need to pay for project management while the project is going on and it is going on longer than expected and pay for engineering oversight of the vehicles while constructed, but we're paying for more of that service over a longer period, when it gets to the bottom line close out of the contract with Oregon iron works, not with these quality control vendors, Portland streetcar, inc, and ltk, we have an issue. Right?

**Novick:** I mean, basically if Oregon iron works were delivering us perfectly functioning vehicles on time, there would be no need to continue to pay the oversight contractors. The issue is really with Oregon iron works rather than the oversight contractors.

**Saltzman:** I guess the question i'm trying to frame, are we going to run out of money to pay the oversight contractors before we get vehicles?

**Hales:** It doesn't look like it.

**Levine:** No.

**Jones:** No, we're nowhere in that kind of range where we would run out of funds for that.

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**Saltzman:** These contracts combined today are \$330,000.

**Levine:** 333 --

**Saltzman:** \$1.2 million left in contingency. What was the contract amendment in april, how much money was that?

**Hales:** Similar.

**Jones:** I think it was a similar amount.

**Levine:** I have it with me but not here. I can answer that question.

**Saltzman:** If we're doing contract amendments in the nature of \$300,000 per shot, then I can see, you know, four more contract amendments and no more contingency. What happens then? Who is on the hook?

**Levine:** We are obligated to complete the east side loop project. And the city of Portland, i'm confident will do so. Negotiations with Oregon iron works is a separate contract from what is the action before you today. And we have the contingency that we have to work with. I don't think that any of the parties are unaware of the limitations of those dollars.

**Novick:** Actually, commissioner, my response would be that although normally you settle accounts with a contractor at the end of the contract, if we come to the point where we're running out of money, I would go to Oregon iron works and say, hey, we need to address this sooner. If we can't fund this because of your delays, you need to help us get it through.

**Saltzman:** Commissioner novick, I wanted to clarify. You met with the president of united streetcar last week. Mr. Harder --

**Novick:** I misspoke, kevin clark --

**Saltzman:** Kevin clark. He says he understands for iron works or streetcar to make us whole for the delays they have caused with streetcar delivery.

**Novick:** He said that he understood that the delays are unacceptable and I made it clear that we expect them to make us whole and they recognize that that is our intention.

**Saltzman:** He said that to you. Okay. Okay.

**Hales:** The duration of this extension --

**Levine:** The services provided by ltk currently expire on august 31st. This would extend them to october 31st.

**Hales:** By which time according to the current schedule you expect to have vehicles delivered.

**Levine:** Yes.

**Hales:** Your point is well made, Commissioner Saltzman. All of the sand could run out of the hour glass or all of the dollars run out of the hole in the bottom of the bucket and we would be in trouble. I think that it is good that commissioner novick had this conversation and put the vendor on notice that our problem is their problem. Thank you for doing that. Other questions for the team? Anyone signed up?

**Moore-Love:** They left.

**Hales:** Okay. Thank you very much.

**Levine:** Thank you.

**Hales:** Roll call.

**Moore-Love:** 766.

**Saltzman:** I indicated my growing concerns earlier, but I am going to support these, but I am reaching the limits of my endurance of how many more contingency taps I support especially if the goal line gets getting moved on us aye.

**Novick:** Aye.

**Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

**767 roll.**

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye.

**Hales:** Aye. 768.

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**Item 768.**

**Dee Walker, Bureau of Transportation:** Good morning, mayor, commissioners. My name is - my name is dee walker with right of way acquisition. This item is requesting a street vacation of a portion of southwest Fairview blvd, and it is just to set the hearing.

**Hales:** All right.

**Fish:** May I ask you a question on this? We appreciate you coming here to seek a hearing date. Are you required to do this --

**Walker:** I have been told by our office management that it is necessary for us to come and put this on regular agenda. I'm not quite sure why, these historically have always been on consent.

**Novick:** This is the direction that went out a while ago and we need to sort that out and I suspect we will go back to the previous practice.

**Fish:** I would say if the previous practice is setting -- if is a ministerial matter of a function of setting a hearing date, I think we would all be willing to delegate that function to the bureau.

**Fritz:** And if it is on consent agenda, we can pull it if we want.

**Fish:** Dan and I both have long speeches that we were going to read in connection of this thing, in spite of the time, we will hold our fire.

**Fritz:** I would suggest too that issues like the typo in the amounts of money could also be on consent.

**Hales:** Curious about that one myself. Okay. Thank you. No one signed up to testify, I assume. And we will accept the report.

**Fish:** Motion to accept.

**Saltzman:** Second.

**Hales:** Roll call.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** Thank you for sitting through this fascinating morning of democracy, aye.

**Fish:** Aye. **Hales:** Aye.

**Hales:** 769.

**Item 769.**

**Hales:** Comments commissioner novick.

**Novick:** Some people may be aware that there may be a delay in the delivery of meters to implement the northwest parking plan, that doesn't affect this ordinance or what we voted on last week. There is no need for amendments.

**Fish:** Thank you for the clarification.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** Since the hearing last week heard from several constituents, concerned having been out of town for vacation and they were not aware of the new plan coming forward. Given there may be a delay anyway and also that this is something that can be continued to be amended, I view this as a living document and we have proven that we have amended it within six, seven months of the initial adoption, so with those provisos, i'm comfortable voting aye.

**Fish:** Aye.

**Hales:** Progress in a difficult balancing act. Thank you. Aye. 770.

**Item 770.**

**Saltzman:** This is good work, commissioner Fish, and -- this really shall I think it helps to have a more consistent enforcement procedures and hearing ability. Aye.

**Novick:** As a former environmental law enforcer myself, I appreciate the attention to having a strong and transparent enforcement program. Aye.

**Fish:** I am either the third or fourth commissioner in charge of the bureau of environmental services since christmas. I would be remiss if I didn't thank all of the people who actually did the work on this as we vote on it and especially thanks to my new bureau. Mayor, I will tell you that in my seven

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weeks, eight weeks on the job, in addition to the honeymoon being over and a group of citizens saying that they can do a better job running the bureau than me, I would say that most -- the most wonderful revelation to me has been getting out in the field and meeting the professionals who actually do the work at the bureau of environmental services throughout the city, wastewater management facility, lab, cathedral park, and places in between, and we are blessed to have an incredibly talented and dedicated group of professionals that work for us and this work is a reflection of the quality of their work. I am pleased to vote aye.

**Fritz:** Thank you. Thanks to commissioner Fish and emily york in your office for getting back to us with the information we requested last week. This one I have not heard a storm of protest or even minor expression of protest. I'm comfortable voting aye. Hales.

**Hales:** Good work. Aye. We are recessed until tomorrow afternoon at 2:00 p.m.

At 12:11 p.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

**AUGUST 8, 2013 2:00 PM**

[roll call taken]

**Hales:** We have two related land use items, do you want to read them both? [items read]

**Item 771 and 772.**

**Hales:** Thank you. City attorney.

**Kathryn Beaumont, Chief City Attorney, Office of the City Attorney:** Good afternoon. For the benefit of the television audience and for one person who may have to testify, there are several announcements I need to make to comply with state law. First, as to the kind of hearing today, this is an evidentiary hearing, which means you may submit new evidence to the city council in support of your arguments. Second, as to the order of testimony, what the council is considering today is a hearings officer's recommendation on a proposed comprehensive plan map amendment and zone change, as well as an ordinance to implement that recommendation. Testimony concerning the hearings officer's recommendation will be heard as follows. We'll begin with the staff report by bds staff for approximately 10 minutes. Following that the city council will hear from individuals in the following order. The applicant will go first and will have 15 minutes to address the council -- actually 10 minutes to address the council. After the applicant Council will hear from individuals or organizations who are in support of the applicants proposal. Each person will have three minutes to speak. Next, persons who oppose the proposal. Each person again has three minutes to speak. If there is testimony in opposition. The applicant will have five additional minutes to rebut the testimony given in opposition. The council may then close the hearings and deliberate. You have a recommendation which are essentially the findings, and you have an ordinance before you, which is an emergency ordinance. If it were to appear, as a result of your discussion following the hearing, that there is one vote against or someone likely to vote no on the emergency ordinance, my recommendation would be to remove the emergency clause and pass both the findings and the ordinance to second reading and vote next week.

**Fish:** Councilor, is commissioner Saltzman --

**Hales:** He will be here shortly, I believe.

**Fish:** If he doesn't join us we would need four votes.

**Beaumont:** You would need all four votes, correct.

**Moore:** Katherine, there's no meeting next week.

**Beaumont:** So it would be continued to --

**Moore:** September 4th actually is the next meeting.

**Hales:** There is a meeting next week, two weeks after that.

**Beaumont:** Okay. Finally several guidelines for presenting testimony. Any letters or documents you wish to become part of the record should be given to the council clerk after you testify. Similarly, the original or a copy of any slides, photographs, drawings, maps, videos or other items you show to the council during your testimony, including the powerpoint presentation, should be given to the council clerk to make sure they become part of the record. Any testimony, arguments or evidence you present must be directed to the applicable approval criteria or other criteria in the city's comprehensive plan or zoning code that you believe apply to the decision. BDS staff will identify the applicable approval criteria as part of their staff report to the council. Finally, you must raise any issues clearly enough to give the council and the parties an opportunity to respond to the

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issue. If you don't, you'll be precluded from appealing to the land use board of appeals on that issue. That concludes my opening statements.

**Hales:** Thank you. Any members of the council have conflicts of interest or ex parte context to disclose? I visited the site and the company and one of my staff spoke to a party from the case and simply viewed the site from the street. Okay. Then let's proceed with the staff report, please.

**Sheila Frugoli, Planner, Bureau of Development Services:** Good afternoon, I'm Sheila Frugoli here to present hearings officer Gregory Frank's recommendation of the approval of the requested comprehensive plan map amendment and zoning map request for the property at 750 North Fremont. The request is to change from the designation industrial sanctuary to central employment and the associated zoning map amendment request is from the IG1 zone to the EX zone. What comes with the EX zone is the D-overlay, the design review overlay. For the record, the relevant approval criteria are 33.810.050a and 33.855.050. And just to note, because this is a comprehensive plan map amendment, there is no 120-day clock. The subject property is a developed 11,774 square foot site. No new development is proposed with this application. This site plan illustrates the existing development. The existing building is approximately 4,000 square feet. There's a small parking area and the site contains two cell towers with associated equipment. This map shows the current zoning. As the map illustrates, the subject property is the only remaining lot on this block with the IG1 zone. The closest IG1 zone property is kitty-cornered southwest of the subject site, and then there's a larger area south of North Cook also zoned IG1. To the north and east of North Borthwick is residential zoning and west there is more EX zoning along the Mississippi corridor. Here we see the requested EX zoning applied to the site. The EX zone allows a mix of uses and is intended for areas in the center of the city that has nearby industrial development. These next few photos will show that the subject site, as well as the surrounding development. Here we see North Fremont Street. The street curves to the south at this location. That bright red arrow points to the subject site. This is the existing building on the property. We're looking at the east facade, the entrance facing the parking area. And then this is the remainder of that east facade. Here we see the associated or accessory parking area, as well as the two cell towers and equipment located on this property. And then this is the west entrance that faces North Albina. And this is the remainder of that west-facing facade. Here what we see is the back of the site, visible from North Cook Street. In the foreground is the southern abutting lot. Again, that lot is already zoned EX. You can see that the cell towers and the parking area are elevated above the southern lot. To note on this vicinity map, the red arrow on this slide as well as the other slides shows the direction that the camera is pointed where I took the photos. And then outlined in red is the subject site. Here's one of the properties that's south of the site. This has frontage on North Cook Street. As you see, it is currently used for the storage of construction equipment. And then this large building is on the eastern abutting lot. This building contains retail uses, a central -- excuse me -- grand central bakery. Here on the right-hand side of the slide you can see the tops of the cell towers that are on the subject site. On the eastern abutting block is the Boise Elliott School, a Portland public school. Then here what we see is more of that school facility, back behind the building is a large playground. This site is approximately 3.5 acres. And then directly north of the school, north of Fremont Street, is part of a single dwelling residential neighborhood. These homes front North Borthwick. Then directly across the street, across from North Fremont we see a small apartment complex. And then again on the other side of the site, west of the site on the other side of Albina Street, is another EX zoned site. This site has a small storage building on it. And as you can see, the southern part of the wall abuts or shares a wall to a warehouse. This warehouse building is zoned -- is on property zoned IG1. And the warehouse site has a relatively large loading area, as well, with access off North Cook Street. Just to note, earlier this week there was a report in the "Oregonian" that mentioned that this particular site is planned for redevelopment or reuse, rather, a proposed brewery and restaurant propose to move into that building. I think actually I believe the property owner has submitted for building permits to do that

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work. Then finally south of north cook street is the city of Portland, five-acre albina yard maintenance facility. As you can see, that site sits lower than the street and obviously a lot lower than north fremont street. As the fence illustrates or shows, there's no access onto the city facility from north cook street. Rather access is provided further south off north mississippi avenue.

**Fish:** Can we go back for one second?

**Frugoli:** Yes.

**Fish:** Did I miss the picture, photograph of what's on the north side of cook? You showed us on the south is --

**Frugoli:** Yeah.

**Hales:** That's the big warehouse.

**Frugoli:** On the south side of cook is that construction storage area, the vacant sites that aren't currently being used. We were looking -- we were looking through that site to the back of the subject property, where we could see the parking and the cell towers.

**Fish:** That particular site is zoned what now?

**Frugoli:** It's currently zoned ex. Yes, the entire block is zoned ex except for the subject property we are reviewing today.

**Fish:** What kind of housing can they build on that site?

**Frugoli:** Housing is allowed. We would expect multi-dwelling housing. And the housing allowed could be built out to the maximum allowed building envelope, so there's no density limit. It could be an entire housing project.

**Fish:** And to the due east is the back side of a school?

**Frugoli:** Due -- yes, due east is the school site, yes.

**Fish:** Thank you.

**Frugoli:** Except for a few policies this proposal has been found to equally or better support the relevant conference of plans, goals and policies. As the photos illustrate, the characteristics of the surrounding development and map pattern speak to the appropriateness of applying a mixed use zone on the subject site. The central employment designation follows the pattern of this block and nearby north mississippi corridor. The ex zone will serve as a transition between the residential zoned area to the north and the city's maintenance yard located south of the site. City agencies, as well as the Oregon department of transportation find that public services are adequate to support the uses and development allowed in the ex zone. Hearings officer frank agrees with staff's recommendation of approval. Mr. Frank is recommending that city council adopt the findings and decisions found in the staff report. This concludes my presentation. Any questions?

**Hales:** Any questions?

**Fritz:** What's the height limit under the existing and proposed zoning?

**Frugoli:** The ig1 doesn't have a height limit because one assume we could have smokestacks and factories, so there's no height limit. The uses are fairly restrictive for industrial uses. The ex zone for this particular site, we applied the base zone height limit, which is 65 feet.

**Fritz:** My second question is it's designated industrial sanctuary. Is that different from industrial zoned land?

**Frugoli:** All of the I zoned properties are within the designation of the industrial sanctuary. As it sounds, that designation is intended to protect areas for industrial or heavy manufacturing-type uses.

**Fritz:** For the record and for folks watching at home, could you say what you said in the record in the staff record, regarding why it's appropriate to change the designation from the industrial zone?

**Frugoli:** Yes. It's appropriate because there's -- this is a relatively small site on an entire block that is zoned ex central employment. The site has frontage on a major corridor. It's adjacent to other ex zoned sites, and it can serve as transition between the residentially zoned areas directly north and east of the site, to -- transition to the confined city maintenance facility that remains industrially zoned.

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**Hales:** Other questions for sheila?

**Novick:** Just following up on that, that parcel isn't on our map of regionally significant industrial areas, is that right?

**Frugoli:** That's correct, it is not on that map.

**Novick:** I think the site is served by transit but not by freight routes, another indicator of why it's appropriate to change the designation, right?

**Frugoli:** That's correct.

**Fish:** I don't know if this was relevant to the consideration, but last time there was a national holiday and all the coffee bars were closed in the city but grand central bakery was open.

**Hales:** That's important.

**Fish:** There were four police officers there when I got there.

**Hales:** Thank you Sheila. Obviously we don't have a lot of people here to participate. If the applicant is interested in making a statement, obviously you have an opportunity to keep it brief, because it doesn't look like there's much controversy for this proposal.

**Richard Larson:** Thank you. My name's richard larson, I'm with paradise grape, llc. I prepared the application and went through the hearings. We are in kind of a doughnut hole with the city in that we've been rezoned all around us. It's an appropriate zone, I feel, because the igl limits me to industrial. And by that designation we have to protect the adjacent properties from noise and vibration, difficult to do with residential and multifamily. To put retail in the building I would have to leave more than half of it vacant under 3,000 feet, close to half of it. I think the zone change is appropriate. The light industrial uses can still be facilitated and they still fit with certain limitations into the ex zone. With that, and the expeditious decision from the hearings officer, I would appreciate approval.

**Hales:** I know it's not relevant to the approval, but there's some curiosity about the company name.

**Larson:** It started with an apartment complex on 39th and it was like paradise inside. And there were grapes.

**Fish:** I thought he was going to say he was a vintner.

**Hales:** No, no, more poetic than that. Thank you very much.

**Fish:** It was so long ago, that's when it was called 39th.

**Novick:** I was wondering if paradise grape was a philip k. Dick novel or kurt vonnegut novel.

**Hales:** Neither apparently. So any questions? Any relevant questions?

**Fish:** Commissioner Fritz do you care to make a motion?

**Hales:** Thank you very much.

**Fritz:** I just have one other question for staff. And that is the neighborhood association has expressed support actively?

**Frugoli:** Yes, we did receive a letter from the representative of the neighborhood association that supports this request.

**Fritz:** And was there testimony at a prior hearing in opposition?

**Frugoli:** There was no testimony in opposition.

**Fritz:** And tell me about the notice requirements for -- all the way along the way. How far have you noticed about this?

**Frugoli:** For this type 3 review we send a notice to properties within 400 square feet of the site. We also notify the neighborhood associations within 1,000 feet of the site and the neighborhood coalition of course, as well as nearby business associations.

**Fritz:** Thank you very much. I would move acceptance of the hearings officer's recommendation.

**Fish:** Second.

**Hales:** Further discussion? Roll call on the first item.

**Saltzman:** Aye. **Novick:** Aye.

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**Fritz:** Thank you for a very thorough staff presentation and obviously an application that was well thought out. Aye.

**Fish:** Thank you Mr. Larson, for being here today and giving us your testimony and just having driven by that piece of property quite a bit, it's in a very desirable part of our community and we wish you luck. Aye.

**Hales:** It's a very vital part of Portland now and this is I think a really smart idea from a zoning standpoint, and hopefully a creative reuse of this property that will complement all the good things happening on Mississippi and Fremont. Very pleased to see this here. Aye. [gavel pounding] Second item, the zone change itself. Emergency ordinance, roll call.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** This is an emergency ordinance which sometimes would give me pause because we vote on the previous motion in terms of accepting the hearings officer's recommendation and are not moving that to any further consideration then I'm prepared to vote aye on this.

**Fish:** I want to note on Commissioner Fish's predecessors this would have been a two-hour hearing. It would have been very contentious. And there would have been a lot of loose ends. I want to salute her in her new position as commissioner in charge of the Bureau of Development Services. Aye.

**Hales:** Not true of course, but thank you. Aye. [gavel pounding] And we're adjourned until next week. Thanks, Sheila.

At 2:27 p.m., Council adjourned.