



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6th DAY OF SEPTEMBER, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

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

Item No. 1332 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

- *1313** **TIME CERTAIN: 9:30 AM** - Intergovernmental Agreement to consolidate City of Portland and Multnomah County Information and Referral Services (Ordinance introduced by Commissioner Dan Saltzman)

Disposition: Ordinance No. 174881. (Y-5)

CONSENT AGENDA - NO DISCUSSION

Mayor Vera Katz

- 1314** Accept contract with Snyder Roofing of Oregon, LLC to recoat 2nd floor deck at the 10th and Yamhill garage project as complete, authorize the final payment and release retainage (Report; Contract No. 32947)

Disposition: Accepted. (Y-5)

- 1315** Confirm the appointment of Richard W. Griffin to the Towing Board of Review (Report)

Disposition: Confirmed. (Y-5)

- 1316** Confirm the appointments of Patrick Driscoll, John Haines and Paulette Rossi to the Sustainable Portland Commission (Report)

Disposition: Confirmed. (Y-5)

- 1317** Confirm the reappointment of Douglas Blomgren to the Portland Development Commission (Report)

Disposition: Confirmed. (Y-5)

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- *1318** Authorize the Purchasing Agent to sign a contract with Peregrine Systems for professional programming services for Bureau of General Services Facility Center management information system in the amount of \$102,500 without advertising for bids (Ordinance)

Disposition: Ordinance No. 174866. (Y-5)

- *1319** Authorize the Purchasing Agent to sign a Purchase Order as a contract with Saga Software, Inc. for annual software maintenance (Ordinance)

Disposition: Ordinance No. 174867. (Y-5)

- *1320** Extend contract between Association for Portland Progress and the City for police services for Clean and Safe Program (Ordinance; amend Contract No. 50948)

Disposition: Ordinance No. 174868. (Y-5)

Commissioner Jim Francesconi

- 1321** Accept completion of Mt. Scott Community Center interior repairs, make final payment and release retainage (Report; PO No. 1023718)

Disposition: Accepted. (Y-5)

- *1322** Authorize an agreement with Self Enhancement, Inc. to provide payment for a year-round middle school program (Ordinance)

Disposition: Ordinance No. 174869. (Y-5)

- *1323** Increase Purchase Order with W & H Pacific to \$28,000 for additional surveying services for Springwater Corridor, SE Ivon to Umatilla (Ordinance; PO No. 1023611)

Disposition: Ordinance No. 174870. (Y-5)

- *1324** Authorize the Commissioner of Public Utilities to enter into a prospective purchaser agreement with the Oregon Department of Environmental Quality regarding the former Senn's Dairy property (Ordinance)

Disposition: Ordinance No. 174871. (Y-5)

- *1325** Amend contract with MFIA Consulting Engineers to extend contract for improvements at East Delta Park Maintenance Building (Ordinance; amend Contract No. 30007)

Disposition: Ordinance No. 174872. (Y-5)

Commissioner Charlie Hales

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- 1326** Set hearing date, 9:30 a.m., Wednesday, September 27, 2000, to vacate a portion of SE Platt Avenue north of SE McKinley Road (Report; C-9969)
- Disposition:** Adopted. (Y-5)
- *1327** Agreement between Portland Parks and Recreation and the Portland Office of Transportation related to the operation of Portland Streetcar across park property (Ordinance)
- Disposition:** Ordinance No. 174873. (Y-5)
- *1328** Agreement between the Portland Office of Transportation, Transworld Lloyd Place, Inc. and the Portland Development Commission for the reconfiguration of NE Lloyd Boulevard and NE 11th and 12th Avenues (Ordinance)
- Disposition:** Ordinance No. 174874. (Y-5)
- *1329** Authorize two change orders to Amendment No. 13 of the Stacy and Witbeck, Inc. contract for construction of utility work related to the Portland Streetcar Phase 2 project (Ordinance; amend Contract No. 31987)
- Disposition:** Ordinance No. 174875. (Y-5)
- *1330** Authorize a contract and provide for payment for the Rosemont Development street and utilities improvements (Ordinance)
- Disposition:** Ordinance No. 174876. (Y-5)
- *1331** Extend agreement with Hallock Modey, Inc. to September 30, 2001, to complete work begun on the Community Outreach Plan for the Northwest Portland On-Street Parking Plan Project and increase amount to \$60,000 (Ordinance; amend Contract No. 30880)
- Disposition:** Ordinance No. 174877. (Y-5)
- 1332** Adopt uniform policies on expiration of Oregon Specialty Code permits issued by the Office of Planning and Development Review (Second Reading Agenda No. 1293; amend City Code 24.10.070, 25.05.050, 26.04.080 and 27.03.030)
- Disposition:** Ordinance No. 174880. (Y-5)

Commissioner Dan Saltzman

- *1333** Authorize the Purchasing Agent to sign a Purchase Order as a contract with the lowest responsible bidder for the remodel of the Tryon Creek Wastewater Treatment Plant Administration Building, Project No. 6497 (Ordinance)
- Disposition:** Ordinance No. 174878. (Y-5)

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Commissioner Erik Sten

1334 Accept contract with G.T.E. Metal Erectors, Inc. for Bull Run bridges maintenance and seismic strengthening as complete and make final payment (Report; Contract No. 32490)

Disposition: Accepted. (Y-5)

1335 Authorize an agreement to establish the Cecil Shumway Fund through the Oregon Community Foundation as a result of Mr. Shumway's bequest in his Last Will and Testament to the City of Portland (Second Reading Agenda No. 1308)

Disposition: Ordinance No. 174879. (Y-5)

REGULAR AGENDA

Mayor Vera Katz

***1336** Intergovernmental agreement with Housing Authority of Portland for law enforcement and drug prevention services at Columbia Villa/Tamarack (Ordinance)

Disposition: Ordinance No. 174882. (Y-5)

Communications

1337 Request of Carol Lynn Drennen to address Council regarding concerns with visitor/tourist relations at Portland International Airport (Report)

Disposition: Continued To September 13, 2000 at 9:30 a.m.

At 10:01 a.m., Council recessed.

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WEDNESDAY, 2:00 PM, SEPTEMBER 6, 2000

DUE TO THE LACK OF AN AGENDA
THERE WAS NO MEETING

SEPTEMBER 7, 2000

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7th DAY OF SEPTEMBER, 2000 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

OFFICERS IN ATTENDANCE: Britta Olson, Clerk of the Council; Linda Meng, Chief Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

1338 **TIME CERTAIN: 2:00 PM** - Hear appeal of Andrew Selemon (PIIAC #00-08/ IAD #99-094) to the Police Internal Investigations Auditing Committee, per City Code 3.21.085(4)(d) (Report introduced by Mayor Katz)

Disposition: Appeal Denied. (Y-5)

1339 Hear appeal of Raymond E. Wendell (PIIAC #00-13/ IAD #00-152) to the Police Internal Investigations Auditing Committee, per City Code 3.21.085 (4)(d) (Report introduced by Mayor Katz)

Disposition: Continued to October 11, 2000 at 9:30 a.m. Time Certain.

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

GARY BLACKMER
Auditor of the City of Portland



By Britta Olson
Clerk of the Council

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

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Closed Caption Transcript of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 6, 2000 9:30 AM

Katz: It's 9:31 and you're giving kisses. Council come to order. Britta, please call the roll. On the consent agenda item, there is a request to pull 1332 by mrs. Bower. It is on second reading, and I need confirmation from all of you that that's okay to just hear her -- the issue -- remember, she raised it last week. Any objections? Hearing none, we'll pull 1332. Is there any other item to be pulled off the consent agenda items? Roll call.

Item 1332.

Katz: Explain to us what you left with us this morning.

Linda Bauer, Chair, Pleasant Valley Neighborhood Assn.: Linda bower. I left with you this piece of paper. It's a complaint that I filed on July 28th, 1998. The one -- 16024 to date is still sitting on a senior staff person's desk. Nothing has happened to it. Jeff Eldridge, Lee Hildebrand, Susan DesCamp and I had a meeting and decided it was a valid complaint and something was supposed to be done about it. That was about two years ago. Nothing has happened. The 1264 is a housing complex, eight units. It has code violations. Senior staff decided to final 75% of the project. If this ordinance passes, they will get their final on the last two parts. They'll sell those parts, and the new owners will then be stuck bringing them into compliance. So I'm very concerned that things are going to drop through the holes. Once this new ordinance goes in and the complaints are finalized, do I have to go back and re-complain about all these things? I don't know. I would assume that isn't something that you guys want to happen, but I need you on record if that's how you feel, to say so, so it doesn't happen.

Hales: These were new construction, weren't they?

Bauer: Yes. One is commercial and one is residential.

Hales: If they're going to get a final inspection -- I --

Bauer: There -- on 126, there's a 96 bld and a 98 bld and they -- and part of them have not been final because of code violations. So then -- what this ordinance will final those blds, then he can sell those units and be out from under, and the poor unsuspecting new buyer is then stuck bringing the development up to code.

Hales: But if they're violations, we're not going to exercise the authority that this ordinance gives the bureau to final a building --

Bauer: If there's something in the system is what I was told, and when the staff person was looking through the file, he didn't see that there were any violations. He only saw that the permits weren't finalized yesterday.

Hales: Okay. I guess -- you've raised a legitimate administrative problem that we need to address. But giving them the authority to not chase around minor permits for finals is something I still want to do. I mean, giving them that authority -- using that authority in every case, particularly if there were outstanding code violations is not appropriate. And that's the issue I think that you've rightly raised. What I detective want to do is I don't want to fail to give them the authority to exercise common sense on one hand, so I think we should pass this, but secondly, I want to look into the

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issues that you've raised, which is if there are outstanding code violations, we shouldn't use this authority. We shouldn't just say, forget about it, they didn't call for a final, never mind, if there's a code problem either revealed in a prior inspection or called in by a complaint, I think that has to put that file in a different category than the ones where somebody didn't call for a final inspection on their kitchen remodel because we inspected the electrical and plumbing and they didn't feel like calling us back after the countertops came in. Those are the ones I want to be able to say never mind to. But I think you've raised a good point about if they're violations or problems on the site we shouldn't just infect round file those permits for administrative convenience. I've got work to do no -- on that issue. You don't have to file complaints again, but she's raised a practices question that goes beyond these permits that I need to look into. And I will.

Bauer: And is two years an acceptable time to wait for me to get resolution on these obvious code violations?

Hales: No.

Bauer: Okay. Thank you very much.

Katz: For the record, the answer was no. [laughter] okay. Anybody else want to talk about this item? If not, roll call.

Item 1313.

Katz: Mayor votes aye. Time certain. 1313.

Katz: Commissioner -- come on up. While commissioner Saltzman is talking, come on up.

Saltzman: Thank you, madam mayor. I'm very pleased today to bring before us along with county commissioner Lynn a proposal at long last to merge, or to sign an intergovernmental agreement between the county and city of Portland to merge and consolidate our city and county information referral services into one program. I think this is a huge step in the right direction for the city and the county, both in terms of the services we provide but also making government more user friendly to our citizens. And I think all of us know this has been a long process. This issue has been talked about, predates my being elected to the Multnomah county commission. So this is an idea that's surfaced many times over the last ten years, and maybe for lack of sort of the right constellation of players, it hasn't happened. Now I think we have the right constellation of people who both understand I think sort of the significance of having one information and referral service for both the city and the county understanding how important information referral really is to our citizens. It's often the lifeline that they -- it's how they grab onto government and find out who they need to talk to or what's going on. It's often the face of the city and now the county too. It is the interaction that our citizens have with the people on the other end of the phone, or the other end of the e-mail. So it's our first contact the citizens have with government, so it's a very important service. As I mentioned, maybe it took the right constellation of players and the right places to make this happen. I think we finally have that now. We have commissioner Lynn, who was elected to the county after previously being director of the office of neighborhood involvement, and I was elected to the city and the mayor assigned me to this, so it seemed like it was the perfect opportunity to achieve this long-awaited city-county consolidation. It took us almost two years to -- from taking the idea from the day we were both in office to say, here we are today to present to you this proposal and make it happen. The city prides itself on the fact we have a true information and referral program. We are able to answer questions and provide assistance to virtually every single customer who calls 823-4000. And also persons from around and state and world who log on to our city website. So I think we provide an enhanced value now to county -- to citizens calling about county services too, because the county's information referral was more or less a switchboard service where they would forward you to the right bureau. We're much more a hands-

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on, take your concerns and we'll make sure we get you to the right person, not just forward your call and sort of let it go at that. So with the addition of the county as our partner, 823-40,000 is going to enhance our service, and provide them one number to call for city and county questions. And there will be no break in service. All customers who dial the old county number will be rerouted to our referral center, which is on the first floor of the Portland building, and it also serves as a walk-in center for citizens who have questions or need assistance with the city and now with the county. So before I turn it over to commissioner Lynn, I'd like to thank many of the people who made this happen. As I said, it has taken us almost two years to bring it to this point. First and foremost, Multnomah county commissioner Diane Lynn, Dr. David Lane, Frank Hill, the city of Portland telecommunications manager, Helen Goodin, our information and referral manager and the manager of the new office, Thomas Lanim, and Cameron von Tyler from my staff. I also wanted to thank David Shaff, Anna Canwit, Jim Younger and Arlen Stepper with their help, and all of our partners at the county. There are many more people that had something to do with making this work, but since this is a time certain we want to keep it relatively compressed and we want to hear from commissioner Lynn, and Dr. Lane, you want to come to the table also? Okay. With that --

Katz: Go ahead.

Diane Linn, Multnomah County Commissioner: Good morning. Members of the city council and -- I'm very happy to be here in front of you today. Multnomah county commissioner Diane Lynn. This is about serving citizens better. It's about answering simple questions and getting people to the right place the first time. I want to first tell you that we have two people here from Multnomah county with me, Tom Peterson is with the telecom system, and Rick Jacobson is a deputy information officer. If you have any questions of them specifically, they would be happy to provide -- be resource people for this discussion. I'll be very brief, because I think we've all agreed that this is the right thing to do, the trick is making sure it's done right. The devils and the details in the agreement. I did want to share with you that by interest in answering citizen calls really started back in 1979, when I worked for the summer as an intern for then Mayor Neil Goldschmidt, when his office set up the old before renovation way-back room where we took a lot of calls, and it really occurred to me then one of the first jobs is to make sure we can answer questions and get back to people and be responsive. This has to do with the relationship between citizens and their government, and we all know how angry and frustrated people can be when they get bounced around a large bureaucracy like both of our jurisdictions really are. When I became director of the office of neighborhood associations at the time, we launched the Inr system. I worked with most of you to help do that. Mix Hales was so supportive in helping us get that off the ground. Mayor Katz, you were instrumental in saying it's time to bring the bureaus together and make sure we're handling calls and really setting it up more on a customer service-citizen focused-type service. We had intended at that time to design the system to in fact bring more jurisdictions in, and I hope this is one step in the line of bringing perhaps metro, the state of Oregon, tri-met, other jurisdictions, port of Portland to the table. One of the visions around this whole system is to get to what's now I think referred to as the 211 number, a community service direct line to have citizens be able to call and -- on one single three-digit number to get to any person in any government, and then there's these theirs of nonprofit contractors that work with us very closely to, and it has to do with the fact if we provide services really well at the county, especially human services, if people can't get to them and don't have any way to find out what's out there for them, those services aren't going to be as useful to people. When commissioner Saltzman joined the city council, again, I think as he explained it, it became time at the county, having come from the city, I must share with you that we struggle I think more about with our infrastructure at the county because of the demands for human

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services tend to outweigh setting up and buying new phone systems and technology. So we have had some trouble managing our phones and getting people where they need to be. So we're really dealing with a very immediate problem as far as we're concerned on the county side. It was very, very hard to get through. You have to dial a seven-digit number, a five-digit extension and then pound to get through to any county office or person right now. Which I consider to be terribly -- not very user friendly, and for a senior citizen or person with a disability, that's a terrible inconvenience, and frankly, i'm concerned people have given up on trying to get through to Multnomah county. So what we're doing here today, and you're allowing us to do this, is bring together -- and frankly, this should have been a fairly simple functional consolidation, and it was harder than it could have been. We had the year 2000 transition happen in the middle of the process, when impacted our time line. We had union issues, and we negotiated a fair price for the service. I do want to say here today, and I know all of you know that we both passed resolutions in support of the concept, ours passed in april of 1999, and as of last thursday, my colleagues agreed to support this iga just so you all know, the couple concerns that are still on the table that will be working with you all in the future, commissioner Saltzman and the people that are going to help implement this, is the cost that we're paying for this service, we hope will be sustained or maintained at a generally the same level as it is today. Though the agreement allows for some level of negotiation about that, once we get a chance to really see what the call volume is, find out how the county's managing our peak calls into assessment and taxation during tax season, elections, and the court system really has -- has been very demanding on our system. So we have to make sure we don't overload the system. I have a big stake in making sure that doesn't hand. But we hope ultimately we can sustain this program at the level of support that the county's providing now. Which keeps both of our systems whole, sustaining what we would have paid for essentially, although the county is investing about \$18,000 more a year and making a one-time only investment in the system. I'll really wrap up here and let others handle some of the detailed questions you may have. Though I appreciate your support. I believe everybody's expressed that. The goals, again, are simple. Getting people to the right place the first time, and improving our relationship with citizens. This, for us, is an extraordinary cost-effective thing to do, and we hope that you also clearly will gain the benefit. You're handling a whole lot of Multnomah county calls today. We're going to be paying this much more I think for this much value. When you consider that switchboarding doesn't really deal with citizens in a human kind of way. Your information referral specialist, which they all will be now, and again we're bringing two people to the city, they will all be focused on making sure that the person is asking the right question, and making sure we get their needs met, again, as efficiently as possible. I'll wrap up, i'll be standing by if you have any questions. Again, thank you all, commissioner Saltzman, for your partnership on this project, commissioner Hales, for the history of your support, all of you for taking the plunge to kind of work together on something like this. It takes a lot of trust, and I hope that when we do functional consolidations into the future that we can figure out ways to streamline the process so we can even do the process itself more efficiently. There are a lot of people to thank and we'll have a chance to do that, but i'll let our research people come forward. Thank you all very much.

Katz: Thanks, commissioner lynn. David, why don't you come up, and anybody else come on up.

David Lane, Director, Office of Neighborhood Involvement (ONI): I'm david lane, the director of the office of neighborhood involvement. I'm pleased to be here today. The mission of the office of neighborhood involvement is to enhance the quality of neighborhoods through citizen participation. I really think one of the key elements is information. That's what today is all about, is providing citizens access to the -- their government on a direct way. I think that the city inr

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program has done that for five years. And we certainly want to continue that. I think today is about enhancing that for all the citizens of Multnomah county. I'd like to turn it over to helen goodin, who is our information and referral manager, who will be heading up the new program. And then open it up for questions. We have thomas landim for fiscal question and frank hill from bgs.

Helen Goodin, Manger, Information and Referral, ONI: I manage the program, and I just want to say thank you for listening to somebody say, what I do and describe it accurately. You don't now -- know how rare that is. Mostly people think we just answer phones. We do much more than that and are very grateful. We began here -- we opened on line the 1st of october six years ago. We came with nothing, and we started from nothing. There was nothing available for us to work from. We had to start from nothing, and we began. And now we have a very detailed database in the employee directory, and we have people in the city who are cooperating 100%. They call us and tell us when changes have been made, so we're really sitting on top of our game right now. And we're really appreciated to everybody in the city who has always cooperated, including all of the -- of the commissioners. What we're going to do now is do the same thing with the county. If it's voted through, so we can develop a database again that will make interactions and make a relationship -- make relationships with folks so they'll be willing to call us and say, we've got new people we want you to know about. We get e-mails every day concerning that from the city. And I want to thank you for the vote. I want to thank you for your encouragement and support, all these six years. Because we've needed that a lot. I appreciate that. Thank you.

Katz: Thank you. Let's talk a little bit about the financial impact. There's a one-time cost. Why don't you bring the mike closer toy.

Thomas Lannom, ONI: Thomas lanim. The one-time cost, the increase for us this very first fiscal year is about \$11,250. The spreadsheet indicates 15,000, but we're looking at a partial year, so it's a november 1st implementation date. The ongoing cost from there on out has been adjusted for each of the outgoing years at about 2% cpi drift. We're looking at approaching the overhead committee next year to help peanut butter that cost over the bureaus for the city.

Katz: Excuse me. To help peanut butter?

Lannom: That's the term i've often used and heard used, actually, but the ongoing cost for this -- on the future is about \$15,000. Did you have any more specific questions?

Saltzman: I'm not sure we understood what peanut butter means. [laughter]

Lannom: I'm sorry. The cost of allocation formula as its currently laid out is broken out over the bureaus. If a call comes in, a more -- more appropriately been routed to the police bureau, that charge for the call would be allocated to the police bureau's overhead budget. That's the way the models work currently. We don't really know what -- how many calls will be ultimately logged for the county as opposed to the city right now. And we won't have the information until we've got a more accurate way of measuring those calls. The county measures them in one way and we measure them in another way. So we don't have a good workload measure at this point. That's why the iga is written such that it is, in six months we can look at the actual data and come up with a real cost allegation formula that makes more sense. Today we've simply taken the two budgets, pushed them together and thrown in appropriate dollars for training for database conversion and related costs for the consolidation.

Linn: The county's cost increased significantly this first year, and they're absorbing those for personnel costs. The two employee salaries increase significantly, the county is absorbing those. For the city that wasn't an issue. This first year the office of neighborhood involvement is able to

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absorb those cuts -- the \$11,200 due to some freeing of up general fund allocation from igas and we recover some of the general fund costs.

Katz: Okay.

Francesconi: And there can't be any supervisor cost savings for the county? Is there any cost-savings anywhere in this?

****: For who?

Francesconi: For the county. Could there be some supervisory savings?

Lane: We tried hard not to include in kind, because both entities had in kind costs in terms of supervising issues and administrative costs, both at the office of neighborhood involvement and at the county. We tried to put those aside, because we recognize we both had those. So there will be some cost savings in terms of from the county in terms of potential in-kind, in terms of not supervising two employees, things like that.

Saltzman: The person who managed the information referral at the county had a lot of other responsibilities. So there are two employees coming from the county to the city, but they'll only be supervised by one person, and that's helen.

Katz: Okay. Further questions? Thank you. Anybody else want to testify? If not, roll call.

Francesconi: This is a good thing. I eagerly support it. I thank commissioner lynn and commissioner Saltzman for taking the lead on this. And providing improved customer service not just savings, is an important function of government. So we can do this for all the reasons expressed here today. It is kind of sad, though, and commissioner lynn referred to it, that it takes two years to do this. And there's more -- better service but no savings. That's a very depressing reality here. So i'm hoping that maybe commissioner lynn and commissioner Saltzman could give us some lessons learned in this as to ways -- I didn't want to get into it now, but ways to streamline the process for other efforts.

Katz: Don't go there:

Saltzman: Good luck:

Francesconi: Aye.

Hales: It does take a while, proving churchhill's dictum that americans can be counted on to do the right thing after investigating all the other alternatives. I hope the police bureau is not still having their own inr service. They are -- one more internal problem to solve. Six years and counting. And it is commonsensical to have Multnomah county and the city do this. Citizens don't know or care about the administrative subdivisions that we're stuck with, but they sure would like to get ahold of the right library branch or other public service when they pick up the phone. And going to 211, I think that's a great idea, and I look forward to that and hope it doesn't take six years to make that transition. It is a victory for customer service, because this service really does help people. I use it every now and then myself, and i'm always pleased at how competent and well informed the people that helen supervisors are, and it is a great service. We talked -- it's appropriate we talk first about customer service and access to government, and secondly about costs, but I think we really sometimes overlook the fact that this program fundamentally saves a lot of money. The operating cost of city government depending on how you count the shifts, is somewhere around \$180 to \$200,000 an hour. Every hour we save our employees from answering phone calls that were misdirected or playing phone tag, or dealing with a citizen who's frustrated because they did get -- every minute, hour, all that adds up. And so we're a lot more efficient as an organization because this service gets people to the right place at the first time rather than after four or five attempts. So you'll never be able to count that productivity gain. You know it's there, you can feel it when you're dealing with people, but I think that number is huge. And this program

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saves money, because it makes us work better. So job well done. Thank you, dan, diane, all of you. Good work. Aye.

Saltzman: Perhaps the only lesson learned I can give you commissioner Francesconi is just to be persistent and hang in there on these issues, and commissioner Lynn did a great job in that record. It does take a lot of patience, but I think we'll all see a superior service here for both citizens of Multnomah county and all you need to do is dial 823-4000 and you can have your questions answered about city or county services.

Sten: Good work. Keep it up. Aye.

Katz: I know I shouldn't say it. But commissioner Francesconi made me do it. It would have been a much easier way of dealing with it. It's called consolidation. Having said that, that didn't work out. I want to thank both of you, commissioner Saltzman, commissioner Lynn, for being persistent and getting this done. Good work. Aye. Okay. Regular agenda. 1336.

Katz: Anybody want to testify on this item? You all know this one. It's one that appears regularly on the council. It does pay for officers to work with Columbia Villa on crime issues and drug issues. As much as we think that we've licked the problem, it's -- it still exists. Anybody want to testify? Roll call.

Item 1337

Katz: Is Carol Drennen here? All right. She's not here.

Olson: I hadn't heard that she was not going to make it.

Katz: We're running -- we're at the end of the calendar, so maybe you need to give her a call, tell her to come back next week. We all have the letter here. So we can see -- we can see it and the complaint probably needs to be forwarded on to the board of -- port of Portland. If she wants to still come and talk to us, that would be fine. All right. There's nothing before us. We don't have a 2 o'clock agenda, but we have a 2 o'clock on Thursday. So we stand adjourned until Thursday at 2 o'clock.

At 10:01 a.m., Council recessed.

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Katz: Here I understand that 1339 will not be heard today, is that correct?

Olson: That's correct.

Katz: We will put it off until whenever. 1338.

Item 1338.

Mike Hess, Police Internal Investigations Auditing Committee Examiner: Good afternoon, your honor, and commissioners. I am Mike Hess, PIIAC examiner. The case that we are bringing before you this afternoon was heard by the citizen advisers on June 8th of this year. This case was - - arose from an incident that occurred on April 8th, April 8th of 1999, in which three Portland police officers were dispatched to the appellant's residence. His girlfriend had called the police because of a domestic violence incident. She felt threatened verbally, and physically by the appellant. So, he was arrested for that. The appellant admits that he had been drinking that night. And when the police arrived, he was, according to the police reports, he was not fully cooperative, and according to the appellant, the allegation is that the officer, who we will call Officer A, threw him on the ground after he had been handcuffed and kicked him in the ribs. And the assessment, my assessment on this, which is based on the report that was done by Jose Martinez, was that the police were actually responding to a domestic violence service call, and the appellant was unruly and not cooperative with the police officers. According to their report, and the finding of IAD was that there was insufficient evidence that the police officer A had used excessive force, and the officer was debriefed by his supervisors about the incident. The citizen advisers, after listening to the appellant's version of what happened that night, they voted unanimously to uphold the finding of insufficient evidence with debriefing. We have -- one of our advisers is here today that voted on this, advisor Robert Wells, who is Mr. Hales appointee. And we also have Captain Smith from IAD, and several sergeants from IAD, and the appellant is here.

Katz: Okay. Do you want to say anything in reviewing the case?

*******:** No, your honor.

Katz: Okay. Sergeant Smith, did you want to add anything to this? Then we will hear the appellant.

Brett Smith, Captain, Internal Affairs Division, Police Bureau: I might be more in a position to answer any questions after you hear --

Katz: Okay.

Smith: On some clarification issues and things of that nature.

Katz: Okay. Then let's have the appellant.

Andrew Seimon: Andrew Seimon. My complaint is that there was no investigation. I had recently I had my mailbox hit by a squad car. The post was broken. I had more of an investigation then -- they brought their own camera crew out and took a photograph of the damage. Now, I am wondering why that couldn't have occurred at my residence just to take a record of the carport. To me, Officer A's statement claims that this altercation, this fabricated and inflamed altercation occurred in the carport. The carport has a clear roof on it, and aside from that, there is a 3-foot section of it missing, which allows full light. That's my big beef right there. In a nutshell. I don't know what else to add to that, other than statements that I had made earlier to the PIIAC citizen's group -- anyway, I, I am just going to read off my sheet here because I figured that would make more sense, if I did that. Anyway, with the investigative ability, they can easily detect the many inconsistencies in each officer's statements. These discrepancies, along with the carport description

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and the lack of any physical or verbal investigation, aside from the initial statements to iad, to me, are nefarious. Anyway, my -- officer a's statement is completely fabricated and used to inflame this investigation, or lack of, that his report, it is just an inflammatory and fabricated scenario. It never happened that way. And I was assuming that iad would stand up and you know, talk to me rather than generate some kind of a report and deliver that four days before I am supposed to go to piiiac, and it took them, whatever, eight months, you know. I found it quite lacking. That's all I have to say.

Katz: Let me ask you a question. I think that I was there on the day that the piiiac --

Selemon: Yes, you were.

Katz: You never raised those issues at that meeting, did you? Refresh my memory.

Selemon: Okay. That is another thing that I would like to cover. I got to speak for, I believe, all of maybe six or seven minutes before I was, more or less, I perceived it as being cut off. I had many other issues to raise, and also, in closing, they let me speak for another, maybe, minute and a half, and then I was cut off again, and well, that's enough, and that's all that we want to hear. But, I was abundantly aware or prepared at the time to make a longer statement, and quite frankly, I was very insulted, as I state for the other two people that were there, they spoke for, I would say, 45 minutes to an hour, but I had, I had sheets, reams, I have to here. Would you like me to go through it.

Katz: We have the report. I will ask the council if they have any questions that they want to ask.

Sten: Just one question. When I read the summaries, officer a, he admits getting in a tussle, and kicking you. So, it is clear to me that that happened. It seems that the dispute is over how that tussle started, is that correct?

Selemon: The way he claims in his report was that we tripped over each other's feet. That did not happen. He physically threw me to the ground, and for what reason, I would like to know. And I think that he -- he's fabricated this, this scenario to kind of make it look like it was -- he needed to do this to me, when, in fact, I was completely cooperative. I was never hiding anywhere. It wasn't dark in the carport. There is all kinds of stuff in the carport. There is a car in there.

Katz: Did you kick him?

Selemon: I am sorry.

Katz: Did you kick him?

Selemon: I did not. I did not. I kicked -- I did after I was on the ground. After he threw me down, he came rushing at me, and more or less, I raised my foot up in a protection mode. That's what happened. He ran into my foot. I did have it out there at him. But it was not -- it was in, in a panic mode. In a protective mode. It does not in a retaliatory way at all. And on doing that, I rolled onto my stomach to protect from my vitals. And that's, that's when he struck me.

Katz: You did say that you were half lit.

Selemon: I never said that. That was something that the female officer used in her conversation with me. I don't ever recall saying that to iad on those tapes. And in fact, if it is on there, then I am mistaken, but I don't ever recall saying that. I do admit that I had a couple of beers. And it had been over a couple of hours, as I was going home on the busline, stopped at the store, got some food.

Katz: Okay.

Selemon: And so on and so forth. And in fact, if I was intoxicated at the time, I would think that there would be some report at the nurse's station at central precinct. And as far as being uncooperative and unruly, I don't believe that I am required to be absolutely cooperative. I was not unruly. But, they were trying to get me to make statements against myself, and I made that

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abundantly clear that I had nothing to say at this time. And that it would be issued out in court later between anne and I if there was a problem there. And they didn't take that well. And kept on pursuing it, and this altercation, this whole scene consumed, I would say, 20 minutes.

Sten: After they handcuffed you, did you go willingly to the car?

Selemon: They drug me into the car. I was in a spasm. I had bruised ribs. I have photographs.

Sten: I mean before you went to the ground because I don't see any dispute that there was kicking of each other, once you went to the ground. But --

Selemon: I couldn't move.

Sten: Before that, they arrested you. The officer, a, arrested you. Handcuffed you, correct?

Selemon: Correct.

Sten: And then did you willingly move to the car?

Selemon: Yes.

Sten: So you were saying that you were willingly moved you to the car and they threw you on the ground?

Selemon: Correct. We moved from the back of the car that I was sitting on, that I was eating my dinner. Never in the carport. That has nothing to do with anything. I said, okay. I am ready to go now. And he says, okay, fine. He clamps the cuffs on and we were proceeding out to the squad. The female officer is leading the way. And then I am -- we passed the edge of the carport wall. We got beyond that, and I went flying out into the grass. And when I hit on my shoulder, I hit on my shoulder, my right shoulder, and rolled on my back, and he was coming at me. And he was -- he was still off on the asphalt. I was, I would say, 6 feet out in the lawn.

Francesconi: Let me follow-up. Commissioner Sten is trying to get at the facts. Which is very helpful. It looks like from what you are saying, they threw you to the ground. Then handcuffed you. And during that process, kicking, your main complaint that you just said here is the same complaint here that was the initial throwing you to the ground that is the cause of your complaint, right?

Selemon: That, and the strikes to my ribs was completely uncalled for. I was confidence first. We were going out. I was on his right side. He threw me over his leg.

Francesconi: The problem is, the three officers all say that the handcuff happened first and then the kicking happened after that. So, there is three witnesses --

Selemon: Right. I am in agreement on that, yeah.

Francesconi: Well. I don't think that you are. I think you are saying that they threw you down first.

Selemon: No, no, no. I was handcuffed at the back of the car. I was eating dinner on. And then we proceeded beyond the wall of the carport.

Hales: How were you eating dinner with handcuffs on?

Selemon: I wasn't eating dinner with handcuffs on. I was eating dinner as they approached.

Hales: Okay. And then they put handcuffs on you?

Selemon: No, no, this was after about 15,20 minutes, they were speaking to me. There were two men that went upstairs and talked to anne. I spoke to a female. That was the only officer that I spoke with directly until the male -- the officer a came down and said, okay, you are going to be arrested now. And that's when -- and I had already finished dinner and I moved the plate off onto the roof of the car and I was speaking with the female some more. And then I was handcuffed and then we walked toward the squad, and that's when we passed the wall of the carport, and I was thrown to the ground.

Francesconi: One last question. Is the female here today to testify to verify your --

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Selemon: No girlfriend, no, she's not.

Francesconi: Are you together still?

Selemon: Yes, we are.

Francesconi: Why is she not here today?

Selemon: She doesn't want to be any part of this.

Francesconi: Thank you. I don't have any other questions.

Katz: Okay. Further questions? Thank you. Thank you.

Francesconi: I have one question for the officer. Thank you. I am sorry -- sergeant smith. I am sorry, sir.

Katz: Sorry, captain.

Francesconi: Captain. I violated that. And it is referred to here, but I am curious, why was she not -- why was the statement not taken from the lay witness who was present?

Smith: In this particular --

Katz: Identify yourself.

Smith: Sorry, captain smith with the internal affairs division, Portland police bureau. The victim was not here because she was not a witness to the incident. She initiated the emergency call for assistance as a result of a domestic violence in which she felt threatened and was fearful. Her domestic partner was believed to be pulling a knife out of the dishwasher. I've been assigned to the team for three years, and I have enough familiarity with the reasons why victims are domestic violence don't proceed. This victim chose not to sign the complaint and later was supposed to file a restraining order, which, I think the point was dropped because they didn't follow through with it. Based on the fact we don't believe was a witness. The officer who was doing the interview was upstairs at the time with the victim. Heard a commotion, and a noise, came downstairs to assist. The incident was over by that time.

Francesconi: She was upstairs?

Smith: Yes.

Francesconi: I didn't get those facts.

Smith: Right. And based on that fact, I didn't believe that it was pertinent or was responsible for us to put her in the position, believing that they would be together again, to give a statement, which I don't believe played a difference. The facts of this case aren't disputed. The officer says, I kicked the person, and he explained the rationale for that in this particular investigation.

Sten: Just for the record, could you elaborate why you came to insufficient evidence? Was that --

Smith: It was the commander's decision based on his review and his analogy of that case. He understood the justification, the probable cause, but I think what the commander was given to was the amount of force and things like that. There was no follow-up of medical information. There was no evidence of injury that could be documented. And the commander kaufman, at that particular time, gave insufficient evidence, but I believe that the officers were exonerated. He gave insufficient --

Sten: I was trying to get at, maybe, because there was so much force, there is always some question about what happened or something. I was trying to figure out why it was insufficient --.

Smith: There was nothing there that I can find that would give any indication of some additional information or confusion about this particular case.

Katz: Further questions? Thank you.

Katz: All right. Feel comfortable making a motion on this?

Hales: I move we uphold the finding of insufficient evidence.

Katz: All right. Roll call. **Francesconi:** Aye. **Hales:** Aye. **Saltzman:** Aye.

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Sten: As I look at it, it is your word against the officer's word. The officer has a witness. You were drinking. There was a violent altercation earlier. I can't -- there is no way that I can come to the conclusion that, that you are right. So I think that insufficient evidence is more than fair.

Under that circumstance. Aye. **Katz:** Aye.

Katz: I usually don't do that. I will give you one minute. Come on up to the mike and then we are going to adjourn.

Smith: Well, I think a lot of why he is more believable, aside from the fact that he's a city employee, is this report that he has generated of this vision of me hiding in the carport, darkened carport hiding my hands. They are having to flashlight me, and yet I am supposed to be eating dinner. Another officer says that I am eating dinner. One says that I am hiding in the carport and both of them are flashlighting me and officer c says nothing about flashlighting. If you break it down, to the individual statements, it doesn't really mesh, and that's what I am saying. None of it happened. I was eating dinner on my trunk having a conversation with an officer, and then all of a sudden, I am being kicked. That's what happened. Not this other stuff in there that looks like a lot of other information, which isn't.

Katz: Thank you. Stand adjourned.

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