



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND DAY OF AUGUST, 2001 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

At 10:38 a.m., Council recessed.

At 10:53 a.m., Council reconvened.

<p>979 TIME CERTAIN: 9:30 AM – Acknowledge and commend Bureau of Fire and Rescue and partners for control of August 8 five alarm wildfire in North Portland (Resolution introduced by Mayor Katz, Commissioners Francesconi, Hales, Saltzman and Sten)</p> <p>(Y-4)</p>	<p>Disposition:</p> <p>36017</p>
<p>S-*980 TIME CERTAIN: 9:45 AM – Amend City Code relating to Taxicab rates (Ordinance introduced by Commissioner Francesconi; amend City Code Section 16.40.310)</p> <p>Motion to accept the substitute: Moved by Commissioner Saltzman and seconded by Commissioner Sten.</p> <p>(Y-4)</p>	<p>SUBSTITUTE</p> <p>175876</p>
<p>981 TIME CERTAIN: 10:45 AM – Direct the Bureau of Planning to prepare an Intergovernmental Agreement between the City and the Port of Portland outlining future land use approvals for Portland International Airport (Resolution introduced by Mayor Katz)</p> <p>Motion to accept amendment adding the clause that Council and representatives of the Port have considered a report entitled Alternatives to the Conditional Use Approval Process for the Portland International Airport, dated August 2001: Moved by Commissioner Saltzman and seconded by Commissioner Sten.</p> <p>(Y-4)</p>	<p>36018</p> <p>AS AMENDED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>982 Accept bid of Swinerton Builders of Oregon, Inc. to furnish Fire Station 12, new construction for \$1,641,240 (Purchasing Report - Bid No.100722)</p> <p>(Y-4)</p>	<p>ACCEPTED PREPARE CONTRACT</p>

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983	Vacate a certain portion of SW Porter Street under certain conditions (Ordinance by Order of Council; C-9980)	PASSED TO SECOND READING AUGUST 29, 2001 9:30 AM
Mayor Vera Katz		
*984	Amend contract with the Government Finance Officers Association for an assessment of the City Integrated Business Information System (Ordinance; amend Contract No. 33392) (Y-4)	175838
*985	Renew the provisions of the Pioneer Courthouse Square Management Agreement for a period of one year (Ordinance; amend Contract No. 20957) (Y-4)	175839
*986	Amend City Code Chapter 6.06 to correct typographical error (Ordinance; amend City Code Sections 6.06.200 A.2 and 6.06.210 A.2) (Y-4)	175840
*987	Authorize Intergovernmental Agreement with Clackamas County for printing and graphic design services (Ordinance) (Y-4)	175841
*988	Contract with 2KG Contractors, Inc. to remodel Fire Stations 3, 25, and 26 for \$1,888,000 and provide for payment (Ordinance) (Y-4)	175842
*989	Authorize Parking Revenue Bonds and amendment of Parking Revenue Bond Ordinance (Ordinance; amend Ordinance 174307) (Y-4)	175843
*990	Pay claim of Roger Beavers (Ordinance) (Y-4)	175844
*991	Pay claim of Aleksey Gossen (Ordinance) (Y-4)	175845
*992	Pay claim of Hilary Shapiro (Ordinance) (Y-4)	175846
*993	Amend Code to reduce the Utility License Fee for the Bureau of Water Works, effective July 1, 2000 (Ordinance; amend City Code Section 7.14.040) (Y-4)	175847
*994	Authorize agreement with other Oregon cities regarding litigation with Qwest Corporation concerning use of the public right-of-way (Ordinance) (Y-4)	175848
*995	Authorize a lease with Alco properties for lease of space within the Pittock Internet Hotel for Integrated Regional Network Enterprise equipment (Ordinance) (Y-4)	175849

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<p>*996 Grant a ten-year property tax exemption to Sockeye Museum Place South LLC for new multiple-unit housing on the block bounded by SW Jefferson, Columbia, 10th, and 11th Avenues (Ordinance) (Y-4)</p>	<p align="center">175850</p>
<p>*997 Grant a ten-year property tax exemption to LINK Community Development Corporation for new multiple-unit housing on a site at the northwest corner of the intersection of NW 4th Avenue and Flanders Street (Ordinance) (Y-4)</p>	<p align="center">175851</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>*998 Contribute \$35,000 towards the purchase price of a property in southwest Portland on the mainstem of Fanno Creek in the Fanno Creek Regional Target Area (Ordinance) (Y-4)</p>	<p align="center">175852</p>
<p align="center">Commissioner Charlie Hales</p>	
<p>999 Accept contract with W.G. Moe & Sons for street improvements to intersection of SE Foster Rd. and SE Jenne Rd. as complete, release retainage and make final payment (Report; Contract No. 32978) (Y-4)</p>	<p align="center">ACCEPTED</p>
<p>1000 Declare the purpose and intention of the City to construct street improvements in the Boise/Earl Boyles Park Local Improvement District (Resolution; C-9998) (Y-4)</p>	<p align="center">36016</p>
<p>*1001 Revocable permit to Blue Hour to close NW 13th between Davis and Everett Streets on September 9, 2001 (Ordinance) (Y-4)</p>	<p align="center">175853</p>
<p>*1002 Revocable permit to Neighbors West-Northwest and Pearl District Neighborhood Association to close NW 13th Avenue between Hoyt and Irving Streets on September 7, 2001 (Ordinance) (Y-4)</p>	<p align="center">175854</p>
<p>*1003 Revocable permit to Archdiocese of Portland in Oregon/St. Stanislaus Church to close North Failing Street between Interstate and Montana Avenues on September 28 through October 1, 2001 (Ordinance) (Y-4)</p>	<p align="center">175855</p>
<p>*1004 Revocable permit to Berbaty's Pan to close SW Ankeny between 2nd and 3rd Avenues on August 24 through August 26, 2001 (Ordinance) (Y-4)</p>	<p align="center">175856</p>
<p>*1005 Revocable permit to Portland Brewing Company to close NW 31st between Luzon and Industrial Streets on September 14 through September 16, 2001 (Ordinance) (Y-4)</p>	<p align="center">175857</p>

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<p>*1006 Amend agreement with Portland Streetcar, Inc. to provide additional services related to the operation of the Portland Streetcar system and provide for payment in the amount of \$21,000 (Ordinance; amend Agreement No. 33325)</p> <p>(Y-4)</p>	<p align="center">175858</p>
<p>*1007 Amend agreement with Portland Streetcar, Inc. to provide additional services related to the construction of the Portland Streetcar Project and to provide for payment in the amount of \$306,120 (Ordinance; amend Agreement No. 31428)</p> <p>(Y-4)</p>	<p align="center">175859</p>
<p>*1008 Amend Intergovernmental Agreement with the Portland Development Commission for professional and technical services for transportation improvements (Ordinance; amend Contract No. 51465)</p> <p>(Y-4)</p>	<p align="center">175860</p>
<p align="center">Commissioner Dan Saltzman</p>	
<p>*1009 Authorize contract with the lowest responsible bidder for the construction of the Columbia Boulevard Wastewater Treatment Plant Solids Processing Building Odor Control Facilities, Project No. 6844 (Ordinance)</p> <p>(Y-4)</p>	<p align="center">175861</p>
<p>*1010 Amend Agreement with CH2M Hill for professional engineering services for additional Task A Project Management, Task B Project Definition, and Task C Design Development Services during design of the Columbia Boulevard Wastewater Treatment Plant Wet Weather Screening Facility Project No. 5512 (Ordinance; amend Contract No. 33130)</p> <p>(Y-4)</p>	<p align="center">175862</p>
<p>*1011 Accept public walkway and temporary construction easements for the Columbia Slough Consolidation Conduit Project granted by the Housing Authority of Portland, Oregon, authorizing total payment of \$63,000 (Ordinance)</p> <p>(Y-4)</p>	<p align="center">175863</p>
<p>*1012 Authorize a contract with Insituform Technologies, Inc. for construction of the Taylor Trunk Sewer Structural Repair, Project No. 6692 (Ordinance)</p> <p>(Y-4)</p>	<p align="center">175864</p>
<p>*1013 Authorize a contract with Oregon State University for \$15,000 to continue a Master Recycling training and educational program (Ordinance)</p> <p>(Y-4)</p>	<p align="center">175865</p>
<p align="center">Commissioner Erik Sten</p>	
<p>*1014 Agreement with Christmas in April for \$30,000 to organize and carry out a housing repair and renovation program and provide for payment (Ordinance)</p> <p>(Y-4)</p>	<p align="center">175866</p>

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<p>*1015 Agreement with Ecumenical Ministries of Oregon for \$38,860 for the EMO-Shared Housing Program and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175867</p>
<p>*1016 Agreement with Sisters of the Road Cafe, Inc. for \$40,303 to conduct a community based organizing project with homeless and formerly homeless people and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175868</p>
<p>*1017 Agreement with Unity, Inc. for \$108,431 for Housing Placement Services and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175869</p>
<p>*1018 Agreement with the Northeast Coalition of Neighborhoods for \$28,984 to conduct Housing and Community Development project related citizen participation activities in inner-north/northeast neighborhoods and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175870</p>
<p>*1019 Agreement with Northeast Coalition of Neighborhoods for \$46,000 for the Mississippi Historic District Target Area project and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175871</p>
<p>*1020 Agreement with Portland Community Land Trust for \$140,000 for home buyer assistance at the Rosemont redevelopment site and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175872</p>
<p>*1021 Agreement with Unlimited Choices for \$150,000 for Adapt-A-Home Project and provide for payment (Ordinance) (Y-4)</p>	<p align="center">175873</p>
<p align="center">City Auditor Gary Blackmer</p>	
<p>*1022 Amend contract with Book Publishing Company to provide additional compensation in the amount of \$15,000 and extend contract duration for publication and storage services of online City Code and Charter (Ordinance; amend Contract No. 31986) (Y-4)</p>	<p align="center">175874</p>
<p>*1023 Assess system development charge contracts (Ordinance; Z0734, T0053, K0040, T0055) (Y-4)</p>	<p align="center">175875</p>
<p align="center">REGULAR AGENDA</p>	

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<p>1024 Authorize a temporary loan from the Sewer System Construction Fund in the amount of \$1 million to the Interstate Corridor Fund to provide interim financing for the Piedmont Place Mixed Use Development Project (Resolution introduced by Mayor Katz and Commissioner Saltzman)</p> <p>(Y-4)</p>	<p align="center">36019</p>
<p align="center">Mayor Vera Katz</p>	
<p>*1025 Amend contract with AON, Inc. to provide benefits consulting services (Ordinance; amend Contract No. 33464)</p> <p>(Y-4)</p>	<p align="center">175879</p>
<p>*1026 Pay claim of Merrick Bonneau (Previous Agenda 931)</p> <p>(Y-4)</p>	<p align="center">175880</p>
<p>S-1027 Amends the Comprehensive Plan map, zoning map and code to implement the Northwest Transition Zoning Project, transitioning an area in Northwest Portland from Industrial to Employment designations to facilitate mixed use development and limit development of inactive uses including Electronic Equipment Facilities near the Portland Streetcar (Second Reading Agenda S-975)</p> <p>(Y-4)</p>	<p align="center">SUBSTITUTE 175877 AS AMENDED</p>
<p align="center">Commissioner Jim Francesconi</p>	
<p>1028 Amend City Code Chapter 16.40 regarding regulation of Limited Passenger Transportation Permits (Second Reading Agenda 976; amend Code Sections 16.40.900 through .950)</p> <p>(Y-4)</p>	<p align="center">175878 AS AMENDED</p>
<p align="center">Commissioner Dan Saltzman</p>	
<p>*1029 Authorize agreements for the conveyance of one property from Mr. Michael Schiewe to the Bureau of Environmental Services, subject to certain conditions being fulfilled, and authorize acceptance of deeds and payments of expenses (Ordinance)</p> <p>(Y-4)</p>	<p align="center">175881</p>

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 22ND DAY OF AUGUST, 2001 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, and Sten, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney; and Officer John Scruggs, Sergeant at Arms.

1030 **TIME CERTAIN: 2:00 PM** – Hear appeal of Colleen Maher (PIAC #00-26/IAD #00-430) to the Police Internal Investigations Auditing Committee per City Code 3.21.085(4)(d) (Report introduced by Auditor Blackmer)

Motion to uphold the PIAC findings and deny the appeal: Moved by Commissioner Francesconi and seconded by Commissioner Sten.

APPEAL DENIED

(Y-3)

At 2:36 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
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.

AUGUST 22, 2001 9:30 AM

Katz: Present. Commissioner Saltzman is on vacation. I'm sorry, commissioner Hales is on vacation. But, commissioner Saltzman and Hales will not be here this afternoon, just wanted to flag that, but we will continue. We have one item on the calendar. Any items to be removed off the consent agenda? Any item the council would like to remove off the consent agenda? If not, we will vote on the consent agenda.

Francesconi: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. 979.

Item No. 979.

Katz: Good morning.

Francesconi: Good morning, everybody. I'd like to paraphrase winston churchill here for just a minute. Never before in the history of our city have so many owd so much to so few. On the morning of august -- i'm sorry, the evening of august 8th was one of those special moments in the life of the city, when we all stopped what we were doing, whether it was our work or dinners with our families to watch heroes in action, and I am talking primarily of the firefighters, who, on that evening, our citizens got to watch what you do on a daily basis. That is, save lives and property. But, I am also speaking of collectively of the other heroes, that rallied around protecting our city, which was the neighbors, the water bureau, other employees, the national guard, who all responded. So, it was a suggestion of several that we spend a moment just to stop and appreciate you and to acknowledge you and to thank you, and that we also take just a brief moment to say that it's not a question of if another wildfire happens in the city. It's a question of when. And to alert the council that we're prepared and we're going to be coming with the process to even be better prepared next time. Last thing I would like to say is that, we, the fire bureau, we were overwhelmed with the response from our citizens already, and we want to thank the citizens, from the university of Portland to neighbors to citizens of Portland to citizens of Oregon and Washington who called in to say thank you. There's only one that I would like to refer to here because there were too many, and this was a citizen named steve, who did not leave his last name, but he called the fire bureau and he said this -- kudos to the fire bureau. Amazing what they pulled off. The way you coordinated everything. Land, sea, and air. The communications from one to five alarms, the neighbors, pulling fire hoses, what you really did was amazing. Kudos, kudos, kudos, awesome, awesome, awesome. The bureau deserves more respect. Lots but they should get more. Whoever coordinated deserves lots of credit because it was unbelievable what you folks pulled off. That whole section could have been wiped out, but it's not just that. You folks do a lot of things that don't ever get recognized. So, we want to take a moment to talk to those who pulled it off. Chief wilson.

Ed Wilson, Chief, Bureau of Fire, Rescue and Emergency Services: Thank you, commissioner Francesconi. Mayor Katz, members of council, ed wilson, fire chief, city of Portland. In the early evening of august 8th, 2001, residents living on willamette boulevard, off the university of Portland, nearly lost their homes, a large part of the community. As you know, the five-alarm urban wildland fire with amazing speed raced off the bluff, going into trees and scorching everything in its path. Sitting next to me are battalion chief, joe wallace, the commander of the fire that night, and deputy chief gary warrington, the officer in charge of the emergency operations during the incident. These

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two fine fires provided leadership that went way beyond textbook of excellence. Although they called every single Portland firefighter to fight the fire that night, our emergency response capability was simply overwhelmed by the severity of the situation. We nearly lost the battle but not quite. Good samaritans from all walks of life, step to the support of our efforts, over 150 citizens helped us that night. Firefighters from other departments, citizens, members of the business community, and other partners in public safety joined in a dramatic team effort to stop the five-alarm wildland fire just before it hit the houses on the bluff. With their help, we saved the entire community. It is my sincere wish to thank everybody in their part for this good fight. It was proud to be a part of the fire service, this community, and the residents of Portland. At this time we would like to show a brief video of the fire.

(The following is the transcript of the video)

Paul: The firefighters had a major battle on their hands tonight. The fire bureau even gave the residents the hose to do it.

Dan: It was tough for the fire department to get to everyone's home. They didn't wait for help to raise their own backyard battle.

Dan: You have never seen anything like this before.

*****: It took a minute to go half a mile.

Dan: There is nothing like fighting a fire by a fire. The neighbors took the front line.

*****: The fire department showed up, and neighbors all helped. [no audio]

*****: We started fighting, trying to save the house of my parents.

*****: I started loading my car with photographs and things, so --

*****: Many neighbors tried to put out spots workforce garden hoses. This man took a tumble down the hill. With the efforts of the firefighters and the amateurs --

Paul: Now the story of the professionals on the front lines, the Portland firefighters. Katu's anna song joins us live with the story of their battle, anna?

Anna: Despite the claiming of a victory, besides this green house attached to a private home, this was the worst of the bigger structural damage, and even firefighters are amazed it burned no more than a few front porches. It's a battle of the elements. The firefighters in between get into this north Portland corner in time to save a home.

*****: Just hope for the best.

Anna: On the ground, by air, by boat, Portland firefighters launched their attack on the blaze, stretching two miles long, going forward with every gust.

*****: There was a lot of wind and we just kind of it was a miracle in my mind that we didn't lose a dozen houses. I don't know how we did that, but.

Anna: The helicopter helps douse several areas. Investigators began looking into the cause, what started this blaze, which the firefighters admit was, at times, out of control. This house at 6615 north mckenna was surrounded by smoke and fire. Fire trucks in the front yard, firefighters in the back, and flames creeping up the bluff toward her home. I looked out the window and the whole backyard was burning flat.

Anna: This was too much for her uncle. It agitate his heart condition. Emergency crews gave him oxygen and transported him to the hospital just to the safe. Their neighbors grabbed hoses, trying to be helpful.

*****: I just thought, well, we have got water, let's keep it wet because there is still smoke down there, so surrounded by friends, johanna and her aunt watched firefighters slowly win the battle for their home.

*****: They worked hard to try to save our property. And I really appreciate that. So thank you.

Anna: Joan lost some shrubs, a green house and her backyard is burnt. She has nothing but gratitude for the firefighters would put their lives on the line to make sure she would be able to go home.

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*****: This is a miracle for the lord. The lord did this because there's fire all the way around my house, the backyard is burned up, and this is a miracle I still have a house left.

Wilson: At this time, we would be open to questions of the commanders if you have any.

Katz: Questions, anybody? I think all we have are thanks and appreciation. There will probably be some discussion at some point very soon about what we do next, and, and then additional thinking that you might want to share with us, that commissioner Francesconi mentioned but right now today, it's gratitude, appreciation, much thanks to all the firefighters, to the community, to the other bureaus that were there playing a role in making sure that the city was safe. I was, I was on vacation watching this on television, and ready to come home, and then heard that everything was under control. I need to scold you, though. There is a hose down there that needs to be picked up. You left it behind. [laughter]

Katz: I'm not sure it's in any condition, but when I went up to --

Wilson: We are just planning ahead.

Katz: You just left it there. [laughter]

Saltzman: Use it to channel the stormwater.

Katz: But going down there from the bottom of the bluff, to look and see, it was just -- it was truly a miracle that none of the houses caught on fire. It really was. So kudos to everybody.

Francesconi: Since you are here, I thought you could spend a, spend a second, telling us, when you arrived on the scene, telling us how you were going to take on this fire, and how it progressed, how did you manage this, land, sea, and air, if you could just take a minute.

*****: I am joe wallace, the chief --

Katz: Get closer to the mike.

Joe Wallace, Battalion Chief, Fire Bureau: Joe wallace, battalion chief with the fire bureau, and I responded out of station 24, so I was one of the first to arrive, station 22, 26, and 24. And I pulled up north wall and willamette lane, and what I saw was fire flames over the tops of the trees coming up behind the houses next to the bluff, so it's over the houses, over the trees, and people were running from their houses, loading their cars, and some had garden hoses, and it was just a wall of flame, and I had four engine and is two trucks and two miles of fire. And it was an incredible experience with all the coordination and the combined efforts of the citizens and the firefighters. We took that fire to a fifth alarm in 30 minutes, and I think we may have broken a record. We just couldn't get resources there fast enough, but chief wilson provided -- called me and asked me if I wanted a helicopter, and I said please. It would all help, and it was just an incredible scene to see. I called for police right away because I thought, for evacuation because I thought that we were going to have to evacuate those two blocks, and maybe try to stop it from crossing willamette boulevard. And that was a lot of houses to ride off, but, you know, I was concerned about the safety of the citizens, so very intense period of time there.

Katz: Thank you.

Francesconi: Go ahead. You coordinated the whole thing.

Gary Warrington, Deputy Chief, Fire Bureau: I am deputy chief gary warrington, want to thank you for your recognition this morning. Appreciate that very much. As I arrived, I went a little bit later into the first alarm as I listened to what the fire was and how it was growing, and met up with joe a little bit later. I was concerned about the fire that was coming over the tops of the houses into the tops of the trees, and also, was concerned that we were going to lose an awful lot of the houses on the edge of the bluff, and thinking ahead to what plan b was going to be and how we were going to stop the fire, you know, from the first row of houses or the second row of houses or back to willamette or where that might stop. I think echoing what chief wallace said, a tremendous effort on the part of the Portland fire fires, and men and women reached down to give it everything they had and found a little bit more and made an incredible stand to keep that fire from going any further, and certainly, our partners with the citizens from the neighbors, citizens, and even to the

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university of Portland, the soccer team that helped out, as well. It was just a tremendous true team effort from start to finish, and just appreciate the outcome and thank you for your recognition this morning.

Saltzman: I have a question. First of all, I want to add my own personal accolades to the great work that you did. It was really tremendous and really showed how Portland, as a city, can come together. Similar to what we did with the flood in 1996. In vera's wall, we call it, that shows how everybody can everything and respond to the cause but I wanted to ask you, one of the issues is the cause of the fire, and I believe, correct me if I am wrong, but don't you do some sort of official investigation as to the cause of all fires, and I think particularly given the significance of this fire, what is the status of that investigation or has there already been a cause identified by your investigation?

Wilson: Commissioner, you are correct, all fires, especially of this magnitude, are investigated. Our investigators, early on, determined this fire was caused by a train that was traveling through -- hit the bottom, and actually, at one point we had, early on we had three fires, three separate large fires, actually, grew together along the bluff.

Saltzman: So the cause is railroad sparks? Train sparks? According to your --

Francesconi: Yes, that's our position. If I could cut in here, it was a privilege for me. Chief wilson and I actually were -- went down on the line with the fire when it was happening. I have to tell you, first I said no, I didn't want to do this, but anyway, in the course of that, chief wilson and I actually talked to one of the witnesses who saw sparks, who had just seen sparks come from the train along separate points, and then fire coming behind it. So it's the official position of the fire bureau and the city of Portland that the train caused the fire. I don't think that position has yet been agreed to yet by the railroad, but that's our point of view, and we are confident that will be the end result, so in that regard, we haven't yet begun, but we will begin negotiations with the railroad to recover the full cost, not only to the city and the fire bureau but to, if we can, to the residents for the cause of the fire, and we're moving on that, and that's what we will do.

Saltzman: So, your results are based upon eyewitness accounts plus your own investigators' techniques as to the cause? An eyewitness saw sparks.

Wilson: That's correct.

Saltzman: Okay. Thanks.

Katz: Thank you, everybody.

Francesconi: There's just a couple -- i'm sorry, we are going to have a major thing in the neighborhood, to celebrate the firefighters, but the university of Portland and one or two residents wanted to just publicly --

Katz: That's what I was going to -- thank you. Thank you, gentlemen. Anybody else want to step up and say a few words? Come on up.

Jim Cufner, 7040 N Chase, 97217: Good morning, mayor Katz, members of the council. My name is jim cufner, I reside at 7040 north chase in Portland, 97217. I am director of personnel at the university of Portland, and it is indeed, my pleasure and my privilege to be here this morning to offer just a few words from the university and just a few words from our president, father david tyson, would wishes he could be here but I brought a message from him, but if I may on a personal note, I am the son of a fryer. My dad -- of a firefighter. My dad, charlie cufner, worked 25 years at engine 157 and hooking ladder 80 in stanton island, new york, where I grew up. I now live just a mile from the university of Portland campus. I was having dinner with my son, joe, and my wife, cathy and saw our neighbors running up the street and pointing towards the bluff. We dropped everything and looked out. When you talked about a heart in your throat moment, there it was. I could see flames coming from the base of the bluff up over the top of the trees and smoke billows covering the entire bluff area. And then I saw engines coming and I saw them coming from northeast and southeast and being the son of a firefighter, I knew we were into a multi-alarm fire, so

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I know from personal experience what these brave men and women did that night. And I want to thank them from the bottom of my heart for insuring that I had a place to go to work the next morning. The university of Portland is celebrating its centennial this year. And service to the community has, for 100 years, been a central tenant of the university's mission, and we are very glad to thank the 200 firefighters who served the community is bravely and well, and if I may read from a note from father tyson. Speaking as president of the university with 3000 students, 170 professors, 200 staffers, 31 buildings, and 130 acres of one of the most beautiful campuses in the west, I am deeply grateful to the men and women who protected the university of Portland from disaster you saved this place and these people from real danger and you will always be welcome here at Oregon's catholic university, not for the first time and not for the last time. You proved yourself brave and resourceful and I speak not only for the university but in a sense, for our whole community here when I say thank you for your skill and courage. The university have very grateful to its neighbors who banded together so selflessly and energetically to protect the whole community up here on the bluff. This is really a village of good neighbors here in north Portland, and the university is the area to be a resource to such a close-knit community. And finally, as we are sure everyone knows from news reports, among the amateur volunteer firefighters that day, the holy cross priest and is members of the soccer team, which I think proves that this region is an active faith and the soccer club plays excellent defense. [laughter]

Cufner: In speaking of appreciation day, the university of Portland at pilot stadium on september 3rd at a men's soccer game between the university of Portland and stanford, which will be a major event, will have fryer fighter appreciation that day, in which all members of the Portland firefighters and their families, as well as the university park neighborhood association will be invited to attend free of charge so we, ourselves, can express our thanks to those brave men and women, the firefighters, thank you very much for this opportunity.

Katz: And you are inviting the council?

Cufner: Indeed, and I hope you will kick out the first ball.

Katz: I wasn't looking for that.

Cufner: I offer it now.

Sten: If I come, do I have to root for my alma mater?

Cufner: Yes, you do.

Katz: Thank you. Thanks a lot.

*******:** I am cathy crawford.

Katz: Bring the mike closer to you, cathy, a little by.

Kathy Crawford, Chair, University Park Neighborhood Association, 5121 N Amhurst: I am Kathy crawford, 5121 north amhurst, north Portland, and I chair the university park neighborhood association. We are just so pleased with what happened. If you had seen all of the clouds billowing and flames and all of the people out there, it was just unbelievable. Betty fairies was going to be here, she was on mount tabor when the fire started. I bet she broke some speed records getting home, and she said she just knew the house was gone. And there were people in my backyard using my swimming pool. They came out of nowhere, and when it was all over, they left. And of course, you know, that is, without her being able to thank them. So she, i'm sure, would like to just publicly say we really thank the volunteers who didn't need to be thanked or love of glory, whatever. But, of course, not saying anything against firemen because they are the ones that had to go into the fire. They are the ones that have to haul the hoses, but I am sure it got very tiring and as it kept going and going and getting bigger and up the trees, it must have been very frightening. They did a wonderful job. I had -- I just can't believe the amount of respect you have for people who have to do this kind of work that is dangerous, heavy lifting, having to come together all at once to, to fight a large fire, and we appreciate them very much.

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Katz: Thank you very much. Anybody else? Thank you everybody. This is a resolution, roll call.

Francesconi: First just a couple of other people to acknowledge and thank. Let's start with tom chamberlain, who is here from the firefighters union for all his advocacy for the firefighters, throughout this to make sure that they are taken care of properly so that they can be in a position to fight this fire successfully. The second is the water bureau, perry is here. They were there that night. I saw them, and your people were there doing what they did to increase the water pressure and making sure that it was available, and you did a terrific job, and you deserve a lot of credit. Without your water, it would have not happened. And anyway. The third is the red cross. I see sue here and bert is also here from the red cross, and they were there, as well, ready to respond. As they are in almost every situation, every situation, and the partnership with the red cross is something that we are going to be hearing more about. Just in terms of follow-ups we covered one, the chief, the city attorney and I are going to make sure that we recover our costs, and so that's one process. The second, you have heard about this, you are going to hear more from commissioner Saltzman, the replanning of the bluff, which bes is appropriately taking the lead on. Urban forestry will be part of that. The fire bureau will be part of that because we can do this in a way with fire resistant vegetation, in a way that also enhances the environment and is cost effective, which brings me to the third follow-up. As I said at the beginning, it's not a question of if. It's a question of when we have another fire. If this had been forest park, this would have been worse. Much, much worse. So, we need to address this as a community, and the fire bureau has been looking at this, frankly, since 1998, and the reason is oakland, and in oakland, it was a lot worse. And some mistakes were made in oakland that were not made by, by Portland. And but we need to do more and so we're going to be put -- we are putting together a task force right now, an you are began wildfire hazard task force led by fire, reporting to me that's going to have the bureaus it represented and we are going to come with the idea of urban wildfire hazard zones, which call for some additional regulations in the parts of our city where there is a hazard. It's going to deal with questions like roofing materials, clear zones, making sure water is available. Making sure there isn't access being inhibited for our fire trucks. And we are going to do this in a way with the three principles, public safety, reasonable costs and efficiency for taxpayers, and in a way that enhances our environment because a lot of these are in environmental zones. So, we are assembling this task force and coming back because it was the preparation and training of our firefighters. It was the good work of our firefighters. And it was a little luck that made this thing happen in terms of wind condition and is other things. And we want to make sure that we're prepared in the future. In conclusion, there is another famous quote from tom mccall, who says that heroes are not giant statues framed against a red sky. They are people that say, this is my community. It's my responsibility to make it better. He got it half right, in terms of this fire. These were heroes, framed against a red sky. And they acted and they protected us and they deserve to be recognized today. But even more importantly, are the citizens deserve to be protected for the future that this never happens here. And in a scale that we really lose human life and serious property. It's a privilege to be a fire commissioner, aye.

Saltzman: Aye.

Sten: Well, let me also quickly say thank you. I think commissioner Francesconi did such an eloquent job and following up in just the right way that I won't add to the time but thank you and I wanted to thank perry from the water bureau. I've heard for many years about perry, about all the planning we were doing to be ready for an emergency and I knew it was important but this showed just how important it was and I think that just to flush out a little bit we did have to do a lot on the groundwork to change water pressure. I think we had a leak at one point so perry was very, very actively -- it's a ton of work to get the water to the right places at the right time and I really appreciate that. He's very well-known across the country, with emergency planning for these types of situations but I am not sure that we know perry well enough here, so great job and to all the

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firefighters in the management team and the people on the line and the neighbors, what else can you say, way to go. Nice work. We are all very proud. Aye.

Katz: We are very proud of you. Thank you again. Thank you for the community. You saved the day for this city, and again, we, as a community, pulled together, so great appreciation to all of you, aye. Thank you. Yeah, you can clap. [applause]

Item No. 980.

Francesconi: Several months ago we told the council that we would be coming with some different proposals regarding our ground transportation system, so what we have -- so what we had last week, and in fact it is later on the agenda today, was passing some town car regulations that we will finally pass today, hopefully. The other part, another part of this was looking at the taxicab rates, themselves. And that's what is in front of us. I guess I want to start, just really briefly introducing this by saying that I had a meeting yesterday with one of the best meetings I have had since I have been at city council. I met with about 35 cab drivers to better understand their issues, and two of the cab drivers told me they loved being cab drivers because they don't know if it is going to be a poor person or a senior they pick up one moment or the president of a company next. And now they saw their mission as serving all Portland citizens. In fact, I think the cab driver who said that is here. It was powerful. Now, as part of that, given the fact that gas prices have risen. Given the fact that maintenance costs have increased, and given the fact that we haven't raised our taxi rates for six years, looking at that issue, today made some sense. So the taxi board did it, and they came up with many good recommendations like increasing the mileage charge is one such example, and, but they also increased the drop fee rate. First, up to \$7, and now the proposal in front of you is \$3. And they increased the passenger, extra passengers from \$1 to \$1.50. In listening to the cab drivers and in looking at this issue, and in looking at the fact that the drop rate in Portland is already higher than most of the drop rates in the country, in looking at the fact that we want to encourage more of our citizens to use taxi cabs, I just thought it was too high, frankly. I felt that it, especially, is difficult for seniors and low income people who make short trips so I thought \$7 too high and I think \$3 too high. And you have an amendment from me keeping it at \$2.50, and also, and also reducing the added passengers from \$1.50 to \$1, but I think that we need to increase the rates for mileage. The other change that I have in here is indexing the rates, to a factor that I want the taxi board to look at so we don't wait six years to raise it. It could be inflation but there could be other factors that they could look at and jim and john could address it so I wanted to summarize the changes. The drop rate, and passenger which I reduced and indexing it to inflation, so those are the three changes. Let me turn it over.

Katz: Before you turn it over. I have a substitute, this is a substitute ordinance. I need -- huh? It's a whole ordinance. I need a motion to move a substitute ordinance.

Saltzman: So move.

Katz: Do I hear a second?

Sten: second.

Katz: Any objections hearing none so, ordered. All right.

Jim Wadsworth, Director, Bureau of Licenses (BOL): Mayor Katz, commissioners I am jim wadsworth, the director of the bureau of licenses and i'm here today as the chair of the taxicab board of review. The ordinance before you today is the -- was and still is in part of the taxicab board of review recommendation to increase the maximum rates that the city of Portland permitted taxies may charge to customers. The present maximum rates for taxies are \$2.50 for the flag drop, 10 cents per 1/15 mile or 1.50 a mile. Extra passengers are a dollar each, and weight time is \$20 per hour. Weight time is incurred when a taxi is traveling less than 7 miles per hour or stopped or waiting for a customer at the customer's request. These maximum rates have been in effect since 1996 and all six permitted taxi companies are presently charging the maximum rates and have done so since 1999. From 1996 to the present, both taxi drivers and companies have experienced cost of

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business increases, primarily around fuel, insurance, dispatch, and maintenance costs. These costs have increased 31% for fuel alone and 33.5% for insurance dispatch of vehicle maintenance cost. Vehicle acquisition costs have increased 43%. Radio maintenance costs have increased over 100%.

Driver hiring and retention costs have increased 71%. During that same five-year period, the consumer price index increased 15.2%, which for Portland, compared to the rest of the country, was a larger increase in cpi than the rest of the country experienced. During that same period of time, the city increased the number of permitted cabs by 21% and added two new taxi companies. This created an additional supply in excess of the van for taxi services spreading additional cost of services for that fleet of taxis and drivers across a static available revenue pool. Portland's present flag drop of 2.50 is one of the highest drops in the country, matched by san francisco and oakland and columbus, ohio. The flag drop approved in 1996 recognized that the greatest cost of service is the initial dispatch and travel to a pickup location. A flag drop that more equitably recovers this initial cost also encourages drivers to make shorter trips, as well as the longer and usually more profitable trips. The per mile charge of 1.50 is among the lower per mile charges in the country, with only dallas, denver, and oakland lower. 15 cities charge higher per mile rates and eight of those have increased their rates even further since 1996. Portland's current waiting time charge of \$20 an hour is about mid range, with a low weight time charge of \$15 across the country, and a high of \$35. The taxicab board of review proposed rate increases of \$3 flag drop, \$1.80 per mile, with a second increase in september of 2002 to \$2 a mile, wait time of \$30, an additional passenger charges of 1.50 were the board's attempt to factor a rate that reflected a balance between the driver and company expenses, the range of short and long trips, and affordable transportation alternatives for citizens. If you have questions, I would be more than happy to answer them. Those are -- around those or the substitute ordinance.

Katz: Okay.

Saltzman: I am confused as to what happened with the extra passenger fee in the substitute. I thought you said, commissioner Francesconi, you were getting rid of it.

Francesconi: No, reducing it back. It's a dollar now of they raised it to 1.50 per passenger and I dropped it.

Saltzman: It looks like it's crossed out here. I guess that's just the photo copy marks, so a dollar for each additional passenger, so you just reduced it.

Katz: It's the same.

Saltzman: What it is now. Okay. And I just guess the waiting time, just for clarification, the waiting time occurs while you are waiting in traffic, too?

Wadsworth: Yes, commissioner. It does occur while you are going 7 miles per hour or less, and the, the intent of the waiting time was to take care of a couple of things. First was the, the loss of fuel economy and time in being able to make trips because of the increased traffic and congestion that we have experienced, as well as customers who want -- want to take a cab, want that cab to wait for them so they don't have to go back through dispatch.

Saltzman: I thought that's what the waiting was, if you call a cab, it's, or run into a store, say wait right here, but actually applies when you are traveling less than 7 miles per hour, as well?

Wadsworth: That's correct.

Saltzman: And then I guess, time question on the substitute about the indexing of the rates. So the taxicab board developed the index, we are not going to simply say, consumer price index, and secondly, does that mean we will not bereaving rate ordinances similar to this?

Wadsworth: Commissioner Saltzman, that's -- it tasks the taxi board with coming up with a blend of indexes, or indices that would reflect the industry. For the first time we have a benchmark of expenses, both for the companies and drivers. There are a number of different indices out there that reflect the use of fuel and insurance cost for specific industries. What we wanted to try to do is to come up with a blended index that would accurately, more accurately reflect the, the ground

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transportation industry that we're talking about. The rate ordinance would still come back to council.

Saltzman: So these indices are developed by national economic --

Wadsworth: A lot of them are a part, the department of commerce and so forth.

Saltzman: Okay. So you develop the index, but when you apply the index, the new rates would still come before us?

Wadsworth: Yes, yes, that part.

Saltzman: So there's no automatic increase --

Wadsworth: No, no. Those rates would still come before council.

Katz: Okay.

Saltzman: Thanks.

Katz: Okay. Further questions? Thank you. Did you want to add anything? Identify yourself for the record.

John Hamilton, Taxicab Supervisor, BOL: Thank you, mayor Katz. I am John Hamilton, taxicab supervisor working in the bureau of licenses. A couple of comments I'd like to make is I guess one overall comment is I appreciate very much what the city and the industry have done recently to raise the level of public awareness of taxicab drivers to the dangers involved, for example in the police work done over a year ago, when driver, Jonathon Johnson was slain, Michael Tolly, the taxicab driver has done some excellent work in Salem and I would like to recognize him for that in public today, and make -- he got a bill passed, House Bill 3244 that makes it a class C felony to assault, physically assault a cab driver. That raises the awareness. I think that the taxicab industry across the country has been like a step child to many local governments and I am happy to say that in Portland, that is changing and changing fast. I would also like to express my appreciation for Commissioner Francesconi for his taking the hands-on approach, talking to drivers and company people, as well as staff. And to Jim Wadsworth, also, for working so well in his new job, relatively new job, and taking this program to a higher level and with the possible considerations for, for regionalizing it through, perhaps, Tri-Met or something like that. Thank you.

Katz: Thank you very much. I know there is still a lot of work that's -- a lot of issues have been raised in front of the council on the regional issues that have not been resolved yet. Thank you. All right, let's open it up to public testimony. Anybody on the takes board want to testify? Why don't you come up first, and anybody else? Cathy.

Katz: Come on, Cathy.

Michael Tolley, Representative for Taxi Drivers, Taxicab Board: Good morning, Mayor Katz, Council, I am Michael Tolley, for the last 18 months I've had the honor and privilege of representing the approximately 700 taxicab drivers in the city of Portland on the taxicab board. It has been five years since cab drivers came before council asking for an increase in the fares, which is an increase in their income. Five years is a long time. The Mayor was at the end of her first term, and I'm sure that seems like a very long time ago. During that five years the cost of living in the Portland-metropolitan area has gone up 15.2%. The cost of doing business has risen, specifically gasoline costs have gone up 31%. Tri-Met has raised their rates four times since 1996 for increases that are between 26 and 39%. So, if the taxi industry had come four times during the last five years, the numbers before you today might not seem as large because they would have been graduated, and that's, and Commissioner Francesconi substituted ordinance, the indexing that's called for, I think, will keep this from happening in the future. So you wouldn't have 20% increases showing. The taxi board review has twice passed fare increase recommendations. The most recent of which has the five components of a flag increase from 2.50 to 3. A per mile charge from 1.50 to 1.80. Extra passenger from 1 to 1.50. Waiting time from 20 to 30, and regulating the airport gate fee as to what is charged by the airport. I voted for this when it was before the taxi board, as a matter of fact, I actually made the motion. Since then, I have had an opportunity to talk to a lot of drivers, and get

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additional input, some of you may have had the experience of having your constituents telling you what you did wasn't right. I had that experience with this. The majority opinion that I found was the drivers felt that the \$3 for a five drop was too high, and that the extra passenger charge going from 1 to 1.50 was silly. However, the 1.50 per mile, which has been in effect since I started driving a cab ten years ago, raising it to 1.80, 20% increase is widely supported by drivers. Now, the -- that 20% increase in the per mile charge would not necessarily be reflected in fares that are actually charged to customers. For instance, a one mile trip, now 4, would go do 4.30, an increase of 7.5%. That's the kind of fare that the most vulnerable citizens tend to take, the seniors that go to the local grocery store or short trips. The average trip, which is now 10, would raise to 11.50, which is a 15% increase, and a trip to the airport from downtown would go from 22 to 26, which would be an 18% increase. These fares of 1.80 a mile are used in cities throughout the west coast. Seattle has had 1.80 since 1996, and it's 1.80 or greater is used by san diego and los angeles, albuquerque, san jose, san francisco, boise, anaheim, and sacramento. And the \$30 an hour wait time also is used by seattle, salem, sacramento, boise and anchorage. And seems appropriate in a city that has been labeled as having the eighth worst traffic in the country. So, the rate study, can I just quote one sentence from it here, not having rate parity with the cost of doing business not only impacts the ability of a taxi drivers and companies to adequately cover their cost, but it also has the quality of taxi cab service to the public, as well as the taxi cab drivers. So I enthusiastically support commissioner Francesconi's substitute ordinance and I think that you would find most drivers would feel the same and we hope that with an increase in, in fares, drivers' income will go up and they will be happier and more pleasant people and give even better service.

Katz: Thank you.

Kathy Wilkes: I am cathy wilks, and I am here to represent, actually not represent but speak what I have heard from the drivers, been a long-time employee of a large cab company here in the city.

Katz: Which company?

Wilkes: Radio cab.

Katz: Thank you.

Wilkes: Up until last friday. I hear these drivers every single day, and I was so surprised when I first come into the industry and realized that this is not a new york industry or a chicago industry where people come in and use taxi driving as a holdover for another job. These people that I have found that have been with these companies for 50 years plus, buy homes and raise families and put their children through school and what's happened in the last couple of years has so saddened me that now they are all -- they have to live together in homes in places where they can't afford their own. They can't afford to put their children through school any longer. And I see that, you know, Portland being the, the large city but also with a home town feeling that our drivers are reaching out and asking, you know, please help, and that's how I feel, and I am asking, and I totally agree with Francesconi, I don't want to see my mother being gouged by what I consider a too high of a flight drop or my ill brother with the same thing. I think that the way that it is set up with the 2.50 and the rate increase, I think would be adequate. I don't think that any of us are really looking to be rich. We just want to be -- we want to have the american dream. They want to have the american dream. And I think -- I thank you for your time.

Katz: Questions? Fine. Karla, thank you.

Katz: There is some people yet who want to testify. Come on up, then. Anybody else want to testify that didn't sign up? All right.

Sean Ghassemi, 14830 SW Scholls Ferry Rd., #202, Beaverton, OR 97007: We didn't sign up. I am sean with broadway cab company. I have been a cab driver for the last ten years in the city of Portland. And have been serving the community, and we appreciate the time that the city has taken. As john hamilton mentioned, you have seen a lot of changes in the city, putting more attention into the fact that, into the welfare of the cab drivers in this city. We had this very valuable meeting

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yesterday with commissioner Francesconi, and we did mention a couple of things that one of them that is, it is really a concern for us, besides the rate increase and all that, which is good, it would help -- it's the welfare of the cab drivers that we do not have adequate protection and safety net, which would be like insurance or worker's compensation or something that during the period of 10, 20 years that you do this job, and you want to retire, that you can have -- that you know that you have put so much into it, or if a cab driver gets injured or sick, there is no protection whatever in that category, and this is one of the things that I personally think we need to work on besides that, we do appreciate the time and the rate increase as it was mentioned yesterday and today, the cab drivers that I talked to were not really anxious about the rate increase as much as the protection that they might get. Of course, it's going to help the business a little bit, and another thing that we are concerned about is the relationship between the cab drivers and the companies, that they are working for, and that is much of a concern from the point of view of, if this rate increase, in fact, is going to cause cab companies to increase the amount of fees, weekly fees to be paid to this company to operate, the taxi cabs, which we call a kitty, which is a weekly dues fees to be paid to the company which covers for the insurance and all those things plus, cost of doing business for the companies, as well as the profit, and, and that should not immediately reflect in our income as we, we think. There should be some kind of a relative relationship in this that, well, okay, now the cab rate has gone up, then the next week we are going to pay at least 20%.

Katz: Educate me for a second, the kitty is a percent of --

Ghassemi: The kitty is a flat, ontrack that the cab driver pays to the company to operate his taxi cab. Each company have different amount that weekly is due on friday, every cab driver.

Katz: The concern is you get a little bit of money.

Ghassemi: What we are concerned about is that immediately not going -- because what is important here is that the amount that we are discussing right now today is regulating the amount that the meter can be charging a customer. But, on the other end of this spectrum, there is no regulation for the companies, how much they can charge the cab drivers, so what, in fact, can have an effect is, whatever -- we can be a broker for the money from the citizens to take the money and pay to the cab companies.

Katz: Thank you. Go ahead.

Sukhninder Mann, PO Box 301133, 97294: Good morning. My name is sukhninder, with broadway cab as a cab driver, I am working for the last three years. Like my other senior driver talked about, the percentage of how much the prices of gas, cost of living, and demands. He did not mention how much of it went up. A few months ago, broadway company raised \$100 per week. Telling them that you have a company insurance, you have this and that. We do not have anything. I was driving a broadway cab. I worked with them. I got into an accident. Ten grand. I'm not covered. I broke my neck, replaced two discs. Four months at home [inaudible] I have \$75,000 medical bills. I don't work for the city but I actually pay that [inaudible] From riches to poor and from the housekeeper to the judge. We don't have nothing. Even when we are driving, no insurance. My car is not covered. I have to pay for them to fix it. And at the end of the day, people think we are making sometimes \$40 and sometimes \$90. If I will be in that shape, as a mother, you can realize more than me, that what could happen when we put some trees, those trees will give us a shadow and fruits and future if they die. We don't want to put our cab drivers on the state welfare or the federal government, if we can resolve these problems on the city level, we will be really appreciated. We brought this issue in front of mr. Francesconi yesterday. My main concern was, not the cameras, nothing else, I did not see anything about the safety and the needs. Thanks for every commissioner and mayor for giving me a few minutes, and think about that and if nothing will happen, I will show up maybe a month after that, whenever I can. I will show up in the meetings to remind you that, that we need insurance and things. Even on that request, [inaudible]

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if they can provide me a copy of the insurance that I can buy my own and the city will decide what their decision is, it was not provided to me. Thank you for your time.

Katz: Thank you very much. You raised other issues that we have not addressed in past years, and I know that commissioner Francesconi and jim and john, i'm sure, will be looking and talking about those. I asked commissioner Francesconi, and I want to make sure that I got the answer, taxi cab drivers are independent contractors, and the answer is yes, okay. All right. Anybody else want to testify? If not, we will do a roll call.

Francesconi: I am going to vote aye for the reasons I already stated. Two other points I want to make. I did meet in addition with the cab drivers and we have terrific cab drivers in the city, we also have some very good cab companies in the city. And I also met with the, all the cap companies this past week, as well. And although all companies were not in agreement on this question of the flag drop and the passengers, I think it's fair to say that most were. That's one point. The issue of safety, the cab drivers was only briefly mentioned, and that came up. We are looking at that. I am waiting for the taxi board to further consider that issue. It is clear to me from talking to the cab drivers and the cab companies that we have to do a much better job of training our cab drivers, and that is both the responsibility primarily of the companies but the city and the region can do a better job of helping the companies in a much more rigorous training program, and we're moving in that direction. The issue of cameras and shields has also been discussed. In listening to the companies and the cab drivers, i'm coming to the primary conclusion that we're not new york and chicago and other places, that the special relationship between cab drivers and their customers is not only essential from a profit standpoint, but it's also why the cab drivers do their job, and it's my primary conclusion that shields would not be appropriate. On the issue of cameras, I still personally think that we need to be looking at these. These are the -- neither the cap companies or drivers are excited about this and a lot of this is the cost factor. I am waiting for more discussions from the taxi board and I am not prepared to tell the council what my final position is on cameras, other than to tell you I am looking at it hard and there is some agreements on it. On the question of more permits, which only came up very indirectly here, it was a hot topic in both of the meetings, and there has been -- I am very aware that there is an uneven playing field for some of our smaller companies, and I am very aware that the council has played a role, including me, by allowing more cab companies into a market at a time that the travel demand studies, then, and the travel demand studies now showed no need for more permits, I am coming to the conclusion that there are some things we need to do, and I am actually trying to do it, to help some of the smaller companies. Unlike I may have said before, though, I have now, I am now coming to the firm conclusion that now is not the time for more permits in the taxi companies, to allow. This will be coming before the council later. It's not in front of us now. But, I wanted everybody to know where I now stand. Aye.

Saltzman: Well, I am pleased to support this ordinance. I do, somewhat, disagree with commissioner Francesconi on the need for more cabs. I do firmly believe that the smaller companies need to have the critical mass of cabs to function properly. We heard that testimony, our own taxi cab supervisor says you need to have a certain number of cabs, 302040, to be a viable entity. So, what do -- whether we do that for relocation or for more permits, I support that. And one of the findings that we are about to pass says that we are raising these rates to respond to larger number of service requests, so I guess unless I am reading something wrong the pie is growing. More people are using cabs, which to me provides justification for responding to the concerns of making sure the smaller businesses can thrive in this business. So, I was absent when we had this discussion a little earlier this summer, but this is something that I want to see us do and hopefully will have the chance to have a good debate on it when it comes forward. Aye.

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Sten: I think as good piece of work and definitely the next right step, there is obviously much more issues. I don't have an opinion on it at this point, I have to listen to all arguments and will definitely do that but I think this is the next right step, aye.

Katz: I think the issue of safety is an important one for us to face because I followed some of the investigations of the death of the cab drivers and I also feel that training is critical, and, perhaps, extras in the cabs. That's an issue that I hope you all have a conversation with commissioner Francesconi, and I will take his lead on that, but certainly, the training piece is critical. Aye. All right. It isn't 10:45, I will go ahead and take the second readings. 1027 and 1028. Let's take s-1027.

Item No. 1027.

Katz: I dare anybody to make any amendments, roll call.

Francesconi: Thanks to all the terrific work done by planning. This emerged, kind of protecting the area from just hotels along the streetcar to the very end, we talked about the need for a park in the area. I am very confident that we are going to be able to get a park, and this will help northwest, but we can also help development happen, it will help the area economically, the quality of life, as well as the park, aye.

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

Katz: Good job, everybody. It's not the best way to do planning and sometimes, we have to respond to opportunities and you all did, especially I want to thank the partners out in the community. Aye. All right. 1028.

Item No. 1028.

Francesconi: This is leveling the playing field and putting some needed regulations on the town cars, and now we have to work with the hotel industry, town cars, taxis to enforce this. Aye.

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

Katz: Mayor votes aye. Because we have a time certain of 10:45, I am not going to move any other items because people might be coming knowing full well that there is something prior to 11:00, so we will wait -- we will take a recess until 10:45.

At 10:38 a.m., Council recessed.

At 10:53 a.m., Council reconvened.

Katz: We will take 981.

Item No. 981.

Katz: Come on up. And you have an amendment, right? Let us know what it is right now.

Gil Kelley, Director, Bureau of Planning (BOP): Yeah, we, we do want to read a minor amendment into the record for the resolution and then I will step back and explain the context for the resolution. Gill Kelly, planning director. And it's very simple sort of bookkeeping one. It has a whereas clause. It does not change the resolve clauses in any way, just refers to the work that, the body of work that you were using in april, which has been finalized in august, and was, essentially are the discussion draft we were using in our discussions with the port, commission staff and the air group, and we formalized that into a, a bureau of planning, report on the alternatives to the conditional use permit process. So, this is all documentation you have seen before. We just would like to add a whereas clause that says the following -- this would be the next to last clause, whereas the council and representatives of the port have considered a report prepared by the bureau of planning entitled, alternatives to the conditional use approval process for Portland international airport, in parenthesis, pdx, dated august 2001.

Katz: So it's referencing this report. All right. Do I hear, do I hear a motion?

Saltzman: So ordered

Katz: A second?

Sten: Second.

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Katz: Any objections? Hearing none so, ordered. All right.

Kelley: You will recall that we were here in april, and at that time, after the, after following that discussion, you expressed an intent that we essentially bifurcate the permitting process for the airport by putting the so-called phase one into a conditional use permit process, a quasi-judicial process, and the balance, the later phases that were documented in the airports current master plan and to be further elaborated in the future master planning efforts into a legislative process, which would be a planned district or its equivalent. We followed that directive, at that time, you also -- we suggested to you and you concurred that we actually formally enter an intergovernmental agreement with the port, outlining the terms of what that would look like. Today is really an intermediate step where we are coming back to you, asking you to adopt this resolution, which expresses your intent formally to do that, and authorizes me to negotiate something to bring back. It's in parallel with the resolution that the port adopted, which has similar language, and the port adopted that I believe last month, which essentially expresses their intent to enter the intergovernmental agreement, so this really just formalizes that. We, in the intervening period we found one other sort of wrinkle, which is that, at that meeting, you, based on comments you heard from the bureau of environmental services and pdot, expressed a concern to apply some additional criteria to the first action to the quasi-judicial, conditional use permit for the first phase, and in our discussions with opdr we determined we need to amend the zoning code to put those criteria formally in the code so the hearings officer has that as a basis for his consideration, so we will be coming back before the legislative process, with a, an amendment to the zoning code to formally adopt those criteria. That's sort of the overview. Bob clay has produced sort of a diagram, I think it has been handed out to you showing the sequence of events here. I should say that we have worked on the resolution with commissioner Saltzman's office, with the air group, and with the port, of course, as well as the other bureaus, and in putting that together. Bob?

Bob Clay, BOP: Bob clay, Portland planning bureau. The time line you have in front of you simply identifies today's action, the council port resolutions occurring today. This is a conceptual time line that looks at an iga, intergovernmental agreement between the city and port occurring approximately this fall. We have identified what gill just spoke to, which was approval criteria for the natural resources element within the zoning code. There is no approval criteria today for conditional use master plan or the airport relative to natural resources, and that's the one issue that we have concluded within the resolution. It's the last be it further resolved in the planning to have a legislative amendment to the conditional uses chapter of the zoning to add that specific approval criteria so it's our plan to work with the bureau of environmental services and other stakeholders in taking that development through the planning commission and then back to you with their recommendation. We have identified on this time line, again, a conceptual time line that we would begin to initiate discussions on a plan district or an equivalent to the plan use approval process later in the spring, then as you know, the port would apply for their conditional use master plan, again, also in the spring. That mast plan is targeted to expire in august of 2003, so we are looking at a schedule that would have that approved then in the fall of 2003, and then we have identified steps for the intergovernmental agreement that will be working with, the air group and stakeholders and representatives of the port, and that would include the port initiating their master plan process and the city initiating a planned district or its equivalent for public review and then later, later adoption, so we have tried to show those tentatively here on a time line and give some rough approximation as to that time line. But, with those details, they will be worked out further in the intergovernmental agreement. I also wanted to point out that representatives from the port are here today, steve tilly, and juline cossen from the office of neighborhood involvement is here, and has been very helpful in working with us on public involvement and beginning to craft citizen involvement, public participation, element for further work as we move through the planning process. Also, representatives from air are here, as well.

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Katz: Let me ask the council members if they have any questions of staff.

Saltzman: One question. And I certainly appreciate all the work you have done to bring this to fruition, first of all. I want to thank you very much for doing this, and doing this quickly too, from april to august, isn't that long, in the scheme of thing in which we deal with planning issues, so I appreciate the diligence.

Katz: So noted.

Saltzman: One of the, well, one of the issues is funding of city activities with respect to dealing with the legislative planned district or, or the equivalent down the road, and you referenced that, that there is a commitment by the port to provide funding resources for city bureau participation in the long-term planning process. Is that something that would be formally spelled out in this iga?

Kelley: Yes.

Saltzman: Okay. Under very many by, fall of 2001?

Kelley: Absolutely.

Saltzman: Okay. There is a willingness of the port to do that? That's contained in the resolution, as well?

Kelley: Let me double-check their resolution to make sure of that. But dave is here, who could probably speak to that.

Katz: Why don't you take a look at it and let's go ahead and bring the port up. Take a look at it. We will get him to commit to that. It will be part of the legislative record. Dave, go ahead.

David Lowman, Portland of Portland, 7528 SE 28th: Madam mayor, members of the commission, I am david lowman with the port of Portland, 7528 southeast 28th. I think the question is, are we looking at, as part of the iga, making a commitment on the funding for the staff's participation in the development of the planned district and the answer is yes, that's going to be part of the negotiation in the iga and we have anticipated that, as the city has in this resolution. I can't remember frankly whether we have it spelled out in our resolution, but that was the intent.

*******:** Good. That's good news.

Katz: Did you want to testify to the resolution?

*******:** I don't think we need to.

Katz: Okay. Thank you. All right. Do we have anybody signed up? No? Anybody want to testify? If not, roll call.

Francesconi: Good work on everybody's part, aye.

Saltzman: I really want to, again, thank the staff and gill called this simply an intermediate step along the way, i'd like to maybe, you know, put aside that modesty, this is a major step along the way. This resolution really mirrors a commitment on the port of Portland's behalf to work with the city in a partnership manner to allow citizens to be more involved in the airport's future plans, and help create a transparent planning process for the port, one of the issues I heard as a candidate for the office, was there was a perception, which I think has been overcome a lot by the port leadership, as well but the port didn't really care about citizens' concerns about airport noise, vibration, impacts on neighborhood livability, and in a city that prides itself as being one of the most livable in the country, it's, it's a growing issue in every city, airports do affect livability, so this was an effort to really sort of get the city's arms around this process. There was a feeling that too often the city simply rubber stamped the condition to use master plans. So, I appreciate the leadership of the port, wouldn't be here today without good leadership on the port to do it right and better so I want to say this is really a step in the right way. It provides for ample citizen participation. We have had the round table form and had they have been active participants in the process. The office of neighborhood involvement has been an active participant and they will continue to be an active participant in the public involvement aspect and I particularly want to thank john and fred of air and juline klossen for all their work, present and future. So the future plan is that air will continue to engage the port as this conditional permit application is in process and as the city begins the longer

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term application process in creating a plan for the port. I want to thank bob clay and bill kelly, I think all of this goes into making this city live up to its reputation as being the most livable, by recognizing that these issues must be dealt with in a thoughtful manner and must be dealt with in a transparent manner where citizens truly have the opportunity to be heard, and I think that by doing what we are doing, this small intermediate step, I think we set that framework in motion so i'm very pleased to support this work, aye.

Sten: I agree, aye.

Katz: I just want to let the council know we have no money for this, so we will have to be very creative, aye. Okay. We are on a regular agenda. 1024.

Item No. 1024.

Katz: Is anybody here from pdc? If not --

Saltzman: Alex is here.

Katz: Come on. This is not unusual. We do this very often to get a jump start on urban renewal funds that we need to meet the goals of the, in this particular case of the albina community plan, and the goals of, of housing and job-related goals in the northeast area. I just want to add a ps, this will also include green building initiatives and that's included in, in this particular resolution, so that's all I want to say. We can turn it over to you.

Alex Dorsey, Portland Development Commission: Good morning, mayor and council. I am alex dorsey with the Portland development commission concludes and i'm really happy to present a project before you today that is rather unique, and as you have summarized so well, mayor Katz, is one that we really hope will be a model for implementing some of the green building policies and design standards that commissioner Saltzman has championed, so consistently for the last couple of years. The loan is not unusual. The project site is at the intersection of Portland boulevard and mlk in northeast. It's an area that's been targeted by albina community plan and a number of the Portland development commission's commercial development strategies for revitalization. It's an acre and a half zoned cm, which is an experimental zone that has not been developed anywhere else in the city. And we're looking at trying to create a place that provides mixed income housing addressing the needs of the low income, as well as some of the upper income that borders the site on the west. Number of opportunities for new businesses, significant job creation, and I think some of the most interesting features of the project are the green building features that you referred to, working with the architect, sara coye, who will tell you a little bit more about some of those design elements. I wanted to stress that in pursuing the loan, we looked at a number of sources of funding, interstate won't have money coming along for some time, and the project does border the Oregon convention center urban renewal district and so in working with the community, it was a natural solution to actually move the site into the Oregon convention center urban renewal area, which, in subsequent years, will have significant money to support the redevelopment. We worked closely for the last year with piedmont neighborhood association.

Katz: I want to ask a question, the community agreed on that?

Dorsey: That's correct. Yes. We will actually be taking it to the commission, the Portland development commission probably in october. The piedmont neighborhood association has worked very, very closely with staff to look at some of the issues affecting the area. Key livability issues are parking congestion, lack of mixed income housing, quality housing because it does border the historic district, some of the other issues of crime and along with the, the lack of opportunities for neighborhood goods and services. So, over seven public meetings, held over the last year, we have addressed the neighborhood's concern, did a thorough site analysis, looked at the public needs, as well as some of the specific needs that the developers that will be working with on the project, and I think we have got, got a good solution. I will let natasha tell you a little bit more.

Natasha Coy: We have been working on this project for about eight to nine months now with alex and the neighborhood association. This site is bordered on the east by mlk and the north by

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Portland boulevard and straight to the south, highland is kind of a residential and commercial street and then garfield to the west is single family residential. The piedmont conservation district runs right down garfield and cuts across Portland boulevard, so this is adjacent but not within the conservation district. However, the neighborhood association was extremely concerned that the project really benefit the neighborhood and respond to the traditional nature of their single family historic housing. So the way that the project has been developed and we really tried to make this a project that would make a statement on mlk being an enhancement to the neighborhood, to the west we have houses, which are attached. They are divided and as you can see in the elevation, to the point where design-wise they look like a single family residential house and are of a similar scale, two-story houses to the units across the street. The parking, which is an issue, is behind the units, on the alley street which devised the bluff. It's an existing alley but what we are doing is putting housing along that alley so that there's garages for both the loft housing and the row houses and the alley is really becoming an internal street. The commercial, excuse me, the commercial that's on mlk wraps around the block and comes into the middle of the block, so we are trying to bring activity and interest into the center of that block. To help create that sense of place. The units on mlk are commercial-mixed use so we have retail at the ground floor, about 12,000 square feet. It's smaller retail, so that it really is devoted to neighborhood residential-type services, and then the opportunity for affordable combination housing. The project serves as a transition between the residential neighborhood and the busy mlk street. In terms of green features, we are really trying to take advantage of the fact that it is on a major transportation core. Parking, internalized within the site so it won't fall out into the neighborhood streets. And in fact, what we have done on the commercial building is to use a stacked type hydraulic system for parking within the block so that we don't have to take additional land for parking. We have incorporated higher energy efficiency appliances and water features within the site. We are doing stormwater treatment on-site with pervious hard-scaping, ecoroofs with flat roofs on the loft units and commercial project. We are really trying to build all of these in and make them a part of the project. We have looked at both pdc's affordable housing requirements as they relate to sustainable objectives as well as pge's earth advantage program for housing and incorporating all of the features of those programs into the project.

Katz: Talk to me about design. Where are you on the design?

Coy: We are just finishing concept design. This was really envisioned as a vision study for the neighborhood. And at our last meeting a couple of weeks ago with the neighborhood, we had high level of support. We asked them what they wanted to save, projects change as they go. We love the row houses. We love the way they relate to the historic features of the building, of our neighborhood, and we like the fact on mlk, we divided the density of the, of that large commercial building into two smaller buildings so there is a break. There is some greenery within the block. Really like the way the scales are handled. We talked with the developers about using high quality, durable materials. They are very interested in making a project, which is a benefit and commitment to the neighborhood.

Katz: Make sure that, that the design comes to my office and my regular pdc meetings.

Dorsey: We will do that.

Katz: Before you go to the design commission.

Dorsey: We will make a point of it.

Katz: Thank you.

Dorsey: The actual design elements will be outlined in the disposition and development agreements, and we will be sure to retain the integrity of the design the neighborhood has worked on.

Katz: All right.

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Saltzman: I would like to say something on this, this is a really impressive project and I wanted to say when I was first approached by pdc in february, about the notion of loading a million dollars from our sewer operating fund to complete this piedmont place mixed use project, it was the first time I have ever been asked to do that, and at the time I don't think it was clear at all that urban renewal would necessarily be there to pay this loan back. So although there was a commitment certainly on pdc's behalf to pay it back but it wasn't clear how that would be paid back, but nevertheless I found the possibilities of the project intriguing, particularly the host of opportunities for sustainable development it provides. So I felt that pdc and the developers could live around substantial green building designs, particularly designs focused on stormwater management. The temporary cost of bes to loan this money would be more than worth it. As you can see today, I think pdc and sara architects have met my challenge to thank and design green, and I am impressed with both the quality and the number of green features in this project, certainly the ecoroofs warm my heart. So, I am very pleased that, and if you remember, pdc and sara have agreed to apply for the lead green building certification on the commercial use structures, the ones on mlk there. And that's a third party verification provided by the u.s. Green building council, consistent with the policy, the city council adopted in january. So this is really consistent with our policy and this will also be written into the loan agreement as well but the certification is an important step, and it increases the number of local green building projects that will help Portland turn the corner in promoting a sustain sustainable mode of construction so we are pleased and I want to thank alex, in particular, for her help in making piedmont place a place of sustainability.

Katz: Further questions?

Francesconi: I have a question because I was unaware -- this is a terrific project and going to be a model project. It's more along the lines, commissioner Saltzman, of bes. Are they here? Or do you want me to ask you. Because I was unaware of this kind of arrangement, myself, so I guess what are the ground rules, as to when we can borrow from the sewer fund, for projects like this?

Saltzman: I am not aware that we have any ground rules, per se, as I said, we were approached, about notion, I guess this thing does happen before. Usually when it's just more funding more from income tax, in the tax brackets but we were approached that pdc would pay us back but wasn't sure where that money would come from. We decided from bes's point of view if we could influence the project to make it a model, it would also achieve significant things like getting stormwater out of the sewer system, which is what it does. That it was worth us making this temporary loan to them.

Francesconi: So the idea is because of the pressure on the rates, there needs to be a source to pay it back, whatever you want.

Saltzman: There is a guaranteed payback.

Francesconi: And needs to be a model project. Those would be two, and three --

Saltzman: The payback was the first part.

Francesconi: So a third one could be that there's enough to pass the system to handle this, in a way that wouldn't either delay projects or cost the ratepayers so I assume that's true.

Saltzman: All those factors, guaranteed payback, model of stormwater management, goals that bes prompts, and --

Francesconi: On the third issue, it's really not a close call here given the cost of this project and the capacity of the system, is that right?

Saltzman: Right. Certainly we are all aware of what's happening with the billing system, put stress on bes and water's budget but we still felt that we had the ability to make this short-term loan.

Sten: When we have had reserves, we have done this, so we won't be doing this.

Katz: Water used to do it.

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Francesconi: You are talking on behalf of water, but I guess what I am trying to get at was there was enough capacity here. What I am really, then, want you to consider, commissioner Saltzman, is on the bluff replanning project, we take this same approach, given the pressure on the general fund. That's another issue.

Katz: Another issue not before you. You don't need to respond to that. We can talk about that later on in terms of how do you upfront the money rather than using general funds.

Saltzman: I would be happy to do that if we have the same criteria.

Katz: We can probably work that out. All right. I know you got involved in something you didn't expect.

Francesconi: Sorry, it's my prerogative once in a while here. [laughter]

Katz: Okay. This is very exciting. You know how I feel about this, especially the design of projects on mlk.

*******:** Absolutely.

Katz: All right. Anybody else want to testify on this? Roll call.

Francesconi: Very creative and it will be a very good project, aye.

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

Katz: Mayor votes aye. All right, 1025.

Item No. 1025.

Katz: Anybody want to testify on this item? Roll call.

Francesconi: We need this. Aye.

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

Katz: Mayor votes aye. 1026.

Item No. 1026.

Katz: All right. Could the city attorneys come up? Let me tell you, if you recall the plaintiffs asked me, I will call you when i'm ready, okay. The plaintiffs asked me to pull this off the calendar when we saw it, I think it was two weeks ago, and more than happy to do that. I didn't really understand all the details at that time and did that. You all have correspondence from the plaintiff. You also have the transcript of proceedings at the united states district court before the honorable anne eiken. And I did not have that at that time, but I had it -- I received it since then. And I hope that you have all read it. There is a section on page 14 where the court asks both sides, do they understand what they are agreeing to, and basically, saying -- actually, let me read it. This is the court "so if either sidewalks out the door and down the stairs, reaches the bottom of the stairs and says, I don't like "x" condition, i'm not going to sign this agreement. We don't have an agreement. That the court will tell you, you have a binding agreement as of this amount and the documents that follow merely incorporate what has been agreed to on the record and under oath, and I will go ahead and sign an order to that effect. Do you understand that <?"> and everybody said here, yes, your honor. I understand. And that was not available to us. Now, I then asked the city attorneys, but let me back up. I also know that there is an iad complaint that will probably be coming before this council at some point, said that aside, that's a whole other issue that will be before the council but I asked the attorneys to come and explain to me the effect of this agreement and what do we do and what is that we have to do and where is -- what's the legal requirement at this point. And so that's why I have asked mr. Man-love to come before us and then I will ask the plaintiffs to come.

Bill Manlove, City Attorney's Office: Ma'am mayor, with the city attorney's office, your, you're correct the parties attended a settlement conference on july 11 with judge aiken in eugene and that settlement, the terms of that have been memorialized on the record in this transcript. What we need council to do is per the code, because this is an agreement to settle a piece of litigation for more than \$5,000. We need city council's approval to authorize us to go ahead and issue a check to mr. Bonneau and his lawyer for the settlement amount. The settlement in the view of the city attorney's office, in the view of risk management, and in the view of the police bureau is a reasonable

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settlement, for the city to deal with the risks of litigation and also the further expenses that would be presented by pursuing further litigation. Our office, risk management and the police bureau recommends that the council, therefore, pass this ordinance. You are absolutely right that, that mr. Bonneau has filed a, a, an iad complaint, that is a separate matter. That's not affected by the settlement. The bureau is in the process of, of handling that complaint, and it's normal course. Are there any other questions, I would be happy to try to answer them.

Katz: Are there any questions of bill? Okay. Thank you. Mr. Bonneau, why don't you come on up.

*****: Thanks for giving me a chance to speak. If it would be all right I would like to approach you.

Katz: Why don't you give it to the clerk.

*****: This is direct information. This is simply a petition addressed to you to deal with this matter. I have a copy for each of you guys. This is going to cover.

Katz: Why don't you give us a second to open this up because you had three minutes, and I don't want you starting the clock until we have a chance to see what is in here.

Katz: Okay. I know what you are going to try to do, and I am going to ask you, you have three minutes. Please, I know there is an iad complaint, as well, and so, so let's just try to address the issue before this council. Okay. Why don't you introduce yourself for the record.

Merrick Bonneau: My name is merrick bonneau, please do not interrupt me unless I am finished accuse excuse me, any one of us can interrupt to ask questions and we will allow the time to run and give you -- that's fair, thank you. All right. I am here to ask the city council is hold off the approval of the settlement until my complaint against the internal affairs division, or excuse me, against my ex-attorney has been resolved. That I sent to the Oregon state bar. I will just read it, just to make it simple. John saither has no business being a lawyer. He has no respect or care for the people that he represents. He has no regard for the lives of the clients who put their trust in him.

This settlement should be held void due to the lack of representation and misrepresentation of me by my lawyer. There are 15 reasons why the settlement should be held void and the order of dismissal said aside. Number one, john saither solicited me as his client over the later day weekend of 1999. Number two, john saither being a 25-year veteran corrections officer had a potential conflict of interest in suing the police department. Number three, john saither told my family and I that this was a potential \$40 million case, which gave us an unjustified expectation of what we could expect from him. Number four, john saither told me not to go to the media. He said that if I did, I could hurt my chances at my civil -- at my trials. I believe now that he was just trying to keep this out of the public's eye. Number five, john saither told me not to file complaints against the officers who brutalized me. Number six, john saither withheld direct evidence which could have been used to prove that the arresting officer, james dyken, is a bad officer. That's the tape that's in your guys's possession right now. Number seven, john saither would not include my family and I in the strategy that he was using for my case. Number eight, john saither would not keep my family and I informed. Number nine, john saither told I told john saither repeatedly I did not want to go to any type of mediation. I wanted to go to trial. He insisted that I go to the july 11 meeting saying it would help me at trial, making me look good in the eyes of the court. Number ten, john saither gave me no preparation or idea of what to expect at the settlement hearing. He instilled fear and doubt into me. Number 11, john saither gave me no help during the settlement hearing, every time I asked him for help or advice, he told me that this was all my decision and left me without no help. And number 12, john saither did not break the dispersion of the settlement down to me. I did not know until he put the lien on me what the settlement was for. Number 13, john saither overcharged me for expenses, I can only account for \$10,000, which is my medical bills, and he charged me 21,000. 14, john had me on a contingency fee and charged me 10,000 for the criminal trial which is against the bar rules. Number 15, on october 1st, the city council said this matter would not come

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before the city council until this matter was discussed with all parties. I inquire -- fired my lawyer July 17th and have not been discussed with this by anybody, and that's basically it. In summary, I have been under duress for almost two years now. I was under that when he solicited me as his client and under duress since John did not keep my family and I informed or involved and I was under duress during the settlement conference because John would not give me help or guidance. This settlement should not, should be held void.

Katz: Thank you. Let me ask you a question because I read the settlement conference and I glanced at the letter from Mr. Saither. One of the things you really wanted and appears it may not have been the money, you wanted changes in the training and --

Bonneau: That wasn't anything I wanted. That was something that they kept bringing to me. That wasn't -- that was nothing -- not of my request.

Katz: It appears in the document here of things that you did want to make sure were included.

Bonneau: I wanted an apology. I did not get an apology.

Katz: All right. Questions?

Sten: One, you understood the amount of the settlement when you agreed to it?

Bonneau: No.

Sten: You didn't understand the amount?

Bonneau: I didn't understand the disbursement I would get or he would get. I didn't know until he put a lean on me for 80% of the settlement that that's what it was for.

Sten: You knew the total amount but not the split, I guess, between you and him?

Bonneau: I did not know that -- I didn't know the disbursements.

Sten: So you knew the total but not how much would go to the lawyer or expenses.

Bonneau: Anything, yeah.

Francesconi: Do you have a lawyer now, sir?

Bonneau: I am representing myself at this time.

Francesconi: Okay. So what happened is, you knew the total amount of the settlement but then later on, he broke down all the aspects and that's when you became unhappy with the settlement?

Bonneau: No, I was unhappy the whole time. I didn't want to be there in the first place, and I felt manipulated into being there in the first place.

Francesconi: But the judge, who I happen to know, a federal judge, down in Eugene, asking you a series of questions, did you answer truthfully to the judge?

Bonneau: Under duress.

Francesconi: Have you seen the transcript?

Bonneau: Yes.

Francesconi: Were those accurate statements on your part?

Bonneau: Under duress.

Francesconi: Okay. Now, what I'm curious about, is if you don't have legal advice, one of things I am curious about, in any malpractice claim --

*****: Wait a minute. He's not privy to the information. He's not privy to the information you are reading him from the transcript. So --

Katz: He just told us that he is.

*****: He doesn't have it with him.

Katz: Fine, thank you.

Francesconi: Well, what I am curious about, is see, your claim, every claim you made is not against the city, right now, since you have been here, it's against the lawyer, so we know that you filed the bar complaint against the lawyer, which is your right to do, and you have a right to bring a malpractice claim against the lawyer, and you have a right to make the allegations you did against the lawyer and you also have a right in that malpractice claim to recover anything above the settlement from the lawyer, the insurance company, if your allegations are true. Okay. And if a

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jury or insurance company accepts what you are saying as true. I don't know if you know that, but -
-

Bonneau: I am not understanding your point.

Francesconi: Well I am not going to give you legal advice right now but why aren't you just pursuing the lawyer instead of going against what you told the federal judge under oath? That's my question.

Bonneau: Why did john not give me any help when I repeated asked for it. I was under duress the whole time and he should have been looking out for me. I went -- the whole time and he should have been looking out for me. I went to a mediation or another conference of this type, and before and the first offer was \$7500 from the city. Me and john both laughed at that. The second offer from the city was \$35,000, plus all my medical and expenses paid. So, in a sense, and john said, I don't think we are getting anywhere. Let's go, so we left that on the table. That was twice what I am getting now.

Francesconi: The point I am trying to make is you need legal advice on this from your own person who you trust that even if everything you say is true, a binding agreement is a binding agreement, and you have other remedies than the one you are seeking. Okay, that's one point I wanted to make much the other is you wrote a letter to the mayor.

Bonneau: Correct.

Francesconi: And in the mayor's letter, you referred to the -- you didn't call it this but the racial overrepresentation study in the judicial system by judge carson, and actually started by judge peterson.

Bonneau: I don't know what you are talking about.

Francesconi: I will read it what you said. You said that all folks who used the judicial system should be treated fairly, those are quoted, the Oregon supreme court justice, wallace carson. Unfortunately, we're falling short of our goal --

Bonneau: That quote didn't come from me, from the representative who was helping me, tony jackson.

Francesconi: You signed this letter. Hang on a minute. And then your words. This was a reference to a task force finding after two-year study that ethnic discrimination in the state's judicial system continues --

Bonneau: Those weren't my words.

Francesconi: Okay. I appreciate you clearing that, so you are not saying, your complaint here is aimed at john saither. You are not saying there was discrimination by judge aiken or anybody in the federal court who, who, who set up this proceeding, correct?

Bonneau: So essentially you are asking me if I believe this was a conspiracy or not?

Francesconi: I am asking you if you think you were treated fairly by the courts. No, by john saither I am clear but by the courts.

Bonneau: By judge aiken?

Francesconi: Yes.

Bonneau: I don't feel I was, no. I feel like she tried to manipulate me into settling the whole time, yeah. When they, when it got down to a letter of regret, which I am disgusted at, they both john and the, judge aiken grabbed dictionaries and tried to tell me that regret was an apology. They are not looking out to my best interest.

Katz: Mr. Bonneau, on page 13.

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

Katz: On page 13 the court asks, you have heard the terms that settle this case, correct, you apply correct. The court says and you have plenty of time to speak with your lawyer about the terms that settle this case, correct? You replied correct. The court asked, do you have any questions your lawyer or I may answer for you? You replying no. The court says, do you understand each and

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every term that settles this case, you reply, yes. And do you understand that when you tell me this is your agreement that you are binding yourself to these terms, and you reply, yes.

Bonneau: Can I reply?

Katz: Excuse me? I am just reading the transcript.

Bonneau: First off I was under duress at the time and have been for the last two years. And this mediation event or whatever you want to call it, binding arbitration, whatever you want to call it, it was 12 plus hours long from noon or 1:00 until past 10 or 11:00, I did not get a break, I did not get lunch. Or excuse me, dinner. I got no breaks. I was there basically on my own. And had to fend for myself, so I was under duress the whole time. I did not get a break, and I was not in my right mind.

Katz: Thank you. Let me, further questions? Come on up. Thank you, gentlemen. I don't know who you are but --

Bonneau: This is my father and he wanted to speak, also.

Katz: Okay. Let me continue and then we will bring jim back up. Thank you. Go ahead, sir. Move the mike closer to you so we can --

John Bonneau: I am john bonneau, and I am merrick's father and I was a witness to both his brutalization and the lack of representation that he's had in the last two years. And you would think that any --

Katz: Could you come closer to the mike? I don't think we are picking you up.

J. Bonneau: You would think that any knowledgeable attorney would do certain things like file complaints against the officers. Couldn't do that. The reason for that was that it might bring down the wrath of the police as far as any type of a conference was concerned, the press -- press-wise, couldn't do that, bring too much attention to the situation. That's how it continued. He disallowed any family group meeting towards the end, towards the court because of the time that he said that he had spent with merrick and when this thing came together, it was in eugene, for what reason, I don't know. Almost secretly and we were discouraged from coming so merrick was there without any help or protection, and he sure am was under duress. He cried for two weeks after this thing happened and I cried right along with him. I couldn't understand if I had been brow-beaten for 10 or 12 hours, I would have done the same thing probably.

Katz: Thank you. Questions?

Bonneau: One more thing to say. So john put a lean on me for \$63,000, which --

Katz: Could you move the mike closer.

Bonneau: I received a letter from, I don't know if he's here. Mr. Bill manlow, saying if I did not go through with the settlement, that the city was going to make me pay their attorney's fees and court costs. Which is going to make me broke, which is going to put me in debt for the situation. For me, basically, i've been attacks pair since '92, all my life. My taxes pay the police. The police destroyed my life. I paid for my own beating, and was given no representation and now the city is going to put me in debt for trying to go against this.

J. Bonneau: For all the wrong reasons, your honor.

Katz: All right.

Saltzman: Mr. Bonneau, when you first started testifying today you asked us to simply not pay the settlement yet, so are you asking us to simply -- the settlement remains, simply not paid you until you exercised your claim with the Oregon state bar against mr. Saither?

*******:** What he's asking --

Katz: Just a minute.

Bonneau: What I would prefer is this whole order set aside. This order of dismissal set aside. I don't know what your guys' -- what you can do. I don't know because obviously, you are there and I am here.

Francesconi: We can't do that because that's the federal court.

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Bonneau: Anyway. Yes. I would like that.

Saltzman: You are asking the whole deal be withdrawn.

Bonneau: That's what should happen but I don't think that obviously that's going to happen. So what I would like is for you guys to set this aside until this situation gets straightened out with the Oregon state bar and with me and my former attorney.

Katz: All right. Thank you both.

J. Bonneau: Can I make one comment, your honor? I just, it's difficult for me to understand why from a mayor right on down through the police department, that we continue to allow predatory police people --

Katz: We are not going to get into that right now, we will get into that when we have the iad complaint and it will rise to the council level.

Bonneau: You have it in your hand.

Katz: Yes, thank you. Bill let me ask you the same question I asked you in my office.

*******:** I believe there are other people that would like to speak, also.

Katz: What is the standing of a federal court settlement judgment like we have before us, and your agreement before the judge to sign it. What happens if -- what happens if we don't do it?

Manlove: In attending the settlement conference and in agreeing to the terms, my colleague and i, on behalf of the city, as a defendant and behalf of the police officers as defendants, on behalf of our clients, we represented to the court that we would proceed and good faith with all the terms of the settlement agreement, and part of that is to expedite the passage of the ordinance that will authorize the settlement check to go to mr. Bonneau and his lawyer. Does that answer?

Katz: Are we in contempt of court if we don't -- just one second. Are we in contempt of court if we don't agree to this?

Manlove: An argument could be made that the council would be in contempt of court. However, on the -- in the, in the transcript, and in the memorializations of the terms, it was explained to the judge that before we could go forward with the settlement agreement, that we needed to obtain city council approval because that is part of the city code, and she was informed that, that, in fact, that would happen. So, it's -- my office's advice and my advice, as well as the affected bureaus that the council, in fact, proceed with passing the ordinance.

Sten: I want to be clear, we cannot be in a position that we're in contempt of court if we don't approve a settlement that hasn't been presented to us. I have to -- those comments are subject to this council's vote. I'm not bound --

Katz: I just asked a question.

Sten: I know, but I am sure an argument could be made but I can't imagine that you are representing that it was a guarantee that, that the ordinance would pass.

Manlove: No. I never represented that. In fact, just the opposite. I made it clear that we needed to get council approval because that is -- that's the city code, that's the law.

Saltzman: Both the terms and amount?

Manlove: That's -- well, the amount is one of the terms of the agreement.

Harry Auerbach, City Attorney's Office: Mayor and members of the council the charter requires council approval of all settlements in excess of \$5,000, so, so bill and mark made it clear to the court and to mr. Bonneau that our agreement was contingent on your approval of the settlement, and --

Saltzman: Which includes the terms as well as the amount.

Auerbach: It's part of a package, yes. So we are asking you to approve that because it's in your best interest to do it. And the city's best interest.

Sten: Is the settlement, I have not read this myself, is it way out, does lay out how to disburse the amount of money?

*******:** No.

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Sten: Did the check go to mr. --

Manlove: Well, the amount agreement or the memorializations of the agreement says that we will settle this case like we do every other case. We will send mr. Bonneau and his lawyer the standard, that's right in the transcript, and that's what we will do. So he will receive those documents. He will receive a check with his name and his lawyer's name on it. Now how they break up the money, is a matter between themselves, and like, as commissioner Francesconi pointed out, that's a separate issue that he can pursue in another forum and that was went our concern at this settlement conference nor should it have been. That's a matter between he and his lawyer. Does that answer your question?

Sten: Yes, thanks.

Katz: Further questions of bill?

Saltzman: If I am hearing mr. Bonneau correctly, at this point he's simply saying, he's not saying, change the settlement but simply, set it over and I guess, if we pay the 80,000 into an escrow be, is that -- we still go forward with the settlement and simply hold the money over which is what he's requesting. I'm not sure why he's requesting that but that's what he's requesting pay it once his claim or through escrow release, once the claim against mr. Saither --

Francesconi: That's what would happen. There is three parts to this. One is approving the settlement. The question there, is, is it a binding settlement, and frankly from my perspective, folks, it is. The other question is, what do you do with the dispersal, and then the third question, what if it's inadequate. Okay. And on the second issue, the way the lawyer just, or city attorney just described, is the standard practice, that means that mr. Bonneau and the lawyer have to agree and the bar will intervene in this, and he's got a proceeding there, so us postponing this actually interferes with the bar getting involved on that dispute on the fee. That's point number one.

Francesconi: And they have to agree and if they can't the bar will get involved, I guarantee you so that's on that. Now, then we get to the question of the remedy of mr. Bonneau if the settlement is inadequate. This is where mr. Bonneau needs some legal advice, and i'm not giving any legal advice. I'm just speaking as a lay city commissioner but if it were me, I would rather have, as a potential defendant, and i'm not saying mr. Saither did anything wrong. Mr. Saither, than the city of Portland's police department, let me tell you in terms of you look at the jury verdicts and what they have been here over the last 20 years. So, I guess what i'm saying to the council is, we should proceed with the settlement, that's the city's interest, and I believe, he can decide if it's in his, then you let the lawyers work it out with the bar, and then you still -- he still has another remedy against the person he talked to us about.

Auerbach: And may I make one more?

Katz: Identify yourself for the record, we have too many people speaking here.

Auerbach: All we're asking you to do, the ordinance does is authorizes us to complete the settlement, and we can physically do that and however we need to with what, whatever assistance we may need from the court or whatever in order to get it done but all of this, all this does is authorizes us to complete the settlement we all agreed to down in eugene.

Katz: Now, what happens down in eugene if we are the only ones who authorize the settlement? And everything else goes array -- awry?

Francesconi: That's where we get into a legal argument, is that a settlement? I am telling you folks, that -- well, that is a settlement, that's why the judge went through all of that. That's more than a settlement. But, that's my own personal view.

Auerbach: I guess, as a technical matter, the case has been dismissed. There's a court order dismissing the case, and so if he continues to decline to accept the settlement, it will be his burden to convince the court to set aside the dismissal order that was entered. If he can do that, and --

Francesconi: What he says is accurate.

Manlove: And it's only the court that can at the time it aside.

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Saltzman: So the money goes into the account, given the complaint filed, there will be no access or dispersal from the account until the complaint is resolved. Is that a correct understanding of how this process works?

Manlove: Assuming that everything that mr. Bonneau told us is accurate that he has, in fact, filed a bar complaint, the check will be written out to both of them. Neither one can cash it without the agreement of the other, so commissioner Francesconi characterized it absolutely correct. It's going to -- nothing is going to happen until they work out their dispute between themselves.

Sten: I guess, the question I have probably can't answer, so I will hold it.

Katz: Okay. Let's --

Saltzman: That is the standard practice in the settlement, the check is made out jointly to the attorney, as well as the plaintiff?

*******:** Yes, it is.

Katz: Karla, let's hear some testimony.

*******:** One more thing?

Katz: No.

Katz: I am going to ask all of you stay on point and that is the conversations we have just had.

Lloyd Martindale: I am lloyd martindale the head wrestling coach at clackamas community college and that is the way that I know travis, as a wrestling coach and I want to bring up one point, you guys started off today by saying, i'm not the cab drivers, it was their mission to serve all Portland citizens, and that's all we are asking you to do here is give mr. Bonneau a little more time to understand what his position is right now. I think this is going pretty fast, he's not really sure where he stands and for you to pass this right now, would eventually make him feel as though he has not had a say in the process. Even though he has already had a hearing in eugene after 12 hours, he really is not sure where this is going, and all we're asking for is a little more time, not that this can not be settled at a later date just that you hold off today doing it. And especially, until he's able to get some legal council. That's all I have.

Katz: You know that we did hold this off for a couple of weeks? Okay. All right.

Kay Huxford, 2170 NE Hancock, #305, 97212: I am kay, I just want to thank you for giving this issue fair attention and for giving it me a chance to speak today. I moved to Portland and Oregon about four years ago. I've been a graduate student at psu, I am an apartment manager, a teacher, a single mother and most recently i've become a friend to the bonneau family, especially since september of 1999 when merrick was arrest and had brutalized at his home in northeast Portland. Without reviewing the details of the case and in the interest of the time here, I would really like to focus this on what I think merrick's point is today, and that is a, quote-unquote, appeal of the decision or whatever wording I could give to that, that will be correct for this situation. I feel that merrick does deserve the right to a trial and I think that's what he's asking for. Also for a greater settlement than what has been agreed upon previously. It seems in order to appeal this, or again, any other word that you could put in there at this time, seems that merrick needs to prove there was duress, by himself or his attorneys or by city officials in order to ask this either be recanted and he be able to give, given again that right to go to trial or that he be able to ask for a higher settlement than what he's been given already. As far as, I think, what merrick has pointed to and what I can testify to as being a witness to the entire occurrence on september 4th of 1999, and like I said, becoming a friend and a part of this with the bonneau family over the last two years, is that this duress has, has persisted. It began that day, has persisted for his family and friends, for anyone who has become a part of the people that have learned about this or other people who have been a part of a similar situation at any time in any other city. This started with merrick asking for an apology and when he did not receive that, he pursued a counter suit against the city of Portland and those police officers. He has asked for fair compensation with this, what he means is, and again, not to try to speak for merrick but in my conversations with him, my understanding is that he is asking for his

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legal fees to be paid for medical expenses to be paid, and for his education and tuition from a full scholarship that he had received from clackamas community college. Excuse me, because of the occurrences on that day, when he was arrested and brutalized he lost his full scholarship because of the extent of injuries to his shoulders and his arms and so on. The agreement for \$80,000 is insufficient to cover these fair -- these accounts fairly. So, what I am asking you is, does this represent fair compensation on your part? Do you feel that allowing this to go through and by passing the settlement of \$80,000, that merrick is being given fair compensation for what happened to him and the errors made that day. I see my time is almost up so I am going to wind this up by saying I just want to reiterate that merrick was found not guilty in his case of the police officers against merrick for his charges for resisting arrest. What he is trying to do now is make it right on his part.

Katz: Thank you. Go ahead.

Travis Bonneau: Hi, city council I am travis bonneau and I am merrick's brother. And I am also an artist and activist in the youth mentor here in town. And I just would like to add that this is put our whole family through quite a bit of, you know, unnecessary stress, none of this should ever have happened, and I would just like to share a poem, if that's okay with you. The title is, shattered sadness, although it's a poem about discovering happiness. Awakening wanderer following the light and luster of histories passionate past where beauty silently stood and the future slowly passed. To soar upon winded by-gones for our hearts given trust. We flew for the mountain waterfalls, beyond melting deserts of rust. And to the sea for the moonlight upon silver-leafed trees, upon the night surf of a cool spring breeze where the boundless of our beauty was beyond, as we rose break of days to conquer of mountains above the sun. Thank you very much.

Katz: Thank you. [applause]

Katz: Further testimony? Thank you.

Katz: All right. Who wants to start? Introduce yourself.

Norman Wicks, Sr: I am norman wickes, sr., I am the author or my son is the author of the tape you folks have in your possession right now. And there is also another tape which is the 9-1-1 tape that you folks probably haven't heard. And I urge you to get the 9-1-1 tape of the incident of october 30th of 1999. I'm here to give credence and support to my new found friend, merrick bonneau. We have one thing in common, the same lawyer who did me the same way as he did merrick. Mr. Saither solicited the tape from us on the agreement that he would represent my claim against the Portland police for a beating and jailing that my son and I received on october of 1999 without a complaint, without any wrongdoing, except for camping. That was the only issue. The same police officer brutalized me, put me in jail, handcuffed me, kept me in jail for six hours and it was necessary for me to go to the hospital directly after that. There are pictures, besides the tape you have there. This is an outrage to my intelligence and the intelligence of the people of Portland here. We know there's a police problem here. And what this is all about, really, not about a settlement. You have a really bad police problem here, of accountability. And in my case, it's here. You have the evidence in front of you. Mr. Bonneau deserves an opportunity to have a fair and just settlement for what happened to him. I know i'm not going to get any settlement at all because there's not one attorney in this city that has the brass, okay, to go through with anything. Even though I have a valid complaint as you will see in your tapes. I can't -- i'm not going to sit here and condemn all police officers, okay, but you definitely have an accountability problem here that really needs to be addressed. I have been besieged with tickets for everything under the sun, 50 in all, after I filed my complaint to iad. And in all the complaints that I filed, this is what I got. Even though the evidence of their wrongdoing is before you on that tape. Iad found no viable, I mean, how, how does a citizen address that when the city council sits here -- you know you have a problem here with police accountability. Let's face it, you all know that. Every single one of you, it's been here for years. And unless you do something about the police accountability thing, this is

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going to continue to occur. This man deserves a better settlement than what he's gotten, and I know that you sit there and tell us all that it's the district court or whatever made the decision, but you don't have to go below \$80,000. You can go above it, if you want to, if you choose to. And that's all this man is here asking for, for just compensation for the beating that he took. By the same officer who put guns in my son's face for no reason at all other than just camping. This is not nazi germany, 1944. People have the right to go to trial and face their accusers. John stanley saither solicited that tape from me only to keep it out of the news media. He agreed to represent me, as well, and I gave him the tape. He was going to use that tape according to him, on behalf of mr. Bonneau. He was going to take them to trial. He published \$25 million in the newspaper is what he was going to ask for on mr. Of mr. Bonneau. Thank you very much.

Dan Hadelman, Portland Copwatch: Mayor Katz, city council, I am dan handelman, Portland copwatch, address post office box 42456, Portland, Oregon. I am sort of going on the cuff cheer today but my impression of this case is that -- cuff here today but mr. Bonneau fired his council shortly after the hearing in eugene. He didn't have time to find somebody else to represent him, and in fact, I think his council didn't acknowledge his own dismissal until after the last city council hearing. And I don't think that there's been enough time between then and now for him to get enough legal advice. I think mr. Francesconi, I think you probably agree with that, he hasn't had enough time to get legal advice about what his next step should be. And if I understand it correctly, what, the attorney's office who sat up here said is that you have to approve this in order for it to go through, and therefore, if you don't approve it, it seems that it will be thrown back into court for more negotiations. And I don't know if any of you think that this is a fair settlement. It seems to me if his full medical bills and his full legal fees aren't being paid it's not a fair settlement. So i'm hoping that you will consider the idea that if you, if you do not approve the settlement, that possibly it could go back into court for more negotiations. And I am a little concerned that mayor Katz, that you are pretty sure that the iad complaint will rise to council which means you are sort of anticipating internal affairs will find their, will find wrongdoing in this case and i'm hoping that's not the case. It seems there's a lot of witnesses and clear the police identified the wrong person. In the first place, so I hope that we have more confidence in our iad and ipr system.

Francesconi: Dan since you referenced me one of the things that's been puzzling me is how somebody who obviously needs better legal advice could spend time getting hundreds of signatures, lay signatures on a petition but doesn't have time to go find a lawyer. When petitions aren't going to help him he needs a lawyer, so I guess maybe you could talk to him about that.

Katz: Sir, go ahead.

*******:** I'd like to make one comment.

Katz: You need to identify yourself.

Norman Wicks, Jr.: I am norman wickes jr. I also was assaulted by officer eiken -- saither. I feel it's a federal mandate the officers go by guidelines and that they are not being upstanded, and that we need to continue to insure that no crimes are committed against our citizens. We are citizens. You folks should not be afraid of us and we should not be fearing the city and I would like to turn the rest of my time over to my father.

Katz: We are not going to do that. We don't do that. That's fine. Thank you, gentlemen. Further testimony?

Katz: Identify yourself.

Tyson Bonneau: I am tyson bonneau, the brother of merrick bonneau. I was not present at the time of his brutality and wrongful arrest by the police. For my own safety I am glad that I wasn't there because if this had happened when I was there, I don't think that I personally could have watched my brother getting beat like that. If this had been seven skin heads, gang members, seven anybody else, those seven people would be in prison right now. Because we know who they are. We know what they did. We have six witnesses. To say that 80,000 covers his damages holds the

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police accountable for their actions is ridiculous. It's an insult to me. It's an insult to my family. It's an insult to the wickes and an insult to the civil rights movement and every citizen in this city. Because every single day people are getting brutalized and nothing is being done. A young man was shot for taking a gun from a robber. I mean, these are issues. They are not making id's or filling out paper reports. They are not doing their job. They are falsifying documents. These things need to be dealt with. Over the last two years I have dealt with my brother's case, just to let you know, commissioner Francesconi, merrick did not collect one signature. I spent my time doing it. I have taken two weeks off of work so that I could support my brother and help my brother in this situation. This is something that has plagued this family for two years. My grandmother has recently passed, my mother, who was putting most of her time into this, is now unable to be here. She wanted to come and speak to you because I think she of all people could really explain to you and relate with you the fears that she had. She didn't know this kind of thing went on until her son was beaten. And there's a lot of people in the community like that. And for this to continue after the death of martin luther king, you should really know these things. We can't allow these things to happen to the people. We cannot allow these things to happen to the community. \$80,000 does not cover his medical, school, attorney's fees. And the city wants to say, hey, if you don't accept this, we are going to make you pay for ours, too. A young man that did nothing, wrongfully abused, wrongfully arrested, accosted with six witnesses, wrongfully prosecuted, maliciously prosecuted, the district attorney that was prosecuting said that, in his closing statement, multiple times, if you find for the defendant, you are saying that all the officers lied on the stand. The jury came back in approximately two hours with a unanimous not guilty with an affirmation that they perjured themselves. The city attorneys, the police chief, the mayor, are all negligent as far as I am concerned in making sure the officers were held accountable. They weren't held accountable for their abuse or manipulation or records or their perjury, and it's all on record. I don't understand how we can sit here as a community and call yourselves our community members, people just like us living here, and allow this to happen. It's an insult.

Katz: Thank you.

*****: And I am sorry. [applause]

Katz: Folks. We will clear this chamber and come back in the afternoon and vote on this, if you are going to continue clapping. This is, this is not a demonstration. This is serious business that all of us are involved in right now. All right. Further?

*****: That's it.

Katz: Anybody else want to testify? You just did, sir.

*****: I just wanted to add something very briefly.

Katz: Come on up. You should know better than that, really. Go ahead, sir.

John Bonneau: Yes, your honor. I am john bonneau, merrick's father, and the only thing that I am asking is we are ordinary people, in an extraordinary situation here. And the duress that has been put on our family is something. All we are asking is to disallow this settlement and until he can get, as you mentioned, the appropriate legal council and it's not just the matter of a signature, what about the spirit of the law? This is what we need. And this is what we had hoped that we would get when we came here, some time off so that this thing can be reorganized. And that we can truly get some justice done. Thank you for your time.

Katz: As the council knows, I waited two weeks, well, actually more than two weeks, three weeks because I felt that this needed a little bit of discussion with the city attorney and I wanted all of you to make sure that you understood the issues within three weeks. So just a minute. Please sit. So council, is there any discussion that you want to have right now? The items before us? If not, roll call.

Francesconi: Sir, mr. Bonneau I cannot tell based on this record whether you got bad advice in the past, okay. But, I can't tell if you got bad advice but I do know that you have a remedy if you

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did get bad advice, and it's not this remedy in front of us. That's number one. Number two prosecute listening to this testimony, I do think you are getting not the best advice now. So my only last thing I want to say is don't listen to me. Don't listen to your family and is friends on this one. Get some professional advice. Aye.

Saltzman: Mr. Bonneau, you obviously have a good family and good friends and many people who believe in your case. And I take that into account but nevertheless I do believe your complaint at this point is with your attorney, and as commissioner Francesconi pointed out if it's proven the attorney was not representing you properly then he, through his insurance policy, could be liable for a larger settlement amount, and I don't believe we have the ability at this point, to deal with a situation where the court has already dismissed this case. You have another hill to climb to get the case back in front of the courts again. So, I am going to approve the settlement. Aye.

Sten: It's a very difficult situation and understand your argument. I think it is with the lawyer. I believe if we dismiss this case the judge will probably enforce it anyway given the transcript that you agreed to. I do think that, that if, if the bar, and it's not for me to say but if the bar finds that -- if there's a substantial settlement which means that the city was trying to settle this and saw risk to us and the trial, there's no question about it, and I can't judge it not having sat there, but obviously, I think you had a case. It looks to me as if, as if you agreed to the number and then split the lawyer was taking was much higher than anybody would have thought. I think you and the lawyer have to argue that out. I think if the bar comes to the conclusion that you were not ably represented and misrepresented, I don't know how all of the things wind out but I would be on the record saying that that ought to lead to another opportunity for you to try it. But to the extent, I can't make that call, the bar has to, and I think, at this point, the best thing we can do is approve this. The money goes into escrow and you have got to go after the lawyer from there. Aye.

Katz: I agree with everything my colleagues have said. This was very difficult. And I understand the anger and the pain and the resentment on the part of the bureau, that was in this case, and it is an internal affairs complaint, and if for some reason the internal affairs decides to decline the case, then we have got other ways of getting it to the council for further discussion on what actually happened that particular night. But with regard to this issue, after I read the federal courts settlement, and everybody approval's of it, at this point, there is nothing that I or the council can do. I will take commissioner Francesconi was a very good lawyer before he decided to leave his legal practice. I would take his advice and get yourself a top-notch lawyer and go after all of the issues that you have identified. Aye. All right. 1029.

Item No. 1029.

Katz: Commissioner Saltzman do you want to say something?

Saltzman: This was a property acquisition under the willing-seller program. As we discussed yesterday at the river renaissance meeting, this is an opportunity to use property that's in the floodway, perennially flooded to restore it to a natural condition where it can help eliminate flooding so we acquired, this is 108 acres we purchased so far under the willing seller program. We have a waiting list of some 30 homeowners, and funding for this comes from a variety of sources including fema, metro, Portland parks, and bes.

Katz: Anybody want to testify on this? Roll call.

Francesconi: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. Thank you, everybody. We will stand adjourned until 2:00. At 12:15 p.m., Council recessed.

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AUGUST 22, 2001 2:00 PM

Katz: Come to order. Please call the roll.

Francesconi: Here. **Sten:** Here.

Katz: The mayor is here. Commissioner Saltzman and Hales are on vacation. 1030.

Item No. 1030.

Katz: Gary, why don't you come on up first.

Gary Blackmer, Auditor of the City of Portland: Good afternoon, council, mayor. This is a case which falls under the old rules that were in effect prior to your adoption of the independent police review code changes in June, so this is a case where the appeal is being made to you that there's already been an appeal PIIAC and that case the PIIAC members voted to support the bureau's findings, but the citizen, under those rules, still have the option to appeal the city council. In the future, these cases where there's agreement between the citizens who listen to the hearing and bureau, that will be the end of the appeal process, and those cases where there's a disagreement between citizens over a finding versus the bureau would then come to city council for final resolution. So, with that, I'll turn it back over PIIAC members.

Katz: Come on up.

Mike Hess, (former) Director, Police Internal Investigations Auditing Committee (PIIAC), (present) Investigator, Independent Police Review (IPR): Okay. I am Mike Hess, former PIIAC and present IPR investigator. We have the case of Miss Colleen Maher and she is here with her son, Michael, and Rick Alexander is the -- is the citizen advisor who reviewed this case and will present the case to you. And we also have Captain Darryl Shank and Lieutenant Steven Bishard from IAD if you have any questions for them.

Katz: If I recall correctly I heard this case. I think I joined you that evening.

Hess: I believe you were with us. You're right.

*******:** Go ahead.

Richard Alexander, Representative, PIIAC: I am Rick Alexander, PIIAC representative from northeast coalition and the neighborhoods. I will be presenting the case today, if I can proceed? The appellant filed a written complaint with the Portland Police Bureau's Internal Affairs Division on August 1st, 2000, regarding an incident that occurred June 16th of 2000. The complaint was categorized as procedure and declined due to lack of merit. I reviewed the case in its entirety. The summary of the incident. The appellant was waiting in her vehicle outside the home of her son's ex-wife at the time specified by a court order to pick up her son's daughter for visitation. Another son of the appellant was in the car with her. After waiting in the car for ten minutes, the appellant exited the car and went to the front door, to ring the doorbell or knock on the door but before she could do so, Timothy burst through the front doorway carrying an AK-47 rifle ordering the appellant to leave. As the appellant stood on the front door he pushed back her and brandished the gun at my son and the appellant stated he aimed it at her son, but her son stated that he had the gun pointed upward. While the appellant try to communicate with the son's ex-wife, Mr. Maher returned to the house and rested the gun against the house by the front door. The appellant's son yelled for her that, come on, let's go. And that's a quote, and she got back in the car and drove to a pay phone to call police. Officer A responded to the call and appellant briefly explained the situation to the officer and handed her a copy of the court order to read, which the officer A read. Officer A called him who admitted he had an AK-47 but did not point it at the appellant or her son. He continued that the appellant had violated the court order visitation and he would not allow visitation until it was worked out in court. He said that the appellant was sneaking around his house looking at

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windows and told her to stay away, but she would not. Later officer a went to his house where she listened to a tape phone message with a threat from the appellant's daughter, implying that she would get a gun and attack him. Officer a's advised both parties to stay away from each other and take the custody, and I put in parentheses, visitation issue.

Katz: That was, I think, there was a lot of discussion around this, this particular issue.

Alexander: Yeah. I will be getting to that in a second. The appellate's son called officer a to change his version of what happened and call that she change her incident report but he said that she refused. The summary of the complaint, one that officer a lied in the report by stating the incident involved was a custody dispute rather than visitation dispute. The second thing is that the officer a refused to amend her report on the initial call the appellant's son neglected to tell officer a that maka pushed past his mother and had come a third way down the walk holding the aka 47 up in the air and asked if the son, if he, quote, wanted some of this. The son called officer a on the phone with a different version later. Officer a would question the accuracy of the new information red him the riot act and refused to change it. They also talked with the commander who concurred with officer a and said that he would not have to change her report. The third thing is that officer a received inappropriate assistance from officer b in writing the report. If we turn to the piiiac examiner's report I have a breakdown of the, of basically those three complaints and what was determined from there in the first one officer a lied in the report by calling a custody dispute rather than visitation dispute, the evidence according to the allegation said, said that the circuit court order dated 6-13, 2000 that the supervised parenting times for appellant's son with his daughter. The -- basically, the, in the officer's report, she mistakenly put custody as opposed to visitation, and in fact, the word visitation was used at one point in the report. The examiner's conclusion was that there was no evidence that the bureau member knowingly or willfully departed from the truth in a police report. The term, custody, versus visitation are matters of legal technicality. The officer used bodes words in the report --

Katz: That's what I remembered.

Alexander: And this doesn't necessarily constitute a false report or a deliberate departure from the truth. There was no evidence of willful disregard in this instance. On a second allegation, officer a refused to amend her report based on the information the appellant's son had forgotten to mention earlier. And in fact, on -- the officer a had, at a later date, had submitted a special report dated 11-3, 2000 documenting the appellant's son version of what he called back later that night changing the version of that. And the examiner's conclusion was that officers not required to change reports in a person's interview, later changed the facts of the incident. The could not tent of the police report is a matter of officer discretion. It's a responsibility of the line supervisors to review reports and insure that the errors are corrected before the originating officer goes offshift. In fact since specialty report was amended and had included that information, then we felt that that had been remedied, as well. And the third incident that officer b inappropriately helped officer a, helped compose officer a's police report, the allegation was appellant's letter of complaint, that to captain smith of iad and the appellant's intake interview, she stated that she had proof of the allegation in the discussions that we had of the hearing that we had, there was no proof offered on this. She stated that she had the proof but did not -- was not willing to share that with us. So, again, we went there. I could go on and give the basic conclusion and the outcome of the case. Basically, this was, this sounds like a horrendous and frightening situation. It's really unfortunate and especially unfortunate when children are involved and are caught in between situations of this sort. It seems like a very dangerous situation, and unfortunate, but in what we could see, there was no attempt -- there was no proof of an attempt on police to cover this up or to in any way back the, mr. Maka as

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was alleged by the appellant and we con -- I concurred with the police iad decision to, to not go -- to not investigate the case, as we put it to a vote, and it was the, the vote was unanimously decided supporting that 9-0 with one refusal, somebody who is familiar with the appellants, wasn't able to participate in that.

Katz: Thank you. Questions? All right. Let's have the appellant. We will give you ten minutes. Come on up. Is your son going to talk? Well, then come on both up. I am not going to give each of you ten minutes. Just out of curiosity because I remember this case, have you resolved the issues of visitation?

*****: No, he hasn't seen his child now for over a year, which is unconscionable and we are all upset about it. I haven't seen my grandchild for that length of time, too.

Katz: Okay. Come and talk to us.

*****: All right. I was --

Katz: Identify yourself for the record.

Coleen Maher: I am colleen maher. Do I have to give my address?

Katz: No, you don't need to do that, and would your son identify himself for the record.

Michael Maher: Michael maher.

Katz: Okay. Of course this situation has been going on and on, been like a snowball, gets bigger and worse and millions of ramifications to the situation. Little by little, when this man came from oklahoma city to live in Portland, Oregon, and marry my son's ex-wife, everything started going bad. He -- they went to court, day after day, week after week and widdled away at my son's visitation time until he ended up with practically none and he hasn't seen his child for more than a year now. The last time that we were in court together I was a witness, and it started on may the 15th of the year 2000. I was a witness and I was asked by, this was in front of judge lloyd, judge michael lloyd, and I was requested to be the transportation person to pick up the child and bring her to her natural father, so that he could have his visitation for that day, and then I was to return her at a specific time. It was like every friday at 1500 hours and then I was to return her at 2100 hours. I mean, 3:00 -- i'm sorry, I should tell you, i'm a federal retiree with the united states postal service and we were always on army time, so if I get mixed up on that, i'm sorry.

Katz: That's all right.

C. Maher: You have a right to correct me on that. So I did agree to be the transportation person. I kept a log of the times that I was there, which was definitely only fridays. I was there only at the time I was requests to be. The judge had put the order into effect on the 19th of may, which was four days after the trial on may the 15th. And I was successful in picking her up on the 26th, I was there, another friday. I was there and I did not get her.

Katz: Could you hone in on the incident that we just heard.

C. Maher: The problem I have is that when mr. Maka told the police that i'm there prowling around on the property and trespassing and peeking in the windows and he's having to always run me off. That couldn't be further from the truth because according to my log that I kept I was only there and I am a stickler for doing things by the book. I was a group leader and on-job instructor in the postal service and I absolutely did not -- I was never there at any other time than what the court ordered. Allowed me to be. Piiac didn't seem to want to hear the times I was there which would have proved I was only there on fridays. When the police report was written up, what I said was, what was it, mike? What I said was paraphrased, is that what she said? But what I said was paraphrased, what mr. Maka said was quoted. So if you read the report, it looks like I am up to no good because I am out there prowling around on their property, trespass and go trying to peek in their windows, when in actuality I was only out there on the fridays that I was told to be and no

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other time. That was never put in the police report. So anyone who reads the police report looks like I was out there up to no good and I have a stellar representation with the federal government. Worked many years with the united states postal service. I feel it's maligning my reputation. Nothing was said that I had a court order. As a matter of fact, when we called the police after the incident and we showed them the court or, what did they say about the court order?

Hess: Somehow inadequate. It was worthless.

C. Maher: Yeah. They handed it back to me and told me it was worthless.

Hess: Unenforceable, as it was written.

C. Maher: And that I was out there without, without any reason because for the simple reason that judge loy had not bothered to sign this court order until the 12th of june. So that I was out there may the 19th, may the 26th. June the 2nd. And june the 9th without a valid court order, according to the police. So now i'm stuck between these two entities. One is telling me to put this court order into effect and the other one is telling me that that court order is worthless, and I am between a rock and a hard spot. Between these two entities. They need to get their stories straight. That was my problem. The problem that they paraphrased what I said. They did never ever mention this court order. The following monday, which was june the 19th, I went down to the courthouse to the records room and I got -- I paid the extra \$3.5 to get a certified copy of the court order and found out at that time that judge loy had not signed that court order until june the 12th. Yet I was still -- I was acting under that court order for five or six weeks.

Katz: Thank you. Did you want to add anything? You have some time.

M. Maher: No, not at this time.

Katz: Okay. Questions by the council? Do you have an attorney?

C. Maher: We took this to spencer neil and he read it, and he read the additional -- because five months later they decided to make a special report because we, we complained so bitterly about it, okay. This, mayor Katz, is going to be public information. Anyone who reads this is going to wonder why i, as a person, am out there trespassing on their property and trying to peek in their windows. The fact that there's no mention of a court order, okay --

Katz: What did mr. Neil say?

C. Maher: He said the special report wasn't any better than the first three pages --

Katz: No, what I asked, have you contacted a lawyer to settle the issue on the visitation.

C. Maher: No. I was told by family counselor, family law counselor that I could take grandparent's rights and get that child again for her father. I'm afraid to. That man has guns. Ever since he ran me off with his ak 47 assault rifle i've been scared to death to go near that place. So, i've just backed off so that's one of the reasons that he hasn't been able to see his child. This mr. Maka has back in what was it, february of -- the 20th of '99, was it, that mr. Maka attacked my son and kicked and beat him all over the street in the neighborhood there when he brought his little girl back one day. He was sitting in the front of the house hugging goodbye to her after they had had a nice two days together. He was giving -- being given the weekend and mr. Maka came out, opened up the car door, grabbed my son by the hair, yanked him out in the street and kicked and beat him in the neighborhood, sent him to the hospital and he ended up being found guilty because unfortunately he had so many things against him, and the neighbors were going to not tell -- they were going to pick and choose what they said because they had to live next to this man with guns. I think they were afraid to come out and tell the truth. And the truth has finally come out because mr. Maka should be in jail because he picked his wife up back on may the 9th and threw her across the room and then put his foot on her neck and kicked her in the head.

Katz: Thank you.

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C. Maher: So they finally realized that maybe my son didn't attack mr. Maka, that maybe it was mr. Maka who attacked my son, which the little girl sat and saw, so she's seen this man attack her father, and she's now seen this man attack her mother.

Katz: Thank you. Questions? Did you want to add anything? Iad?

*****: Yes, your honor.

Katz: Come on up. This is not a police issue. This is an issue that's a family issue and it needs some kind of resolution. You cannot go on like this one way or the other.

C. Maher: Well, excuse me but if they could have taken his guns away from him I would have gone ahead and got grandparents rights but -- and he has another gun -- what kind?

M. Maher: 50 caliber.

*****: 50 caliber handgun.

*****: That he put on his wife.

*****: He said he might as well shoot them all and get all the problems over with. Kill her and him and the kids and it would be all over with.

Katz: Okay.

Darrell Shank, Portland Police Bureau, Internal Affairs Division: Your honor, Darrell Shank, internal affairs.

Katz: Bring the mike closer to you.

Shank: Regarding taking mr. Maka's weapons, i'm certain the officers would be delighted to get any weapons off the street whenever they can, but according to the information that we have from police reports and contact, the weapons were pulled either in circumstances where mr. Maka was allegedly in his own home at the time and there were no shots fired or any threats made that we can take some sort of police action against. So, we're kind of frustrated ourselves at that fact. It might be a little bit helpful if I kind of summarize a series of events that went on for a couple of years involving the issues between these two families and the police involvement, if you would like.

Katz: Make it short.

Shank: It might help. I will. We originally, internal affairs received a complaint from miss maher in january of 2000, and this was in regards to several incidents. One was an incident regarding a traffic stop where she had complained that her son was detained at a traffic stop and because of that, was unable to make an appointment to pick up the daughter, and because of that delay, missed it. We originally declined to investigate that complaint, and piac asked us to reconsider and so we did investigate that, any allegations were unfounded on that one. There was another -- there was a fight, I think that miss maher alluded to that, between the two men in february. Our officers responded to that fight. A complaint was made to internal affairs in regards to poor reporting or lack of comprehensive report. And we investigated that and found that to be unfounded, as well.

Katz: Let me stop, with regard to that fight, was that a situation where you would have had reason to take the weapons away?

Shank: Very likely. I believe when we arrived, mr. Maher was already gone from the scene, and i'm not sure if there were weapons involved in that fight or not. He was already in the hospital.

C. Maher: There was a large tree branch cut off a tree and the car wash --

Katz: Okay.

M. Maher: Smashed him over the head with it.

Shank: In a third incident at the courthouse, this involved a court case following the fight, one of our officers escorted mr. Maher to the court guards because of alleged disruptive behavior and the court guards excluded him from the courthouse and we received a complaint on the officer's behavior on that action and that was investigated, as well, and exonerated. The june 16th incident,

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which is the reason we are here today, we, of course, agree with piiiac's finding on that. As far as the special report and how that came about, one of our investigators was talking with miss maher on the telephone on august 31st, over a month later. In regards to these previous cases, that he was involved in investigating, and in that course miss maher launched the complaint once again regarding her frustration in not having a change in the police report made. And so in an effort to appease miss maher, our investigator offered to send it out to our precinct as a service complaint and ask the offer to write a supplemental report. The investigator was not privy to all the information about this previous complaint and the fact that we declined it and it was being appeal and had so forth and so on. And so the officer did comply and wrote a special report, and that report was written actually by the time it was written, it was in november, on november 3rd. And that report was written not because we believe the original report was inadequate or incomplete, but we did it as a courtesy for mrs. Maher because she was so adamant about the issues and we thought it might appease her and that was the reason it was done. That's all I have, your honor.

Katz: Questions.

C. Maher: Your honor, the only thing I wanted them to add was the fact that I was under a court order, that I acted only under the court order, and it was never in either one of those police reports, and mr. Maka's report that I was out there peeking in their windows and trespassing on their property, would have canceled that out, had they said I was under a court order and there's nowhere in either one of these police reports that says that I was under court order. Anyone who goes down to the public records and reads that has no idea what I was out there doing because it was never mentioned, ever.

Katz: Thank you. Okay. Thank you all. Council? Any questions?

C. Maher: I would like to add one thing, if I may. Can I have three minutes more?

Katz: Two minutes.

C. Maher: All right. What he says is basically true. The fact that this was never mentioned, someone already decided that I was out there peeking in the windows and trespassing and I got a phone call telling me that that's what I was doing. From deputy district attorney robbie hawkinson.

He didn't ask me if it was true or not. He called me up and told me that that's what I was doing. I didn't have a chance. I was so aghast that I didn't know what to say. So I wrote a letter and I included a copy of this, of this court order that I had certified, and I sent it to him and I sent the original letter to captain brett smith and I sent a copy of it to district attorney robbie hawkinson, all right. Captain brett smith apparently got his copy and I sent him both certified mail, but the one that went to robbie hawkinson for some reason, got sent back to me, 14 days later. Here's my mail carrier out there on my front porch with this whole big -- a mailing flat is what we call them, about like 8 1/2 by 11, gold-colored mailing envelope and it was returned to me with every possible stamp on there, red handed, insufficient address, return to sender, person no longer, person no longer at this office, at this address so I called up the phone number that went directly to robbie hawkinson's office and he answered, and I said, oh, you are still here. And he said, yes. I said, well I just got some mail back from you. It was correctly stamped. It had the correct address on it.

It was to the right person, and yet it was returned to me. So, I said I will come down there in 30 minutes and hand deliver it to you. So, when I found out that the police department had intercepted that letter that was supposed to go to rodney hawkinson and sent it back with all the various stamps on it, I wrote to the united states postal inspectors and reported your police department for tampering with the mail.

Katz: Okay. Thank you. Thank you. All right. Council? What's your pleasure on this one? This is your day-to-day --

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Francesconi: It is. I will move to uphold the piiiac findings and not, not -- and dismiss this.

Katz: A motion to uphold the piiiac findings, do I hear a second.

Sten: Second.

Katz: Discussion? Roll call.

Francesconi: Ma'am, just briefly, I wish this could have been handled differently, perhaps, but it doesn't arise to police misconduct k so therefore, it should be dismissed. I can't really tell for sure exactly what happened, but it's not police misconduct.

*******:** I don't think it's misconduct, I want to know why --

Francesconi: Well, we need some help, and you know it, on the intake process for the integrity of the whole system, so that we can sort out some of these things and I know you are working on it. My only other advice at this morning's hearing and now this afternoon's hearing is we need a referral system to get people to wear they belong, which is not with piiiac complaints and the city council. People are coming to the wrong place. Maybe it's because they don't have the opposition here, I don't know what the reason is. But we need to get people to the right forum and maybe there's a referral mechanism that will say the -- save the taxpayers time and expense and maybe get some of these people to the right place where they can get the right remedy. Aye.

Sten: I think if we overturn piiiac it would send this back for more investigation and I don't really think that -- it wouldn't be decided. I don't think there's anything really to investigate because there's been some communication about fixing some parts of the record so I can't see sending it back. Hopefully we can despite this problem, keep working with the police to get, to the extent that they can, I think it's a court issue, get this issue addressed and I think we have some communication going so I don't see a sense in sending this back for another round of investigation but maybe we can keep working with you. Aye.

Katz: Commissioner Francesconi touched on something. We had two issues before us today. And both of them probably should have gone a different route. And one of them, you may, I need to underline may, I was corrected. You may get -- it is an iad complaint. That's probably clearly an iad complaint but this particular case probably should have gone through some referring people to some assistance, and you might have been able to help mr. Bonneau, as well. So during intake process, so you might want to think about that, gary, as you start a new adventure. Aye. Thank you everybody. And we stand adjourned.

At 2:36 p.m., Council adjourned.