



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 31ST DAY OF OCTOBER, 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; Ben Walters, Senior Deputy City Attorney; and Officer Peter Hurley, Sergeant at Arms.

Item No. 1289 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted

	Disposition:
<p>1270 TIME CERTAIN: 9:30 AM – Accept report of the Bureau of Communications and Networking on the Public Safety Radio Issues and OSHA citation against Portland Police Bureau (Report introduced by Mayor Katz) (Y-4)</p>	ACCEPTED
<p>1271 TIME CERTAIN: 10:15 AM – Hear appeal of Elaine Close and Craig Rosebraugh (PIIAC #00-17, IAD #99-259/99-260) to the Police Internal Investigations Auditing Committee per City Code 3.21.085(4)(d) (Report introduced by Auditor Blackmer)</p> <p>Motion to uphold the findings of PIIAC on Officer’s E, G, H, and I: Moved by Commissioner Francesconi and seconded by Commissioner Saltzman. (Y-4)</p> <p>Motion to uphold the PIIAC findings on Officer B: Moved by Commissioner Francesconi and seconded by Commissioner Saltzman. (Y-4)</p> <p>Motion to uphold the PIIAC findings on Officer C: Moved by Commissioner Saltzman and seconded by Mayor Katz. (Y-3; N-1, Francesconi)</p> <p>Motion to modify the findings from exonerated to insufficient evidence for Officer A: Moved by Commissioner Saltzman and seconded by Mayor Katz: (Y-2; N-2, Francesconi, Sten) Motion Fails.</p> <p>Motion to reconsider motion to change exoneration to insufficient evidence for Officer A on use of force: Moved by Commissioner Saltzman and gaveled down by Mayor Katz after no objections.</p> <p>(continued)</p>	UPHOLD PIIAC FINDINGS ON CONDUCT AND PROCEDURE, MODIFY FINDINGS ON USE OF FORCE TO INSUFFICIENT EVIDENCE

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<p>Motion to change the PIIAC finding on Officer A from use of force, exonerated, to use of force, insufficient evidence, and to carry through with the other recommendations, conduct unfounded, procedure unfounded: Moved by Commissioner Saltzman and seconded by Commissioner Sten. (Y-3; N-1, Francesconi)</p>	
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>Mayor Vera Katz</p>	
<p>*1272 Authorize Limited Tax Revenue Bonds for various public projects (Ordinance) (Y-4)</p>	<p>176026</p>
<p>*1273 Amend the payment provisions for Tangela E. Purdom claim (Ordinance; amend Ordinance No 175970) (Y-4)</p>	<p>176027</p>
<p>*1274 Authorize lease for storage space with Freeway Land Company LLC (Ordinance) (Y-4)</p>	<p>176028</p>
<p>*1275 Amend contract with Peregrine Systems by \$54,300 to provide additional programming services for a facilities management information system and provide for payment (Previous Agenda 1256) (Y-4)</p>	<p>176029</p>
<p>*1276 Declare surplus real property at three locations (Previous Agenda 1257) (Y-4)</p>	<p>176030</p>
<p>*1277 Authorize acquisition of vehicles for use by City bureaus (Previous Agenda 1258) (Y-4)</p>	<p>176031</p>
<p>Commissioner Jim Francesconi</p>	
<p>*1278 Authorize loan of hazardous materials protective equipment to the City of Vancouver, Washington (Previous Agenda 1260) (Y-4)</p>	<p>176032</p>
<p>*1279 Authorize acceptance to Oregon Department of Forestry Urban and Community Forestry Program for a grant in the amount of \$40,000 for the Neighborhood Tree Liaison Program (Previous Agenda 1261) (Y-4)</p>	<p>176033</p>

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<p>*1280 Award a Right of Way License to Charles S. Rennells and Sandra Kay Rennells for a motor vehicle crossing of the Springwater Corridor to benefit their property (Previous Agenda 1262) (Y-4)</p>	<p>176034</p>
<p>Commissioner Charlie Hales</p>	
<p>*1281 Amend contract with Stacy and Witbeck, Inc. to provide for the installation of power supplies to Portland Streetcar stops for the NextBus System (Ordinance; amend Contract No. 31987) (Y-4)</p>	<p>176035</p>
<p>*1282 Authorize End User License Agreement with NextBus Information Systems, Inc. for equipment and services to provide real-time arrival information for Portland Streetcar (Ordinance) (Y-4)</p>	<p>176036</p>
<p>*1283 Authorize stipulated judgment for acquisition of property for the SE 8th Avenue and SE Division Street intersection re-construction (Ordinance) (Y-4)</p>	<p>176037</p>
<p>Commissioner Dan Saltzman</p>	
<p>*1284 Extend Sale Agreement with Ruth Pruitt and Henry Moshberger to purchase property at NE 148th and Sandy for a Public Pollution Reduction Facility, Project No. 5562 (Ordinance; amend Ordinance No. 174570) (Y-4)</p>	<p>176038</p>
<p>*1285 Contract with Adolphson Associates, Inc., GreenWorks, P.C. and Parametrix, Inc. to provide services for development review for stormwater management, natural resource protection, public education and involvement (Ordinance) (Y-4)</p>	<p>176039</p>
<p>*1286 Authorize the Director of Environmental Services to approve an Intergovernmental Agreement with Portland State University to provide services related to the Community Watershed Stewardship Program (Previous Agenda 1263) (Y-4)</p>	<p>176040</p>
<p>*1287 Authorize the Director of Environmental Services to approve an Intergovernmental Agreement with the Northwest Service Academy to provide services related to the Community Watershed Stewardship Program (Previous Agenda 1264) (Y-4)</p>	<p>176041</p>
<p>Commissioner Erik Sten</p>	

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<p>*1288 Agreement with Multnomah County Community and Family Services for \$1,871,347 for the Omnibus Contract and provide for payment (Previous Agenda 1265) (Y-4)</p>	<p>176042</p>
<p style="text-align: center;">City Auditor Gary Blackmer</p>	
<p>*1289 Amend City Code Chapter 3.02 to correct conflicting procedures for preparation of City Council Agenda (Ordinance; amend City Code Sections 3.02.030 and 3.02.040)</p>	<p>REFERRED TO OFFICE OF CITY AUDITOR</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Vera Katz</p>	
<p>*1290 Authorize flexible service contracts for professional services for information technology services (Ordinance) (Y-4)</p>	<p>176043</p>
<p>*1291 Accept a \$399,957 supplemental grant from the U.S. Department of Justice, Office of Justice Programs, Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (Ordinance) (Y-4)</p>	<p>176044</p>
<p>*1292 Intergovernmental agreement with Housing Authority of Portland for a Safety Action Team at the Columbia Villa/Tamarack (Previous Agenda 1266) (Y-4)</p>	<p>176045</p>

At 12:43 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 31ST DAY OF OCTOBER, 2001 AT 2:00 P.M.

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

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

1293 TIME CERTAIN: 2:00 PM – Accept the Rose Quarter Urban Design Plan and Development Strategy (Report introduced by Mayor Katz) (Y-4)	Disposition: ACCEPTED
1294 Authorize a Memorandum of Understanding between the Oregon Arena Corporation and the City (Resolution introduced by Mayor Katz) (Y-4)	36039
1295 Acknowledge the Rose Quarter Urban Design Plan and Development Strategy has satisfied the master plan requirement in the Development Agreement between the Oregon Arena Corporation and the City dated November 4, 1992 (Resolution introduced by Mayor Katz) (Y-4)	36040

At 4:25 p.m., Council recessed.

NOVEMBER 1, 2001

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 1ST DAY OF NOVEMBER, 2001 AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Francesconi, Presiding; Commissioners Saltzman and Sten, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Senior Deputy City Attorney.

<p>1296 TIME CERTAIN: 2:00 PM – Uphold appeal of Wilkes Community Group against Hearings Officer’s decision to approve the application of Mark Kurelich, for a 3-lot subdivision with a private street and an adjustment located at 1739 NE 143rd (Findings; LUR 01-00248 SU AD)</p> <p>Motion to uphold the appeal and adopt the findings: Moved by Commissioner Saltzman and seconded by Commissioner Sten.</p> <p>(Y-3)</p>	<p>Disposition:</p> <p>UPHOLD THE APPEAL AND ADOPT FINDINGS</p>
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At 2:08 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.

OCTOBER 31, 2001 9:30 AM

* * * [Roll call]

Katz: Commissioner Hales is out of the country. Consent agenda. There's been a request to remove 1289. Is there any other request from either the council members or anybody in the audience to remove an item off the consent agenda? If not, roll call on consent agenda.

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

Katz: Mayor votes aye. [gavel pounded] all right. 1289.

Item No. 1289.

Francesconi: Can we say happy halloween?

Katz: You just did.

Francesconi: Thank you.

Gary Blackmer, City Auditor: Good morning. Gary blackmer, city auditor. Based upon some discussion that council had several weeks ago regarding inconsistency in the code, we brought forward what we thought was a housekeeping matter to bring the code in align with what council has been doing regarding public testimony. It's not in our interest to set policy on what council wants, so to the degree there's been some discussion about that, my sense is that you may want to discuss it some more here and give us more guidance on if the current system of public testimony is acceptable or if you'd like to explore some other options. And we can change the code and bring something forward that is more align with your wishes. So to that degree it has been pulled by a citizen, and I know that your offices have been thinking about it. So i'm open to whatever you'd like.

Katz: Let me start this conversation, because I noticed in one -- in my book that there's a memo to me from kay dated '93. So i'm -- I must have been thinking about this a long, long time ago. I had told gary that when I went to houston several years ago to visit my son, I also went to the city hall to try to understand how they deal with public testimony. And I wanted to throw this out to the council. The notion of whether we want to continue the way we've always done it, or do we want to leave a specific time, like 15 minutes at the beginning of every wednesday, and give citizens first come, first serve for two to three minutes and then after the 15 minutes if there's somebody else they would have to wait until the very end to testify. Or do -- i'm not particularly keen on the way Multnomah county does it, they do it all just at the very beginning and the time certians get all lost and there's -- there may be a problem with that. But i'm not adverse to considering doing something both in front of the calendar and then at the end of the calendar. The other thing that I recall in the memo that I -- that kay wrote back to me was in the past we would send, after we would hear the testimony, we would send the item to the commissioner in charge to their office to do something with the item. Because traditionally we don't do anything, sometimes there's a comment, sometimes there's not a comment, and it's not consistent. And I don't think it's fair to the citizens not to get some response from us whether we get -- give the response to the citizens right at this time, when they're in front of us, or whether we take the item back to our offices and then either do a verbal response the following week or written response to the citizens. So these are the two things that i've been thinking about. I don't know if you want to discuss it now as gary has suggested, or maybe

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take it back and maybe have a work session on these items, or have the execs discuss it further and then bring something back.

Saltzman: I don't know whether this requires a work session. But I do like the idea of maybe of a 15-minute time certain period, and when you say first come, first serve, I don't know whether you mean that means people who first show up or people who contact the clerk's office saying they want three minutes. As long as we can keep a compressed amount of time, I think it does serve some citizens, because I feel pretty bad when citizens come here and our agenda drags on until 12:30 or whatever and they've been here since 10:00 or so. I wouldn't be adverse to that sort of thing.

Francesconi: The part I don't like is when they address us and then it's left in limbo. And there's no response. Maybe -- on the other hand, just going through testimony then having it assigned, i'm wondering if there's a way if a request comes in it gets forwarded to the bureau, the bureau -- the commissioner, the commissioner tries to deal with it ahead of time, and then there's -- they're still free to come and testify, so a little work is done ahead of time. The idea of letting the execs work on it with some options presented to us rather than trying to do it here based on best practices of other cities is what I think we should do. I think our current system needs some work, frankly.

Katz: So does that sound all right to have the execs work on it?

Sten: I think you're right, 15 minutes, and then i'd say five people -- we usually don't have more than five to send in, so -- but if a sixth one sends in I would tell them you have your option of -- I wouldn't see if we could squeeze them in, i'd say you have the option of coming back the following week or we'll do it at the end of the session and let them make their choice. It seems to me a simple way to do it that makes sense.

Katz: So there's a consensus that we -- I really appreciate you bringing this to our attention, because it's sort of kind of flashed for us some of the issues that some of us have been thinking about for a long time. And so why don't we -- we'll hear from dan or anybody else who wants to testify, and then we'll return it back to your office and put that on execs' agenda. I want to urge the council members to give your execs some of your best thinking on this.

Saltzman: I thought when ken spice raised this topic he also mentioned there was a provision in the charter.

Blackmer: We haven't seen anything in the charter. It is in the code, but not the charter.

Katz: He had raised this with me months ago, and there's an inconsistency in the code. If I understand correctly. It's in two places, and that's what I think gary was trying to clean up. And now that it's been raised, we might as well take a look at how the council wants to deal with just requests to address the council. All right. Thank you, gary. Dan?

Dan Handelman: Thank you, mayor Katz, and city council. I really appreciate your pulling this off the consent agenda and having a very good discussion, i'm pleased to hear the concerns you have about public testimony, which are very similar to the ones that we have. I'm dan handelman, for the record. And I would think that until light of what commissioner Sten recommended, it might be a good idea to allow people to request whether they want to have their testimony in the middle of the meeting or at the end of the meeting, that way they can make a choice. If you want to limit it to five people in the middle, that seems reasonable at the time. I have no objection.

Katz: It would be at the very beginning.

Handelman: Oh. Well, okay. That would be helpful for people who can't spend all morning here, to take time off work. I think you heard that from a lot of the people who came to testify about the joint terrorism task force. It could be at the beginning, it could be in between, it could be at the end. I don't really have a strong, strong recommendation against it going at the beginning. So whatever you do, I appreciate too, commissioner Francesconi, that some people need a response of some kind to what they bring up before you. I also want to just thank ken spice and kathleen jergens, we found this irregularity in the code and brought it forward two weeks ago. I really want to encourage

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you to take the public input and let people know you're considering this and see what the general public would prefer. I hope that would be part of your process. Thank you very much.

Katz: It will be after we come back with recommendations. All right. Thank you. Anybody else want to testify on this? If not, then if there are no objections we'll return it back to the auditor's office and then gary will pick it up from there. Thank you. All right. We are on our regular time certain. 1270.

Item No. 1270.

Katz: Okay.

Nancy Jesuale, Director, Cable Communications and Networking: Good morning, i'm nancy, the director of communications and networking.

Mark Gray, Operations Manager, Director of Engineering, Comnet: And i'm mark gray, the operations manager and the director of engineering for comnet.

Jesuale: The reason we're here this morning is to give you a progress report and update on emergency radio and some specific issues that you've asked us to deal with over the past year. We've prepared a brief but very informative presentation on the actions that we've taken that we'd like to share with you, and i'm going to ask mark gray, our director of engineering, to do most of the information download to you this morning. So if you can see our screen, we'll get started. Is it there?

*****: There it is.

Jesuale: Okay. Just to let you know what we're going to cover, we want to cover the status report on the osha citation that the -- that was received by the Portland police bureau, and update on the antenna combiner project, an update on nextel interference issues, and finally, an update on the p.r.e.p. Project, an umbrella name we use for many of the capital improvements we're going to do on the radio system over the coming years.

Gray: I'd like to talk about the specifics of what we did in response to the osha citation. What things we've learned, what things we've accomplished, what things we have left to do. First thing I want to talk about is the status of the osha citation and the work plan that was put together in response to it. When we received the citation, we gave back to osha a work plan that included four things that we were going to proceed to accomplish. We noted there was a need for officer training, that some of the citations clearly indicated a need for the activation of the emergency button, which is the button on the side of the portable radio designed to indicate an emergency when pressed. We committed to address coverage issues, and we committed to address capacity issues in the system. And as we move through this you'll see we made a lot of progress in doing these things. The first thing we started working on and we started right away was to work on a course for officer training. And we were able to get time during the Portland police bureau in-service to do a pretty targeted training to help the officers understand the type of radio technology that we were using, and specifically talk about some things that will help them understand the feedback of the radios and the -- the radio system is providing to them during the times they're using them. We talked about the different tones, what they were, we talked about the caller i.d. Dynamic regroup, and these are terms just for your information. I have a couple slides that are some examples of some of the type of training that was given and is still being given. This particular slide is talking about how the system can handle a multiple talk group situation and how it handles those by utilizing the channels and utilizing unused channels as requests come in. The next slide is a second slide from the same training which talks a little bit about how the radios -- how the radios function and what some of the tones mean. This one, I don't know if you're going to hear it, but there are some sounds associated with it. [tone] that talks specifically about what the different tones the radio makes. As you see, you'll see that that particular tone you heard means quite a few different things. The second tone, which i'm not sure if you heard because I was talking, was an indication of a busy tone, and there's

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some description of what that means. During the training, joel harrington, who does the training, spent a lot of time talking about each of these slides. As you see this -- the thing you need to understand is there's a lot of verbal training and points being brought up during this that help the officers understand how the radios are performing, what the sounds mean, what to do when they hear the sounds and how to react to them. There are a few other things we include in here in the training, which is discussion of the backup systems, discussion of the system coverage, a discussion of the simulcast technology, a short discussion about nextel interference, which we'll talk about in a little bit, and a recent addition is some slides concerning how to report troubles, so we shall research the issues, find out what happened in those particular instances, and to design or engineer a fix in order to keep it from happening again. The second thing in the work plan we said we'd do is work toward the activation of the emergency button. The emergency button is an issue that has been discussed annually or semiannually since the radio system was installed. The default functionality of the button does not meet anybody's needs. The users and boec have repeatedly decided that as designed, it's not usable for them. What we're doing now is we're trying to design it using some new information we have, and some new functionality we believe we can bring to it. Comnet is working with the police bureau to implement this feature. We're expecting sometime in the month of november to receive a scope of requirements from the police bureau on how they expect the button to function, what features they expect to be enabled or disabled during its activation.

Katz: Is that the orange button?

Gray: Yes, it is. The engineers and the technicians at comnet will take that scope of requirements.

We'll engineer a solution to that and we'll work with the police bureau and bureau of emergency communications and actually all the users that use boec's services to implement a standard operating procedure on what to do when that button is pushed, how to react to it, what things are set in motion by the pressing of that button. The third thing that we said we'd do, we said we would address the coverage issues. We have spent a very large amount of time and money in working towards addressing these issues. In our work on coverage, we've done a complete redesign of the rf infrastructure. We have an engineer who spent a large amount of time preparing for and designing the methodology we would use to replace the rf infrastructure. We spent over 2,000 hours of technician and engineering labor over the last year in performing these changes. We spent over 250,000 dollars in hard capital equipment that we got a fantastic deal on and we did well and were able to spread that across the system. We did a complete replacement of alan 10 as in the simulcast system and we did a complete replacement of all the combining equipment. The combining equipment is the equipment that takes multiple transmitters, binds their signals together so they can utilize one antenna. So what -- and the other thing we did, we did a replacement of all the rf cabling from the equipment to the antennas. This project was large. It was a lot of hands-on work, a lot of technicians, high time on top of towers, antenna mounting.

> the new antennas are much more difficult to handle. We have a very dedicated crew who did a fantastic job and -- in this. So what did we get from it? We got quite a bit of measurable increase of performance. This slide has a couple pieces of information on it. The blue line that you see toward the bottom of the slide is an indication of the consistency of performance across the channels on a radio system before we did the upgrade. And what you'll see there is from one channel to another, which really relates to one transmission to another, the system was performing quite differently from one channel and one transmission to another. After the change, you'll see in the pink line that it's become much more consistent. So the problem that had been addressed there was where one transmission and a location sounded fine and the next one did not. This has made it consistent. All the transmission there's any given location are very similar. That first slide was an indication of consistency. The second and the slides that follow it are a coverage map made by driving a specific

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route around the 70 and measuring the signal level. What you'll see here is a drive around the major freeways down marine drive, powell, and interstate 84 up along skyline. Before the radio system had -- improvements were done. What you need to see here is basely the greener the indication, the better it is, and the bluer the indication, the less desirable it is. So before it happened what you'll see there just looking at it, you'll see about 50% of the city is in some form of green. As we finish the project with the simulcast, you'll see a much larger portion has changed to the green indication, and the blue areas have also decreased considerably. This next slide puts the two side by side if you want to try to compare them. Over the entire drive that you see indicated here, the -- before we did any system changes, we had a system level of negative 82.3. And that isn't real important to understand what that means, other than in relation to where it ended up. Where we're at that point is a mean signal level of a negative 72. When you're talking about rf signal strength, an increase of 3 db is approximately a doubling of signal. We've gained about 10 db of signal level. So we've increased the signal level and in areas of the city considerably. The other issues we said we would address was the system capacity. When we got the citation, the first thing we did is we did some research on how the system was performing and how the extras of the system equated to the users on the system. What we found was that the system currently has sufficient capacity. It is handling very well, the amount of traffic that is on the system. But we're planning for growth. We have in this year's capital projects we have a planned simulcast expansion where we're taking this system from 20 channels to 24 channels. We're adding some channels that some of the smaller fill-in sites which we call i.r., which stand for intelligence repeater sites, and on a daily ongoing basis we're taking attention to the traffic on the system and we're doing some traffic management and moving things around in order to keep the system performance and the busy and blocked calls down. The next thing I want to talk about is the nextel interference issues. When we first started researching this problem, we suspected but hadn't quantified that we were being interfered with fairly dramatically by public carriers, private carriers. And ultimately we found that nextel was the main interferer. I'd like to talk a little bit about what that issue is. I'd also like to talk about the -- a modification that we're working on in deploying to the portable radios, talking about -- talk about what nextel has condition in response to our research and feedback to them, and some of the long-term issues. Basically the issue with nextel interference, we and all other public safety radio systems built systems using minimal number of sites on high points throughout the city. And over the last three to four years, nextel and other carriers have built sites much closer in to the operating area of our units. So you saw as this drew itself that the two carriers came in either side of this patrol car, ultimately what you'll see at the patrol car is they have three signals that are very close in frequency to choose from. The signal coming from the wireless carrier is typically considerably stronger than the signal that comes from our remote mountaintop. What this really means for the officer in this situation is that the radio performs sometimes does not perform at all, other times it's very scratchy. What you'll hear here, if it's loud enough, is a radio clip from a radio that was being interfered with. And i'll play that now. [static]

Katz: How many sites do we have this kind of a problem?

Gray: One of the slides i'm getting to will show that has decreased dramatically over the last month and a half due to a major regional retune by nextel. At this point there's only one place in the city that we know of for certain it is a nextel interference issue. There are other areas where the audio is degraded but is still very usable. Compared to where it was a mow and a half ago, where the number would have been pretty dramatic.

Katz: Over the -- all over the city?

Gray: Yes. And very much at every nextel radio --

Katz: So this noise that we heard, it's not the batteries or -- it was just this problem?

Gray: That specific audio clip was definitely nextel interference.

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Katz: Okay. Go ahead.

Gray: So in response to that, we did several things. One of the things we did was the antenna/combiner project. That gave our signal level a much higher presence in the areas where nextel was interference with us. And that gave us a little bit better protection. The next thing we did, we worked with motorola to find a way to modify the portable radios most affected by this interference to make them less susceptible to the experience. We worked with some -- several examples of methodologies that they were wanting us to test, and we field tested four motorola -- for motorola many different types of modifications. Ultimately we chose a modification that is very simple, it's very cost effective, the actual parts that are replaced cost less than 10 cents per radio, the labor is the real factor. We fed that information back to motorola and they have released a national service bulletin to all public safety radio users recommending that they do this modification if they're being interfered with by a private carrier. And we're currently deploying this in radios that are moving through our shop and we're working with the Portland police bureau to roll this out through the fleet to all portable radios. This modification has very good effects. In the area I mentioned when I answered your question, where I know there's experience today, an unmodified radio works about 50% of the time. A modified radio works 100% of the time in that specific area. So we know it's very effective, and we're looking forward to rolling that out through all the radios. As I talked about briefly, in response to our complaints to nextel and some of our neighbors here in the region to nextel, nextel has completed an entire system retune. They retuned all of their sites from eugene all the way through longview, Washington. Around the frequencies that all the public safety users were utilizing to put themselves in a position in the -- in the frequency spectrum where they had the least possibility to interfere with public safety users. This really had a fairly dramatic effect. And it really happened overnight. We went home one day in the afternoon and we came back in the morning they were completed. This was -- this is very good news. It really has alleviated this problem. It has shifted the spotlight from problems that were definitely nextel to problems that have other origins, but it is a short-term effects, because nextel owns frequencies that will interfere, and they're expanding consistently, and they will end up in a position where they are forced to use those in order to keep their blocked calls up.

Saltzman: Is this retune the same as the request we had to the fcc to have nextel move its bands closer together and free up public safety bands to be closer together?

Gray: No, it is not the same retune. The channel swaps that you're referencing that we've been lobbying the fcc about, that is to address the medium and the long-term shies that are the next piece here.

Saltzman: You're going to talk about that?

Gray: I'm actually at that point.

Saltzman: Okay.

Gray: What we've been doing is working with different organizations, we've been working with the chief of police and he's been working with the association of chiefs of police, in lobbying the fcc to work with us and work with nextel to try to group our frequencies so we have a band at the bottom of the 800 megahertz spectrum and nextel at the top and we only meet at one point in the middle. Whereas now everything is interleaved and there's lots of opportunities for interference. We believe that this is necessary in order to keep their system expansion from ultimately affecting our performance once again. We've made a lot of progress. Pits become a very large national issue. The fcc is fully aware of what's going on and working with nextel and with public safety agencies to try to come up with a solution. So what we're looking at are some swaps that are in the medium term are done under a special temporary authority from the fcc, and then ultimately with some frequency swaps that are much more permanent based on fcc changes, cooperation between nextel and public safety.

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Saltzman: The fcc has not actually given the special temporary authority, or granted the special temporary authority yet, is that --

Gray: They have not, but they have indicated that when they get a request that has clear cooperation between nextel and the public safety agency that owns the other frequencies, that they will be willing to do that. But they indicated it has to be clearly a cooperative effort.

Saltzman: And where do we stand in that cooperative effort locally?

Gray: We're working with nextel currently on a proposal to in the medium term do a 25-channel swap where we would take 25 of our frequencies and swap them with them. That will give us more protection in the medium term. Long-term is much more of a regional effort because we have to deal with the frequencies of all of our neighbors at the same time. That's probably a year to 18-month process before any real proposals can make it to the fcc, because it is a really large issue.

Saltzman: But the fcc is saying if in -- saying in essence, if you come arm in arm with nextel and say this is what we've agreed to, these frequency swaps, we'll grant you this special temporary authority?

Gray: That's what they -- yes.

Saltzman: Okay.

Gray: Now that i've talked about what we've done, nancy would like to cover a few issues.

Jesuale: Well, I also want to make sure you understand the prep project.

Katz: Identify yourself for the record.

Jesuale: Nancy, the director of communications and networking. Basically the system was inaugurated with no funding mechanism to take care of its backbone. It's now an 8-year-old system with a 15-year-old life span, and some of those antenna combiner issues that we experienced are related to the fact of aging technology that needs to be maintained and occasionally either upgraded or enhanced. So we have been working on an -- on a funding plan for both enhancing the backbone of the radio system, and also being able to when the time comes, probably 2007, to migrate the system to its next generation. So what we -- all of our efforts involved in maintenance and enhanced are -- enhancement are presented to you under this umbrella of public safety radio enhancement project, or p.r.e.p. We did receive from the council both last year and this year, and we're very appreciative of that and all our users are experiencing the benefits of that. But we haven't yet strategized the ongoing solution. What we have identified I think is that as a city, we need a migration path toward zero tolerance of interference and coverage issues, because every time we solve one, then the next one pops to the top of the list as a life-threatening issue. So we need to migrate toward this zero tolerance point of view, and I must say that the actions that the council has taken and comnet has been able to implement and the police bureau has been able to experience, and all the other users of the system, have made this issue nationally much more active. The radio modification mark mentioned is now a national modification. And that work was done by comnet engineers in Portland. They're just fabulous. Same with the police chief's ability to frame the issue of moving in the spectrum. The fcc up until this year was basically funding the general accounts of the federal government through frequency auction, and none of those proceeds were showing up in local government where we were dealing with interference. So I think in terms of our political strategy, we've got to go to the feds and ask them to stop and make sure. I think also recent events have shown us how important it is to have a public safety radio system that isn't income -- in competition for spectrum and for capacity with citizens.

Katz: Are you finished with your slide presentation?

*******:** We pretty much are finished.

Katz: Go ahead, i'm sorry.

*******:** If you like, I will finish. If you prefer, i'll stop.

Katz: No, I just needed to know. Go ahead.

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Jesuale: Okay. I think actually I covered this whole slide, so let's see if we have anything else. Okay. The next thing we're going to do now is identify the coverage enhancements we need to make. You saw there were still blue lines on the green chart that -- and we need to address those. We need to make sure we have spares, we have a maintenance program, we have people to go out and deal with these programs and that we can continue to stay ahead of our capacity upgrades. We're planning a smartzone upgrade and we're starting to save money toward that. It's going to cost us \$3 million to do, but when we do it, it will buy us time. It will basically reset the age of the system to brand-new in terms of its controlling electronics, and that's going to be very important to us to continue to get support from the manufacturers, because the other problem we're running into is that equipment we bought and installed is no longer supported. And we have to have a way to migrate toward the generation of equipment that the manufactures will support. Finally, as I said and as mark indicated, we're working with regional and state and federal groups and lobbying organizations to preserve spectrum from public safety, and your activism in this area is going to be very helpful to us. And I think we need to actively look for federal help in this area. Finally, I think you're going to find that the end user is ultimately the judge of whether the system is working well enough or not. All of our scientific measurements show it's greatly improved, but each transmission that fails is a problem for the officer that it happens to, so we're trying as hard as we can to be available to resolve those problems as they show up. Okay.

Katz: Thanks. Further comments? Okay. Questions by the council?

Francesconi: Nancy, just a couple statements you made. One is we need to have zero tolerance for the interference, which is obvious. The other, because it can be life-threatening to the officers and firefighters, so that's the second thing, and the third, that the end user needs to be the ultimate judge, so those are three important statements. Your use of the word "migrating towards zero tolerance" was an interesting choice of words. "migrating" can take centuries, it can take decades. What would it take to rush towards zero tolerance, or move rapidly to zero tolerance? What -- it's not clear in my mind what a work plan would look like to migrate very rapidly toward zero tolerance.

Jesuale: Well, zero tolerance toward interference is something that is a political issue. The fcc has licensed people to come in and interfere. They are legally here and the only way that we can mitigate that is through cooperative agreements right now. The law is on their side that they can put up towers wherever they want and in -- in spectrum that is interfering with ours. So we are looking very closely at migrating away from them. The other answer is dollars. It's just fantastically expensive to reach zero tolerance. It means in our terrain, every place we have a hill, a gully, a mountain, a canyon, we have to have some way to transmit signal in there. That is extraordinarily expensive. Millions of dollars. Millions and millions. So we can't -- I don't believe that we can assure the end user that they're going to have no coverage problem ever anywhere, but it's important to prioritize and to work as hard as we can towards zero tolerance.

Francesconi: So my last question, is there some consideration, you made reference to without mentioning september 11th, but referring to it, that this would be one much our requests of the federal government for financial assistance in a way -- and a way to help protect our public safety officers?

Jesuale: Yes.

Francesconi: Is there plans to make a specific request in this regard?

Katz: Let me answer that. Thanks, commissioner Francesconi. I had dinner with vicky and lynn last night and we had this just the same conversation, and I -- my hope was that as we were beginning to meet with the bureau managers for this round of budget reductions, that question be posed to all of them and to all of your bureau managers and to make a list that we can give to vicky and lynn to see with any new appropriations from the federal government for national security whether we can get some of those resources.

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Jesuale: Great. Thank you. We appreciate that.

Saltzman: Were you through?

Francesconi: Yes.

Saltzman: Related to that is discussions we've had with our government relations office several months ago. I know chief wilson and I were there, and I think chief kroeker is certainly supportive of this as well. We really need to marshal us as a city, to make this more of a -- not a legislative priority, because a lot of it deals with the fcc. I guess it's administrative priority. And this region has, as nancy and mark both said, has been a leader in identifying these issues, solving these issues and coming up with creative ways to do things like band swaps, but we seem to not have a concerted deliberate effort. This is not high up on our city priority, and it should be. It should be on the regional priority too. The problem is we have lots of different entities. You have fire chief associations, police chief associations, you have boac associations, but I think these issues raid to the point if we're going to get action from the fcc, we really have to make these concerted top-level political priorities as reflected in how we communicate to our congressional delegation that's these issues are important, because they do have influence on fcc, at least we hope they do, and I know that marriage was supposed to do some work on this and prepare an action plan for us to make -- consider making this more a city council priority.

Jesuale: And just to assure you that, marge has followed up, and my system manager and I met with her and vicky this week and we are putting together some elements of a strategy that are obviously being discussed with the mayor, and I assume will be discussed with the rest of you. So we do need your --

Saltzman: Do those include elements directed toward the fcc decision-making?

Katz: Oh, yes.

Jesuale: I really want to commend chief kroeker, who has been very effective and active and I really appreciate it.

Katz: Further questions? Thank you.

*****: Thank you.

Katz: All right. Public testimony.

Moore: We have a sergeant king.

Katz: Identify yourself for the record.

Robert King, Sergeant, Portland Police Bureau (PPB): My name is robert king, a sergeant with the Portland police bureau. I'm elected president of the police association. The radio communication system used to keep Portland safe is a great concern to my membership. As you know, the original osha complaint which began a process of improvements cited the Portland police bureau for creating, quote, an unsafe work environment, end quote. The complaint arose because of system deficiencies. As you just heard, mr. Gray and ms. Jeswald there were areas identified and there have been changes and improvements made and they're in the areas of officer training, activation or discussions about activation of the emergency button, clearly one of the significant issues is coverage problems, capacity issues, and lastly and importantly, funding for maintenance system enhancements and replacements. Action has been taken on these points, and in have been results. The work has been the focus of people both in the city and on the part of the police association, sergeant sweeney, seated to my left, gary manoogian, and many others have carried the torch. People from bgs comnet, under nancy's leadership, like joel harrington and mark gray have all done work to make the system better. And we think there have been improvements and for those improvements we say thank you. But having said that, I must tell you that our system still has problems. As recent as last week and -- an incident occurred where officers were involved in a foot pursuit of a suspect in southwest Portland, and they were unable to communicate with dispatch by using their portable radios. In fact, they had to go into citizen homes and flag down drivers and

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utilize both telephones and private citizen homes and i'm told cell phones. Obviously I think we'd all be in agreement that this is unacceptable. I represent over a thousand officers and sergeants, and their safety is of paramount concern to me. We're in a partnership with our community to keep Portland safe, and to accomplish this goal, we need basic safety equipment that we can rely on. And when I talk to people who have been working on this issue for some time, I hear a variety of problems with different possible solutions. For coverage problems I hear people tell me we need a new tower. Others suggest that we need a systemwide diagnostic done by an independent expert. The police association is here today to say we would like to work request -- work with bgs, nextel, with the council, with the community, and/or with anybody else who can help us in solving this problem. We want to be part of a partnership in developing a plan for a solution to include funding that resolves the radio problem. I'm here to make a commitment to be a partner at arriving at a solution, and I particularly don't want us as a city to walk away from this problem because it's expensive. Our mission is to protect life, rights and property, and as nancy indicated, until light of recent events, our mission, the work that we do that the fire bureau does, and that the ambulance providers in Portland do makes this work all the more important. To do our mission, we need a radio that works.

Katz: Thank you.

Gary McNugy, Officer, PPB: My name is gary, i'm an officer with the city of Portland bureau of police. As robert mentioned, I worked on this for several years following up the work of mr. Sweeney. We have identified a number of areas where we feel there could be some improvement, and I just want to echo robert's comments about, we're very pleased about the work that has been done, we just want to make sure the council knew that this was definitely a starting point, that we've -- I think everybody involved has identified additional areas, very, very important areas where there's more work to be done to really increase the effectiveness of this system. I heard them mention earlier about zero tolerance for interference and other related issues. I love to hear that. I think that's great, because the users of the system, as commissioner Francesconi said, will probably be the ultimate judge on this to be able to use a radio with a reasonable amount of confidence that when they hit that transmit button that it's going to work. That's where we're all trying to go. And like I said, I want to echo robert's comments on this that we want to work in -- with anybody that is going to be in a position to help us do this, and be a part of the team to try to make this happen. It's -- sometimes there hasn't been as much coordination as there should be, and we want to make to -- try to make this work.

Katz: Thank you very much.

Francesconi: Do you feel like you're not part of the team now, or that there's some barrier?

McNugy: No, I don't know that that's the case. I think what we're looking for is an increased amount of teamwork. For the first time in a long time in the last, say, eight or nine or ten months, we've had I think increased communication with comnet and especially with them going out and doing all the work that they've explained to the council today. It's really been a big sign that everybody wants this to work. I don't think there was ever a reason they didn't want to it work, but it was -- it's kind of a reiteration or validation that, yes, everybody wants it to work, we're going to go the extra mile to make it work and we want to make sure they know that we're also on that same side.

Francesconi: Okay. My last question, so you mentioned towers, and you mentioned resources. Are there other things that come to mind that -- areas we should be focusing on that maybe we're not, or you heard nancy testify to? Are there additional areas that jump to your mind, or is it too early in the process for you to know?

McNugy: In my mind, i'll have to defer to the experts, but in my mind in just working on this as long as I have, we would like to see a real basic diagnosis and a kind of identification of what the

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remaining problems are. And then that would I think allow us to prioritize those problems and make a decision about where to start. As we mentioned, coverage issues have come up, there's been mention of a tower. Where that would fit in that, whether we would be able to fit one in across the river and east of Portland, that's been a continuing comment or issue, and how that would fit into that would be I think probably up to the experts. But it been a continuing deal that a tower location over there, a main tower location was part of the original plan, was omitted for various reasons, and would greatly enhance the useability of the radio and -- in geographically sheltered areas.

Francesconi: Thank you.

Saltzman: Nancy, maybe you could come up here for a second. Stay at the table. I guess the question I forgot to ask you is maybe we're at the point where we need to be looking at sort of a paradigm shift. We're talking about ground-based solutions to radio communications, and is there not a satellite-base solution we should be looking at? I assume there's probably a lot of cost involved in that, but nevertheless, if it's time to get to a zero tolerance, it sounds like we may never get there through ground-based solutions and have to go to satellite-based solutions. Is that in the scope of reality?

Jesuale: Not that I know of at this time. I don't believe that there is a public safety radio system that's available via satellite that we could migrate to. However, we are researching our migration path, and i'm certainly going to look into that so I can give you a better answer than "i don't know."

Saltzman: I would think given the relationship we have with motorola and given the market share motorola has in this business, this would be something they would be looking at and maybe perhaps interested in again exploring with our region to really make that a reality. It just seems to me when we get -- can get live reporting from the valleys and hills and mountains of afghanistan that is live, we ought to be able to figure out a way to deal with the hills and valleys of southwest Portland too. So I would encourage us to take a look at that.

Jesuale: We will. And there are various technologies that we're looking at on the migration path, and as we tried to point out, we've got to operate in the short term, medium term and long-term all simultaneously to mitigate as much as we can all -- at the same time migrate to something better. And our worst fear is the fcc would put us in a position where we migrate to something that is even more limited because of their interest in creating income from spectrum as opposed to creating public safety from spectrum.

Katz: Nancy, while you're here, i've been aware of circumstances when officers couldn't reach dispatch, and especially if they're out of their cars on foot chases. You are able to identify the geographic areas where officers would have trouble even today?

Jesuale: Yes.

Katz: Yes. And use of cell phones in those areas would be applicable in this case, that they -- there wouldn't be interference on cell phones?

Jesuale: Possibly.

Katz: Okay. Robert, is that something that you've looked into in those areas to make sure that the officers have at least cell phones to use if they're out of the car? I know this is a whole different topic and we're not going there.

King: We haven't opened the officer cell phone door.

Katz: And I don't mean to open it except in those areas for that particular use when you're out of your cars.

King: As an interim solution to solving the larger system problem, making officers safer in those specific locations? If we -- we can certainly pursue that.

Katz: Let me as well --

King: We'll probably purchase nextel phones. [laughter]

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Katz: Okay. I've made a note. Not of that, but I made a note of the other. Anybody else have further questions? Anybody else signed up, karla? Okay. We'll vote on accepting the report, and I appreciate the work done by nancy and the union members on this, especially the leadership, and nancy you heard they're willing to work with us on this. This is an issue that's absolutely critical to the city as a whole. Roll call.

Francesconi: We do need to rush to zero tolerance, because it's life-threatening for public safety officers and in the end, they need to be the judges. And so having a work plan both short-term, mid-term and long range as it overlaps is something we need to have. I guess the only additional thing I want to say, I have personally worked with with nancy for oh, three, maybe four years, 3 1/2 years, and I really think that you've got somebody who can do all those things. I think some of the problem is that -- is it enough of a priority at the national and the local level to actually accomplish it. And I think now it is. Should have it been sooner? Yes, but at least now it is. Aye.

Saltzman: Good work, and i'm glad to see the there improvements you've made on relatively limited budgets. But as I was saying earlier, we do need to make this more of a focused legislative priority, both legislation in terms of appropriations moneywise, but I also think we can't ignore the fcc rule-making front, and as nancy just eluded to, we have an fcc that right now seems more interested in auctioning off bandwidth as a way of making money for deficit reduction or deficit eradication, and it hasn't apples been thinking fully about the public safety implications about that. Public safety agencies are getting a little more vocal on this, and certainly the events of the last few months helped reinforce that. But nevertheless, I think unless we focus our strategy, we run the risk of all of us making good runs at this effort going up the hill and coming down with nothing because the fcc is not a mountain that moves easily. And it takes often tremendous pressure to make things happen, such as getting the special temporary authority to swap bandwidth. These things don't come easily when you're dealing with a Washington bureaucracy, and we need our delegation to be putting pressure and we need the city and the other jurisdictions in this region to really help make that happen by making this a more focused priority on our parts as well. Aye.

Sten: A very good report. This issue is much more complicated than I ever would have thought. I wish hi a great idea on it, but i'm confident you're pointed in the right direction. Probably the only thought I would on -- obviously this is of critical importance, we've got to get it done. The only thought I probably share, it makes sense to even if there isn't an obvious one, work two plans, one that the fcc moves and one it doesn't. I've worked a bunch with the fcc on the open access issue, and found it completely impossible to get anything -- even a response they might look at it, let alone when it's going to lap. So I just -- we may want to, whether it's temporary use of cell phones or whatever, I think we don't want to put all our eggs in one basket, though I think we want to up the pressure as much as possible as commissioner Saltzman points out. I appreciate all your efforts. Aye.

Katz: I've made a note, nancy and robert, to have this discussion with the chief to see if it's workable and what kind of -- how big the box ought to be for the use of possible cell phones in those geographic areas until we deal with the whole other -- the bigger issue of the use of cell phones. And I agree that I wouldn't count on the fcc, and I know we need to do that work, but we need to begin thinking in other ways, because we can't always count on them to do the right thing. Aye. [gavel pounded] all right. Item 1271.

Item No. 1271.

Katz: Okay.

Blackmer: Good morning, madam mayor, members of the council. I'm gary blackmer, Portland city auditor. This is a case that was filed under the code for the police internal investigations auditing committee that you changed in june. So we had these cases in the pipeline and there are only a few left that were resolving, and then what you'll be hearing in the future would be those

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cases under the ipr rules. So this is one of those that still falls under the piiac framework. This is a case that a gentleman -- the gentleman to my left, jose martinez, reviewed it and brought it to the police internal investigations auditing committee advisors. They voted 6-2 to affirm the Portland police bureau findings, and i'd like to introduce him and have him talk through the case and then proceed with the hearing. I unfortunately have another commitment, I can't stay for all of it, but i'll -- richard rosenthal is in the audience to watch and learn.

Katz: He's not taking over for you when you leave? [laughter]

*******:** Thank you. Okay. Go ahead.

Jose E. Martinez, Police Internal Investigations Auditing Committee (PIIAC): My name is jose martinez, and i'm a former piiac member, and i'm here to -- if you care to categorize me into a box, i'm a christian hispanic activist. This document that I have is -- has been given to the council, and i'm going to go over it and try to stick as close as I can to it. The introduction as stated here, the appellant filed a complaint with internal affairs on october 20th, 1999 regarding an incident that occurred on october 15th, 1999. On october 20th, 1999, sergeant ben panette did an interview regarding officers actions at a demonstration. Iad sergeant steve bottcher conducted the follow-up investigation. I reviewed the iad file and listened to the videos and the audios of the interviews and also the videos that were available through "willamette week" and the Portland police bureau. The request for review was append -- attachment a. Those were the -- the appellant wanted this reviewed because she filed a complaint and the attachment b is captain smith's response to the complaint. The complaints in part against all of the officers are recognized as use of force conduct and procedure. Intake summary were three parts. One officers broke the coappellant's arm while arresting him, and a horse stepped on him. Even though he needed a doctor, they dragged him a jail -- to jail. The second part of that, the appellant said a female officer pushed her into the street, causing her to fall, and almost getting hit by a car that had to swerve to avoid hitting her. The appellant was handcuffed and taken to jail. At central precinct, an unidentified officer called the appellant a liberal comie bitch. The same officer said something about getting a clear shot at protestors. Another unidentified officer made a comment about beating up protestors. In the comments, the appellant said the coappellant had a bureau pueblo arm and a hoof-shaped injury on his leg. Sergeant panel gave the appellant medical forms for the coappellant to return. The coappellant neither returned the medical forms nor contacted sergeant panet. Sergeant bottcher was assigned to the case. He also was unable to contact the coappellant. The -- i'm going to stick pretty close to the incident and not attempt to give you my memory or recall of this incident. On friday, october 15th, 1999, the appellants were involved in a downtown rally. The call about the administration -- the call about the demonstration growing and getting disorderly was dispatched around 4:00 p.m. And shows that the rally formed around southwest third and madison in front of the federal building. The purpose of the rally, and -- the purpose of the rally was to -- was to protest the impending execution of a man convicted of killing a police officer in 1981. The u.s. Supreme court refused to review the case. That's somewhat significant, and i'll mention that at the bottom of the report. The speeches had pretty much concluded and the larger group started to break up into smaller groups. The appellants and others were in park when they -- when the arrest and injuries occurred. Several officers were attempting to disperse the group and asked them to leave the park and area. The appellants observed somebody getting arrested and they were going to inquire when officer b contacted the coappellant. Officer b advised him he would have to leave or be arrested. The coappellant was holding an eight-foot pole banner when they held together at the rally. Officer b warned the coappellant, he advised him he was under arrest for disorderly conduct and failing to obey an officer. Officer b attempted to grab the coappellant when the coappellant pulled away, striking the -- the horses then got antsy and appeared to step uncontrollably around. The appellant was in the midst of this police confrontation with the coappellant. She appeared to get bumped as

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well. Officer b called for a foot backup and officer a responded, grabbing the coappellant and taking him to the ground. Officer a said he heard a loud crack and found out later the arm had been broken or fractured. The coappellant was screaming about his arm being broken and transport to central precinct. The appellant continued with the arrested coappellant and officers asking why was he arrested. The appellant followed the officers and coappellant. The appellant went in front of the line of police to catch up to where they were when she was pushed into the street away from the officers and coappellant. A car had to swerve to miss her. The appellant was then arrested for disorderly contact and interfering with a police officers. The appellant was taken to central precinct where she heard officers make remarks about beating up protestors. Those were quotes, beating up protestors and getting a clear shot at the protestors. The appellant said one officer called her also, quote, liberal --

Katz: All right, let's not -- we've got it in writing.

*****: Let's not what?

Katz: We had some language that was used last time the council really -- I think objected to.

Martinez: That was -- I wasn't here, so I don't know. The appellant was booked and processed where she remained until midnight. The coappellant was cite and released after being seen by Portland fire bureau emts. He was transferred to the hospital. His would -- the bottom note, it was in regard to the above comments I made, it should be noted all the officers stated in their interviews they were aware of the basis for the demonstration and that they -- the awareness did not affect their job performance. That's the conclusion of the summary of the incident.

Katz: And can we have some discussion on the findings and why -- and how those findings were made by the piiiac review committee?

Martinez: I have the findings here. I -- the officer a use of force was exonerated. Conduct unfounded. Officer b, conduct unfounded, procedure unfounded. And I could go on with the other four officers, five officers if you'd like. I don't know if you want to -- I don't know what you did before and how far you want to go with this. But I can include the other officers involved if you like.

Katz: Go ahead. These are the findings of the review group. Go ahead.

Martinez: Okay. Officer c use of force, insufficient evidence. Conduct was unfounded. Officer e, conduct unfounded, procedure unfounded. Officer g, use of force, exonerated, h, procedure exonerated i, use of force exonerated. The complaint categories, use of force is an allegation of use of excessive or inappropriate physical or deadly physical force. This includes but is not limited to all instances where there is actually injuries or an impact weapon was used. Conduct is defined as an allegation that tends to bring reproach or discredit upon the bureau or city of Portland. It involves behavior by a bureau member that sun professional, unjustified, beyond the scope of their authority or unsatisfactory work performance. And procedure, allegations that an administrative or procedural requirement was not met this. Normally would include general orders such as identification, report writing, notebook entries and property evidence handling. And also the definitions of iad findings, exonerated is defined as the actions of an officer where within the guide picket lines of procedure policy and procedure, unfounded -- the claim is unsubstantiated. The available facts of the investigation do not support the allegation. And insufficient evidence -- there is not enough evidence to prove or disprove the allegation.

Katz: Let me -- there's a note here that the coappellant did not wish to pursue his complaint through iad. Does that give the coappellant the ability to appeal directly to the city council? Or not? Because that's what's before us at this time.

Blackmer: I don't know that we've encountered a situation like this before. The appellant I believe has appealed the whole body of complaints as either a witness or a subject of police action. So --

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and we have handled cases where witnesses have been the complainants and appellants and not participating. So I don't know that it --

Katz: You might want to think about that under our new system, because I don't know how that's going to play out. I just raise this because this is new to us as well. Questions?

Saltzman: I guess the piiac review clearly showed the transport of the coappellant from the park to central precinct was not dragging the coappellant? Is that clear?

Martinez: That's correct. I have the appellant's interview here and the officer that was involved with that, but according to the videos and the tape interview with the officer, he -- after he realized he had broken his arm he used the other arm to help hip along. He did go limp a couple of times to the ground and he had to lift him back up and go on.

Saltzman: I guess at some appropriate point i'd like to have somebody demonstrate the take-down procedure that officer a used. I assume we have several members of the crew that can help demonstrate that.

*****: I can't help you with that.

Saltzman: I see we have several officers --

Olson:

Katz: I'm going to call them up here before we get to the appellant.

Sten: I'm interested in how you came to the conclusion on the actual complaint about breaking the arm. Did you witness the videotape of how this all happened?

Martinez: I witnessed -- what's interesting about this, I used the -- it's like looking from the second floor here at a half a glass of water. You see it empty, looking from the floor it's half full. I looked at the "willamette week"'s video and it appeared to be a little clearer in that he was taking down and handcuffed and helped along to the central precinct. The interview as well from the officer said that's what happened, and that's what appeared on the video. I think part of the problem that occurred is that the -- there was question as to why the horses got upset, and they were holding a banner and the banner fell over and hit the horse, and that's when he was grabbed and taken down. There's an attempt by the officer and the horse to grab him, but then he got away, the horse bounced him off, and then as I understand the procedure for the mounted patrol unit, when someone is arrested, and this is new to me as well, by an officer on a mounted unit, they have to protect that person that's being arrested as well as the officer so they don't come and cause problems with the officer and the mounted -- and the horses.

Sten: Given the scope of the complaints and the scope of the inquiry, was there -- was there a discussion or look into how this confrontation developed and how we got to the point of this take-down?

Martinez: What had happened was -- in the report, this was handed to you as well, there was a demonstration, rah parade downtown, and they were protected by the police, those involved, and then they got to enchantment park and they were asked to disperse. As they broke up, a couple groups remained and there was a gentleman in the park that was walking and he walked up to a mounted unit and they said, what are you doing here, you've got to leave. And he had a broken branch from the park and he threw 90 front of them, and -- he threw the branch in front of the horse and the officer and the officer said, what are you doing? And he said, it's none of your such and such business, and then he said, you're under arrest for littering. So they arrested this gentleman, and as he was being escorted by the police, the appellant and coappellant went over across the street to see what was happening, and asked the officers, why are you arresting this guy? So they said, basically, none of your business, why don't you disperse and go back to where you're from. The officer on the mounted unit knows the coappellant, so they had a discussion there, then after the discussion officer asked the coappellant again to leave, and he refused to leave and said, this is a public park. And that's how the arrest came about.

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Sten: Okay.

Katz: Further questions?

Francesconi: Is it correct that if the officer knew that the arm was broken, he doesn't -- it doesn't exactly say that, but he heard it, felt it, so you are saying he knew it was broken. Are proper procedures followed after that by taking him to the station and calling fire? Or are they supposed to do something else if he knew it was broken?

Martinez: If you're asking me my opinion or observation, I could give that, but I don't know if that's appropriate for me to do that. I think he would be taken out of the area because there are other persons around, demonstrators and others, so he can be treated. And he was -- the ambulance, 9-1-1 and emt were called immediately and they were there at the justice center booking within five minutes.

Francesconi: Somebody else could address that. It's just -- the other thing is, I didn't look at these videotapes. And I probably should have, as i'm listening to this testimony, because I think it's going to be important. Go ahead.

Blackmer: You may have an opportunity. I understand one of the -- when the appellant was making arrangements to show it. I don't know if the tape is here, though.

Francesconi: Have the police folks who review conduct, have they looked at the videotape and have they rendered an opinion as to whether it was rope rat or not appropriate? Are we going to hear that testimony? Do you know?

Martinez: I think you have to ask the police.

Francesconi: Okay.

Katz: All right let's hear from the internal affairs, and then we'll hear from the appellant. Thank you. Do you want to fill us in, or answer the questions that the council members had?

Steven Buchard, Lieutenant, Internal Affairs Division, PPB: Sure. Good morning, mayor. Council members. I'm lieutenant steven buchard with the internal affairs division. I'm going to tell about you the investigation and the process involved, and then you can -- I can answer any questions you have. I want to stress the time line on this. I know this has been a particular interest to council, as well as piiac, and now ipr. This investigation was completed in february of 2000. The appeal to piiac didn't take place until november 2000, and it is just now we're hearing the final appeal to city council. I wanted to ensure the council it was a complete investigation, it was condition in -- done in a timely manner. Nine officers were interviewed, eight citizens, as well as numerous other contacts where citizens filed complaints or called in with observations that they had that was all the evidence that -- was reviewed, including multiple videotapes and audio tapes of the incident, the c.a.d. Printouts as to whether the ambulances and incidents time frame took place. If you have --

Katz: Questions?

*****: Do you have particular policy questions?

Francesconi: So proper procedures were followed? The officer knew the arm was broken.

*****: I believe your question fits policy --

Francesconi: What do you do if you know there's an injury?

Buchard: When someone is taken into custody, they're still handcuffed, whether they're injured or not. They're removed from the area if in fact the area is -- if in fact the person needs to be removed from the area. In this particular situation, as mr. Martinez described it, there was a large crowd there, a lot of things going on, so it was necessary to remove the person. As far as handcuffing, that is taught. It is taught to even handcuff the suspects after they've been shot by the police. It's a safety issue, and that is an essential part of our training that that is done that way.

Francesconi: And what's the -- what's the line where you would, if you shoot someone where you go right to the hospital as opposed to the jail? Where's the line?

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Buchard: It's the severity of the injury. If it's apparent that it's life threatening, an ambulance is called immediately. If it is not life-threatening, it usually doesn't -- an ambulance isn't called and a person isn't transported right away. I believe the officer did think the arm was broken. He stated in his interview he heard it snap. How severe that was, however, would be undetermined at that point. It wasn't a compound fracture, I don't believe.

Francesconi: And my last question for now -- maybe a couple. On the take-down itself that showed on the video, is there anything you want to say about why you think it was proper procedure, or do you want to wait for later?

Buchard: I can discuss that now.

Francesconi: Why don't you, please.

Buchard: It was a specific procedure used by the lieutenant. It's called an arm bar take-down. It's where you control someone first initially by the basic control escort hold of grabbing hold of the wrist and elbow. If the person starts pulling away or the situation dictates, that force be -- that force be increased, the arm is straightened out and pressure is applied with the other arm to force the person to the ground. Forcing the person to the ground helps control that person. They're unable to pull away, they're unable to spin, and when a person spins when you're controlling their arm, you lose the advantage of leverage. So that is a technique that's taught. In a video, the lieutenant applied that as taught by the Portland police bureau. When he first contacted the appellant, in this case the coappellant, he was instructed to do so by sergeant pool. Sergeant pool had the first contact with this individual. It was the -- he was the horse officer, the mounted patrol officer. He advised the coappellant that he needed to leave the area. They had a discussion. Mr. Martinez was correct, the two individuals knew each other. The reason was -- he reasoned with this individual and attempted to get him to leave. He wouldn't leave. The sergeant reached out to take this person into custody. This person pulled away. At this time this person also had a large pole with a banner on it, and the movement of that banner -- it is unclear in the video whether the banner actually struck the horse or the moment of the banner and the -- in the horse's face or near the horse's tail -- I wouldn't say it spooked the horse, but the horse reacted from it. It side-stepped from that movement. From the angles of the camera we were unable to tell if that really occurred. When the lieutenant approached the coappellant, the coappellant still had this pole with a banner in his possession. He'd already pulled away from one attempt to take him to arrest when the lieutenant grabbed him he stiffened up again, which under the circumstances, the fact this person had pulled away from one officer, he is carrying a pole, that could inflict damage. There was a large crowd in the area with other things going on, and this lieutenant was approaching one-on-one with this individual. There were not several officers involved to take him into custody. This was an appropriate technique to use.

Francesconi: What are the circumstances when you use it, when you don't?

Buchard: The standard handcuffing procedure is when someone is cooperative and you ask them to put their hands, infer lace their fingers and put them on the back of their head. You then approach, take control of the hands, locking them against the head and -- together. You pry the fingers apart and slowly bring the arm around behind their back in a reverse wrist lock. You place the handcuff on the hand that still on top of the head, bring that down and handcuff the hand you have under control under the back. That is with a total cooperative person. You still use some amount of force, you still control the person. In a situation where someone has demonstrated that they're not willing to be cooperative and there is a potential for the officer to be injured, then the force continuum is increased. One of the next steps in the force continuum is to apply an arm bar. If you are by yourself, you're unable to gain a tact tall leverage with someone because they are able to spin and turn and as soon as they spin and turn, they're able to bend their elbow, which means

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you no longer have that control on that individual. So at that point it is appropriate to use an arm bar. That if next step in the force continuum.

Francesconi: Was there anything unusual about this arm bar?

Buchard: No. If you look at the video, it's very, very -- even control holds that are applied properly and with the minimal amount of force can cause injuries.

Francesconi: That was my next question. And my last question on this officer. How often -- so breaking an arm is a risk of the procedure? It's inherent in the procedure? How often does it occur?

Buchard: I can't give you statistics on it. I can give you anecdotal information.

Francesconi: Is it something that happens very rarely, occasionally, often?

Buchard: I would have to say someplace between very rarely and occasionally. It isn't common.

Francesconi: Okay. On the other officer, I think officer c, if I have this right, it looks like there may be three independent witnesses saying that she was -- the officer pushed the coappellant into the street, and then it appears as if -- and somebody can correct me --

Katz: That's the appellant.

Francesconi: Oh, the appellant. And it appears as if there's only the officer and none of the other coofficers, other officers verifying what officer c said. Is that right?

Buchard: On that particular -- i'm assuming it's officer c, but i'm getting these officers and witnesses and --

Francesconi: Me too.

Buchard: -- coappellants and appellants mixed up. That is true, but you look at the statements by the independent witnesses, and they alvar I to quite a degree. One person states the appellant was knocked into the street and that there was no danger of her ever being struck by any traffic. A second appellant -- a second witness will say she was knocked to the street and a cab narrowly missed her by stopping ten feet from her, and the third witness says the cab stopped within a foot and a half from her. The testimony of the officer involved stated that he did grab her shoulders, and tried to -- I can't remember exactly, I think he said he tried to take her into custody. He grabbed for her and she jumped back and either fell down as he summarized that protestors or -- are taught to do, or she stumbled. I think in either case, if someone, a witness that is passing by on a tri-met bus or other witnesses that are in a crowd looking at this through a line of officers can sum eyes that this person was pushed or shoved down. That is a possible explanation for what happened. It is also possible that she did trip or she did throw herself to the ground. That's why the determination of insufficient evidence was ruled on that one. It was not exonerated or unfounded, we clearly couldn't make a distinction.

Francesconi: My last -- this is my last question, at least for now. Let's assume that there were no cars in the street, okay. So -- and then just for the purpose of this question, assume that the appellant was pushed and not what the officer said. Would that be a violation of the rules?

Buchard: Yes, it would be.

Francesconi: And why is that?

Buchard: Because the officer is at that point should have taken her into custody for interfering, as he was later directed to, or immediately thereafter directed to by the -- I believe it was his sergeant that was there, to take her into custody. She was interfering, and the -- in the film she was obviously interfering with the rest of the coappellant -- with the arrest of the coappellant. All of the statements of the witnesses and officers said she was interfering. She tried to go around the police line to the left and the right and then she went through the police line after being directed not to. So --

Francesconi: And that occurred before either the grab of the arms or --

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Buchard: Yes. It was after she broke through the line and approached the coappellant, who was being escorted across the street, that the officer grabbed at her, or pushed her. That's where the difference of opinion comes.

Francesconi: Thank you, officer.

Saltzman: Can we have a demonstration of the arm bar take-down?

Buchard: Sure.

Saltzman: That's using the appellant --

Buchard: The minimal control hold. Someone grabs ahold of the area just above the elbow and at the wrist, and this is the minimal control hold. You can escort someone, direct someone and -- in taking someone into custody, we'll go through this also. Place their hands in the back of the head, interlace their fingers, the officer comes up and locks the fingers together so -- and holds them against the head. Pry one hand apart, turn around again, pry one hand apart and bring it back to reverse wrist lock. This locks the wrist, have you leverage with the wrist and it locks the elbow into the body. The handcuffs are locked into this hand, and handcuffed here, the whole time maintaining control. And -- when an officer approaches someone that is not cooperative, the -- all control holds start with the same basic stance. The arm is straightened and twisted slightly up like this. Force is applied with the bony arm of your forearm just above the elbow, and the person is forced to the ground. And the speed of which I demonstrated here is the speed that this occurred with the coappellant on the videotape.

Saltzman: Thank you.

Katz: Let me just ask a question. After reading this the third time I noticed, there appears to be different descriptions of the appellant falling on the ground. One said she fell on her back, the other one said she landed on her hands, face, shoulders, and spread out. Am I just picking up --

Buchard: I think it's just like any observations. No observations are going to be exactly alike. The testimony of all witnesses are slightly different. They have different angles that they're viewing this from. And I didn't want to -- I did want to point out two of the witnesses were not independent witnesses. The one witness on the tri-met was an independent witness, what would I term an independent witness. Two of the other witnesses that described her being pushed were part of the crowd, part of the demonstration. So I don't think they can be solely termed as an independent witness.

Katz: Further questions? Did you want to add anything?

*****: No, ma'am.

Katz: Okay.

Francesconi: On that note, wasn't one across the street? One of those witnesses? And was that person -- I think one of the witnesses -- one is on the bus, one is across the street, one is in the park. Was the one -- I think. Was the one across the street part of the demonstrators?

Buchard: Let me refer to that. I have the names written down so I can cheat a little bit, but I believe they were.

Katz: It was witness 5.

*****: I have the name here, I just have to refer -- I have to find their entire interview here. It will take me a second.

Francesconi: You can tell me later.

*****: Okay.

Sten: In saying they were part of the demonstration, are you discounting their testimony?

Buchard: I'm not discounting their testimony. I'm saying that they have a different perspective of what the police -- police -- the one witness was -- made the complaint about the use of force, the use of officers at the scene, the specifically the use of horses, the officers being at the -- confronting the crowd.

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Sten: Just, if you take that approach, wouldn't that also discount the officers' testimonies, because they're going to have a view toward thinking what they're doing is right.

Buchard: They do. That's why I say the only independent witness would be the bus rider, the tri-met rider.

Sten: I understand.

*******:** I agree with you.

Sten: Okay.

Katz: Further questions? All right. What's the wish of the council? We have an appellant who filed an appeal. We have a coappellant who did not. We've not had this before the group. Go ahead.

Buchard: There's one other thing I meant to say about the investigation. The one aspect that did happen in our investigation was the unwillingness of the appellant and the coappellant to assist in the investigation. The coappellant, as you've already heard, refused to be interviewed. The appellant was interviewed, but some of their -- some of their allegations involved statements made by the police officers which you've heard Mr. Martinez summarize them. An attempt to investigate those, the appellant was asked to come to the police to the justice center to view officer photographs to help us to identify that -- that or those officers. The appellant declined to do so. So therefore, that part of the investigation we couldn't -- we could go no farther.

Katz: It wasn't clear in terms of the language the use of improper language who it was that was saying that. Is that what you're referring to?

Buchard: That's correct. They were pretty basic descriptions that we originally received from the appellant. Numerous officers from many precincts were involved in this. There were people in and out of central precinct from the booking, holding area. Just a lot of officers involved with that, and to identify those officers through the basic descriptions was impossible. We offered to have them view photographs of officers to try to determine which officers might have said that. We did ask the officers that were interviewed, I believe there were nine of them, we did address that issue with those officers, and they all denied that statement. But we weren't able to specifically pinpoint --

Katz: Let me ask you, probably this is more to Michael or Mr. Martinez, were both -- did the appellant testify to Piiac? But -- the appellant did, but the coappellant did not? Okay.

Saltzman: The coappellant never made with iad?

Buchard: The coappellant did not.

Saltzman: The medical forms you gave the appellant, what's the nature of those forms that were given for the coappellant to fill out? Was it confirming a broken arm?

Buchard: No, that was to the appellant that the medical forms were given.

Saltzman: What do those forms ask?

Buchard: The forms are just release of medical information. Any medical treatment or diagnosis that they received were at the booking facility, or at the emergency ward or a later follow-up visit to doctors that occurred. And that's just for that specific incident. It isn't a medical history of the person we're asking for. That's another issue.

Saltzman: That's a medical release, then?

Buchard: Right. And that was another issue we didn't receive from the appellant the one that was thrown to the ground and claimed she was injured, or from the coappellant.

Sten: One more question. This isn't actually directly to do with the appeal, but did you take a look at what all transpired kind of before the person got arrested that caused these people to run over -- what was actually happening with this demonstration when the whole bigger confrontation started with the police?

Buchard: The crowd was ordered to disperse. The --

Sten: What was the cause for that order?

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Buchard: You know, I can't tell you without going over the reports right now.

Sten: Okay.

Buchard: I'm not sure what -- who -- right know off the top of my head I cannot tell you who determined that was necessary, who gave that order. And the reason for it.

Sten: I'm just interested in the mind-set that developed to this incident, which doesn't have to do with the appeal. One last question, it was insufficient evidence on the issue of pushing, I don't know if it's the appellant or coappellant, into the street. What's the -- in that kind of situation, how is shoving somebody viewed as -- in terms of proper procedure, if somebody is run nothing a police line?

*****: -- running into a police line?

Buchard: A shove -- if someone is trying to move into a police line, a shove is appropriate, even though -- even the use of batons or night sticks to strike back is appropriate. And in this instance, the appellant ran through the line, had already breached the line. So a shove with not have been an appropriate reaction for a police officer to push the person down to the ground. But would have been appropriate to take the person into custody. If in fact the officer did shove the person, that -- it would have been the proper procedure was to grab the person and take him to custody. That's what that officer testified he was trying to do.

Sten: Okay. And then that's different --

Buchard: Does that answer your question?

Sten: I think so. So they shouldn't have shoved him, they should have taken him into custody. I thought I read witness one, the most impartial witness, to say be fairly clear they saw a shove.

Buchard: That's what I was describing. I -- an example would be these two hands, which one is shoving which one. You cannot determine which my right hand is shoving my left hand or my left hand is shoving my right hand. So that same sort of determination is impossible to make if I grab your shoulders and you fly backwards. Did my grabbing your shoulders, was that a shove or did I grab your shoulders and you stepped back and trip? You're unable to determine that from an observation, if you can follow my analogy --

Francesconi: Well -- .

Sten: I'm thinking about when i'm playing basketball, if the ball goes that way it's usually the guy facing that way, but if the ref didn't see it -- okay.

Buchard: Using your basketball analogy, we've seen pro basketball players very proficient at getting foul calls where they do the flop.

Sten: That doesn't make the call right. [laughter]

Katz: Further questions? Thank you. I need -- we'll bring the appellant in and then I need a sense from the council on the coappellant who did not file an appeal.

Francesconi: I agree with -- on that issue. I agree with the auditor. It doesn't -- if other people can file the appeal, the fact that piiiac made a ruling on it, I don't think we should discount it. That's my view.

Sten: I would like to hear from him.

Katz: Then we'll hear from both. But I do want the new ipr to think about how you want to handle situations like that. All right.

Elaine Close: I'm elaine close, the appellant. I'd like to explain how we're going to --

Katz: Excuse me. How are you two?

Close: They're witnesses to the way the investigation was conducted.

Katz: Okay.

Close: And this is the coappellant, craig. I was going to explain how we're going to present this before we start. I'm going to say a few things and then i'd like to show the video. And then i'm going to read a brief statement from myself and then craig, the coappellant, will read a brief

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statement, and then the two witnesses are going to give testimony about how the investigation was conducted.

Katz: We don't have a whole day. So I hope you can limit this between ten and 15 minutes.

Close: Entirely?

Katz: Well, try.

Close: That's impossible. This is a very complex case.

Katz: Go ahead and start.

Francesconi: How long do you think it will take?

Close: We were told this entire thing would take -- mike has said this would take an hour.

> but if we needed more time we could have it. I don't know. It seems like we each need -- it's going to take at least half an hour, I would think. There's a lot of parts to this, a lot of different complaints. First I want to address a few of the questions you brought up, because I have different answers. As far as the drags issue -- dragging issue, dragging is the confusion term. He was not dragged as far as being pulled on his front, his body. Dragged as in pulled. And it was stated he went limp. My observation was that he collapsed to his knees and was pulled up. There's a big difference between going limp and collapsing. There was also reference to him being -- there a need to remove him from the area. I'd like you to pay attention to the video about what kind of need to remove him from the area there was. Look at who is in the picture, the fact there are not -- there's not an angry crowd, there's a few people sitting at a bench not even looking at the action, so just keep that in mind, the context of all this. And there was never as far as I heard, an order for the crowd to disperse. I want to put -- give a little context to this video. The video starts right before craig was arrested. Before that there had been a demonstration that had been peaceful. Craig and I spent the entire time standing on the corner with a banner, the rest of the marchers -- demonstrators marched and came back. After that, one of the organizers stated the demonstration was over, everybody should leave now to avoid confrontation with the police. So hit been uneventful. And as people were leaving, I think at least a third of the people had already left. We looked over and saw this fellow who we found out later was being arrested for throwing a flower or branch on the ground. We went over to observe. And at that point this video starts.

Katz: Let's turn the lights down so we can see it.

Saltzman: Who made this video?

*****: Can I say one more thing before it starts? This one --

Saltzman: Is this somebody who was part of the demonstration?

Close: They were there filming the demonstration, yeah. I'm -- I want to say one more thing before we start to explain what -- why i'm here, what I want the council to do. Both internal affairs and piiiac failed to do their job regarding this incident. There are three of the several findings that specifically i'd like you to examine. These are the finding of exonerated and -- in regard to the use of force accusation against officer a who broke craig's arm. The finding of unfounded in regard to the accusation of misconduct on the part of officer b and the finding of insufficient evidence in regard to the use of force acquisition against officer c. Okay.

*****: Hey, what the [bleep]? This is a public park: Hey: [bleep] you: What the [bleep] are you doing? [yelling]

*****: Why did you arrest him and not everyone else in this park?

*****: Stand back: Stand back:

*****: I'm concerned that mr. Sten didn't see that.

Francesconi: I actually want to see it again.

*****: Could you notice what they call an angry unruly crowd? And what just came up, they said I was interfering with the arrest.

Saltzman: That was you right next to him with the long hair?

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*****: Yeah.

Francesconi: Does this video show the grab or the shove of you? I didn't see it.

*****: There's no video evidence of me being thrown in the street. That was a little later.

Katz: What is this?

Katz: While you're rewinding it, mr. Martinez, the video that you saw, the video you identified as the "willamette week" video, does that show a different angle than this? Did you see this video? You did. The piiiac saw both of them? Why don't you go ahead and talk while you're rewinding it. I don't know what's going on.

*****: After this I was going to read my statement, so i'll get started. I'll begin with the charge of excessive force filed against officer a who broke craig's arm. My main criticism is that the finding of exonerated doesn't make any sense -- we can start here. This is the fellow bowing taken to jail for throwing the branch on the ground.

Katz: That's the conversation that they're having right now?

*****: Hey, what the [bleep]? This is a [bleep] public park: Hey: [bleep] you: What the [bleep] are you doing? Get off me: [yelling]

*****: Why did you arrest him and not everyone else in this park?

Katz: Okay.

*****: Stand back.

Katz: Go ahead.

Close: Beginning with the charge of excessive force about the breaking the arm, my main criticism is that the finding of exonerated doesn't make any sense with the evidence with the unprovoked, unnecessary brutality that occurred. Even with the limited evidence that internal affairs had to work with, how can falsely arresting someone, permanently injuring them not be excessive force? At craig's trial from the charges stemming from that day, which were two violations, which -- u.n.e one of which was dropped, the judge ruled craig had done nothing that satisfied any criteria -- the judge ruled craig had done nothing that satisfied any criteria for denying him his constitutional right to speak and be in a public park. There were no fighting words, no aggressive behavior. That was the finding of the court. That's not my opinion. Even if we were to say breaking the arm was unintentional, what is the excuse for pulling someone by an arm you know is broken for a block and a half and further torturing them in custody, resulting in them being in a cast for five months and being permanently injured? I'd also like to say in response to the comment it was five minutes before an ambulance came, I don't know exactly how long it was because I was handcuffed on the ground, but it was way longer than that. A lot of things occurred in between us getting to the jail and the ambulance coming that are also horrendous, like the fact he was continually searched, they wouldn't unhandcuffed him, when he's in the cell screaming, don't shut the door, i'm going into shock and they slammed the door and left him there by himself. It was way more than five minutes. Finding him exonerate second degree outrageous. There's also an issue of credibility with both officers a and b. You need only to compare the police report was the video of the incident to see the officers have not been truthful. Officer a stated at the trial that he did not know if craig had been injured. That was a rather shocking statement considering he wrote in his report he heard the bone break and according to the report of officer d, officer a asked him to process craig because he was concerned about having broken his arm. I would like you also to compare another statement from his report to what you saw in the video. He wrote craig, quote, began to swing a long stick at officer b. The finding of unfounded in regards to officer b that would be on the conduct and procedure I believe, although it's not spelled out very clearly in the summary, it was he who ordered the arrest, he who turn add peaceful event into a horrible incident. In regard to officer b, he stated on television after the incident that craig hit his horse twice with a pole and at the trial he had to admit craig had not actually hit the horse at all. He also stated in the internal affairs interview that

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the, quote, mounted patrol officers maintained complete control of their mounts during the entire demonstration and custodies, end quote. It is clear from the video the horses were out of control, knocking people around and it is clear at least from a photo printed in "willamette week" that officer b's horse stood on craig's leg. If you want to see it I have a photo. It's from the "willamette week" showing the hoof on the leg. Craig also had a hoof-shaped injury on his leg and I have a photo of that if you want to see it. The horse's hooves came extremely close to his head. There are many witnesses to fact the horse were dangerously out of control, including witnesses number 2 and 3. The video evidence shows officer b was also lying when he stated right before his arrest craig, quote, continued to yell and scream and block the sidewalk, end quote. On the video, even the enhanced sound version that was seen at the trial, you can sea hear me raising my voice and officer b lean nothing craig and saying, in a nonraised voice, things such as, don't get [bleep]y with me, you've made yourself a martyr, craig addressing him by name, and that's very clear on the tape and you can't hear craig saying anything. That's his version of yelling and screaming. He was indeed screaming after his arm was broken, and he needed an ambulance. He could feel the shards of bone moving around as he was pulled by that arm. This makes officer b's interview statement he was not aware of any injuries as a result of their action seem dubious. He also states he had no contact with me, which the video shows is also not true. Officer b is well documented lies, threats and abuse of people's rights certainly should be considered misconduct. I would also like to appeal the insufficient evidence finding in regard to my being pushed into the street and almost run over. Because we are judging conflicting statements we need to take into consideration once again the credibility of the witnesses. Internal affairs had two statements from police officers claiming I somehow fell into the street. There was also a larger number of witnesses who stated I was pushed or thrown into the street. Not only do these accounts outnumber the statements of the two police officers, there is an issue of credibility. In the report written by the officer who pushed me into the street, it states, quote, as I turned and moved her closer to southwest third she lost her footing or dropped to the ground, a common tactic during demonstrations. This doesn't make sense. I've been to demonstration and i've never seen someone hurl themselves on their back into traffic. It doesn't make sense that I was clearly following craig as he was being taken away. Why would I would I suddenly throw myself down in the open silt direction onto my back? All of the nonpolice witnesses agree I was pushed down into the street. One of these witnesses as was said before, saw the incident passing by on a bus. She stated that I was, quote, pushed very hard and -- into the street, landing on my back. The two witnesses who said I was almost hit were the ones closest to the incident. The statements of the two police officers contradict each other. Officer g stated he or she, i'm not sure which, was first ordered to make me into custody and then I end up in the straight. Officer c said I ended up in the street and then they were ordered to arrest me. No charges were pursued against me. I believe this underscores how unnecessary it was to assault me and endanger my life. I also think it's important to mention that two members of piac did vote to not uphold the findings and the chairperson abstained from voting because he felt there were too many unanswered questions. If this type of police behavior had been dealt with two years ago, perhaps we would have avoided the incidents of police abuse of protestors that have occurred since, such as the. *****: Fiasco. Officer a is a lieutenant and officer b is a sergeant and especially as high ranking officers it is important they're disciplined.

Katz: Let me ask you a question, and I asked it before, witness 1 said you landed on your back, witness 4 said you landed on your hands and face. And then witness 5 said the officer put his hands on her shoulders and pushed her backward when she lost herbal answer. So there is -- the witnesses have different accounts of what happened to you.

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Close: Right. But it makes more sense there would be discrepancies between people standing in different places than between the huge discrepancy of I caused it to happen and I was thrown. I think that's a bigger discrepancy.

Katz: I just wanted to -- that's probably why the examiners were somewhat confused because of different accounts. And we couldn't see it. I don't know if the other tape has what happened to you.

*******:** I don't think there's any video evidence.

Sten: Could you give me a sense of what happened prior to the shove? You brushed through the police line or that whole --

Close: Sure. At the very end of the tape you saw craig was being pulled off to jail. I was -- I -- he was seriously injured, so I was just following. There was -- there was a line of police on the street, and he was being pulled behind them to where the justice center -- toward the justice center, and I was running behind them to follow what was happening. All of a sudden I was in the street, I was running this way and was pushed back.

Sten: Somebody --.

Saltzman: You went through the line?

Close: That's not how I remember it. My purpose was to follow them to see what was happening to craig. I remember I was in front of them, running that way.

Katz: All right. Craig? Why don't you go ahead.

Craig Rosebraugh: Craig rosebraugh. I came to you -- come to you today in disbelief that after two years there still is no justice brought to the matter of a Portland police lieutenant maliciously breaking my arm. Arresting me and causing a spiral fracture to my left arm while I stood on a public sidewalk exercising my rights to freedom of speech and assembly. Both this lieutenant or the Portland police bureau have not accepted public responsibility for this horrendous act and yet still the original grounds, the original basis on why I was arrested in the first place proved absolutely frivolous, incorrect and unlawful. Thanks to video evidence and eyewitnesses testimonies, one of my charges, tampering with a police animal was dropped and the second charge, that of disorderly conduct, failing to obey, was ruled to -- a judge in Multnomah county district court. So we allege motives of the sergeant who ordered my arrest and of the lieutenant to took me into custody where -- were absolutely unfound. Still I was thrown to the ground by a lieutenant who snapped my left arm while trying to place me in what they call an arm bar. A technique one would expect a lieutenant to have mastered, but it didn't end there. Once on the ground an unruly mounted patrol horse stomp order my leg. The lieutenant wrote he heard my arm snap. He ignored my pleas and cries for immediate medical attention. He handcuffed my broken arm to my right, and proceeded to lift my body up by my arms. The fracture was to extreme I could feel my nerve rubbing against my bone as the ability to feel my lower arm faded in and out. By ignoring my request for medical attention the so-called trained lieutenant further separated the already fractured bone by placing my entire body wait on -- weight out by lifting me up on my handcuffed arms. He dragged me a block and a half to the so-called justice center where I was physically and mentally tormented bite police bureau. I spent that night in the emanuel emergency room and ended up being in a cast for five months and still the city of Portland, the Portland police bureau, the sergeant and lieutenant involved are refusing to accept any responsibility for this act of violence, let alone punish those individuals who committed it. There is clear evidence from the video the sergeant purposely and maliciously picked me, cornered me to unleash his attempts at some sick form of domination over me because he did not agree with my politics. Proof can be heard on the video as the sergeant calls me by name, one he knows only due to his frequent prior harassment of me. I was not the most vocal at this demonstration, I was not the most aggressive or threatening. The sergeant singled me out because he had ha rationed me before because he disliked my politics. And because

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the sergeant chose to single me out and order the lieutenant to arrest me, I am supposed to understand and live with my arm being broken and no one being held accountable. I did not participate in the internal affairs division so-called investigation or in the piii hearing due to the advice of my attorney. You see at the time I had filed a civil suit against the city of Portland in federal court on the grounds my constitutional rights had been violated. Guess what? With all the evidence in happened, documenting what happened to me, along with the realization I was not convicted on either of the two charges that supposedly warrant mud slide arrest, the city's attorneys tried to negotiate a deal. I settled out of court with the city of Portland for \$47,500. A meager such considering the hell I went through. Considering my constitutional rights that were violated and the lasting permanent damage my arm suffered in the incident. As far as the city is concerned, I should be happy. I got a small sum of money, so that should shut me up. The problem is not only has the city, the police bureau and the sergeant and lieutenant involved all accept to -- refused to accept responsibility, absolutely no sanctions have been taken against those responsible. And they continue to roam the streets ready to repeat the same violence again, simply because they don't like someone's politics, the color of one's skin or the economic bracket one my live in. Perhaps what angers me the most out of all this is that immediately after the incident, I was well enough to walk and leave the house, I repeat lid tried to set up appointments to see our mayor to show her the video firsthand so she could see for herself what her police bureau was made of. Our mayor, who is supposed to be open to all representing all the city, refused to permit me to show her this video. What angers me the most again is a notion of priorities within the city. The prior teasing of justice and accountability falls far behind maintaining commerce and pleasant relationships with wealthy financial backers of the city. If there are any shred of decency in the city, any sled of decency within the city government, the rights of all the citizens not just the wealthy elite would be protected. The city gave me \$47,500. A settlement that is obviously taken as an indication of guilt on your part, and yet you still will not publicly claim responsibility, apologize or penalize those who directly inflicted the violence. Would I have to ask, what do you say yourselves? What can you say for yourselves? Thank you.

Katz: Go ahead.

Francesconi: I have one question, sir. On the probable cause, when the judge dismissed -- tell me when that happened. Tell me about that.

*******:** When was the court date?

*******:** I don't remember. January.

Rosebraugh: I don't have the exact date.

Francesconi: Was it when you were charged criminally you went in front of the judge and the judge dismissed it on probable cause for the arrest? Is that what happened?

Rosebraugh: Yeah, that was for the disorderly conduct, failure to obey. He found there was -- the charge was unfounded, there was not probable cause to arrest me.

Francesconi: Did you have a trial on that issue? Or did he dismiss --

Rosebraugh: Before a judge. Yes, it was a trial.

Francesconi: So the whole trial happened and then he ruled?

Rosebraugh: Well, the trial was in process and he stopped it, citing it was enough evidence to make a decision at this point.

Francesconi: So it never even completed?

Rosebraugh: It didn't even complete.

Francesconi: Thank you.

Sten: Could you give me your description of what the interchange between you and the officer on the horse was?

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Rosebraugh: Well, it's hard to do without going a bit before and talking about what transpired with the individual who dropped the branch in the park.

Sten: Give me the synopsis.

Rosebraugh: I was standing cross the street in front of the federal building with elaine, and we witnessed an individual being arrested when the demonstration was over and everybody was leaving. And i, like I mentioned, had a his 30 with sergeant pool of harassing me, so I noticed he was involved so I walked over with elaine to see what was going on, why they were arresting him, just to be a witness. And at that point I asked sergeant pool politely why this individual was being arrested. He told me first it was none of my business, and then I asked again, and he said that the individual was being arrested for offensive littering. And I began to question how can you arrest someone for offensive littering? He threw a branch or a flower in a public park, where else would you throw a branch or a flower. And that began the transgression into sergeant pool I think becoming more and more frustrated with my questioning his role and his authority, and you saw the transgression of the events after that.

Sten: Did he say at that point, disperse or i'm going to arrest you?

Rosebraugh: I don't recall him ever telling me to leave the public park. The only thing I recall him saying to me is that first off, you -- it's none of your business, then after that he said the individual was being arrested for offensive littering, and after that he said, don't get excuse my terminology, [bleep]y with me, and then you've made yourself a martyr, and at that point that's all I remember flaring him.

Sten: So you didn't -- he didn't -- he testified that -- let's see. That you told -- you made a comment, the coappellant made a comment about arresting him, I assume that's you, and refused to leave. Is that true?

Rosebraugh: No. Not to my knowledge it's not.

Sten: Okay. And when -- when the videotape I imagine in court was really had the lightened audio and stuff, was there allegations made that the videotape missed some of this conversation?

Rosebraugh: I believe if my memory is correct during the court case, sergeant pool did state, and just what you read, that he claims he asked me to leave and that I refused. But the videotape did not show that, even the enhanced audio vision, and it's not to my memory that he ever asked.

Sten: So you were not under your mind under arrest.

Rosebraugh: Into. I was not under arrest up until the time where my arm was broken. And I was taken down. I had never heard the words, you're under arrest.

Saltzman: Officer b did not try to arrest you? Is that what you're saying? There was a point -- why did you back off away from the horse and hit the horse with your banner?

Rosebraugh: I didn't hit the horse with my banner. If you go back -- that's why the original charge was dropped, because it appeared as though did I hit the horse, but the videotape clearly demonstrates the amount -- the mounted patrol officer directly to the right of sergeant pool, in trying to grab me, struck the pole and -- with the horses coming out of control, and jumping around, he struck the pole and it hit the back of sergeant pool's horse. And it wasn't 93 backed away or struck that, but I was hit by the horse, as I believe.

Saltzman: The other officer was trying to arrest you?

Rosebraugh: I have no idea what he was trying to do. I had no idea at that time. He lunged for me and his horse lunged to me, so it's a natural response to step back when you have a large creature coming towards you.

Sten: What's your recollection of where were you in the conversation when he reached down and -- as I saw it on the video, tried to either -- I couldn't tell if he did grab your shoulder or tried to grab your shoulder. Where in the conversation did that physical move from him towards you happen?

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Rosebraugh: He realizing I -- he has had a history of harassing me due to my political work in the city, and --.

Sten: That's not my question. When did he --

Rosebraugh: It's important to lay that ground work. He immediately after our conversation was forthcoming about why the individual was arrested, him refusing to tell them and -- me and then afterwards telling me he was arrested for offensive littering, he stepped as though he wanted to say something to me. Is it common that police officers will try and identify a leader of a certain situation and -- in a protest group to give them comments they're supposed to tell everybody else? I thought perhaps that's what he was trying to do.

Sten: He motioned toward you.

Rosebraugh: And I stepped forward to him, that's when he grabbed me. I thought he was going to tell me, you know, something. I didn't know what. And that's when the whole situation began.

Katz: Let me just say that I -- the videotapes, as I look at videotapes in other situations, depending on the angle you see different things. And that's why I wanted to know if piiiac had seen all of the tapes, including this one.

Rosebraugh: I believe there were --

Saltzman: The piiiac seems to clearly say officer b attempted to arrest craig. And you're saying you didn't hear that or you did not --

*****: Not only did I not hear that, I didn't know that. And it's not -- it was never evident to me --

Saltzman: You were close enough to hear what he was saying, because you were in a conversation, saying he did not say you are under arrest for disorderly conducted and failing to obey an officer.

Rosebraugh: He didn't say that at all.

Katz: What about the police report? Did you review the police report? What does that say? We'll get back to you. Thank you. Go ahead.

*****: My name --

Katz: All you need to move over so we can get him on the mike.

Clayton Szczech: My name is clayton szczech. I was present at the demonstration in october of '99 as a legal observer. I'm identified in the internal affairs documents as witness number 2. As a legal observer I witness dozens of act of police misconduct on that day. I saw people roughed up, I saw small children endangered by the mounted patrol unit and I was threatened by officers for attempting to document the arrest of craig rosebraugh. I know in your capacity of piiiac you're only reviewing the quality of the iad investigation so i'll going to focus on that. I was interviewed on january 7th, 2000, by sergeant bottcher of iad. The telephone interview that he conducted with me was very brief. Sergeant bottcher was quite rude and he treated me as though I were a suspect in a criminal investigation. His question were leading and seemed designed to exonerate the police officers. For example, each question about the public endangerment by police was followed by the question, quote, you didn't notice any injuries resulting from that, did you? Unquote. Also when I offered my opinion that people were being forced out of the park unlawfully and unconstitutionally, he countered with his own opinion that officers were completely within their rights to do that, prejudicing any further testimony I might give and having a chilling effect on things I had to say. Equally upsetting, the internal affairs summary you have before you of my testimony contains two significant errors. First, the summary states that i, quote, saw the police escort the coappellant, unquote. In reality, what I described to the -- to sergeant bottcher was craig rosebraugh being dragged across the street. Even more disturbing, my description of seeing a woman pushed into on coming traffic by police is not referenced in the summary of my testimony at all. I do remember sergeant bottcher telling me the incident was, quote, irrelevant to the iad investigation. That's a

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pretty strange assertion, obviously given the woman has since been identified to me as Elaine Close. Basically to sum up, I am and was appalled at the way I was treated during the investigation. I think somebody who was less forthright than I am would have been very intimidated from ever coming forward as a witness or filing their own complaint again. His line of questioning was completely unprofessional and designed to exonerate the police as far as I'm concerned. And most importantly, the erroneous representation of what I said to him and the lack of very important testimony that I gave in the summary makes the entire internal affairs summary of my testimony flawed in my opinion. I hope you'll carefully consider these factors in your decision today.

Thanks.

Katz: Thank you.

Kristian Williams: My name is Kristian Williams, a member of Portland Cop Watch. I too was present at the October 15th, 1999, demonstration, acting as an observer. While I did not witness the police use of force against Mr. Rosebraugh or Ms. Close, I did speak about the incident with IAD Sergeant Bottcher and report on the quality of his interview. His questions were leading and seemed calculated to produce responses mitigating police misconduct. He responded to my complaints with a mix of out of hand dismissal, lack of interest, petty excuse and victim blaming. He portrayed a scenario in which the police did their best to accommodate an unruly demonstration. More than 400 people assembled that day remained in the bounds of law. No crimes were committed, no property was damaged and the demonstrations stayed on the sidewalk. Nevertheless, police in riot gear blocked the streets, the mounted patrol crashed through the crowd. Given the gravity of this misconduct, Bottcher's attitude is deeply disturbing. Worse, as these events foreshadowed the police attack on the May Day march, it may have -- to the Bureau's excesses a few months later. IAD failed on a related matter as well. I know one of the officers identified as Sergeant B in the report, was involved in three additional misconduct incidents in the following -- following the -- in the year following the events in question. Two were high-profile events, the third incident involved Sergeant B using his horse to pinna number of people against a wall and then making fun of a developmentally disabled teenager who was among them. Theoretically IAD and PIIAC used an early warning system to identify problem officers. Sergeant B remains on the force in a supervising capacity. Lastly, Commissioner Sten has asked repeatedly about the tone of this event. If you want more information I'd be glad to speak to that.

Katz: Thank you. Questions? Thank you. Sergeant Buchard, come on up. You've been accused of -- Mr. Martinez, why don't you come on back too. Were you the only one -- come on up. Identify yourself for the record.

Buchard: I'm Lieutenant Steven Buchard. I'd like to object, state an objection to the hearing of the testimony from Mr. -- from coappellant, and the presentation of injuries. We weren't able to view those during the investigation. He refused to give us that information. Since this is an appeal process, that evidence was not available for our findings, and the appeal process -- the appeal process is not a place to bring findings forward. Specifically I'd like to address some of the accusations, some of the things that were addressed by the appellant and the coappellant. The finding of not guilty was actually determined at a court of law. The judge found that the coappellant was not guilty of the charges issued against him. There was probable cause, however, to make the arrest. The probable cause was substantiated by the district attorney's office who issued on the case, and went to court with it. The difference in the judge's verdict and the officer's probable cause for arrest is the difference between probable cause and beyond a reasonable doubt. I'm sure you're aware of the different level of proof in that specific instance. I think the appellant here, it's obvious by the video that there are some truthfulness issues with the appellant. The allegations that -- there were allegations made by the appellant that the horses stepped on the coappellant and that that was obvious in the film. We reviewed -- we have reviewed this videotape

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and other videotapes, and at no time was anyone from the police bureau or anyone from piiiac able to determine whether the horse actually -- a horse actually stepped on the coappellant or not. The photograph that was presented from the "willamette week" that was offered as evidence by the appellant, that clearly shows that the -- a horse stepped on the coappellant. Again, it was reviewed by the police bureau and reviewed by piiiac and there was no -- it was inclusive as to whether that actually occurred or not. If you review the videotape again, you'll see that once the coappellant is taken into custody, that he is escorted out of the area using -- by his other arm. He was removed from the area, as I stated before, because of the crowd. Also I failed to mention before that the designated custody area was at central precinct. That was a predetermined location for all of the people taken into custody to be removed to. As far as her testimony that it took more than 45 minutes for the police to summon the medical, according to the time indicated on the ppv videotape, the coappellant was taken into custody at 1737 hours, cad printouts show fpb was summoned at 1742 hours, five minutes later, and medical at 1751. Pfb arrived at 1747 and medical arrived at 1759. Clearly there again it's hard documented proof that there is a difference in opinions and the statements made by the coappellant. The -- one -- the last thing i'd like to touch on is the information that was just presented by the witnesses in this case. The piiiac reviewers do listen to the audio tapes of the investigations, and of the interviews of each of the witnesses. I believe you'll see in their summary that sergeant bottcher did those, and -- in a very professional manner. Mr. Williams' information that he was giving sergeant bottcher was in reference to Portland police bureau's policy on crowd control. He didn't have specific information to the specific allegations, and that's -- that is what officer -- sergeant bottcher was tasked with, is a fact finding mission on these specific allegations. He was not instructed to, nor does he have the authority to conduct an investigation on Portland police bureau's crowd policies. Mr. Williams easily could have gotten the impression that he didn't care about those in reality, they weren't relevant. And the same can be said about the testimony of the first witness, i'm sorry, I can't pronounce his name, in that the specific allegations weren't addressed. Finally, and having a chance to review some more of the information, some more of the investigation, I wanted to respond to your questions about the appellant's apparent push or shove into the street. If you look closely at the witness's testimonies, and I believe have you the piiiac's summary of these, you'll see that on -- I don't know if you have the same pages, but summary of witness interview number 4, it says that he observed an officer grab the appellant by the shoulders and throw her onto the street. Notice the person says "grabbed her by the shoulders." if you look at interview number 5, the officer put his hands on her shoulders and pushed her backwards. I think that is also indicative of the different types of observations made. Clearly the officer said he grabbed at her shoulders. I think that is something that was witnessed by everyone. How -- what force was applied I think is -- you're unable to determine that. And the coappellant also stated that she was not behind the line when this occurred. All of this -- these witnesses, independent witnesses, witnesses involved in the crowd and police officer witnesses, all say that she went through the police line to get to the coappellant. There was no discrepancy in any of the testimony found in here other than hers that she stated today that she went through the police line. A police line is there to stop people from getting behind you. It is an area where officers are vulnerable to. If someone gets behind a police line, that is a major concern. She was also approaching and possibly interfering with the custody of the coappellant. To grab her and take her into custody, grab her and even to grab her and throw her to the ground to take her into custody would have been appropriate. To simply just shove her for the purposes of shoving her would not be appropriate. And that's where I think the distinction needs to be made. Yes, he used the force. He did grab her. What happens, whether she tripped, she fell back, whether he threw her to the ground, it -- it was still necessary to protect the flank of the police officers.

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Sten: A couple questions. It looked like a very, to me, funny procedure to have him -- what's the procedure on a horse to make physical contact? What would warrant reaching down and trying to hold on to somebody from a horse? It looked to me when the officer was reaching down from that videotape that that sort of created a very -- i'm looking for the right word -- is that proper procedure to reach down from a horse like that?

Saltzman: If you're making an arrest.

Buchard: Yes. I'm not an expert on horse patrol. I've never worked horse patrol, but I do know that they do make arrests from the horse, they do take people in custody from atop the horses. And they do that by reaching down and grabbing them and pulling them towards them, and they maintain that control until a foot officer or dismounted officer can take the person into custody. The horse officers are taught never to dismount their horses. So they take people into custody routinely by doing what you just observed in the video. The procedure -- the horses, the way they reacted when the coappellant was taken to the ground, was being handcuffed and taken into custody, was also appropriate. The horse moved around and formed a circle around the officer down on the ground to protect him, and to keep the other people from becoming involved in that arrest. They used the horses to physically move people away as they did with the appellant.

Sten: To your knowledge, if he was not actively making an arrest is it good procedure to reach down from the horse like that?

Buchard: I wouldn't -- other than to get someone's attention or to hand them a citation or something like that, they're placing themselves off balance. I'm not an expert at horse --

Sten: What -- what -- do you have in your mind clear evidence that coappellant was put under arrest?

Buchard: I believe so. Any time an officer grabs someone and tries to pull them towards them, I believe they're being taken into custody. That in my mind is --

Sten: Does one need -- does the officer need to tell the person they're being taken into custody? Can -- concurrent to doing that under procedure?

Buchard: No. The only time that applies is when the resist arrest charge is being questioned. A person has to know that they're being placed under arrest and to notify them that they're being placed under arrest is necessary under that situation.

Sten: Did you hear the officer say anything about putting him under arrest on the videotape?

Buchard: You know, I -- I was questioning that when the appellant was bringing that up, or I believe it was the coappellant was bringing that up. I thought I did, but I cannot be certain.

Katz: Mr. Martinez?

Martinez: Yes. Because did I do the follow-up --

Katz: Move the mike closer to you.

Martinez: I did -- I was curious about the same question. Because I -- this is one of my first cases and it was a large and complex one, it was difficult, but I did do most of the interviews, and I listened to them, and they're pretty much verbatim what was said on the videotape. And it says here, somebody -- officer a, the arresting officer, the one that made the arrest, officer a responded to the park and heard officer b on the horse in an extensive exchange with the coappellant. He heard officer b tell the coappellant to leave the park or get arrested. Now, before that, if you look at the a, as the crowd was breaking up he heard officer b asked for -- ask for assistance in making an arrest over the radio. He heard it over the radio, and so he came to the location of the officer and saw this was the person that was being under -- arrested.

Sten: My question would be, how -- as I saw the videotape, this all happened in a very short period of time. I don't notice -- what's being alleged in the comments? I'm just trying to get to the bottom of this. Officer b heard comments that the videotape didn't pick up, and I don't see in the videotape, you know, any evidence of hip going to the radio. I just don't know how all that could have

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happened in the time period I saw on the tape. Something seems wrong in the -- and the two descriptions don't add up.

Buchard: I'm sergeant steve buchard. I think it's pretty obvious that the videotape does not begin at the very onset of the contact between the sergeant on the horse and the appellant -- the coappellant. It's obvious that they're already engaged in some sort of conversation when the video shows up. And --

Sten: How long were they engaged in conversation before the video shows up?

Buchard: I don't know that.

Sten: You didn't check that out as part of the investigation? There's no evidence on the video that -

Buchard: The sergeant on the horse, I can't remember exactly what he said, but he said he had I believe warned the coappellant that he didn't -- if he didn't leave the park he would be arrested. At one point he also said the coappellant said, go ahead and arrest me. And I don't know how much time had elapsed or whatever, but at one point the coappellant didn't disperse or move on like he was asked to, and that was apparently when the sergeant decided to make the arrest, which would be to first grab hold of the coappellant.

Saltzman: And advise him he's under arrest, too, right.

Buchard: Just grabbing a hold of somebody can't be -- can be construed as they're under arrest. We don't have to tell them they're under arrest when we lay hands on them.

Sten: My next question, the coappellant did not look threatening to me. I don't understand, it -- I understand it was a crazy situation, and -- in which there was a lot of -- people have to -- i'm not expecting people to get everything right in that kind of mess, but he just looked like he was basically standing there to me. I didn't see him resist arrest, and if he did, it looked passive to me and I didn't see evidence he was under arrest. So that's -- i'm driving pretty hard here because i'm worried about what were the grounds to take him down rather than come over and arrest him.

Buchard: From my years of experience, and I can't tell this particularly applies in this case, but my years of experience of -- if i'm by myself or if i'm in a position where I cannot effect an arrest safely by myself, i've already made a decision in my mind i'm going to arrest this person, i'll ask for cover or help to show up. And when that help shows up, then i'll make my initial move, which will be a signal to the cover officers to move in and take this guy into custody. I'm presuming this is the case here.

Sten: I'm talking about this case, not what could happen. You've got two guys on horses surrounding a guy -- this is my problem. I need to get it explained to see it your way. I've got two guys on horses clear as day on the video surrounding a guy who's standing there. It didn't seem to me that the necessary action to get him under control was obviously -- my understanding of use of force, you -- I didn't see -- it seemed to me there ought to be steps in between surrounding him with horse and bringing in cover and then tackling him with the arm hold.

Buchard: I can address that. I think you saw that in the videotape and you've asked questions about that. The sergeant on the horse and another officer both reached out and tried to take him into custody. The sergeant had a hold of him, the coappellant broke free and another officer reached out to grab for him. He stepped back from that person. There were two opportunities for him to give up and be taken into custody. And the -- his refusal to do that is what prompted officer a to come in and take him into custody, using the arm bar. What step it was from telling him he's under arrest or telling him he's being taken 92 custody and the fact the officer took him to the ground --

Sten: There's two issues that i'm concerned about. One is that I don't have any evidence he was under arrest other than assumption. Did people -- I assume everybody on the force would have heard the radio call for assistance.

Buchard: At that point, with the chatter that's going on on the radio, no.

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Sten: Did we confirm that?

Buchard: I'm not even sure that under those circumstances with that many officers at one scene all talking on the same net that radio is going to be able to give you a transcript of what was said.

Sten: Lieutenant, I --

Buchard: That wasn't done.

Sten: I think I got that.

Buchard: As far as him calling for someone to take him into custody, that would be procedure for them to do that. A horse -- horse officers will take someone into custody, and as I stated, they'll have another officer come up and actually take physical custody of the person.

Sten: Okay.

Francesconi: This is an important point for me too.

Sten: I've got another question.

Katz: I don't know if this helps, but the interview of officer h says that the coappellant appeared on the scene, wanted to know why the protestor was arrested, officer b told him numerous times to leave or be arrested, the coappellant said go ahead and arrest me. Officer b reached down to grab the coappellant and he pulled away, and swung the banner or whether the banner swung because he pulled away -- the.

Buchard: The -- officer h -- the appellant also says officer b told the coappellant -- this is getting confusing -- that he had to leave the area. He told him to disperse. That was substantiated and the appellants -- in the appellant's interview given to us.

Sten: Which I agree with, you've made a clear point on the question of whether or not the appellant was shoved, that when something like that happens, it's very unclear which direction it went to. It actually -- but you then on the issue of how we escalated to the arm bar, been very clear what happened is the coappellant tried to pull away from the horse. It looked to me like the horse backed up. He looked to me to be standing still. Do you disagree with that?

Buchard: I think we could review it again. He didn't -- I don't think he was cooperating with the police. I think that's pretty evident that he was not cooperating.

Sten: If somebody --

Buchard: If the second officer lunges from his horse, he reaches out quite a ways to grab --

Sten: It looked to me the horse was moving. It looked to me similar to the situation you're saying with the other one, but on this one it feels like you've got a clear explanation that he jumped back, where on the other one, when -- the more likely thing when somebody goes flying this way is they were shoved, but you're making a very compelling point that it could be either way. I'm confuse order this one how it's clear, because I didn't see the coappellant move. I saw the horse move. I can look at it again.

Buchard: That could be the situation. But I think that he just was not cooperative. And you have to remember that this is a one-on-one situation, one officer against one person being taken into custody. There weren't two officers taking him into custody. This is the officer a that finally comes up and takes him to the ground. There's one officer on one person. The person had a pole that could be used as a weapon. This was in a large crowd of people where other people can quickly become involved, and -- in a situation like this, that is still appropriate for that officer to use an arm bar technique and -- in taking someone into custody.

Sten: If -- if somebody is being -- I don't know the right term, i'm not going to get this exactly right, but if somebody is being verbally uncooperative, but not making a physical fight, is the next most appropriate force -- use of force an arm bar? What i'm getting at, when you demonstrated to us the way you arrest somebody, there was a whole level of steps taken before you threw the arm bar. As I watch this individual yes tape, the arm bar was where -- was the first contact and --

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Buchard: You're correct. That's the point I was just addressing. Given the circumstances of -- there's many things involved with this. It is the environment that you're around, the number of individuals that you're dealing with, it's the demeanor of the person, of the crowd you're dealing with, the availability of weapons. There's a lot of decisions and a lot of criteria that go into when an officer escalates the use of force. The use of force he escalated was one step above the stand can put your hand behind your back procedure. That was one force above that. Under these circumstances, I think taking that one additional step because of the hostile crowd, because of I thought it was apparent that the coappellant was uncooperative, but even if he wasn't, the hostile crowd, the fact he has a potential weapon in his hands, and the fact that it's a one-on-one situation, would allow an officer to escalate that to that one step.

Sten: His -- I think it is close whether you do the step or not, his body language to me looked like a very typical political protest without -- I didn't sense looking at his body language that he was setting up to strike at the officers. I thought he was basically just almost being passive is the way I read his body language. Did you read it differently?

Buchard: I didn't. I thought that he was trying to get away from the first initial mounted patrol officers. That's the way I observed it. That he pulled himself away from them. But even at that level, it's -- the potential for being injured. The police officer has to weigh that. The potential of being struck with this stick, or whatever.

Saltzman: So if somebody is placed under arrest, I guess i'm still -- this is still an issue to me, whether officer b clearly stated --

Buchard: They don't need to say, "you're under arrest," before 3 lay their -- before they attempt to take someone into custody.

Saltzman: If they did not say that and the coappellant resisted having his shoulders grabbed, is that resisting arrest?

Buchard: No. The only requirement that someone is being told they're under arrest is if someone is -- if they're being charged with resist arrest. That's the only time.

Saltzman: Okay. But officer b, according to his interview, I guess, could say he placed the coappellant under arrest. Is that what you heard?

Martinez: He told me it was an arrest.

Saltzman: It's based upon your listening to the tapes of the interviews?

Buchard: And that isn't clear from the video either. Because he's right next to --

Saltzman: I can't tell from the video.

Katz: Well --

Saltzman: He did very wally say you're under arrest, even though he didn't have to, it's important for me that he did say it.

Katz: The protestor told officer b to -- and I can't use -- I won't use those words, but they're rather offensive. Officer b asked again to pick up the branch or be arrested for offensive littering. The protestor was arrested without incident. This is an -- and escorted by the foot officer to the justice center. Is that the other one? Sorry.

Francesconi: Are you finished, commissioner Sten?

Sten: Yeah.

Francesconi: I just want to -- i'm actually struggling with exactly the same issue, commissioner Sten was. You were very helpful in officer c as to kind of helping me understand the line between when you -- if grabbing versus shoving, and so what's proper, when you testified the first time, I thought I understood that there had to be some steps in between before you went to the arm bar, but when you just testified to commissioner Sten, you threw in another factors that I didn't hear the first time. I'm not blaming you, but i'm having -- now i'm struggling with when do you actually use an

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arm bar? That's the issue. For me. Now, in terms of -- and I am going to have to see the videotape again. I am going to ask you to comment.

Katz: Do we have the other video? Do we have all the videotapes here?

Francesconi: That would be helpful.

Martinez: I tried to get the tape last night, and -- [no audio]

Buchard: I don't -- mr. Martinez can attest to this, but it's just from a different angle. I don't think --

Katz: It's not going to --

Francesconi: Okay. Now, one in the allegation, the summary of -- well, is it -- is it important if -- or not -- if officer a first grabbed the coappellant, who then backed away? He put in his statement he did that. Is that important? Does he need to have done that? Officer a. Officer a, in the statement of the interview of officer a, it says he grabbed the coappellant, who again pulled away. So that would be resisting arrest, and then you use the arm bar. Is that important, or not? Or is it just the horse?

Buchard: No, you've got -- I think there's some confusion with the officers here. Your summary of interview of officer a, is that the one --

Francesconi: Right. It says officer a grabbed the coappellant who again pulled away. So that -- if that happened, and I saw the videotape but I wasn't looking at that, I missed it, I guess, is that essential for that to happen before you do an arm bar?

Buchard: It's not essential, no. But it's another -- there is -- to address your first question, and then go farther --

Francesconi: Please do.

Buchard: The continuum of force that we discussed, and I showed you the first control hold and -- of just controlling someone, the first step in taking someone into custody with their hands laced behind their back, and -- which then evolves into an arm bar custody, there's also other ones. There's -- there's several different holds that come from this basic control hold. But there isn't criteria. You don't have to meet a, b, c, d, and f before you go to the next one. It's the sum of all of the information that a person has, and that information has to be analyzed and just -- in just a split second before the person has a chance to react. Once you grab ahold of someone's arms, they will immediately react. Even a real passive, cooperative person will stiffen up.

Francesconi: Let's say that -- okay. I shouldn't interrupt you. Keep going.

Buchard: I was just going to say I can't articulate, this has to happen, this has to happen, and this has to happen before you go into an arm bar. In the statement here made by officer a that the coappellant pulled away, the coappellant pulls his arm towards him like this, and that's one of the first initial reactions that someone has. They'll pull their arms together like this and then turn, which will prevent you from having control. Once the elbow is bent you have no control over the person. It becomes a struggle of strength.

Francesconi: Where i'm -- here's what I think, and I guess I have to look at this videotape again. It looks like the appellant was backing away from the horse to me, or the horse was backing -- commissioner Sten pointed something out that I didn't -- I don't know, but it didn't -- it seemed to me like he was frankly afraid of the horse. That's what it appeared to me. And that he wasn't trying to necessarily resist. My question to you is, let's assume that's true, but can the officer still do -- can he still be the lock bar because the officer thinks it?

Buchard: Sure. Let's just say this person is standing in the park and he's being arrested for an unrelated thing to this incident. Just some minor crime he's being arrested for. The horses aren't there, there hasn't been any attempt to pull away or step back or whatever. An officer will come up and take the minimum control hold like that. If a person tenses up and starts moving, it's appropriate for that officer then to immediately escalate the use of force. And there are, as I

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explained before, there are several different control holds to use. The arm bar is one of them. You're in a area where a person suspect limited, an arm bar is usually the preferred method for taking someone into custody. So had this just been a citizen standing in the park all by themselves and they're being taken into custody, a reaction like that would have elevated this to an officer using an arm bar. In this situation there was much more involved.

Francesconi: Could you answer -- tell me what the circumstances would have to be on a videotape, or anywhere, forget the tape, for -- for an arm bar to not have been appropriate. Just like -- remember how you did witness officer c and you gave me the circumstances? What would be inappropriate for an arm bar in this circumstance? What facts would have to be present?

Buchard: Inappropriate would be in that same situation, where there's a person -- where a person is in the park, it's a very minor crime, they're -- the two officers approach the subject to be taken into custody, there has been no obvious resistance, no crowd around, they're all by themselves. The officers approach and grab the person's arm and the person stands there like this. That would be inappropriate for them to use an arm bar. Looking at the videotape, it -- is it a close call to you whether an arm bar should be used?

*****: Not at all.

*****: The reason --

Katz: Identify yourself for the record.

Steve Buchard: Steve buchard, internal affairs. It's important to remember that the police bureau teaches these techniques for one specific purpose, and that's to limit the risk of injury to the officer and to the citizens as well. The sooner we can gain control of an uncooperative person ore an uncooperative suspect, the better off it is for the citizen himself and fore the police officer. Because when someone is under control, they're not going to be harmed or receive some sort of injury. In this case as we already talked about, this is a 1-1,000 case where the gentleman's arm was broken.

Katz: Yes, mr. Martinez?

Martinez: Jose martinez. Because I was just looking at the facts of the case, probably the first arrest that initiated the others to come over and so forth, that --

Katz: The one that I --

Martinez: That you were talking about. That would be probably as I saw, that would be an example, he went cooperatively and they handcuffed him and took him away and an arm bar wasn't necessary.

Katz: Any further questions?

Francesconi: Is there anybody on piiac has been out there that has a different opinion on this arm bar? I don't know if I can ask that question.

Katz: You can ask anything you want.

Sten: Two people voted against it.

Katz: It was 6-2.

Francesconi: I'm asking a specific slew on the arm bar, not some general vote. Do you understand my question? Is there anybody on piiac who thinks that the circumstances that -- at which you use an arm bar are more narrow than what was just testified to, or thinks the arm bar was inappropriate in this case? Those are two different questions. I guess i'm asking the two who dissented or the one who abstained. Are you here? Are they here? Oh. Then let me say a different question. Was this important to the two who dissented? Why did the two dissent? I keep changing the question. [no audio]

Katz: Do you know why?

Buchard: No. I would just like to sum this up by saying that the exonerated finding by the police officer was because this is a bureau-taught procedure, what -- we believed it was applied appropriately. The -- I think we've stepped over that into the realms of policy, is this policy to use

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an arm bar in this situation, our decision was based on our policy and our procedure and that's what the final finding was.

Katz: All right. I guess I apologize to the council, I have very little patience on this. I think that again we're put in a position, you don't have all the tapes for the interviews, you don't have the police reports, you don't have the transcript of the trial. We shouldn't be in this process right now, because we're -- okay. Enough. But I'll take a motion. I'll take a motion. I have a 12:30 budget meeting.

Francesconi: Well, I'm going to do it in parts, and we can do it by process of elimination. I move that we uphold the findings, the ppiac recommendations on officer e, g, h, and i.

Saltzman: Second.

Katz: Okay. Do you want to break it -- do you want to break it out like that?

Francesconi: I'm going to let somebody else make another motion.

Katz: There's a second. Roll call. This is on officer e, g, h, i.

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

Katz: Mayor votes aye. [gavel pounded] all right. I need another motion.

Sten: I'm comfortable with insufficient evidence on officer c. I can make a case, but I -- the evidence for me isn't sufficient. I am not comfortable with exonerated on the use of force of officer a and I'm between sustain and insufficient evidence, so I'd like council discussion.

Francesconi: How about officer b?

Sten: Officer b, I'd -- I can make a case for insufficient evidence. I certainly wouldn't sustain the complaint, but I could probably leave it at unfounded. It's really the use of force on officer a.

Francesconi: Let me make a motion on officer b that question uphold the ppiac finding.

Katz: And on officer c?

Francesconi: That's my motion for now. We're getting there.

Katz: Just b?

Francesconi: Yes.

Katz: Do I hear a second?

Saltzman: Second.

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

Katz: Mayor votes aye. [gavel pounded]

Francesconi: On discussion on officer c, I find -- I'm having trouble with insufficient evidence, to be honest. Not only because of the independent witnesses, but the officer's story just doesn't add up. So that's why I'm even having trouble with insufficient evidence. It doesn't make sense to me.

Saltzman: I'm for comfortable with --

Francesconi: The alternative could have been the officer could have arrested this person. So I'm not saying that on the scale of things -- but that's somebody else's issue. That's the chief's in terms of the amount of discipline. The officer could have actually arrested the person and then --

Sten: --

Buchard: The officer did arrest the person.

Francesconi: Oh.

Saltzman: I'm comfortable with insufficient evidence on this one. On c.

Katz: Okay.

Francesconi: I guess I wanted to hear discussion. I'm leaning the other way.

Sten: My common sense says the person was shoved. I understand that physics says you go one way, you probably got pushed, but I think if you're holding someone by the shoulder you probably don't go flying into street. That's a fair amount of force to move from the sidewalk to the street. But there's just enough conflicting evidence I'm not willing to sustain it.

Katz: Go ahead and make a motion.

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Saltzman: I'll move to uphold piiiac findings on officer c.

Katz: Second.

Katz: Roll call.

Francesconi: This is a I have close call. But i'm going to vote no on this one.

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

Katz: Aye. [gavel pounded] motion carries. What are we left with?

Sten: Officer a.

Katz: Could you go we've got use of force, we have conduct and procedure.

Francesconi: Just for the sake of discussion, and I want to eliminate some things. There was a lot of testimony about malicious intent, about relationships to may day, all this kind of stuff. And I don't accept any of that. On the issue of breaking the arm, you know, unfortunately I think some of this can occur. So the question -- the question comes down as should it have been done at all, at least that's where I was at, and there's a why I was asking all these questions.

Saltzman: I'm struggling with commissioner Sten between insufficient evidence -- I don't think from what i've seen and read that I can totally exonerate the use of force in this particular instance. This particular use of force application. It just seems that there was not a large crowd around there. There were a lot of officers almost surrounding the coappellant. It seemed to me that -- and I believe the coappellant was placed under arrest, verbally placed under arrest by officer b and should have complied, but I didn't see a lot of aggressive resistance that warranted, it looked like officer a just came barging out of left field and went to immediate the bar hold take-down. I think there could have been a lesser step involved. But -- so I could be comfortable with insufficient evidence on that.

Katz: And on the conduct and procedure?

Saltzman: I'm okay.

Katz: Okay. Do you want to make a motion?

Saltzman: Sure. I'll move to modify the finding from use of force to exonerated to insufficient evidence. For officer a.

Katz: Do I hear a second? Second. Roll call.

Francesconi: We're on the use of force?

Katz: Yeah.

Francesconi: Well --

Katz: It's the -- from exonerated to insufficient evidence, unfounded, unfounded.

Francesconi: I think the conduct was -- on that allegation is unfounded. I think the procedure is unfounded. I think the -- this should have all been avoided over a grass or a piece of whatever thrown on the ground. I believe the appellant did not know he was arrested from what I can see on the videotape, at least he didn't intend, he didn't know this was happening. But I think it was unfair to officer a, who I think was following a policy frankly with which I disagree. I think that the policy is wrong, and I think the circumstances are wrong. But to then put this on officer a's record, I don't think I can do that. But I think this situation, let me be clear, should have been avoided. So i'm going to vote no.

Saltzman: Aye.

Sten: A couple comments. First, this to me, probably talking to the new ipr and our new director as much as all of us, it seems to me it happens every time when these cases come forward that we have to focus as we should on the complaint, but what is ultimately at least equally interesting to me, and I think ultimately probably more important in the future is what was the series of decisions that led to this incident. And it just drives me crazy, and i'm a broken record on this, that on these things it is always left out. So i'm -- I think we have made some changes in how we approach protest and this is one of many protest that's got out of hand that I think is a two-way street. I don't

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blame our officers completely and I certainly don't exonerate the protestors completely. We've worked very hard to get a new permit system and those things and I hope will keep trying to improve it. But this is one in which I just am very uncomfortable with the entire set of decisions of -- including arresting the person for the branch. I cannot believe in my brain and heart in weren't other options to, and I think that's what's got to be looked at. This was a situation that didn't necessarily have to escalate the way it did, and I think we have to be the ones that go the extra mile to try to not escalate it. I'm not convinced we did. It gets much hard tore sort things out once it escalates. As this case shows. I -- so I hope we'll look at the bigger policy. I understand very well the argument. I understand the policy. And many of you will disagree, but I can't get to that it was necessary to take him down this way. So i'm going to vote no.

Katz: Yes. Motion fails. [gavel pounded]

Francesconi: We have two no votes --

Katz: The motion fails. For different reasons.

Francesconi: No votes for different reasons.

Katz: I do hear another motion?

Francesconi: What -- a procedural question. What happens --

Katz: If --

Francesconi: What happens if --

Katz: You leave it the way the piiac -- you leave it the way the piiac recommendations were given to us. If we can't change them. Correct? Walter?

Ben Walters, Office of the City Attorney: That's apparently the case. I've been look over robert's rules of orders on a tie vote, and there would be no reversal, it would be no modification.

Katz: You leave it the way it is.

Walters: It would remain as-is.

Katz: I'm going to ask for another motion. If I don't hear another motion, then we'll leave it the way the piiac advisors have recommended to the council, which is exonerated, unfounded, unfounded.

Sten: I would -- i'm not sure if robert's rules of orders, mayor, you'll have to help me --

Katz: It's right.

Sten: I would be willing to recall the question on insufficient evidence, having had it fail. I don't know what motion I need to do to do that.

Katz: You want -- not -- were you on the --

Francesconi: Just do it.

Katz: Technically he asked me, he has to be on the prevailing side.

Saltzman: I'll make the motion. Motion to reconsider my original motion for -- to change exoneration to insufficient evidence for officer a on use of force.

Katz: All right. Any objections?

Francesconi: No.

Katz: Okay. So ordered. [gavel pounded] i'll take a motion.

Saltzman: I think I just made a motion. I made the motion to reconsider.

Katz: Thank you.

Saltzman: Okay.

Katz: Make another motion.

Saltzman: I would make the motion to change the piiac finding on officer a from use of force, exonerated, to use of force, insufficient evidence, and to carry through with the other recommendations, conduct unfounded, procedure unfounded.

Sten: Second.

Katz: Roll call.

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Francesconi: Just so people are clear, I don't think the appellant really knew he was being arrested or really contributed to this. The problem i'm having is that officer b was saying some things or some circumstances there and to hold officer a accountable for all the circumstances, when he's coming in according to a policy I don't like, is the only reason. So I want people to be clear about the only reason i'm going to vote no on this.

Saltzman: Aye.

Sten: I'm willing to support a stronger finding but obviously i've asked for reconsideration because i'd prefer it was insufficient evidence rather than exonerated.

Katz: Aye. [gavel pounded] all right. Let me just add my -- right now, I hope that under the new procedures that we won't be getting cases like this without all the information that is necessary without all the information that the piii advisors saw and heard. It is really very difficult for us to make those kinds of decisions without that kind of information. Okay. Thank you, let's move on. 1290.

Item No. 1290.

Glen Meyer, Chief Information Officer, City of Portland: Good afternoon. My name is glen meyer, the chief information officer for the city of Portland. I'll make some very brief comments and hand it off to sue to make a comment. Recently through the request for proposal process, in cooperation with the bureau of purchases and a number of other bureaus, we have create add list of qualified vendors and 5 software programming areas. The vendors will be used as needed for specific projects as they're defined. By various bureaus and this action will also provide for efficient contracting. Before I hand it over to sue, i'd like to make four acknowledgments. I'd like to acknowledge debbie from pdot who really did the heavy lifting on the rfp development. Art alexander who did all the coordination, carol o'reilly who helped with the rfp process, and the -- in the purchasing bureau and dennis harper who helped with the contracting work. And with that i'll hand it over to sue.

Katz: Okay.

Sue Klobertanz, Director, Bureau of Purchases: Sue, instructor of purchasing. Given the magnitude of the last two items you've just heard, this is really a nuts and bolts, few comments on the nuts and bolts of how we operate. But you as council direct us to save money, you direct us to focus on sustainability issues, you focus on -- you direct us to do business differently and do it better. This was an opportunity to tell you that we're doing that and use this contract as an example. This particular contract attempted to capture all of the information technology programming needs and receive competitive bids once rather than multiple times throughout the year. We utilize the purchasing web-based e-bid system which allows posting of contract specifications on the web and the ability of interested parties to download that information. And then we also allowed copies of extra copies of the proposals to be submitted electronically. As a result of doing that, number 1, we had increased bidding activity. We received 149 proposals. That is absolutely unheard of in most contracting opportunities in the city. That was -- we received india -- far away, from as far away as I believe india, a proposal for i.t. Services. So people were looking at our website. We saved time because we bundled these together, and did it electronically rather than the old copy the paper and stick it in the mail type routine. We estimated that 40 to 80 of direct staff hours were saved. We served -- we saved further contracting processing time. If we had condition these individually over the years as the i.t. Need came up, we estimate there would be a lapse time of 62 to 100 hours in terms of processing and waiting for the paper to make its way through the system. We saved postage. We -- because we did it electronically, didn't mail out the items, we saved approximately \$100 in postage. This particular process also discouraged vendors from submitting proposals in bulky notebooks and encouraged them to submit out recycled paper. And finally, we saved paper. I brought with me today -- because the firms could read the specs online and we didn't need to print

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copies and because they only submitted one hard copy of their proposals rather than six, we saved approximately this amount of paper between what the city would have printed and between what the contractor or the vendor would have printed and submitted to us. In the big scheme of things and when we talk about public safety for the last three hours, this may seem like a very small thing, but I wanted to bring it to your attention that the system we are designing does work if the bureaus will allow us to use the tools that are -- our office has available. And as a result of this, would I just request that you approve the council item 1290 that have you in front of you.

Katz: Questions?

Saltzman: One question. We have all these lists of prequalified service providers. Within each category how do you choose? You have lots of people to choose from. Do you work down the list, or --

Meyer: Glen meyer. Each -- as each task would be identified in the bureaus, we develop a task order, a scope of work, and then we would evaluate which of the vendors in the list were most appropriate for individual and specific tasks.

Saltzman: So you make that decision, you don't work down the list --

Meyer: We'd make that decision with the bureaus.

Saltzman: Okay.

Katz: Further questions? Anybody else want to testify? Roll call.

Francesconi: Saving taxpayers' money and saving the environment at the same time are important things. We appreciate it. Aye.

Saltzman: Good work. We appreciate the paper you saved. Aye.

Sten: It's great. Aye.

Katz: We are entering the 21st century. Aye. [gavel pounded] all right. 1291.

Item No. 1291.

Katz: Anybody want to testify on this item? Come on up.

Saltzman: It's a good grant.

Dan Slausen, Sergeant, Bureau of Police: Sergeant dan slausen. I'm the policeman administrator.

It's a continuation of a program, we're lucky to have this. It adds advocacy services linked with police response to follow up on an intervention service rather than just attacking criminal cases, we're trying to stop future violence. This is a very worthwhile program and hopefully we can solidify our funding and not have to go on a year by year basis.

Katz: Anybody else want to testify? Roll call.

Francesconi: Aye.

Saltzman: Good grant. Aye.

Sten: Good work. Aye.

Katz: This is another example of community policing. Aye. [gavel pounded] 1292.

Item No. 1292.

Katz: Anybody want to testify? Roll call.

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

Katz: This is another example of community policing, where we have our officers in the columbia villa working with the community members and reducing crime. Aye. [gavel pounded] thank you, everybody. Thank you for your patience, and we stand adjourned until 2 o'clock.

At 12:43 p.m., Council recessed.

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Katz: Good afternoon, everybody, the council will come to order. Please call the roll.

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

Katz: Present. All right. Why don't we read 1293, 1294, 1295, and I would love to read 1296, but that's for tomorrow.

Items No. 1293, 1294 and 1295.

Katz: All right. There's been a lot of work done in this area, and you have got all the material in front of you, and in a way, this is very much like the west end. Expectations for a lot of improvement and development, it's a community asset, and relatively little has been going on. And so we requested pdc to undertake a study to determine how to best utilize the significant piece of geography. It is in a transit hub area. It is opportunities for additional jobs, it's an area of high visibility. And should reflect the quality of the city that we all feel very strongly about, and unfortunately, for a lot of reasons, including the fact that -- including the design of the rose quarter, it turned itself inward, as opposed to outward. And so, one of the reasons that we're trying to work with our private partners is to get some assistance from them in rethinking what they want to do in the rose quarter. And on the site for the memorial coliseum. Now, let me put an asterisk on it because I see a lot of people who care about it. I have over and over said, there is no guarantee, at least in this study, that anything is going to happen with the memorial coliseum right now. We're going to look and see what possibilities there are. I feel very strongly this was a, a building that was supported by the taxpayers. It is a building that celebrates the memories of war veterans, although I have to be very honest with you, I hope if we do anything in this area, we will redesign the memorial so that more people can see it and know that it's there. But, it's something that we need, we need to keep in mind as we proceed. I gave the green light to proceed because I wanted to see what the possibilities are. As I say, there are no guarantees at the end of this process with regard to the memorial coliseum, but I need to also add that we need to make a decision as a council on the resources that we'll need to provide to upgrade the memorial coliseum, and those are fairly high in number, in the number of dollars that would have to be appropriated. So, we have some choices that we need to make. My hope is, also, that we involve the public in the discussion about the memorial coliseum because it is a public building. So, you can see I have a little bit of bias on this issue, and the people who have been working on the rose quarter have heard me. This is nothing new. I have said it publicly when we met to discuss some brainstorming ideas. I'm saying it now here to the council and to the members of the audience. But, we have wonderful opportunity to look at that -- this whole geographic area, how it relates to the neighborhoods, and how it -- how it's presented to the city as an asset on the east side. And right now, with the exception of the towers of the convention center, it's not presented terribly well. I guess I have shared everything on this right now that I would like to, and maybe a little bit more later on. All right. So, let's start with tim.

Katz: This is what we will do, we will have tim, and then larry brown from pdc. Then we'll have david knolls, and then there was a community panel that will come before us. People in the community were involved with this process, and I want to bring them up. Lee and john and ingred and john, and then jay isaac from the Oregon arena corporation, since he's an important partner in this whole development, and then we will have public testimony.

Tim Grewe, Chief Administrative Officer, Management and Finance: Good afternoon. Tim grewe, chief administrative officer for the city. We have three actions before you today. One is the acceptance of the rose quarter urban design plan and development strategy. We also have before

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you today approval of a resolution that acknowledges the rose quarter plan, as meeting the master plan requirements set forth in the 1992 development agreement with the Oregon arena corporation, and finally we have a memorandum of understanding before you today, with the Oregon arena corporation that sets forth the next steps in the redevelopment planning process. And before I turn to larry's presentation and david's presentation, i'd like to give you a little background to set this in context, and also to do that for the public. In 1992, the city entered into a business partnership with the Oregon arena corporation as the following -- had the following key results today. Clearly, we constructed the rose garden arena. We also constructed phase one of the entertainment complex, which is the building as the restaurants, retail, and the blazer offices in it. We also, at that time, did do some upgrading to the coliseum. We reconfigured the transit center and we constructed two publicly owned parking structures. And at that time we received a commitment from oac to keep the trail blazers here for at least the duration of the arena lease. The city continues to this day to be land-owning the rose quarter, we have a 30--year lease with the pdc, for the land underlying the rose garden and the entertainment complex, and we do own the two parking structures along northeast broadway and the coliseum. Under that 1992 development agreement, oac has exclusive development rights for three years for the three sites in the rose quarter owned by the city. Memorial coliseum, the parking site, and the area near the foot of the steel bridge. These development rights can only be exercised if the city declares the sites available for development. We can declare one of them available for development. We can declare all of them available for development. At the time the city entered into the partnership with oac, was decided to keep the coliseum operating for the near term and evaluate its long-term future at a later date. The operating agreement with oac for the memorial coliseum was entered into in 1993, which requires oac to operate the coliseum. Any profits from that operation are shared between the city and oac. However, any losses are absorbed solely by the Oregon arena corporation. The city remains responsible, though, for major maintenance and capital improvements, and this agreement is good until the year 2013. Overall, we believe this has been a very successful arrangement for the city. We believe that the city's overall partnership with oac has been very successful for both parties. Overall, the improvements I have talked about, only 13% of those were -- only 13% of the total investment was public dollars. We are now at a crossroad with regard to a memorial coliseum, which the mayor referred to. This issue can be really viewed in the context of four key questions. Can memorial coliseum operate profitably in the future? Or can it even operate at needless costs. Second question is, how much investment would it take to keep the facility viable and attractive to the patrons and tenants in the future. Third question is, really, has to do with what is the future of the rose quarter. And what role will it play in the central city plan and how does the memorial coliseum fit into that plan. And the final question is, if oac had a chance to develop the site, develop the site, what might they build. Looking forward, the operating of the memorial coliseum is not bright. The new major tenant is highly unlikely and the existing tenants continue to make greater use of the rose garden arena and less use of the coliseum. With the expansion of the expo center, the expansion of the convention center, now under construction, there will be increased competition for events in the future at the coliseum. The recent financial analysis done by the office of management of finance using consultants indicates that the operating loss is at memorial coliseum could exceed \$400,000 annually in the future. The coliseum has lost money for the past two years, averaging about \$200,000 per year. So, the answer to the first question, can the coliseum operate profitably in the future, as an answer, that is probably highly unlikely. Significant capital investments will also be required at the coliseum, if it's to remain functional and marketable. Our facility analysis performed last year projects a \$7 million in needed

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investments, capital investments are required to keep the facility viable for the next five to ten years. And if it was longer than that, ten years and beyond, we will probably have to invest about \$23 million in the facility. So, that's your answer to the second question that we may have to invest up to \$23 million to keep the facility in a suitable operating condition. So, that's what brings us to, in part, to the table today is that we face a decision to either make that significant capital investment, and to maybe face the future requires a subsidization of the facility, or to at least look at other options in that context. Prior to making the decision on the future of the coliseum, we believe that it was also necessary to look closely at those other options. Now, that really brings us to the two final questions, the future of the rose garden and the potential redevelopment options. That's why at the direction of the mayor, we initiated and completed the rose quarter design plan, which is before you today. We did that with the steering committee, of people that have that have an interest in the area. We are also recommending proceeding with a memorandum of understanding with the corporation to begin the process of looking at how they might develop the memorial coliseum site. We are not before you today making a recommendation to declare the memorial coliseum formally available for development because we simply do not have all the information to give you on your options. In closing as we study potential developments on the coliseum site, the office of management and finance, the Portland development commission will be working very closely together in the future developments. However, also, we will be working very closely with the veteran's community because this is a memorial, and what we might do in the future, given whatever option we pursue, pertaining to that veteran's memorial. And we also are not being neglecting the current tenants of the facility. We will be in conversations with them as we continue to review options in the future. I will stop there, and if there is any questions at this time, I will turn it over to larry brown.

Katz: Questions of tim? All right, go ahead.

Larry Brown, Portland Development Commission: Thank you. As the mayor eluded to earlier, the city has looked at the area that we call the rose garden with high expectations for a number of years, and I think that the blazer organization and the city had hoped for a great deal more to happen in that district with respect to more jobs, more employment recreation, entertainment, than ultimately has, of course, occurred. The mayor asked us, shortly over a year ago, to undertake a study of the potential in this area to uncover the problems that it had lent to a lack of investment and a lack of realization of our dreams. We engaged mr. Johnson and david knolls to help us put together a process that would help us bring together the neighborhoods in that area, the business community, property owners, the Portland public schools, as well as the blazer organization to really chart a course and do some brainstorming that would get us on the right track to bring this area up to its pull -- full potential. The areas in the convention center, urban renewal area, where our mission is to pursue on a behalf of the city, a mission of a vital city and a healthy neighborhood and quality jobs. Having a specific plan developed for this area that will help the city and its residents achieve those goals is high priority. This plan will get us on the right track. This is really the first step in the beginning of a process with the blazer organization over the next 18 months that we believe will lead to a very specific plan to realize those goals, and as much as we're very proud of the work that's been done with this community-based process and producing the plan that david is going to describe in some detail in a moment, we're really looking forward to this as the beginning of a process with the blazer organization to put together a plan that can come back to you that will realize the full potential of this area, and the expectations of this community. Any questions? David?

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David Knowles: Thank you. I do have a power-point presentation if you want to get it up on the screen. I used to have help to help me run these things. Now I have to figure it out on my own. [laughter]

Knowles: I think this was a good context for this study because there was several important public issues that are going to be before you. As the mayor and tim said, this has been a very successful business proposition for the city, having the rose garden there, it's a world class arena. It really is something that provides important sport and events to the city, but it's an exercise in place-making. It's been a little challenging, and as you can see, one of the problems, that we don't have a way to get to the river, has a lot of suburban characteristics even though it's in the middle of the city. It's not the kind of place that it could be. So, what we were presented with was a challenge, whether or not this ought to be a place to go for sports and entertainment, to build on the success of the Oregon arena, or the rose garden, or whether it ought to be a place to live, to work, and maybe even hang out a neighborhood, in other words. And that's the challenge that was presented to us at the front end by the mayor. The study area included the area just from the school district building, just to the north of the school district building. South to the steel bridge, and from the freeway to the river. The team was led by urban design associates of pittsburgh, urban design firm. They included landscape architecture, urban design and transportation planning as part of expertise. The Portland development commission and the office of management and finance were part of the team, and my firm served as the project managers. Our approach was to begin by trying to understand the potential for this area and also its challenges, and we did that by going out to the community. We talked to neighbors. We talked to businesses. We talked to real estate developers. We talked to support advocates and river advocates. What we wanted to find out were what people thought were the strengths of this place. Its weaknesses, and what their vision for this rose quarter was. We took that information. We consider it had in a public meeting in october a year ago, and we produced a set of design principles that then were used in the second phase, which was exploring alternatives. And in that phase, we spent a week pretty intensive design workshop using those principles to drive the creation of the development alternatives that I will describe in a minute. After doing that and holding a second public meeting at which we got some more community input, the consultants and I then went to work to create a public review draft of a plan for the rose quarter. That was presented to the public and made available for review in june. We held a third public meeting in july to get public comment, and out of that meeting produced an amendment's document, which is also before you, and the two of them together are -- comprise our recommended plan to you, and to the conclusion -- at the conclusion of the process we will print the final document. So we begin today on the fourth phase, which is implementing, trying to make this happen. Throughout, we had extensive and authentic public involvement. We talked to stakeholders. We talked to citizens in the three public meetings. We even talked to planning directors, but it was our intention to try to get as much public input as we can, and I think that we were pretty successful in doing so. The steering committee was broadly represented, and included representatives from eliot, pearl, and lloyd neighborhoods, from the planning commission, from the Oregon convention center, a neighbor of the rose quarter. The Oregon arena corporation, and the company which runs the rose garden and has the most extensive property development opportunities. The school district, because of its large ownership north of broadway. Kalberee properties and the office of management and finance. From the beginning, it was very important to us to link into the lloyd district planning effort. You heard that plan just a couple of weeks ago, and we worked very closely together to make sure that we were doing our work in sync, and in particular, focusing on the connections between the two districts and what was possible for both

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pedestrian connections and vehicle connections. As I mentioned, the public process produced a set of urban design principles that drove the design alternatives, and those are what I want to present to you now. The first and most important principle was to bring back the historic street grid in the area. And this picture gives you an idea of the neighborhood that existed before what you see there today was placed there. Prior to 1948, this was a typical Portland neighborhood, an older neighborhood because the grid is oriented towards the river. It's not on the north-south alignment. You can see where that change occurred further to the east. This was predominantly an african-american neighborhood. It was a place where people lived, where they worked, where they shopped, and places where they sought entertainment. That disappeared, of course, over time with the first, with the interstate avenue, the highway 99, the interstate freeway, along the eastern edge, and then, of course, the memorial coliseum was placed right in the middle. If you take a look at this street grid today, and you compare it, or yesterday, and you compare it to what is there today, it gives you a sense of what's wrong with this place now. The grid is largely gone. There's a little bit of a remnant north of Broadway. The streets are disrupted. The pedestrian networks are almost nonexistent and the street system is really designed to get you through the district, rather than into the district. In fact, our out of town consultants found on their first visits that by the time they figured out they were where they wanted to be, they were out of the district and had to turn around and come back. What we're proposing is to try to get as much of that grid back as possible, and you will see some later sites that show that, but it's an attempt to restore that historic street grid. Another important principle was to protect to the river in the greenway. The Lloyd district was very concerned about ways to try to do that, and this is a symbolic representation of what we tried to achieve as the principle. We wanted to try to mitigate and eliminate some of these barriers, in particular, the rail line along the river front, and the freeway along the eastern edge. One of the things we heard from the development community was the importance of having flexible blocks, ways to do development without having to commit a very large area to a particular form of development, and that's what this represents. Connect can go to the neighborhoods was a priority for everybody. The neighborhoods to the east want to be able to get through this district down to the river. This district needs to turn outward as the mayor said, to be successful. And it's a place that has tremendous public transportation. It's the four corners of the regional transit system, and that is a tremendous asset for this place. So, we have put together a number of design alternatives, and each of them has three basic components. One component is --

Katz: Excuse me, let me interrupt. Did you mention transportation and the whole discussion that we had with, how do you get from here to there? In some of the -- in the design principles?

Knowles: Yes. I just did.

Katz: Okay. I was --

*****: Right there.

*****: Sorry.

*****: And it did -- as you will see, it did drive a lot of the design alternatives and the details of those. There were three major components to each of these alternatives. One is the transit center. One is the coliseum site, and a third is the area north of Broadway, and there are variations in each of the alternatives on those three places. The preferred vision that was developed by the consultants reviewed in the public meetings and approved by the steering committee is one that would lead to the creation of an urban neighborhood. And in this planned view, it -- well, you can most easily see how it fulfills the key design principles. The transit center has made much more understandable -- I will give you more detail on that in a minute, the district has -- the street grid replaced as much as possible. It is opened up to the river both visually and physically. The river,

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itself, becomes available by moving the rail line back underground. There's a connection to the lloyd district through a lid over the freeway, and the campus-like development north of Broadway. This gives you a sense of the kind of opportunity. It should be the first place we put it.

Katz: He said -- I had nothing to do with that. [laughter]

Katz: The idea came from --

Saltzman: Her fingerprints --

Katz: The idea came from somewhere else.

Knowles: You are right. This gives you an idea of the kind of central square that could be created within the heart of the rose quarter, if some of these design principles were implemented. Parks and open spaces and riverfront, and it gives you an idea of how you can connect from the lloyd district down to the river and how the river could be opened up. We, at least, designed in concept the notion of a pretty substantial setback. It's difficult, as all of you know, to understand what exactly the rules would be, but we have imagine that had there would be a substantial setback, but also, with the opportunity for people to get down to the river and experience the river, if they want to. One of the major impediments to development in this area is the existing rail line. The rail line is now along the bank. It's approximately a 60-foot rail bed so, it's pretty substantial. There are three tracks there. While it is possible to do development in terms of the amount of space that exists, you could do development on the side of the thunderbird or the red lion. This is a view looking north, by the way, and this is the memorial coliseum site. We came up with two alternatives to deal with the rail line. One was to create a cab over the rail line in the existing location, and it's really an opportunity to create what could be a really wonderful esplanade for pedestrians along the front of this future development. A way to see the river -- it would not be easy to get down to it, but at least you would be at the edge of the bank. A second alternative, more desirable from a development and urban design perspective, but also much more expensive is to move the real line inland to do a cut and cover tunnel and to then open up the river for -- open up this area for development and for a substantial greenway. The railroad is very interested in this because there is a very significant curb that slows down their trains. They described it as the biggest roadblock on the west coast. I don't know if that's true, but at least the local folks consider this to be a painful, excuse me, place for them to operate so, they are very interested in straightening out this track. I should also point out that if -- it's possible to do high-speed rail with a rail terminal, it would be at this level at underground, below grade, that it might be possible to have a terminal that connects with the transit center up above that to the rose quarter transit center.

And this is a detail of the transit center. This really was one of the innovations of the design work that urban design associates d this accomplishes three important objectives. One is that it creates new development opportunities along the edge of the transit center. It does that by moving these streets into a regular street grid pattern, so this is a new development parcel. This is new, and this is new. This one exists on a somewhat modified form. Second, it directly connects these two platforms. This one is being built today for the north interstate. This one exists now. It allows a direct connection from this platform across a regular sidewalk into this platform. As it's currently constructed, the pedestrian is going to have to cross two wide streets in order to get from this -- from the platform to the max platform, and so this would be an improvement on the existing situation. And finally it would create a sense of space that doesn't exist now in this enclosed urban space. Similarly, we have the opportunity to creating a connection into the lloyd district this way, and a gateway to the rose quarter using a split over the freeway. This indicates more green space than I think I personally would prefer, and I am probably, I probably would suggest that there are more development opportunities than this shows than in this detail but the idea of the concept is

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that you create this connection at street level, and by doing that, you also can deal with some traffic problems that this area experiences now. This is just a detail that -- of the coliseum site showing the square that could or need not be the site of a new veteran's memorial, but it could be a central square in the district, and some other development parcels possible if the coliseum is not there. We have to consider the possibility that there continue to be some of these buildings here, and so we took a look at the kinds of improvements that are possible if some of these large structures stay. This ought not to be a rigid document. This is a guideline. It's intended to provide a way for people to understand how to do development if it's done on an incremental fashion, as well. In this infill alternative, the traffic advisory center could continue to be a new design feature, so could the lid over the freeway. There are some places where the street grid could be put back in, and there probably are ways of improving the connections between this area, the heart of the rose quarter, and the river. But, it has made it much more difficult frankly, by having the coliseum continue to be there. That does not mean the come seem doesn't have a lot of value. It just means as an urban design and development matter, it's a little more challenging. North of Broadway, we had an interesting discussion about what ought to happen there. We received some public input that this would be a good place for a baseball stadium. We received a lot of public input that it wouldn't be such a good place for a baseball stadium but we thought it was important --

Francesconi: The mayor's imprint is on this, too. [laughter]

Knowles: We thought it was important to at least show that it could fit, if nothing else. And so, we asked the consultants to take a look at that. In fact, the stadium of 35 or 40,000 does fit, and it has the advantage of being able to utilize this considerable slope to the north. This is looking eastward, and there's a slope to the north that would allow you to do some below-grade parking. But, clearly the preferred vision was that this would be a mixed use development, and we saw this as a place for kind of a campus-like development made sense. This could be an institution on a higher education. It could be a major high technology company that wanted a corporate atmosphere. It could be mixed office and regional. We didn't really identify that with any specificity. What we wanted to do was suggest that given the tremendous views this way towards the river and towards downtown, that this had a lot of potential value. So, these plans make great pictures, and I have done a lot of great pictures in my career doing planning, but the important thing is to try to make this happen, and they don't mean much if you don't actually build something. So, we were very, very keen on making sure that we identified what he needed to do to get something built. We have some development principles that are corollaries to the design principles that we talked about in some of our meetings with stakeholders. One is that you want to start with the strengths. This area has tremendous asset in the river. It's got great transit access. It's located in our central city. It's adjacent to a number of very important and livable neighborhoods. Those are things that are strengths and you ought to start and try to utilize those strengths. Second, the partnerships here are almost endless. Yes, it's the typical public-private partnership, but the difference is that we have a, a very important private partner who has both resources and the interest in doing something important here. The school district, despite their lack of resources, is a partner, potentially because they have an asset there that they may be interested in doing something about. These are the kinds of things that folks need to take advantage of. Third, use the new economy. This is a principle that we developed for the new economy, and it seemed to disappear, but I think that it still has some currency. The mayor has talked about in your economic development statements about innovation infrastructure and how important that is. This is a place where you can bring together some of that innovation infrastructure through higher education, k-12 education, or through the kinds of industries that want to tie into that workforce. This is a place

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where that might make sense. And a lot of the new economy workers are living in the pearl district or in eliot and this may be the place that they would like to be going to work every morning. Develop strategically. It's been our experience that in Portland, we have some difficulty in doing big development. We're better at doing the incremental development, and while this is a pretty big plan with a pretty big vision, I think that we should all keep in mind that sometimes the way to get these things done is in smaller chunks, and so the strategy of how you go about this is as important as what your objective is. And finally, in sort of a recreation of the mission statement for opdr and the planning bureau, what we try to do in this city is to facilitate good development and discourage bad development, and a lot of that has to do with the way in which the city approaches the development. The development proposals. It's going to take a huge amount of private investment. More dollars than I think we can imagine, and the public infrastructure investments are just a drop in the bucket by comparison. Although, the public investments necessary are significant. It will take some entrepreneur on both the public and the private side, but again, we have a good model and the rose garden arrangement, which I think has been a success from the city from the business standpoint and from a facilities standpoint, and it's going to take a pretty catalytic set of uses for something to happen. This does place the memorial coliseum fully in front of the community in front of you, and I just want to notice the mayor did, that it's very important to take a look at the veteran's memorial issues, one of your resolutions addresses that question. And we will be taking a look, or the city staff will be taking a look at the needs of the existing tenants. The memorandum of understanding, which is before you, in simple terms, creates this essential understanding. On the part of the city, the city conveys to the Oregon arena corporation its willingness to consider the future of the coliseum at the point where there is a specific development proposal in front of them. And from the order, from the corporation's point of view, they are conveying their understanding that the memorial coliseum is an important building. They are indicating their seriousness about being a development partner and their seriousness about meeting the public objectives that are set out in this plan, and in other city coliseums. The memorandum of understanding has an 18-month time frame to prepare a specific proposal, and it is also very specific in saying the city is making no decision about the future of the coliseum at this time. The city is going to wait to see what kind of proposal is presented to them. And the resolutions, as tim said of course, authorize mou, also directs staff to address the veteran's memorial question and lay out some next steps. And they also indicate that the master plan requirement contained in the development agreements for the Oregon -- for the rose garden are satisfied by this rose quarter plan. Next steps, quickly, today if you adopt the plan, you will be instructing the two-year agreement with the Oregon arena corporation for them to do a specific development proposal. During that same time frame, there will be a, an assessment of the memorial coliseum, and tri-met remains interested, although not yet fully committed to a predesign of the transit center, and that's something that also is available. Memorial coliseum.

*****: The city will be able to make a decision about the coliseum one way or the other, and then the development or construction could proceed from there. I just want to close by thanking the steering committee that put in so much time. This was a very thoughtful, a very committed group of folks. I would like to recognize them, if they are here, and I am going to read their names just to make sure I don't miss anybody. Because, I don't think that they are all here. Jeff bloser from the Oregon convention center. Any of you folks are here, you should raise your hand.

Katz: You can put the lights on.

*****: Pam brown from the Portland school district. Tim grewe. Tom harvey, from the pearl district neighborhood, who will talk to you in a moment. J. Isaac from the Portland trail blazers

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and Oregon arena corporation. Phil catterberry. Cal, who is going to talk to you in a minute. And ingred stevens, who is a very involved on design issues and a member of the Portland planning commission. So, thank you very much.

Katz: I probably should know this answer, but the glass palace, which is now called the memorial coliseum, is that a historic building?

Knowles: It's not designated as a historic structure, as far as I know.

Katz: Okay. Questions?

*****: That does not mean it doesn't have historical --

Katz: I know. I am processing that whole issue. All right. Questions from the panel? Okay. If not, then let's go ahead and then we will come back and probably ask them further questions. Lee, john, tom.

Katz: Why don't we start with you, ingred.

*****: Well, let's see.

Katz: Identify yourself for the record.

Ingrid Stevens: Yes. I am ingrid stevens. I live at 3623 southeast augden in Portland, 97202. I am also a member of the commission and I am very pleased to have been a matter of this steering committee. I am really used to the quality work we do in Portland and this was just another example of that. It's also a very exciting project. I think because all of us share a vision, and you know, I think most of the efforts in redevelopment in Portland over the last few years have focused on returning the human scale to the city, and I think that's one of the reasons that we have become such a desirable place to live. And I think this project is very much about that. It's about reclaiming our connection to each other and reclaiming our connection to nature, to the river, to creating green spaces, and, and returning the street grid, honoring the community that was there before, that was dessimated but all the redevelopment that happened in the '50s. And I think it's an important way of honoring that, but it's not just about that. It's about doing it for ourselves and for our children. A place where people really want to be to try to make this community a place where people can work and play and live. I feel a great sentimental and aesthetic attachment to the memorial coliseum. And I would only be willing to give that up if it were replaced for something that would really serve the greater good, and I think that that needs to be carefully thought out. As for the memorial aspect of it, I also wanted to say a couple of things. I belong to a generation that's not been real excited about war memorials. I think mostly -- I don't want to speak for my generation, but I think it's largely because we didn't feel comfortable with any kind of war. I think it's very important, however, to honor veterans for the, the tremendous efforts that they have made on our behalf, and I think we have an opportunity here. One of the things I really like with all of the visioning that's done, is this area has a wonderful view of downtown, and it seemed to me a really great opportunity for creating a memorial that, that has that view of the city, that integrates veterans to the community so that we can be reminded that, that what we all love, many of them have fought and died for, and I think that that -- that in redoing this, we have a much better chance of honoring them properly than the memorial coliseum currently does. I agree with what you had said earlier. And I think that's about it.

Sten: I am just curious. I have an attachment, I grew up going to a lot of events at the coliseum. Have you been to any events there in recent years?

Stevens: Not in a long time.

Sten: You have a sentimental attachment, but you don't go there.

*****: It's how I felt about the five and dime in my neighborhood. I never shopped there but I hated to see it go.

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Sten: I am just curious because, I feel the same way about it. I don't go to anything there, and I am not sure --

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

Katz: Some of us do, and it's --

*******:** That's harder.

Katz: It's a very intimate facility.

Stevens: I think it is. I think that's true about the coliseum.

Katz: Did you consider, as you were thinking through the memorial coliseum, keeping the shell of it --

Stevens: We did, we did, and I think it was just that in the analysis that was done, it was shown not to be viable that way. But, absolutely. In fact when we were going over it at the final meeting, we were -- okay, tell us again why we can't do that because we would like to do that.

Katz: Severing viable, so we told you it wasn't viable --

Stevens: Well, in the sense, the expense to do it. We couldn't get a return anywhere near the investment that it would take. And we would still have the problem of a general area that has too many major entertainment centers that don't -- that reduce that, that connection of the human scale.

I mean, that place is forbidding, and it's not just because of the little transportation nightmare around it. I think it's the actual space.

Katz: Go ahead.

Lee Perlman, Elliott Neighborhood Association: My name is lee perlman. I live at 512 northeast brazee. I am an active member of the eliot neighborhood association and represented them on the steering committee. I got the flu today. I will try to make sense. Eliot is what's left of the old albina community, and it's been a place over the years that has been the site of regional and private agendas carried out at the expense of the people living there, as was pointed out, 400 homes had to make way for memorial coliseum. More homes to make way for the blanchard center and the Portland school district. As you pointed out, madam mayor, when the place was redeveloped, it turned its back in design on the community and left broadway to be a no-man's land, I might say, in spite of repeated warnings that that was likely to happen. You can't put all that back, but you can acknowledge a mistake and try to get back on a more positive path, and that's what I see the rose quarter study suggesting. Right now, for the people in eliot, unless they happen to go to events there, the rose quarter is a source of traffic, parking congestion, noise, litter, and crime statistics. If redeveloped along the lines proposed, it could be an area that would be of use to us. It could be an extension of our own community. It could be a catalyst for the revitalization of the area to the north. There are two features of the study that I -- that were of particular interest to eliot and I wanted to mention. There were a number of proposals to make the area more accessible to the outlying neighborhoods, eliot and the lloyd district. And one of them was to turn the current williams-vancouver two-way couplet into twoway streets. That was -- we spoke about that in eliot and there was a lot of enthusiasm for that idea, not only with that -- would that achieve that objective but further to the north, it would make two neighborhood streets less inviting as a through route, more pedestrian-friendly, allow better access and circulation within that neighborhood. The feasibility, I can't speak to but I would hope that it would get serious study. The second is the idea of creating a major league baseball stadium on the blanchard center site. The neighborhood association is strongly opposed to that. If I read my fellow steering committee members reaction to it, it was that this is physically possible, but it is not only not in keeping with the vision, it is not compatible with it. I put down -- there are some additional written testimony here, which I will leave you to read. Mr. Jason franklin from our neighborhood is here, and will have some more

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things to say. The only thing that I would conclude with is that if you must pursue this, I would hope you would find a better site for it. In terms of this neighborhood sacrificing for regional goals, we gave already, that's it.

John Lanquet, Lloyd District Community Association: My name is John Lanquet with the Lloyd district community association. The board of directors in the land use committee voted unanimously to endorse the Rose Quarter urban design plan and redevelopment. We conditioned the vote of approval. However, on the following concerns. One, that adequate analysis of the value of the -- and use of the existing Memorial Coliseum be reviewed in detail. We feel that a detailed analysis be made available or performed to establish the true economic value and possible reuse of the structure. Two, the board and committee also questioned the status of the Memorial Coliseum as a veteran's memorial. The board and committee would request that a thorough review with a clear detailed and documented status of this symbol be disclosed prior to any further discussion of demolition. Three, the board and committee has concerns surrounding the city of Portland's condemnation process, if any, within this plan. Four, the board and committee wishes to encourage the city of Portland to create and maintain strong and essential links between the Lloyd district, vision plan, which you heard a couple weeks ago, and the Rose Quarter plan. Even though the I-5 freeway is a barrier. Careful attention must be paid to pedestrian, vehicular, and service functions to insure safety and improve connections between the two districts. Thank you for your attention to the Lloyd district concerns and strongly supporting this plan.

Katz: Thank you. Why don't you move over.

Tom Harvey, Pearl District Neighborhood Association: My name is Tom Harvey, with the Pearl district neighborhood association. Early on in the steering committee there was a suggestion to transform the Broadway bridge into a Portland version of Pont Vecchio, which raises the importance of connection to say somewhere and to what. Certainly I don't think that we will have that direction. [laughter]

Harvey: It could work, you know. So, but the question from the Pearl district, perhaps the least connected of the surrounding neighborhoods, is connections to what? And at the end of the process I describe the plan and all of this, but I think this orientation, a district that works during the day, as well as at night, would be useful, to return to an urban grid is important, and as you know, the Pearl district is a firm believer, in the urban district as part of neighborhood character and continuing that. The mixed use development of some sort, surrounding the that there, and visual connections. Along the river, we certainly have to deal with both sides of the river there, and then possibly a transportation connection. We did not cover it in this committee, but why not extend the street corner across Broadway bridge. So then the other issue that came to mind for me in thinking about the Pearl district in this kind of development, and some of the generalized plans we see is what potentially would happen north of Broadway, and I see a potential for transition from fairly high intensity to very much more in neighborhood character as it merges into the Eliot neighborhood, rather than some notion of replicating the Pearl district on the other side of the river. Thank you.

Katz: Thank you. Questions? Thank you. All right. Jay Isaac.

Jay E. Isaac, Rose Quarter Steering Committee: Good afternoon, I am Jay Isaac with the Rose Quarter steering committee. It has been six years since the Rose Garden opened its doors and it continues to be a model of a successful public-private, joint venture for facility development. The Rose Garden is one of the busiest and highest grossing arenas in the country. The city's investment of \$34 million of the \$262 million total project cost is being completely repaid by revenues from consumer fees and parking. The project won environmental awards for the recycle and go we exceeded city of Portland goals for an already-contracting and employment. When we created the

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public-private partnership, we also provided a mechanism for future development in the rose quarter, and actualizing that is why we are here before you today. We would like to add our endorsement of the urban design plan. We have studied potential development adjacent to the rose garden for some time now. We independently reached many of the same conclusions contained in the udp. First, we agree that the best option for the rose quarter is to become a mixed use district that is active 24-7. Right now, the rose quarter is primarily an event destination with lots of activity at night with very little activity during the nonevent times. Number two, we have also concluded that in order to create this level of activity, we need to reestablish the street grid at the center of the district where the memorial coliseum is located. This site is large enough to accommodate the development of significant critical mass and at the very heart of what could become an active, cohesive neighborhood. Third, it is important to bridge existing physical barriers, such as i-5 to link the rose quarter with surrounding neighborhoods. The udp is a vision for the area as a whole. The memorandum of understanding that is also before you today is designed to create a specific plan for redevelopment of the mc parcel. We believe that it is possible to create a development that would spur additional investment, create jobs and tax revenues, and turn the mc site into an economic engine for the city. The mou gives oac the lead responsibility with assistance from the pdc and the office of management and finance, to develop a proposal that would be presented to you for your consideration within 18 months. It is clear that a public-private partnership like the one that's so successfully created the rose garden will be necessary to fully realize the potential of the site. We support acceptance of the udp and mou and we look forward to continuing and enlarging our very successful partnership with the city. Thank you.

Katz: Thank you. Questions of him?

Saltzman: I assume that the Oregon arena corporation has no problem with the notion of the veteran's memorial somewhere in that redeveloped site if we do pursue the course of getting rid of it?

Isaac: Correct. Absolutely. We think that there could be a more accessible, more prominent memorial than they have currently, absolutely, and they should have it.

Saltzman: Thanks.

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

Katz: Okay. Public testimony?

Francesconi: I have one question. Sorry. I really do. And maybe you cover it had but I don't think you did. I heard you just before I left and I apologize for leaving, that you said that there is an opportunity to make this investment, that it will create jobs, et cetera. You said something like that. Have you figured out yet what it is?

Isaac: Well, as I mentioned, we've been trying to do that for some time. We think we have to go with the big idea. What we're, you know, we think the typical office development or real estate development that you see happening in other areas of the city won't be enough. We need a theme. We need an idea, a concept, and we need something at the center of the development that's going to attract additional development around it. So, that's what we're undertaking to do, and we're meeting with developers, real estate people, all kinds of people who are out there doing it here in Portland and other places to try to come up with the one idea, which will really make sense for Portland.

Francesconi: Okay, thank you.

Katz: Let me ask you another question, with regard to the big idea. We see a huge investment made by mr. Alan in seattle, maybe in other parts of the pacific northwest. What huge ideas would he have for this geographic area?

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*****: Well --

Francesconi: Good question, phrased that way. [laughter]

Isaac: Actually, he's looking to us and his real estate development team to give him some suggestions. We built into this time frame enough time so that we can come up with a few ideas that we can sit with him and get his direction and then move forward to come before you with what we think is the one idea, but sitting here today, I can't tell you what, you know, what's the one idea that will work. That's why we are going to take this 18 months to figure that out.

Katz: Fair enough. All right. Public testimony. Mitch jelniker marquam bridge.

Katz: We haven't seen you in the chamber too long time, or at least not in our short lifetime here. So you have got a little monitor and three minutes, and when you hear the buzzer, finish your thought and then we will move on. Okay. And identify -- you don't need to give your address but identify yourself for the record.

Harley Wedel: I am mr. Waddle, and I am speaking to the veteran's memorial. The grand strategy called the rose quarter development project is grievously flawed and this should cause the project to be put on hold until the situation is rectified. Not simply dismissed out of hand but attended to with respect and honor. This, of course, has to do with the veteran's memorial and this was written before some of this language had been placed in front of me. The new language in the last, what am I trying to say, the last --

Katz: Draft?

Wedel: Draft. Yes. But a large area -- in the early -- mid 1950s, a proposed sports arena bland floundered at the feet of area voters, and it would have died outright if an intelligent promoter hadn't decided the final building should be dedicated as a veteran's memorial. A large area in this structure was to be a veteran's memorial room with space for meetings, services, and displace of memorabilia, historical artifacts and the name of the -- the names of the areas fallen friends and sons. From all wars that died while serving our country. With this in mind, veterans of the spanish-american war, world war i, world war ii, korean war, and the gold star mothers who had lost sons and daughters proceeded to help convince area voters that a sports related building honoring the dead was needed in the city of Portland. Due to their efforts, the veterans memorial coliseum bond issue was passed and the building was constructed. But, before the doors even opened the veterans and gold star mothers were told the memorial room would not be completed. And they were then denied access to the building and all else that had been promised. What a black mark on our city government having used these people in such a dishonorable fashion, denying them what they had work sod hard to obtain was much more than just a trick. These people were simply trying to honor the memory of loved ones forever lost while serving our country, and their reward was to be spit upon for their efforts. Money was, of course, the deciding factor. The arena management, city council, and the local district courts allowed money to conquer honor. And this was an extremely dishonorable action on the part of the all decision-makers who were involved. Now under consideration as the destruction of Portland's only memorial to its veterans of all wars, and we are again, fighting another war when potentially more names need to be enshrined there. Once more, such a desecration will be only for commercial gain, so will money again conquer honor? Will dishonorable decisions once again be made? Will the planners and decision makers further this memorial's legacy? Oh, yes. A substitute memorial has been proposed by the planners. Seemingly an afterthought they are suggesting a patch of grass with the existing world war ii and korean war name walls and a spire be placed within a sea of concrete next to a busy sports place to honor comrades and friends lost. Is this a sufficient replacement for the present memorial? Absolutely not. And this is a location where to visit and pay homage, you

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would have to mortgage your car to park it. Such a travesty would never be regarded as a city's tribute to their falling sons, friends, and comrades. Citizens and veterans alike, would view it simply as a triumphant Oregon arena corporation testimonial to the destruction of our true memorial. If you decide the removal of the veteran's memorial coliseum is necessary, it could still be done with a degree of honor. But, if only a new memorial has been completed and dedicated elsewhere, before dislodging a single coliseum brick. The most honorable answer would be the construction of a stand-alone building in a town center location with adequate space to commemorate area citizens who have given their lives in all of their country's wars.

Katz: Sir, your time is up but let me ask you the question so you can answer it with the rest of your testimony. Be a little bit more specific about what you would -- what you would see as an honorable memorial. Is it on the east side? Is it somewhere else? Is it --

Wedel: Either in the area we are talking about, it could be down on the river front or it could be somewhere else within the city. But to bury a memorial within a space occupied by high-rise buildings, even though there are only six and eight stories high, will still hide any memorial that is there. You won't be able to see it unless you, unless you are right up next to it. And consequently, this is, this is supposed to be a memorial to veterans of all wars and if it only has the two present walls in it, obviously that's not to veterans of all wars. The proper building built elsewhere would certainly fill the bill and cover the needs.

Katz: Thank you.

Wedel: And I think you have a copy of this in your hand.

Katz: We do. Thank you very much.

Bob Klement, Staff Sergeant: Ladies and gentlemen, distinguished members of the panel, my name is staff sergeant bob Klement. I am a survivor of a combat that the horn to serve n it's an honor to serve this country that we call america. You can't imagine the horrors I have witnessed as an american fighting man. I served of my own free will. No one told me to enlist or fight. I have defended countries and people who were not as fortunate as you to have the freedoms that I fought so hard to preserve for you. Women in this country can joy showing their faces in public and being educated as well as hold jobs. Others cannot. Children are free to go to school and dream of their future. They, for the most part, do not worry about their next meal. To this great country, I say, you are welcome. Yes, I do have a number of medals. Among them, the silver star for gallantry in action and two bronze stars for valor. The army that I proudly served said thank you and job well done, soldier. But, the city I call home, Portland, Oregon, has turned its back on me and many others just like myself. The soldiers, sailors, airmen and marines that went before me and after me. You demand your freedoms and conveniences but are unwilling to recognize those of us who gave them to you. You would not destroy a memorial to fallen law enforcement officers or firefighters without an uproar from their families. Why do it to the veterans? It is people who are unwilling -- who are willing to destroy monuments who have helped to weaken this great country that we call america. We, like native americans, have watched the city leaders lie to us and take away the things that are important to us and our families. All we ask for is a suitable memorial to honor our fallen brothers and sisters. I thought I lived in Portland, Oregon, but actions like this make me think and feel as they I am among the war protesters in berkley, california. If such is the case, then they should go -- then they should go to berkley and be their leaders and leave the great city. But wherever you go, remember these words -- all gave some and some gave all.

Katz: Thank you.

Gil Frey: My name is gil frey, and I am from milwaukie, Oregon. And I have a presentation to make and this was made -- this was being made on behalf of milwaukie high school, and it is a flag

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-- this is being presented to the city of Portland for use at the memorial coliseum, and I have asked master sergeant klement to assist me with this presentation to the best of my knowledge, there has been no flag at the coliseum that I am aware of, and I have looked. I have not been able to find one, and I know that you can have one. This flag is on behalf of my brother, who is a disabled veteran for over 40 years, and it is my inheritance, and it is one of the most precious things that I will have ever inherited, and I would like it to fly at the coliseum. I would like staff sergeant klement to present it to the city.

*****: Thank you very much, sir.

Klement: Mayor Katz, on behalf of a very good country.

Katz: Thank you.

*****: Thank you very much.

Frey: Your honor, and your honor, our commissioners, I have gathered together in the last year since I have been advocating for the saving of the coliseum for now over six years, because I appeared at the trailblazer meeting at the coliseum about six years ago, and they asked me who I was and who I represented. And I said, I represent 10,000 people. I don't know who they are, but in effect, there are about 100 of us here, and we have about a million people in the area. And that meant that we all represent about 10,000 people. And I said that I would hate to see this coliseum go away for a parking lot because with the rose garden, there would be a need for more parking. That need is quite obvious, and the coliseum would be up for hock because, you know, get rid of the coliseum. We need the parking. I was the last one to speak, but mr. Brian parad, who is well-known in the city because of his tremendous skills at tennis and who has brought events to this city in terms of tennis competition, he got to me and spoke, even though he wasn't on schedule and he said, i, too, represent 10,000 people. And then he recommended that we keep this coliseum because we have two facilities there. And that was very important to him, and mane times after that it's been very, very significant. One of the things that I have prepared in 170 pages of material that I have here, and I was able to copy about 70 pages for each of you. I know that you will not be able to see that right now. Here, like that. You know. And that is history, and I am sorry that the lloyd center district is not aware that the memorial coliseum was built in honor of veterans on many, many votes by the people and it took 11 years to get it to pass. Because commissioner orman bean met with the gold-star mothers over here where they had a memorial for the veterans and they worked on the idea of having a better memorial. And so, it has finally come to pass in 1960, it took 11 years and many votes of the people. Now, one more thing, and that is --

Katz: Your time is up but I will give you --

Frey: I know my time is up and I knew it would be up, and therefore, it was absolutely impossible to prepare a three-minute speech to represent a life-time. I have four brothers who served in the war. I iran, running back, italy, north africa, germany, france -- france, germany. Also, throughout the entire pacific, and four of them are now deceased. They are war veterans. They did not die in the war. One other thing that's very, very critical, and that is both the lloyd center, at the last meeting got a bad rap, and I am a fan of the lloyd center, and I go back when it was just a hole in the ground where mr. Lloyd dug a hole to build a hotel and we had a hole there for nearly 30 years.

Katz: Is it all right for the council to extend testimony? All right, go ahead.

Frey: But the coliseum has three empty dates in the month of november. And that's a key issue that I want to communicate. Three empty dates, and the rapport that we're hearing is that this thing is run down. It's not making any money. And it's, you know, it's kind of been bad rapped but it has

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three empty dates in november. It's being very well used by our community. Thank you very much.

Katz: Thank you. Sir, would you make sure that you give me a little bit of history about this flag? And --

Frey: I will. I would be very delighted to, your honor.

Katz: Do that, please.

Frey: And also I will prepare -- provide you the other hundred pages of my study. [laughter]

Katz: Well, let's not go that far.

Frey: Your honor, it took 11 years to get that baby in and it should take a lot of thought before we destroy it.

Katz: I understand that. Would you make sure that carla gets it, or directly to my office.

Frey: Your honor, I don't have any history to give you about the flag today. I will have to work that up.

Katz: That's fine.

Frey: Thank you, ma'am.

Bill Scott: Madam mayor, city council, my name is bill scott. I am the immediate past commander of the American legion. Been in three wars. I speak for thousands of veterans in Oregon, and over a year ago when I first got involved in this project here, and they thought the memorial coliseum was going to go, I received a lot of phone calls, correspondence various veterans and their families were really concerned 67 I was in on the dedication of the coliseum, so I remember very vividly. And the most concern we have right now, you heard the testimony, and their primary concern is, not that the coliseum is going to disappear, but something is not going to be in its place before it disappears. So, council take this into consideration, we should have a viable and proper memorial for veterans in place in the city of Portland, highly visible before one brick or stone is taken down from the coliseum. Thank you.

Katz: Thank you, sir.

Francesconi: Sir, I appreciate that. You are trying to help, and so I appreciate it very much. Just one question. Was it functioning appropriately as a memorial to the veterans before this talk?

Scott: I think so. I attended quite a few events there, myself. Before they built the rose garden.

Francesconi: Okay, so it was meeting the expectations before this came up?

Scott: Yes, it was, on a certain level, yes.

Katz: Why don't you move closer to the mike?

Dennis Payne: Madam mayor and members of the city council, I am dennis payne. I am an Oregonian native. And I was raised in Portland, Oregon. I think that first of all, I have to commend the veterans who have stood up here and have given you their advice on the coliseum and the historical reference it has to them and what it means to them. In doing so, I have to also remind the council that it was alluded to in the report that david gave you that prior to the building of the coliseum, there were other people who lived there. People who look like me. People who had families or had businesses, who had their whole culture that was evolving in Portland, and I need not tell you that prior to world war ii, the number of african-american citizens in Portland, who I am speaking of, was a very small number. And the war brought a very large number to Portland, and I refer you because I feel that some of you are not old enough to remember Portland in those days. I refer you to a city club report in 1949 called, the negro problem, and you will understand that the building of the coliseum in its present location was not part of the strategy of the building of the sports arena at that time. There was over 16 sites that were reviewed for the building of the sports arena and none of those sites included the present-day site of where the

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coliseum sits today. A last-minute decision to build the coliseum on the back of black people in the city of Portland is what you have that you are talking about today, and I think you need to know that historical perspective. Second thing, I have to commend David and the staff and the consultants for the work they have done and for the opportunity for some of us to speak and be included in the process. But even in doing that, we have a historical lapse of information. We have included in the document such things that the school district was part of the overall destruction of the African-American community. By the time it was built in the '60s, the community had already been destroyed. I lived where the school district is today, and I can tell you that building the coliseum, the interstate and interstate avenue, the community was already destroyed and I moved from the school district area prior to the building of the school district area in the mid '60s so the school district is a Johnny come lately factor, to what was done to the African-American community by the public domain, the city of Portland through its urban renewal efforts. That's another correction I need to make. Secondly, the reference to the African-American community as being a strong community in the area prior to the building of the coliseum is appreciated but it doesn't go far enough. The African-American community in that area was known as a jazz capital of the west. Known jazz artists of the '40s and '50s all played in that area and brought a rich cultural environment to Portland that if it wasn't for the African-American community here Portland would have never have obtained. So, it's another correction I need to make to it. They did include after some comments that I made at the July meeting, the fact that we need to honor and recognize the African-American community, and they did go as far as to recommend that two structures that sit outside of the area be included in discussion for historical preservation and recognition, and that is the Baptist church, which is the first African-American church built on the east side of the Willamette river in 1922, and Web's club, which was during the war years in Portland. Yet the YMCA did not allow people of my persuasion to attend their meetings and gatherings throughout the city but they gave that facility to the African-American community for a place that we could gather, where the black servicemen could take and come and socialize.

Katz: Council? Okay. Go ahead.

Payne: Thank you very much. So, I think that that was commendable for them. It's interesting to me that the city of Portland has, I don't know how many urban renewal districts and projects and plans going on now. But the Lloyd Center plan and the Rose Quarter plan historically are the black communities' plan in Portland. And we look at what I am talking about, you have the creation of public entities in the area where the African-American community was, and the last one was the creation of the urban renewal project that destroyed 13 blocks up around Williams and Russell Avenue, of which over five of the blocks are still vacant today. One of them across the street from the Urban League is a sand lot or dirt lot for future developments. So, I ask, where was the public urgency in destroying of the black community and subsequent urban renewal-public domain projects, and the final question, where is the recognition of that community and efforts and so forth? At that July meeting, a young lady got up behind me and spoke also of historical spots, and she mentioned the Multi-Plastic building. I want to let you know that's offensive to an African-American to have a building reference when we have existing structures that serve, still serve the African-American community, that were referenced. The building that she referred to, and she said because it was a historical prominent black club, in four months since then, that language hasn't been changed, and I am here to change it today. A historic prominent black club that's being referred to was named the Dude Ranch. And in 1945, [inaudible] Monk played at the Dude Ranch. It is located at, was it 420 Northeast Broadway, which is now the Multi-Plastic building, so I would like to have that reference to the Multi-Plastic building in your draft document changed to, give the

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name of the black club that we are referring to, and now the building that still is standing there, because then there is true honor and respect to us as a community.

Katz: I am going to ask you to wind up.

Payne: I am, ma'am. I am winding up. And again, I just would like to say, in winding up, that I watched you this morning. I wanted to know what flavor you were in, and what mindset you were in. [laughter]

Katz: All of us or --

Payne: All of you. It was interesting, you had a discussion about the citizen participation process and how you are going to do it 15 minutes before, 15 minutes after, and tell a person to come back the other day. And I always found that to be interesting because when it comes to citizens, we have these little problems of three minutes. Where it comes to the development people coming up and talking, they don't have a three-minute window but we have citizens have a three-minute window so I think that that's probably a an inherent problem is that we do not give citizens the same time considerations that we give the people that we pay to do the things. The last thing I would like to say is that the other idea that I proposed in july for the area, since we are supposed to be creating a historical, cultural, enriching area, is that it might be time for the city of Portland to look at creating an Oregon, african-american historical museum and resource center in the area. It's a draw. It would draw people to the area. It would allow for you to understand the historical significance of after condition americans in the city since some of you fail to have that appreciation now. While traveling around the country this past month and a half, I had the pleasure to be in virginia and I stopped in at the virginia fine arts museum. And it was a very interesting african-american art entity program that was on exhibit, and in going into look at the exhibit, I saw not what I expected to see, black people, black people fainting of flowers and mountains and landscape and so forth, so I was kind of disappointed and I kind of went by the first exhibit. But my baby sister was with me, and she called me back. And she said, dennis, look at this picture. And it was a picture of a beautiful mountain. And I said, oh, and she said, read what it is. It was a picture by an african-american in 1857 across the river from the dalles, Oregon, painted in mt. Hood. That is a contribution of african america's to the state of Oregon that was hanging in virginia, not in Portland, and I think it moves towards the need for us to understand the development of a rich cultural place like that.

Katz: Thank you.

Payne: And with that, I will yield my time. [laughter]

Sten: Nice to see you again. It has been a while. I just wanted to mention to you, as an aside there's a project that's well underway to build an african-american museum an alberta, it's pretty impressive. It's not all the way funding but it's coming.

Katz: Thank you. Okay.

Marcia Leslie: I am marcia leslie. I am the daughter of two world war ii veterans and I represent millions of children who are the off-spring of veterans from miss steven's age on down much. The veteran's memorial coliseum was built as a tribute to the struggles and sacrifices of our veterans as a place where people can gather to enjoy and celebrate the benefits of those circles and sacrifices. Over the years the coliseum has hosted both professional and amateur sporting events and athletic competitions, music concerts ranging from bag-pipe to rock and jazz to soul. Ice skating exhibits and competitions, holiday craft fairs and festivals of the trees. Seminars, conventions, trade shows, political rallies and easter sunrise services. Those veterans will again gather in their memorial coliseum at the uso show put on in their honor and celebrate their service, their survival, and the memory of those now gone. The proposal was made long before september 11 and much has

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changed since that date, let alone since 1992 when it was first formed. People in businesses are reassessing their values and priorities and scaling down activities and expenditures. The economy of Oregon is not good and how long until that turns around is as uncertain as the occupancy of the planned structures. For decades, Portland has encouraged the restoration of usable buildings, rather than their demolition. A refurbished veteran's memorial coliseum would better meet the needs of this community over the next ten to 20 to 40 years by providing a location for smaller events than by becoming tons of debris in a landfill. Portland doesn't need more vacant overpriced infill housing and it has enough 24-hour fitness centers. We don't need a professional ballpark. We do need an outdoor concert amphitheater to accommodate events now held at Tom McCall Park. We also don't need more office buildings downtown when businesses are migrating to the suburbs and downtown office vacancy is climbing steadily. Many corporations that have built large campuses are now in significant financial trouble with a chance to get someone to be part of this plan is going to be difficult. Dreams are sometimes changed by events outside of our control. Wise men and governments know when to modify or set aside their dreams until a better time. The Oregon arena can modify their plan, parts of which are good and absorb the cost of the entire design, and they absorb indefinitely the lost revenue of vacant housing and office space. If you build it, they don't always come. Their proposal has good points, but only for the areas around the coliseum. This building is a functional memorial to the rights and freedoms terrorists are trying to destroy. The right to speak freely if not always wisely, the freedom to gather and worship the religion of our choice without fear of persecution. Right to dress as we class and work at the profession of our choice, the right to celebrate the variety of ethnicities and cultural heritage with their differences and their simulators, everything our veterans fought and died to protect. It is not a memorial to war. It is a memorial to the sacrifice of our servicemen.

Katz: Thank you. That was very eloquent.

Katz: How many more people want to testify? We have been very generous with the time. Okay. That's because we haven't seen many of these people before us, and the council chambers. We would like to hear from them. Go ahead. Why don't you grab a mike.

Widifred McBride: My name is Mrs. McBride, I am an Oregonian native and veteran of the Korean War. I was born in Albany in 1928, very proud that I have lived most of my life in Portland. Of my 42 years of working, 40 years was spent working in the city of Portland. I live in the Beaverton area, and that's where I have my education. I am the past president of the national local unit, I am a member of Amvets, member of the Korean War Association group. I am currently the national secretary for WAVES National, which is a group of women who are, or were in the Navy Coast Guard and Marines. I voted for the coliseum. I was a veteran at the time that it came up. I felt that it would serve a wonderful purpose. My whole family, there's a huge family here that all serve either in the Navy. One was a renegade and served in the Air Corps, but we forgave him for that. But I feel that the coliseum should possibly be improved, not moved. And I am asking that you think very seriously. I want my vote to register as no to demolition, and I think that we should count every veteran on that wall as a no-vote, also.

Katz: Thank you.

Hal Hewitt: Good afternoon, Mayor Katz, and commissioners. I'm Hal Hewitt. I went to grade school out in Vernon during World War II, and a few years later graduated from Salem High School and at the time given the nature of the conflict in Korea, thought I had a little bit after duty to serve my country so I joined the Marine Corps 50 years ago last June. And the Marine Corps very graciously gave me that opportunity about six months later by putting me on the front line in Korea across from the first Chinese Communist Army. Currently I am president of the Portland area

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chapter of the Korean War Veterans' Association, and I am here this afternoon to convey to you at least the essence of what the sentiment from our organization is, namely that we need not be destroying the Coliseum but, indeed we need to be doing something to enhance the memorial's dignity and character that was originally intended there that has never really come into being, and I think that that goes to Commissioner Francesconi's earlier question. But, I think there's a general sense, at least from the people that I hear and talk to, that the Coliseum has never really fulfilled that memorial role. Indeed I can't see how it possibly could, given the subsurface grade placement of the only thing that's there that resembles the Memorial, that most people, and I mean most people, 09 percent attend anything and have attended anything in that facility over the last 40 years never see it they never see it they are unconscious about any kind of a memorial intent there. And I think that had this process not been before you now, you would have probably been hearing from other veterans' groups, including ourselves in the near future about something being done there to enhance and maybe create the effect that never really has occurred there. As a long-time planner and real estate development person here in the community during all my adult life, I want to commend you about your current process, however. I think it's a good one. I think it's timely, and I think it can be worthwhile in its final form. However, I hope that within the context of that process, that you make, create a new memorial, as it were, for the veterans of World War II and Korean War, especially. That I think are the ones that are memorialized there at the present time, and heaven forbid, as suggested earlier, anything ever done to glorify war, that's an anathema of anybody in the war that I know of. But they need to make that memorial, number one be more visible to the public, number two, more accessible to the public, and number three, more illustrative of the sacrifices that were made in those wars. And I think that kind of an effort carried out in the context of your present process would be a worthy goal for the city of Portland.

Francesconi: Thank you for your testimony. Are you involved in kind of the next step? Are you involved in this process, at all?

Hewitt: I have been over the last six months.

Francesconi: It would be good. I think maybe, it's not up to me to determine but it might be helpful.

Hewitt: I am going to try and do that. Thank you.

Peter Meijer, Director of Historic Resources, SARA Architects: I am Peter, the director of historic resources at Sara Architects, I am also a member of the AIA Historic Resource Committee. With my utmost respect to all the people who spoke before me, I would like to change the focus a little bit and look at the articles and memorandum of agreement. First off, I would like to look at page 3.6, the city believes that objectives can be furthered on the site if a memorial Coliseum is removed. In fact, I'd like to recommend that the removed is struck from the language. Regarding the objectives set forth in that paragraph, and the potential removal of the memorial Coliseum, the city of Portland would benefit from careful consideration of a broader base of objectives.

Currently there is a strong push from City Hall to elevate building design within the city of Portland.

Memorial Coliseum represents good design. It is one of the city's, Portland's best examples of modern architecture produced by some of the best firms in the city. Due consideration of the preeminence of the design of the memorial Coliseum must be given before demolition permit is sought. The memorial Coliseum may also play a role in Portland's effort toward good urban design and growth, a building, along with the Rose Garden may sit in isolation now but may help solve transportation, public transportation and other urban issues, which I think shows in the other alternatives proposed. So this is to be an open process in which we are gathering information about the building site, then I think that the memorandum of agreement should not encourage the removal

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of the building as the first and foremost or only process of which something can happen. Recently the city passed their widely accepted policy on sustainable design. As it is known, reuse of existing facilities are of prime importance in achieving the city's goals set out within a sustainable design policy. The demolition of memorial coliseum would contribute to the loss of embodied energy, contribute to further co-2 emission of the air and may ruin the confident in the city's leadership of sustainable design. The second paragraph i'd like to call attention to is on page one -- 1.5, the city initiated a financial evaluation that indicates memorial coliseum will have a diminished value in the future as an arena and trade-show venue, and I think that mr. Grew gave you a definition of that between \$7 million and \$23 million would have to be invested to maintain it as a venue. As a public asset, the memorial coliseum has financial value beyond its current use as an arena and trade-show venue. First consideration must be given to the current economic value of both the building and the site prior to determination of worth, and I am pegging that at about 40 million. Second, in the 1980s, a study was produced that showed that the memorial coliseum could be substantially expanded. Therefore, a financial evaluation should consider any renovation, expansion, or modification that could result in a sizable federal tax dollar incentive to a private development. Given the rose garden urban design alternatives, the city of Portland should value weather economic benefit would say revive from options on a scale and magnitude similar to the transfer of the site from a public stewardship to a private holdings for any purposes. In other words, private use of the existing facility may generate similar tax benefits to the city, and that's estimated at \$5 million, if you just look at transferring the building to private use, then it goes back on the tax rolls. It is within the city's interests and as a public steward to both commission and lead a reuse study that would set the direction for any future private-public partnership or agreement from memorial coliseum. So, in closing I think there are three points i'd like to emphasize. One, I think we need to strike out removal from the memorandum of understanding. Two, I think you, as property owners, should leave the study so that you are assured of multiple development options. And three, i'd like to have a proactive inclusion of the aia membership subcommittee so you are taking an active role in this process. Thank you.

Katz: You have that noted and you will come back and talk to us about it before we make any amendments, we will talk about those. And let me see if I understand. Give me the references again in the memorandum?

Meijer: In my copy there are page one -- page 1.5. And page 3.6.

Katz: I think they are different because we don't have the word "removal."

Saltzman: We have it but not on there.

Saltzman: Paragraph 6 on page 3. Of the memorandum of understanding, paragraph 6. Item number 6, I should say.

Katz: If the memorial coliseum is removed. Okay. We'll talk about that.

Saltzman: If it's removed.

Katz: All right. Anybody else?

Katz: Tim, look at that. I don't know if you mean that paragraph. So take a look at it. Number 6 on page 3. I'm sorry, we're trying to get to closure on this by the end of the afternoon. Okay. Go ahead.

Dustin Posner: Thank you, mayor Katz. My name is dustin posner. I am an architect here in town but I am speaking on my own behalf today. I attended the july 20th public hearing and heard a lot of testimony that I did not feel was incorporated into the amendments to the rose quarter study, and I wanted to come and testify to the council today to express what I heard. And what I heard was two major tracks. One was I don't think that I heard anybody oppose the redevelopment

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of the rose quarter district. The many, many people who testified. However, there was a tremendous support for saving of memorial coliseum. What I have found in the study that is before you today by urban design associates, is basically two major scenarios. One scenario is a preferred vision where you essentially go in and essentially all of the buildings are taken out, and they go in with a complete new development strategy. The other is an infill strategy which leaves the school district, the grain elevators, the memorial coliseum and some others, the parking structures and does infill. And what I tried to get across at that hearing, and what I am here to present today is that I think that it's not an either/or scenario. I think there's a win-win scenario which keeps memorial coliseum but overlays that on the preferred vision study and allows for a lot more development than their infill study, and what I did this morning is I simply took their two drawings and I cut and pasted memorial coliseum and a little bit of where the dude ranch building -- was it a dude ranch? I believe it was referred to, that structure and overlaid that on their preferred vision to sort of try and demonstrate that hey, we can get a lot of development land here, and save memorial coliseum, which I think is a very significant structure. And this drawing is my representation back to you. I left some additional copies up here for, hopefully, that would get past back to david knolls and the other urban design associate folks and anyone else who would like. This city is going to grow by how familiar people in 20 years, I think, is what has been bantered around the next -- the last few years, we are going to need a facility of this size. If we tear it down, we won't ever rebuild it again. You know. We will not replace this facility. I think, though, right now it, may take some long vision to sort of say that we might need to subsidize it in the short-term that in the long-term our investments will be significantly cheaper than if we decided in 20 years that we need to create another venue for this. So, I also see that if high-speed light rail comes to the city and it wants to be on the east side, that you could take that structure and tie it in as a station component, use the lower levels and use some of its aspects to serve this high-speed light rail. So, I just am here, my final point is, I really recommend that you all look at advocating trying to save this. I don't think that it goes against the grain of the rose quarter study. Thank you.

Katz: Thank you.

Art Lewellan: I'm art llewelyn, and I am getting over a cold. Excuse my voice. I have participated in the planning process here, and just submitted a couple drawings, photographs for the council just to gander at and the first -- the two things I want to talk about at this time is the grain elevator and it should be removed in its operations, get transferred to a neutrality on hayden island. That's one of the projects that I support. Although, I think the one thing prevent that go hayden island facility from happening is the inclusion of car and automobile, unloading and offloading as a part of the project and the amount of parking lot that that operation is where the environmental impacts occur. Not on the grain elevator, and I think the employees will have to drive through jantzen beach, is also an environmental impact, but the one photograph shows before the and after of what the view would be like from the -- from near the, the fountain on the site towards the river, and I think removing the grain elevator would be great. The second is, the sec thing I want to talk about is I am also a fan of the memorial coliseum. I think it's a fine piece of architecture. It's -- and I am no fan of cubism, really, but that one has weathered well, and I like it. It is an example of cubist architecture. And it also has and serves us well during rose festival time when floats use that facility for that event. I don't know how we would replace the memorial coliseum to stage the float in the parade. The other drawing I have shows -- and how I felt that the studies, infill alternative gave short shrift to the transportation element. On that site, so I did what mike said, I incorporated some of the elements of the preferred strategy into the infill strategy and found that, well, that it would make a better look at it. The one thing that the infill road strategy did was run right through

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the memorial, themselves, not the building, but the wall of names and the fountain and the little landscaped court, and that sent off my bells and said, I need to redraw this, and made it look like the preferred version, which I think would serve us. So, my feeling about the future use of the memorial coliseum -- yeah, I am finishing -- is that it be -- it's a, the skeleton structure be maintain and had that it's interior structure be turned into an office-type complex where, while you would have a mezzanine level, that would surround this inner building, and then you would have great views on your balcony-type walkway that would surround the new inner building, and compliment the uses you are trying to create in the district by doing the complex and retailing, and create access by being able to enter and the elevator down to the first level to view the memorial.

Katz: Thank you.

*****: Okay. Thank you.

Katz: Anybody else want to testify? We still have some names. I am sorry.

Katz: After that?

Paul Falsetto: Good afternoon. My name is Paul, I am a Portland resident and also a member of the American Institute of Architects, Historical Resource Committee. I want to show my appreciation for the mayor and actually expressing concern for the coliseum in her opening remarks. Because, indeed, Portland is known as the city that works but we can also say it's the city that preserves. We set a fine example right here today, just last weekend, Civic Stadium, which is now PGE Park, received an award. The city indeed, preserve its importance to the humanities. And Memorial Coliseum is a member of that family. It was built in 1960, and I know it's kind of odd for people to think that a structure built in 1960 to be historic, especially one that looks relatively new and modern, and has continued its use, but as a person born in 1961, I can assure you from my point of view, it is historic, and maybe Commissioner Sten might agree. [laughter]

Falsetto: It's an important part of the history of Portland, so it's important historically and architecturally. It allowed the city to provide a much higher level of entertainment at that time. It allowed the city to kind of jump up to the next level, and to gain a professional sports franchise, to bring national prominence and world championship to this city. It allowed the opportunity for shows and concerts that wouldn't be able to play here before, to have a feasible venue. In essence, this building reverberates with over 40 years of a national caliber and entertainment and the cheers of local pride. It was designed by, as Peter mentioned earlier, by Skidmore, Owens and Merrill, which is one of the most influential firms in the city's history and at that time one of the more influential firms in the nation, so an important asset built an important building for this city, so it is, indeed, historic. It presents a design that I consider to be both subtle and dramatic. It has a glass lantern, detailing curve and movements during evening events. That might seem poetic, but if you are looking for a building that's not introverted, look at the coliseum at night it, shows people on the outside what's going on, on the inside. The Rose Garden doesn't quite do that. Well, let me jump to the fact that this building could very easily be eligible for the National Register of Historic Places in nine years when it reaches 50 years of age. It can be easily proven that it has historic and architectural importance and has maintained its physical integrity. Some suggestions, why don't we look at, if not retaining use, maybe some adaptive reuse. Some suggestions might be a world class aquatic center. A museum. A winter garden. Possibly a terminal for high-speed rail line. But I think what's important to note is that the building can become an important part of the community you are trying to develop around it. It can welcome the community, the immediate community and the larger community without actually feeling like it's a stopper in the bottle. It can be an open part of that community. In conclusion, I want to appreciate the commissioner and the mayor's desire for fiscal responsibility for the city, but I also ask that you attain to our cultural and

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historic needs as well. This building should be studied for its use or adaptive reuse. That should be the very next thing that happens as part of the rose quarter development strategy. Without that sort of evaluation, in essence, we will be ignoring the coliseum to death, which is a sad and sorry end to an icon of regional pride and civic self-esteem. Thanks.

Francesconi: Those could be big ideas, some of the things you suggested for the coliseum.

Falsetto: You might want to look at what seattle did for the weyerhauser aquatics center which brought some games in 1990, and maybe the city might need something of that class.

Francesconi: Thanks. Just by the luck of the draw, I became the president of the council, and the mayor, when the mayor steps out.

*****: She knew I was coming. [laughter]

*****: My name --

Francesconi: She gave me a note, as soon as you came, she was going to leave. [laughter]

*****: I hear you. Thank you very much.

Francesconi: I was kidding.

Alan Peters: Thank for you that remaining group, thank you for staying. My name is alan peters, I am a, an adjacent property owner to the proposed vision plan, the master plan, as it were. Usually I get real excited when I hear about pdc and big property owners and people getting together and getting excited about a big project. I have, I want you to know, I have become very comfortable at this stage, after what has come before today, very, very comfortable with the process. I believe just by its nature, just the reuse study, I have become very comfortable. Given great deal of -- I have a great deal of interest in surveying or being able to provide some information to that reuse committee. I talked to the executive director, a couple about a week ago, regarding my interest, that's when he suggested to me that there was an 18-month reuse study. Out of all of this, I am not sure if that's exactly what I hear, but if it is, and I think it is, that there is a reuse study or committee, if there is, I am very, very pleased. And I want to recant anything I might have said before at the hearing in july, where I said that I would recall any commissioner, you know, who did away with the memorial coliseum, and that was just crazy that I was to get an interest. But I didn't know at that time, I take that back, I will give you a call, is what I meant to say. [laughter]

Peters: The point was, excuse me, madam mayor, alan peters --

Katz: Now, I know who you are. [laughter]

Peters: Thank you very much. Thank you very much. Thanks for coming to the party. [laughter]

Peters: The important part for me, and what -- when I went to the hearing in july, the first thing I was doing was, I was chasing around the value of the memorial coliseum. I consider it probably one of the biggest jewels or treasures that we have. One of them went from an entertain element or a tourism standpoint where we do have a chance to attract large sports events or when we have a chance to, we used it all this summer, back and forth between the memorial coliseum, the rose quarter, and the convention center, where we're not large enough to have big events and feed them at the same time. We do it all the time. Fast forward ten years, or someone said, 20 years, we're going to be very glad that we have that memorial coliseum. There will not be another city in the entire -- in the united states that has two, three venues that close and that available for sports, or, or conference or convention events. The convention center expanded still won't be large enough to attract the biggest of conventions, if you will. Again, I was chasing around the value and that's all I went to that hearing for. Three months prior to the hearing in july, I asked the representative from the pdc what the value was of the memorial coliseum because I was afraid you were going to be giving it away. And one of the representatives at pdc said, well I will get back to you. I will call

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david knolls -- and I will try to finish up as quickly as I can. I went to the meeting and I asked if he hearing, I should say, I asked how much is that building valued at. You know, how much are we giving away. And nobody -- somehow they got sized -- or side-tracked. Asked somebody else at the meeting. They said why would we want to tell you? And what I have done since then, I have figured the -- on an \$8 million investment that we made back in 1960, if you use the present value of a dollar, or of that \$8 million, for 40 years at 8%, it comes out to \$174 million. I used prior to getting that amount or imputing that amount, I calculated with my pfa factor, \$150 million, that's a lot to give away. Excuse me, I didn't mean to extend.

Katz: Sorry. Thank you. All right.

Jim Howell: Hi. My name is jim howell. I gave you a packet there. Before I start, I would like to make a couple comments about the memorandum of understanding. A few slight corrections. On page 2, under item 6, under the, under the recycles, says the memorial coliseum has been an important public facility. The memorial coliseum site is home to a veteran's memorial. I think this should be changed. The coliseum, itself, is the veteran's memorial. There's a distinction there. It's not the little court yard you can't find. It's the building, itself, is the memorial. Further down that page, there's a typo, item 4. Referring to paragraph 4 above. I think you mean paragraph 3 above.

Katz: I think you have a -- well, go ahead.

Howell: On page 2?

Katz: Go ahead.

Howell: Yeah, okay. Anyway, I like to talk a little bit about the potential of this site, the transportation center. In that packet I gave you, there's, oh, one sheet that has a planned area, and then there's a cross-section area of a potential of how it can be developed as the transit center. I think that as a main railroad station, I think the 18 months that's allowed to look at this site is probably is not going to be sufficient to have any kind of reasonable analysis of the transportation needs in Portland. There's some big issues that are going to be, have to be studied in regard to this site. One is high-speed rail. That, depending on what the federal government does, would be a major player, and the other is the fact that max, itself, is running swiftly out of capacity, and there's going to have to be some major, thought given it how max is going to proceed in the future if it's ever going to handle the loads it's required to. So, with that said, I really don't think we ought to jump into rebuilding the transit center as the first element in this plan. I might mention that the transit center has been rebuilt five times already. Each time it seems to get worse. So, I think until you have all your ducks lined up as to what the big picture is in transportation, we shouldn't go and spend another \$13 million to rebuild that transit center. Another issue that I disagree with, with the plan is that the property between interstate avenue and the river is shown as being major, mainly developed for, developed, and I think that this site is a perfect place for a true east side park. One that has some, some substance and it's about 15, 10 to 15 acres there, depending on how far north you go, and I think that this should be looked at seriously before there's any consideration of replacing a motel with condos. And there's, in the back of that document, I have given you, there is sort after critique of some of the issues that I don't agree with in the proposal that I will let you read at your leisure but I won't go into since I heard the buzzer. [laughter]

Katz: Thank you.

Sten: Have you given a copy of your coliseum design, to him? Have you given those guys --

Howell: No, but there's a copyright there.

Sten: Okay. I just -- they have a guy working for them who knows a lot about trains and I just would like him to take a look at it. [laughter]

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*****: This one will work.

Katz: I didn't hear that. All right. Thank you. Anybody else? Anybody else want to testify? Anybody else want to testify? All right. Come on up you two. I just -- I want you to reiterate, tim, that -- well, first of all, for three years, the memorial coliseum will stay, and then reiterate that there's been no conclusions on any of this yet. So, make that very clear. Second, take a look at that paragraph, and third, I can't find the reference to the plastic, what did you call it, dennis? Is it in the document?

Grewe: It's in the document.

*****: In the mou.

*****: Not in the mou.

Katz: It's in the document. It's what? We can touch on that first, for a second. So go ahead.

Grewe: Well, first of all, there has been no decision made on reuse or on demolition. I can tell you what we don't know today is what the arena corporation will propose to the city as an alternative development opportunities, and until we have that piece of information, it's very difficult to do a preparative analysis, maintain a facility, existing is one option, reuse of the facility is some option and other development opportunities, that's where we need to be able to get to be, to be able to review all three of those option to say try to figure out what is in the public's best interest, as we move forward. Now, as to the discussions on some of the specifics in the mou, it's always interesting, sometimes people read things a little bit differently but as I read number six, what we were attempting to do there is say exactly that. That we believe that there may be some public objectives that could be achieved if we use the memorial coliseum site for alternative purposes. But, then the second paragraph, we also acknowledge that the continuation of the memorial coliseum can also be made to have some public purposes. We have no problem take that go paragraph out but our exact intent was to acknowledge --

Katz: I think I was the one that asked you to put it in, so that the last sentence would be very clear.

*****: I just wanted to be clear to the council we were trying to acknowledge that either route could lead to public benefit. And we don't have sufficient information right now to waive those two approaches. So, is there anything else you would like information on at this point?

Saltzman: Well, to me the paragraph seems superfluous because it says kind of what the obvious is, we have a whole master plan here and everything else. We are talking about either removing it or possibly not removing it. And we need a paragraph that actually sort of says that same thing, and I do think it does tend to -- it does tend to creation the impression that we have maybe made our mind up. So, I guess I would err on the side of taking paragraph 6 out.

Katz: If you take it out, is there anything else in there that gives the notion that it could stay?

*****: Well, if you read the second sentence, it says however, the city also believes that there would be some public benefit in continuing the status as an event or a community facility. Now, maybe that's not actively enough stated to balance out what the first sentence, but truly our intent there was to acknowledge that we could see this working, either way, but we have to weigh both options to determine what is in the best interest of the public. So, we can take that out and you have heard me verbally say that's our intent. We will continue to pursue that.

Saltzman: I guess the other point I thought that was important, I think mr. Peters was under impression there would be a committee set up in the next 18 months and I don't believe, unless the Oregon reason corporation -- arena corporation chooses to do that, but this is reincorporation, come back in 18 months or no later than that with the design but I think it's clear that we have to make

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people understand that there's not -- as far as I understand, no public committee governing that process.

*****: The reuse process? Or --

Saltzman: Well, once the Oregon arena comes with a proposal there will be, I am sure, public process.

*****: There will be.

Saltzman: But in the next 18 months if we enter into this agreement it's really in their court, entirely.

Grewe: Just to clarify one point, though, during that same period of time, we will continue to engage the veteran's groups in discussions on the memorial, so it will be that kind of active information. And we will likely continue to keep our steering committees with us up to this point, informed as to the progress of those deliberations. But you are right, it won't be until we have some specific proposals back. We have completed more of the process, we will likely activate yet another public involvement process.

Katz: Okay. Further questions? Did you want to leave a paragraph there or take it out? What do you think?

Saltzman: I would take it out. But it's not a big issue.

Grewe: We have no problem taking that out.

Katz: Okay. I guess you understand the intent.

Grewe: Yes, we do. So, if there are any objections, or strong feelings, then take it out. Let me ask the question with regard to the multi-plastics because we would like to have a little bit more accurate historic reference to a building. The dude ranch.

*****: I would be happy to --

Katz: Is that the historic?

*****: Well, I will check.

Katz: You will check with mr. Payne. All right.

Grewe: This reference did come out of the public testimony. I guess we erred by assuming it was accurate, so I will talk to him and we can adjust it before the final packet is printed.

Katz: Mr. Payne, did you hear that? You will be our historic reference point for the accurate description of this building, but multi-craft plastics will not be the name of it. So, if it's dude ranch, so be it, but between you and some historic resource architect, we'll get the right name.

*****: I did give you a copy of that.

Katz: I have got it. It's here. Okay. Any other issues? All right. If not --

Fry: Your honor, I would like to make a couple more comments.

Katz: No, sir. I don't think so. We're going to move on.

Fry: On page 36 --

Katz: Is that part of the record?

Fry: It's very important.

Katz: Come on up but I am going to cut you off if it's too long.

Fry: I understand that.

Katz: Okay.

Fry: Your honor, on page 36 --

Katz: Identify yourself for the record.

Fry: Thank you. Sit down. I am Gil Fry, and I am from Milwaukie, Oregon, I am a veteran. On page 36 of the report that I have given you, the Oregon arena corporation and the city council or city, somehow has agreed to preserve the coliseum, and that was in the material distributed to the

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public about five years ago. And it's a very firm statement on page 36. It needs to be referred, and I don't see how you can make a decision to say, you know, maybe the coliseum is going to go away with that kind of a commitment already made to the public. Thank you very much.

Katz: Thank you. All right. Let's do a roll call then. Roll call on 1293.

Francesconi: Brief comments on all of them. This area -- this is really critical to the future of our city. It's actually even more important than the west end. There was an, an analogy made there earlier. I also liked this process even better because we're getting together public and private right up front, as we try to analyze this because whatever we do is going to take substantial private investment, but because of its location, because of its transit, because of its connection to the river, could be the next phase there of the greenway, and because of the opportunity for both employment and housing, this is the terrific opportunity. It does need a big idea to work, and I appreciated jay isaac just saying that. I have my own versions of, perhaps, what that big idea could be, having artists kind of working there, that would attract people or chelsea pier, you know, works very well in new york from a recreation standpoint. But, i'm sure there's other big ideas, and they need to work from a financial standpoint, but I think this is really critical. I do think we have to clarify, I mean, a big idea, reserving the coliseum and major league baseball, all in one spot, is going to be difficult, I think. So, at some point, some choices are going to have to be made. In terms of veterans' memorial coliseum, it is clear that this -- that the veterans have made sacrifices that I have not, my father has, have to be taken care of properly. I really appreciated the testimony here both in terms of timing, as well as the kind of memorial. Frankly I have to tell you that i've been here for a long, long time, and i, and I have been there but I haven't treated it with the respect that it deserves compared to the vietnam's memorial, for example, in Washington, d.c., so I actually think that we can do better by way of our veterans. Maybe i'm wrong, but I think we can do better, and I frankly, think that we should do better. We also need to clearly be a city, especially now, but to get to be the kind of city we want, where we have some more major private investment, and we can't all be the same. We can't have all pearls or all central east sides, and so having a big idea with some private investment, I mean, would be terrific if we can really work this out where the public benefits, but mr. Alan and others can invest in the city because I think where we are right now, the amount of investments happening in the suburbs and not in the city, we need some major investments in our city, if our children are going to benefit from all of this. So, we'll see how, as we proceed, it's early. There is some ground rules, but we have a long way to go, but we do have a history. I actually think the rose quarter development has lacked, and I think the people would admit it, in terms of urban vitality and things of that nature, but it's been a good financial deal. I do think that we have to acknowledge that the veteran's memorial -- I almost did it again, the memorial coliseum is costing taxpayers now money, as much as \$400,000, and it's not an appropriate -- we can do better by our veterans so there's also some economic reasons to try to do better here for our city and for everyone. So, we will keep going. It's important that we have a public process, that's open to the public. It's very important that we get information as we proceed. And but we can do this in a way, I think, that benefits everybody. Aye.

Saltzman: I think this is a very stimulating process, and I have to confess that when I sit back and listen to the thinking that's gone into this whole area, I have come to realize the critical significance of this, as a transportation crossroads, as a way to really open up the east side to the river, and a lot of great, exciting ideas that have been presented here today, too. So having said that, I am supportive of this going ahead and I am eager to see what the Oregon arena corporations comes back with in 18 months or less. But, you know be with all due respect we have to pay homage to the coliseum and what it represents, and I think that, and I am glad that we have put language into

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the ordinance that strengthens our commitment to either look at replacing the memorial somewhere else or locating it on the site but to begin the process now and not to have it fall into some sort of an after-thought. That's important to keep that front and center. I guess the more I thought about it today, the discussion about do we want a memorial, if we do redevelop the coliseum, on-site, or somewhere else. I guess I have heard some of the veterans say they want it off-site. A more appropriate place, but I guess when I think of growing up as a kid I was probably 7 years old when the coliseum was built. One of the ways you get the younger generations of tomorrow to understand the importance of the sacrifice veterans made is to put something right where they are going to be going, and let's face it they are more likely to be going to blazer games and sporting events in that vicinity than they are going to be to some free-standing memorial in town, so I guess the more I think about it the more I become intrigued and I am not prejudging anything at this point but a memorial needs to remain somewhere there, and certainly more recognizable and in a better location than the current wall of honor is. But, I think this is a great understanding. I learned a lot about it just by growing up and going by that wall many times and looking at it. So anyway, it's a good process. It's a process moving forward and we look forward to seeing what develops in the ensuing 18 months. Aye.

Sten: I am optimistic after listening to this today and I would really encourage each of the groups to, you know, keep an open mind and work with each other because I think, you know, I think we actually have a great start here, rather than looking at what's wrong with this, looking at what's right. It is a hub. The rose quarter -- the rose garden is highly successful. It's a great arena. People love it. And there's a lot to build on, and I think the mistakes of -- this is a chance, we will never be able to rebuild the black district that was there and I think that's really too bad and it's true of a lot of projects but it is a chance to rebuild in the spirit of what could have been and to do something very, very interesting. You know, I tend to not like a baseball stadium there. I think it will knock the neighborhood out. But, you know, everything is on the table at this point. To the veteran's groups, I agree with you completely. We have to have a memorial. And the gentleman who said, it's historic in 1961, it's huge, in my history. My first everything was at that place. I grew up about a mile from there, as Mr. Payne knows, and I knew his family or do know his family, and you know, it's big in my memory but I have to tell you there was no focus on the veteran's side of it in our schools, in our attendance, and I really think it's a fitting place, but a poor memorial in the sense it doesn't really -- it hasn't been utilized in the right way, and so I think the goal has to be getting a good, solid, inspirational and respect for a memorial and I think I that personally could be pulled off by revitalizing the building in a way of its initial. And I didn't know any of the history of how it was sold. It's very, very fascinating. Or I think it could be replaced with something more fitting so I have a mind open to both. I understand the architectural significance, but I think it's going to be a tough argument on both sides and I would ask both sides to get creative. I was intrigued with what was the case usually when a couple of people took both arguments and put them onto a map and sorted saying maybe there is a way to save end and rebuild a big chunk of the grid, and I think those are probably my hunch where the best action might be, so I think if we keep working, we can pull off some of the goals. I heard real common threads and this was some of the best thought and testimony I have heard in a long time so my hat is off and I think if you can keep this attitude and this intensity we can probably get something that's fitting of veterans and fitting of this city as a whole. So I am looking forward to it. Aye.

Katz: Ingrid said this is about reclaiming our connections, and it is about reclaiming our connections to the river. About reclaiming our connections to the existing neighborhoods, and it's reclaiming our connections to the neighborhoods we destroyed, not we, as a council, but

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historically, this community destroyed and ignored and walked away from. And it's also about reclaiming our connections with the transportation plan. And so I have -- I have a great hope that we'll begin the process of thinking big and thinking about the future for the east side. Now, let me just say another word about the coliseum. I think it is a significant building. And I would love to see it remain with a different use, keep the facade, and also, make absolutely sure that we honor the veterans of this community and work with the veterans to develop a memorial, whether it's there or somewhere else. And I will be working with jay isaac to hang the flag from the memorial coliseum. Jay, not if you think that's physically doable without a flag pole. Okay, just a minute. Wait a minute, wait a minute. We're in the middle of a vote here. I was a little out of turn. I just wanted him to nod. That we will hang this nag so that the public sees it from the outside -- hang this flag so that the public sees it from the outside. And I will work with jay. There may also be an opportunity to ask the veterans to join us for a ceremony and honor of -- in honor of the veterans and also in an honor of september 11. We can plan that. My office will be very happy to hear that they have another charge to work with you. Unfortunately, today there is no, there-there, as we love to say in Portland, and there maybe a very big there in the years to come. I have an idea, as well as everybody, or ideas about what the big vision can be, but i'm going to wait to see what the Oregon arena corporation brings to us, and then we'll go from there. Aye. All right, let's run down the next two items. 1294.

Item 1294.

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

Katz: Mayor votes aye.

Katz: 1295.

Item 1295.

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

Katz: Mayor votes aye. Thank you, everybody. We stand adjourned until 2:00 tomorrow.

At 4:25 p.m., Council recessed.

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NOVEMBER 1, 2001 2:00 PM

* * * [roll call]

Francesconi: We don't know where mayor Katz is. Actually, she's on a well-deserved two-day vacation. Do you want to read the --

Item No. 1296.

Francesconi: So you prepared the findings, I take it?

Eric Engstrom, Office of Planning and Development Review: Yes. For the record, my name is eric ingstrom, with opdr. I've prepared the findings in conjunction with the discussion at our last session, and i'm here if you have any questions. Otherwise just had a few comments. The -- I wanted to point out that the applicant is now reapplied as a two-lot subdivision with a flag lot, and we're working with him to move that application forward. Also wanted to point out the -- as you know, you adopted new subdivision code recently, which based on some of the discussion at the last session for this matter, there was a lot of concern raised about private streets and the context of private streets, and it may be worth all of us going back and checking in about what it says in the new code, particularly because I think under the new code the private street on this particular site would have been allowed under the code that was just adopted as well. So if that's a continuing concern, we may want to talk about that further. And as commissioner Hales requested, we have made contact with his office through margaret to talk about our implementation of various issues.

Francesconi: On the private street discussion, which I remember, we didn't -- the council didn't make a decision on that. It was left to commissioner Hales to pursue it through transportation and the planning system. So I think we should leave it at that point. If they want to -- if he wants to bring something forward, he needs to, but you should keep proceeding on your track as well, I think. That's my advice.

Engstrom: And the findings were made based on the adjustment concern, primarily.

Francesconi: Right. Katherine, have you reviewed the findings? Is there anything you want to add?

Engstrom: No. I believe they accurately reflect your concerns and comments last -- at the last hearing.

Francesconi: Okay. Council, any questions?

Saltzman: No. I would move to uphold the appeal and adopt the new findings as --

Francesconi: Is there a second?

Sten: Second.

Francesconi: Roll call. Aye. **Saltzman:** Aye. **Sten:** Aye.

Francesconi: Motion passes, we're adjourned. [gavel pounded] thanks, everybody.

At 2:08 p.m., Council adjourned.