



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4TH DAY OF JUNE, 2003** 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 Michael Frome, Sergeant at Arms.

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

COMMUNICATIONS		Disposition:
523	Request of Pavel Goberman to address Council regarding health and fitness (Communication)	PLACED ON FILE
524	Request of Lee Weygandt to address Council on how to help the schools and save the City money (Communication)	PLACED ON FILE
525	Request of Bret Dunbar to address Council regarding the use of open source software systems (Communication)	PLACED ON FILE
526	Request of Annalisa M. Bandalera to address Council regarding amicable solutions to Portland Peace Encampment (Report)	PLACED ON FILE
527	Request of Andrew Seaton to address Council regarding Portland Peace Encampment (Communication)	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION		
528	Vacate a certain portion of N Montana Avenue between N Lombard and N Buffalo Streets under certain conditions (Ordinance by Order of Council; VAC 10009)	PASSED TO SECOND READING JUNE 11, 2003 AT 9:30 AM
Mayor Vera Katz		

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<p>*529 Authorize Second Lien Sewer Revenue Bonds (Ordinance) (Y-4)</p>	177503
<p>*530 Authorize River District Urban Renewal and Redevelopment Bonds (Ordinance) (Y-4)</p>	177504
<p>*531 Authorize the issuance and sale of Tax Anticipation Notes, Series 2003, Fire and Police Disability and Retirement Fund, in an amount not to exceed \$25,000,000 (Ordinance) (Y-4)</p>	177505
<p>*532 Pay claim of Susan C. Brown (Ordinance) (Y-4)</p>	177506
<p>*533 Pay claim of Rhonda Barton (Ordinance) (Y-4)</p>	177507
<p>*534 Pay claim of Paula Mims Dion (Ordinance) (Y-4)</p>	177508
<p>*535 Pay claim of Jerrold Richard (Ordinance) (Y-4)</p>	177509
<p>*536 Approve an Intergovernmental Agreement with the U.S. Department of Justice, Drug Administration for Police Bureau participation in a Drug Enforcement Administration Portland Joint Task Force to address trafficking in narcotics and dangerous drugs (Ordinance) (Y-4)</p>	177510
<p>*537 Authorize an Intergovernmental Agreement between the Multnomah County Sheriff's Office and the Police Bureau to provide access to the Portland Police Data System (Ordinance) (Y-4)</p>	177511
<p>*538 Create a new Nonrepresented position and classification of Emergency Management Director and establish a compensation rate for this classification (Ordinance) (Y-4)</p>	177512
<p>*539 Authorize Intergovernmental Agreement with Tri-County Metropolitan Transportation District of Oregon for the Lower Albina Project Funding Agreement (Ordinance) (Y-4)</p>	177513
<p>*540 Amend Intergovernmental Agreement with Oregon Department of Transportation and the City of Milwaukie to provide an additional \$800,000 in federal funds for the Johnson Creek Boulevard Street Improvement Project (Ordinance; amend Contract No. 51030) (Y-4)</p>	177514

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<p>*541 Initiate a Memorandum of Agreement with the Oregon Department of Transportation, the State Historic Preservation Office and Federal Highway Administration to mitigate adverse impacts to a significant archaeological site caused by construction of the North Lombard Overcrossing Project (Ordinance)</p> <p>(Y-4)</p>	<p align="center">177515</p>
<p>*542 Authorize Intergovernmental Agreement for 2001 Oregon Transportation Investment Act Agreement and Jurisdictional Transfer with the Oregon Department of Transportation to provide funding for the Sandy Boulevard Project (Ordinance)</p> <p>(Y-4)</p>	<p align="center">177516</p>
<p>*543 Amend the Portland Harbor Administrative Order on Consent and a Funding and Participation Agreement that provides for Tribal Government participation in the investigation of the Portland Harbor Superfund Site (Ordinance)</p> <p>(Y-4)</p>	<p align="center">177517</p>
<p>*544 Accept a tax-foreclosed property from Multnomah County for riparian habitat restoration purposes (Ordinance)</p> <p>(Y-4)</p>	<p align="center">177518</p>
<p>*545 Authorize a contract and provide for payment for the construction of SE Taggart St. and 16th Avenue Relief and Reconstruction, Project No. 6898 (Ordinance)</p> <p>(Y-4)</p>	<p align="center">177519</p>
<p>*546 Amend contract with HDR Engineering, Inc. for professional services for Vulnerability Assessment and Related Security Planning to add Phases 2 and 3 (Ordinance; amend Contract No. 34392)</p> <p>(Y-4)</p>	<p align="center">177520</p>
<p>*547 Authorize a contract with CMTS, Inc. to supply qualified water related construction inspection personnel upon request and provide for payment (Ordinance)</p> <p>(Y-4)</p>	<p align="center">177521</p>
<p>*548 Extend Intergovernmental Agreement with Multnomah County for the City to accept payment for joint National Pollutant Discharge Elimination System Municipal Stormwater Permit compliance activities (Ordinance; amend Contract No. 51115)</p> <p>(Y-4)</p>	<p align="center">177522</p>
<p>*549 Authorize Consortium Agreement with the City of Gresham and Multnomah County to participate in the U.S. Department of Housing and Urban Development HOME Investment Partnership Program (Ordinance)</p> <p>(Y-4)</p>	<p align="center">177523</p>
<p>*550 Amend agreement with Cascadia Behavioral Healthcare, Inc. to increase funds by \$17,957 for a total of \$539,713 for the homeless services omnibus contract and provide for payment (Ordinance; amend Contract No. 34400)</p> <p>(Y-4)</p>	<p align="center">177524</p>

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<p>*551 Amend agreement with Multnomah County Department of County Human Services to decrease funds by \$17,957 for a total of \$56,695 and provide for payment (Ordinance; amend Contract No. 34498) (Y-4)</p>	<p align="center">177525</p>
<p>*552 Authorize agreement with Portland Housing Center for \$50,000 for Individual Development Accounts and provide for payment (Ordinance) (Y-4)</p>	<p align="center">177526</p>
<p>*553 Amend agreement with Central City Concern CHIERS and the Sobering Station to increase funds by \$47,480 for a total contract amount of \$380,472 and provide for payment (Ordinance; amend Contract No. 34296) (Y-4)</p>	<p align="center">177527</p>
<p align="center">City Auditor Gary Blackmer</p>	
<p>*554 Accept donation of three exhibit display cases from the Oregon Symphony Women's Association (Ordinance) (Y-4)</p>	<p align="center">177528</p>
<p align="center">REGULAR AGENDA</p>	
<p align="center">Mayor Vera Katz</p>	
<p>555 Provide Retroactive Credits for Stormwater Discounts authorized by the Clean River Incentive and Discount Program (Resolution) (Y-4)</p>	<p align="center">36142</p>
<p>556 Grant a franchise to Portland State University and establish terms and conditions (Second Reading Agenda 398) (Y-4)</p>	<p align="center">177529</p>
<p>*557 Amend Title 17 of the City Code to revise sewer and drainage rates and charges in accordance with the Fiscal Year 2003-2004 Sewer User Rate Study (Previous Agenda 521; amend Code Chapters 17.35 and 17.36) (Y-4)</p>	<p align="center">177530 AS AMENDED</p>
<p align="center">EXECUTIVE ORDER</p>	
<p>558 Reassign City departments and bureaus to the Commissioners in Charge (Ordinance)</p>	<p align="center">177531</p>

At 9:53 a.m., Council adjourned.

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GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

<u>WEDNESDAY, 2:00 PM, JUNE 4, 2003</u>	
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DUE TO LACK OF AN AGENDA THERE WAS NO MEETING	
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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.

JUNE 4, 2003 9:30 AM

Katz: All right. Let's get through communications. 523.

Item 523.

Katz: Pavel, come on up.

Pavel Goberman: Hi. My name is Pavel Goberman, I live in this area, and I'm a member of city club of Portland. Thank you for giving me the opportunity to speak.

Katz: You have three minutes.

Goberman: I see you lost weight. That's no good: No, I'm kidding. Ok. What I offer -- you see --

Francesconi: Nice try.

Goberman: Sometimes if a mountain doesn't go to Mohammad, Mohammad go to mountain. Therefore I came to city to give my opportunity to help your city. I offer my five-minute short workout, five meant in your workplace, don't need change clothes, don't need special place, I come. I promise you save many thousand dollars. It's about my proposal. Second, I announce my candidacy for U.S. Senate position. I want challenge Wyden, I'm a Republican, but I'm a Republican, but honest, incorruptible, don't accept any money for from nobody, I will work for people of Oregon, and nation. Do you have any questions? Thank you.

Katz: Thank you. [laughter] ok. 524.

Item 524.

Moore: He won't be able to make it.

Katz: 525.

Item 525.

Bret Dunbar: My name is Bret Dunbar. Thank you for the opportunity to be here today and to be able to propose to the council a simple way to save the city of Portland and our public school systems a significant amount of money. I represent the Ornex Corporation, a consulting services company dedicated to helping the state of Oregon save money on its software and I.T.-related expenditures by helping the state migrate to the Lynx system. We call this the Oregon Lynx initiative. It is much more economic call than its leading competitor and is far more stable and reliable. We propose to save the city a significant amount of money by fully leveraging the functionality of software. Even the simple notion of the city attempting to test open source would be a major sign to the citizens of Portland that the city council is extremely serious in its efforts to solve its budgetary issues while saving taxpayers money. And to be honest it's the right thing to do and the right thing to do it. The statement of work will include estimated costs for the migration of each school or bureau computer from its existing O.S. Platform to an open source platform and application package that will meet its requirements. In addition, as an added incentive to the city of Portland to move forth quickly with this open source test migration, and since we're trying to help the city solve its budget dilemma, we would be honored to complete the first 100 user or school migration for a fraction of the normal rate. We understand the city is in need of citizens that bring solutions to the table, not just the problems. That's the reason I'm here this morning. We'll work extremely hard to work the city of Portland migrate to a solution that will not only perform better and be more stable, but also remain more economic call, yet provide the full functionality for the city of Portland work force who

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desperately needs systems that work and work well. This is not just a dream, it's a reality. Many municipalities are coming on board to open source alternative. It seems like we should at least give it a shot. We fully realize there will be hurdles to overcome during our migration to open source, but the savings will have well been worth the investment by the city of Portland. Since we're a local company, we understand the current economic situation regarding the city of Portland and we're willing to work diligently to help you be as efficient and economically -- economic call as reasonably possible, yet meet all your requirements. We'll be submitting copies of the test proposal within two weeks. In summary the goal is to help the city of Portland and the public schools save money by assisting in a successful migration to an open source software system such as lynx. Thank you for your time.

Katz: Thank you. 526.

Item 526.

Moore: She is not able to make it.

Katz: 527.

Item 527.

Andrew Seaton: Good morning.

Katz: Good morning.

Andrew Seaton: I've been told to speak truth to power. Yet as a buddhist i'm used to dealing with paradoxes. George bush is clearly not listening to anything that the people are saying and certainly hasn't since the election. And I fear you folks aren't either. I will like to try a few things. One, if it isn't clear by now, we're not leaving. You have confiscated everything. If I were to list the items that have been confiscated by the police i'd be here for far more than the 21/2 minute I have left. But you're going to have to confiscate bodies in order to keep us from not demonstrating across the street. Because only locked bars will keep us away. Another paradox is that it's not about the media, and yet it's all about the media. When you posted us as an illegal campground, it was only by the fact as near as I can tell, that we had media surrounding us when the 24-hour notice expired that you didn't come through and evict us. And when talking to commander sizer of the central precinct, she said you were going to enforce the obstruction as nuisance against us, because that way we wouldn't have 24-hour notice to call a press conference. This is the way it is, I suppose. But it is extremely frustrating. Most you've had to worry about us is looking out your window and seeing a little untidiness. Democracy is very untidy. Unlike some 30 years ago, when the city council chamber was destroyed by vietnam war protestors blowing up the east wing of the building here. As a buddhist, I certainly do not agree with that violence against power. Violence begets violence. But as a buddhist, I understand that level of frustration. That's why i'm here today, to speak to you. And personally, it has forced me to take a good look at what i'm doing and why am I across the street on a regular basis. And personally i've never slept across the street, never even eaten a meal there. I've come to protest. And I have been assaulted for this. And, you know, I can't go into the details because i'm speaking with the attorneys, and i've notified -- and they have notified you folks of our intent to sue. Such is life. Perhaps that is the only power you folks truly understand, is the power of the courts, because I don't have money. When I spoke at the last alliance march, I said -- told folks to register and tribute -- contribute, and vote. And I think the most important of that is to contribute.

Katz: Thank you.

Andrew Seaton: Anyway, thank you. My time is up.

Katz: Consent agenda. Any items to be removed off the consent agenda? Roll call on the consent agenda.

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

Katz: Mayor votes aye. [gavel pounded] regular agenda. Item 555.

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Item 555.

Katz: Commissioner Saltzman?

Saltzman: Thank you, madam mayor. We have before us a resolution that puts the council on record as intending to provide a retroactive storm water credit for a period of one year from the date that we have our new customer information system for our water and sewer billing system up and running. On may 7, the city council conducted a public hearing to consider offering retroactive storm water credits when the city implements the discount program. And during this hearing we listened to testimony from ratepayers, businesses, and other stakeholders on their respective views on the retroactivity of the storm water discount. After some deliberations, the council decided to move forward with one year of retroactivity. So today this resolution poses a balanced and sustainable course of action to provide retroactive credits to ratepayers who qualify for discounts, to calculate the credits in the same manner as storm water discounts, to limit access to the retroactive credits to qualified ratepayers to applied -- who apply during the first year of the program, and limit the amount of the credit to a period not to exceed 12 months from the start of the discount program.

In addition, we also agree that environmental services would arrange for the financing and accounting of the retroactive storm water credits so the storm water rates will not be increased until the entire discount program is implemented, possibly in july of 2006. So I encourage the council to keep us moving forward with our commitment to utility rate reform. Adopting this resolution is an important step to clarify our intent with respect to retroactive discounts on storm water. We have representatives here from the bureau of environmental services if there's any questions, and there may be people here who wish to testify.

Katz: Ok. Anybody want to testify?

Saltzman: Guess not.

Katz: All right.

Francesconi: I just had one question and that is on the water quality side. What is this in terms of its effect on when you get a discount or don't get a discount? Is there any factor in terms of water quality? Let me rephrase it. Does it just do what we did before, does it change anything regarding the water quality issues?

Saltzman: No. The method for -- the eligibility for the discount is the same as we've always had it.

Francesconi: Ok. Thank you.

Saltzman: It's just postponing its effective date.

Katz: Roll call.

Sten: Commissioner, I just saw one person that's work order this walk in. Did you want to testify? It's out of order, but she just walked in.

Tamara Blackford, ACORN: Good morning. Thank you for having this meeting and I just wanted to say we appreciate the one-year retroactive discount, and we just want to see the geographical application of that discount, and was wondering if that is something that is in the works or being discussed, and if so, what kind of conclusion or decision have we come to?

Saltzman: We have -- there's been council discussion about it, but there's been no agreement to do a geographical-based eligibility determination. So at this point it will be each person who wants the discount will have to apply for it.

Blackford: Ok. And as far as the one-year retroactive discount, has it been determined when that will start? I assuming it will be when the new computer system is up and run something.

Saltzman: We're estimating july of 2006 would be the date when the new system is up and running, so people would be eligible for the credit for that period one year prior to that july 2006 application forms and things like that would be prepared at that time.

Blackford: Ok. Thank you.

Katz: Anybody else? If not, roll call on the resolution.

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Francesconi: Commissioner Saltzman, thanks for your leadership on this issue. Aye.

Saltzman: Aye.

Sten: I want to thank commissioner Saltzman, this has been a frustrating issue and one that's -- doesn't have a perfect solution, but I think this is a good and fair solution. Aye.

Katz: Mayor votes aye. [gavel pounded] 556.

Item 556.

Katz: Roll call.

Francesconi: I just happen to take an umbrella tour of Portland state. They talked about their telecommunications abilities regarding traffic, and some things they're trying to do regarding analyzing traffic. So this is actually amazing, what this -- how this can be a good strategy to help our urban university. Aye.

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

Katz: Mayor votes aye. [gavel pounded] 557. Dean, do you want to come up and share with us what the amendments are?

Item 557.

Katz: If you recall, everybody, there was conversation with regard to the industrial waste discharge permit fees. Let me turn it over to commissioner Saltzman.

Saltzman: Thank you, madam mayor. Two weeks ago we heard the first reading on the proposed sewer and storm water rates for the upcoming fiscal year. After hearing concerns about the effects of moving towards cost recovery on our industrial discharge permits, I asked b.e.s. To provide a new proposal that addresses the issues raised by council and industrial discharge permit holders. After reviewing the impacts of various scenarios of cost recovery, i'm prepared to propose what I believe to be a compromise that lowers the goal from 75% which is what we originally proposed, to 60% cost recovery in this fiscal year. And I still believe that's in keeping with the council's policy adopted in 2000 of eventually moving to full cost recovery. To procedurally accomplish this and still have the rates go into effect at the beginning of the fiscal year July 1, I would move to accept the amendment for the 60% cost recovery for the industrial discharge permits and also have the rate package amended to be an emergency so it would be effective after today's action.

Francesconi: Second.

Katz: Before we second, did you want to say anything?

Dean Marriott, Director, Bureau of Environmental Services: No. I'm fine. If you have any questions --

Katz: Ok. Is everybody all right on the emergency clause? Ok. We'll suspend the rules to put it on, but you'll do it through an amendment. There was a motion and a second. Roll call.

Francesconi: Can I ask one question about it? Does this mean that it's -- what's the schedule for automatic -- for cost recovery to 100%? Are we locked into that, I guess is the question.

Marriott: Dean Marriott, environmental services director. We would do this in incremental steps as we have this year. We would bring it as part of our budget rate ordinance next may, so you would see any proposal to move the cost recovery schedule through the rate ordinance in the spring. I'd be happy to talk to you about it --

Francesconi: That's fine. High only request would be that -- I understand there may be increased costs if you try to increase the base of who pays. I think that was the point we were trying to make. But as we're bringing -- stepping it up toward full cost recovery, it would make sense to also try to increase the base. And that was the discussion we had earlier.

Katz: Roll call.

Francesconi: This is the right result. Again, thank you, commissioner Saltzman. Aye.

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

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Katz: Let me again share my -- the issue that I raised with dean. It isn't so much increasing the base, it's the ability to control the costs. So that we don't necessarily shift it all to one party. On the other hand, we ought to have 100% cost of service recovery. So it attention between dean's management of the budget and the ability to manage the budget, and raising -- and making sure that people who are responsible for the discharge pay that furl cost as opposed to shifting it on to somebody else. Aye. [gavel pounded] all right, everybody. We don't have an afternoon session, and we don't have a thursday afternoon session, so we stand adjourned until next week. [gavel pounded]

At 9:53 a.m., Council adjourned.